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House of Representatives

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—Continued

□ 1545

Now, undoubtedly, supersized trucks mean growing safety risks for highway drivers and pedestrians on narrow roads. According to the U.S. Department of Transportation, an estimated 5,000 Americans die each year in accidents involving large trucks, and an additional 130,000 drivers and passengers are injured. New Jersey has a proportionate number of deaths and injuries.

This amendment is not anti-truck. Of course we need trucks for our commerce. The amendment simply ensures that a State can see to it that the trucks travel on roads that are capable of handling that traffic safely.

The resulting costs from trucks must be borne by State and local taxpayers; and at a time when there already exists a huge backlog of highway and bridge maintenance projects and many States are facing their worse budget crises since before the Second World War, we must take that into consideration.

States are really in the best position to make the determination of how the roads within those States should be used. New Jersey did that 5 years ago with the authorization of the U.S. Department of Transportation. That limitation that New Jersey placed on these trucks 5 years ago has worked very well. It has resulted in, we believe, a reduction of accidents and better safety record and a better record of wear and tear on the small, generally two-lane, roads.

So my amendment simply maintains current practice. It does not make sense to enable large trucks to make a bad situation worse, to compel cash-strapped States, counties and municipalities to spend more of their limited resources on bridge and road repairs that are damaged by the supersized trucks. My amendment would address that.

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 will say, though, I am usually in favor of what occurs by State action, but what this amendment does, it allows the State of New Jersey to limit large trucks and twin-trailer combination trucks to the interstate system, not intrastate, the New Jersey Turnpike and the Atlantic City Expressway, except when making local deliveries. It is amazing when you need your donors you allow a twin-trailer truck to arrive at the door but nobody else.

In 1999, the New Jersey DOT actually allowed New Jersey to ban, that is DOT of New Jersey, large trucks from certain roads. However, that was challenged in court by the trucking industry; and if I am correct, just recently, last week of this year, the U.S. District Court from New Jersey ruled that the New Jersey truck highway access regulatory system discriminated against interstate commerce and violated the commerce clause of the U.S. Constitution.

This amendment would reverse that decision; and, again, I would suggest that New Jersey use all the recourse through the law. Because to take now a case that has been won by one side of the argument in the court and now us, as a Congress, to reverse that——

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

Mr. YOUNG of Alaska. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, the purpose of the amendment, in fact, is to maintain current law and current policy, to make sure that this new law, should it take effect, would not change anything.

New Jersey will continue and has declared its intention of arguing this in court; and we, the State of New Jersey, expect to win in court. We just do not want to change the policy with this new legislation. So this was not to side-step the courts but, rather, to keep the law the same.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, but the industry or the plaintiff that filed the suit is now being precluded from going forth. If my colleague wants to do that, have the court or New Jersey file an injunction against the court's decision. Do not ask us to undo what a court has ruled.

Mr. HOLT. Mr. Chairman, if the gentleman will continue to yield, this would not preclude the truckers from continuing their suit or the State.

Mr. YOUNG of Alaska. Reclaiming my time, they can continue their suit, but they are not the ones now that have to pursue the suit. They are the ones that won the case, and they can drive their trucks on interstate commerce because of the clause in the interstate commerce clause under the Constitution. What the gentleman is asking us to do in the Congress is to undo what the court has ruled.

I am not a lawyer. Thank God for that. We have got enough of those around here. But I am a little concerned that what we are doing here is really not fair to the persons that filed the suit to begin with. We are saying you cannot do it. You can go back to court. As we go back to court, well, you cannot use the truck. Under the interstate clause, that is against the Constitution, as the court has ruled.

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

Mr. OBERSTAR. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN pro tempore (Mr. SIMPSON). The gentleman from Alaska (Mr. YOUNG) has 1½ minutes remaining. The gentleman from New Jersey (Mr. HOLT) has 1½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

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Mr. OBERSTAR. Mr. Chairman, this language is not well-drafted, I must say to the gentleman. He has a very good purpose but very unclear and unsure language; and as I read the language approved under unanimous consent, it makes the authority even broader.

It says trucks that are specifically allowed by Federal law to travel on the national network now can be disapproved by New Jersey. We cannot have one rule for local trucks and a different rule for through trucks.

Mr. HOLT. Mr. Chairman, I yield myself the balance of the time, and I will address those points.

The amendment simply allows the States to have the authority that the Department of Transportation determined 5 years ago that they had under that existing transportation law. We just want to make sure that in the legislation we are considering today we do not change that. If it is determined that that is in violation of the Constitution, certainly they will be the governing decision, but if it is not determined, we do not want anything in this law to preclude those States' rights.

With that, I ask support for my amendment.

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

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

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from New Jersey (Mr. HOLT).

The amendment, as modified, was rejected.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 12 printed in House report 108–456.

AMENDMENT NO. 12 OFFERED BY MS. WATERS

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. WATERS:

At the end of subtitle H of title I, add the following (and conform the table of contents of the bill accordingly):

SEC. 1819. LIMITATION ON PROJECTS AT LOS ANGELES INTERNATIONAL AIRPORT.

No funds may be provided for surface transportation projects that are planned or required to implement Alternative D of the Master Plan for Los Angeles International Airport or any other proposal to build a remote passenger check-in facility at Los Angeles International Airport.

The CHAIRMAN pro tempore. Pursuant to House Resolution 593, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield to myself such time as I may consume.

My amendment would prohibit the use of funds for surface transportation projects that are planned or required to implement Alternative D of the Master Plan for Los Angeles International Airport or any other proposal to build a remote passenger check-in facility at LAX.

Mr. Chairman, this proposed project is mired in scandal and pay-to-play contracting schemes. The FBI and the DA are now investigating all of the alleged corruption.

Los Angeles International Airport, which is located in my congressional district, is already the third largest airport in the United States, with a capacity to serve 78 million air passengers every year. Alternative D is the latest of several proposals to make LAX even bigger, not safer.

Alternative D is a $9 billion scheme that would demolish homes, disrupt the communities of Manchester Square, Inglewood, Hawthorne, El Segundo and other communities near LAX in order to construct a remote passenger check-in facility at Manchester Square, which is several blocks away from the airport terminals.

There is a broad coalition that have already agreed that we need a regional response, that this area is landlocked, and it does not make good sense to try to expand LAX this way. The regional response to growth would be a good response. This is an ill-conceived project.

The highly respected Rand Corporation evaluated this project, and they concluded that it does not make good sense, and in the event of a terrorist attack, passengers would be at great risk because they would all be concentrated in this so-called remote facility.

Alternative D would be inconvenient for airport passengers and their families. Local families could no longer drive to the central terminals in order to drop off passengers. Instead, airport employees and passengers would have to go to this so-called remote passenger check-in facility and ride an automated people mover to the airport terminals carrying their carry-on baggage with them. This would be extremely inconvenient for most passengers, and it would present special hardships for the elderly, the handicapped, and families traveling with small children.

Alternative D would displace thousands of Manchester Square residents. In order to construct this remote passenger check-in facility, the City of Los Angeles would have to acquire and demolish 38 houses, 179 apartment buildings and a 52-year-old elementary school, in addition to the 263 structures it has already acquired. It would also have to relocate about 6,200 people, some of whom have federally subsidized housing vouchers. I strongly oppose the forced relocation of any of these residents.

Alternative D would increase traffic congestion in communities near LAX. The proposal would concentrate airport traffic on the east side of the airport near the proposed remote passenger check-in facility, causing a shift in airport traffic to the I–405 freeway near the Arbor Vitae/Manchester Avenue exits. This could cause a tremendous increase in traffic congestion which already has heavily congested this area. It also would increase traffic congestion in the surrounding communities as airport passengers and other drivers seek alternative routes to get to and from and around the airport.

Mr. Chairman, these funds are intended for surface transportation projects that will benefit local communities and alleviate traffic congestion. If we permit the funding of any projects that enable the implementation of Alternative D, the results will be a tremendous inconvenience for passengers, huge increases in traffic congestion, and massive disruptions of local communities surrounding LAX. My amendment would ensure that no funds are provided for surface transportation projects that are planned or required to implement this destructive airport expansion project.

I urge my colleagues to support this amendment.

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

The CHAIRMAN pro tempore. Who claims the time in opposition to the amendment?

Mr. YOUNG of Alaska. I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR) who wishes to speak on the amendment.

Mr. OBERSTAR. Mr. Chairman, I thank the Chair for yielding me the time, and I reluctantly oppose the amendment of the gentlewoman from California with whom I am in accord on most issues, and I think she makes a very good point about this remote security facility.

I raised such concerns many years ago in Paris when Charles de Gaulle Airport said, for American check-in passengers, we are going to have a separate little place called the hutch. I went over to inspect it, and I said, my goodness, this is terrific, you collect all the Americans in one place so a terrorist can throw a bomb and kill them all at once. Of course, I said it in French; and they said, oh, we had not thought about that. They backed away and said, well, we will not make Americans do that.

So the gentlewoman makes a good point, but it is the point that is part of a larger process and that is to stop the expansion of the Los Angeles Airport. The Metropolitan Planning Organization is the agency in an urbanized area with the responsibility to determine the needs for projects to be advanced to meet transportation needs for the area. We really should not be inserting ourselves into that debate, certainly not at this time; and, reluctantly, I oppose the gentlewoman's well-intentioned

amendment and well-expressed amendment.

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

Ms. WATERS. Mr. Chairman, I yield myself the balance of my time.

It is unfortunate that there seems to be some agreement between my friends on the opposite side of the aisle and my own caucus in opposing my project. It is very important to my district and all of the areas in the surrounding communities that has formed a coalition, and this is simply a request to say let us not use any of this money for any selfish projects.

This has nothing to do with the building of the facility itself; and, unfortunately, since there has been an agreement, I know that it will be voted down, but I am not at all happy about it.

□ 1600

The CHAIRMAN pro tempore (Mr. SIMPSON). The gentlewoman's time has expired.

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

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was rejected.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 13 printed in House Report 108–486.

AMENDMENT NO. 13 OFFERED BY MR. LOBIONDO

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. LOBIONDO:

At the end of the matter proposed to be added by section 2003(b)(6) of the bill, strike the closing quotation marks and the final period and insert the following:

''(J) PROGRAM FOR IMPOUNDMENT OF VEHICLES.—A program to impound a vehicle operated by a person who is arrested for operating the vehicle while under the influence of alcohol.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 593, the gentleman from New Jersey (Mr. LOBIONDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. LOBIONDO).

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

Mr. Chairman, my amendment would make States eligible to receive section 410, Alcohol-Impaired Countermeasures grant funding to cover the cost of DWI vehicle impoundment programs.

The motivation for my amendment is the result of a very tragic death of one of my constituents. U.S. Navy Ensign John Elliott, who had just received his commission from the naval flight school in Pensacola, Florida, was struck and killed by a drunk driver on July 22 of the year 2000. The accident instantly killed Ensign Elliott and seriously injured his passenger, Kristen Hoinwarter.

Sadly, it was later discovered, and it was very sad, that the driver responsible for Ensign Elliott's death had been arrested for drunken driving earlier in the evening. He was released from custody, obviously while still being intoxicated, and returned to his car. Elliott was on his way home for his mother's birthday party when he crossed paths with the intoxicated driver.

Nearly 3 years after that tragic accident, his parents, Bill and Muriel Elliott, continue the fight to save other families from the grief they have endured. Lobbying the New Jersey State legislature, the Elliotts saw to fruition the drafting, passage, and ultimate enactment of John's Law. The law ensures that individuals who pick up an arrested driver sign a document accepting custody. Additionally, it gives State Police the authorization to impound the automobile of an arrested driver for up to 12 hours.

My amendment will encourage States to establish DWI impoundment programs for making them eligible for an existing grant program, helping them to defray costs. My amendment does not, I repeat, does not require States to enact impoundment programs, nor does it stipulate the terms of their programs, nor does it penalize States for not enacting such programs. And since funds come from an existing grant program, it will not cost the Federal Government a single penny.

We are making important strides to eliminate the senseless deaths caused by the lethal mix of alcohol and automobiles. Annual deaths from drinking and driving have decreased. However, much work remains to be done. Each death is a preventable one, and this amendment will go a long way to ensuring deaths like Elliott's are prevented, and families are saved from the pain that the Elliotts have experienced and other families have experienced across the Nation.

Mr. Chairman, I urge all Members to support my amendment.

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

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

Mr. Chairman, I believe, with further discussion, we can find a way to come to a resolution.

Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I rise in support of the concept that is being advanced by my friend from New Jersey. One of the things that I had worked on prior to coming to Congress dealt with taking away the cars of repeat drunk drivers.

I listened to the story of Ensign Elliott and, sadly, this is a pattern that is repeated time after time after time. People who commit carnage on our highways, repeat drunk drivers, too often there is a far too long history. If we had an effective program of impoundment or vehicle confiscation, I think we would make a dramatic statement towards the people who are serial abusers.

It is something that I think makes clear that the license to drive is not a license to kill; that if we had a more aggressive program to disarm people who have shown that they are repeatedly dangerous drivers, we can find some common ground.

Too often we have had people who are, for example, in the restaurant and beverage industry that are concerned about how low the blood alcohol level is going to fall. We have had concerns from our friends with the Mothers Against Drunk Driving who want to move forward. Well, this is one people can unite behind.

I appreciate the gentleman bringing it forward. I hope that we can put something in this legislation before we are through that speaks to vehicle impoundment, that encourages States to have vehicle forfeiture, and that we can take a dramatic step towards eliminating the tiny fraction of people who are repeat drunk drivers who inflict such damage on the highways.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume, and I thank the gentleman for his very cogent statement.

Section 410 of existing law gives States eligibility to receive funds for alcohol-impaired driving countermeasures. It is a good program, a good provision. New Jersey is the first and only State to enact a law to impound a vehicle operated by a person who was arrested for drunk driving.

Now, section 410 requires that States meet six of nine criteria to qualify for a grant. If the gentleman's amendment is accepted, it would expand that number to seven. If the gentleman from New Jersey, as I understand from previous discussion on this amendment, would agree that as we move further into conference, that the number of criteria necessary to qualify for a grant should be reduced to six, so we not expand the number and make it easier to evade, then I would concur in this amendment.

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

Mr. OBERSTAR. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman for yielding, and I would answer, absolutely yes, that is a commonsense approach, and I would agree to that.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I thank the gentleman.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I simply wanted to compliment

the gentleman and the gentleman from Oregon for their presentations. As I told the gentleman from New Jersey, I did support the concept of this amendment.

I also agree with my ranking member that, as we go through it, we will do it the right way and do it correctly so we can actually solve a serious problem. His story is a very telling story.

So with that, I guess we will have a voice vote; is that correct?

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, yes, we are; and I thank the chairman and the gentleman from New Jersey for a very thoughtful constructive matter that now has been resolved in, I think, a very positive way.

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

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume for a few closing remarks.

I would just again like to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the committee. And to the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), I thank you. I know we have had extensive discussions over this issue.

I want to also thank the gentleman from Oregon (Mr. BLUMENAUER), who came to me when he first heard of my story, and he told me about situations that he had experienced and the work he had done on this. And I think he is absolutely correct, we have to find a common ground in these areas where we can avoid these senseless tragedies for families like that of Ensign Elliott. This is a commonsense measure that can move us forward.

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

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

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

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 14 printed in House Report 108–456.

AMENDMENT NO. 14 OFFERED BY MR. WU

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. WU:

In the matter proposed to be inserted as section 5309(e) of title 49, United States Code, by section 3010(d) of the bill after ''or entered into a full funding grant agreement'' insert the following:

or received an application for final design

MODIFICATION TO AMENDMENT NO. 14 OFFERED BY MR. WU

Mr. WU. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 14 offered by Mr. WU:

Insert the following in lieu of Amendment 14:

In the matter proposed to be inserted as section 5309(e) of title 49, United States Code, by section 3010(d) of the bill insert the following:

Subsection (d) does not apply to projects for which the Secretary has received an application for final design.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Oregon (Mr. WU)?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 593, the gentleman from Oregon (Mr. WU) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WU).

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

Mr. Chairman, there are projects that have undergone all aspects of FTA New Starts review and have, in fact, received recommended ratings in the FTA 2005 New Starts Report, and they are simply awaiting approval to enter final design. These projects have been through financial review, environmental review, project management review, and have fulfilled all of the prerequisites for entering into final design.

However, under our subject legislation, only projects with a full funding grant agreement or letter of intent before enactment of this bill are exempt from the provisions for major projects and small starts. This is a serious problem for smaller projects like a commuter rail project in my congressional district, which are in final design or in the process of having final design approved. I might add this also affects a rail project in the San Diego metropolitan area.

These projects will essentially have to start all over again under the small starts program and, furthermore, such projects will have to await the promulgation of small starts rules before proceeding. This process will result in a year-long delay for projects that are near the end of an already lengthy Federal approval process.

In the case of the commuter rail project in my congressional district, this long delay will seriously endanger State funding and agreed-to rail agreements.

Mr. Chairman, my amendment will exempt projects for which the Secretary of Transportation has received an application for final design from the small starts provisions of the bill. This fair and balanced amendment will allow recommended new starts which have applied for final design to move forward on their original time line and avoid unnecessary delay.

This is expressly limited to subsection (d), small start projects only. My amendment will only affect two recommended small start transit projects in the entire country, but it will save unnecessary administrative delay and also improve the commuting lives of millions of citizens in Oregon and in the San Diego metropolitan area.

Mr. Chairman, I urge adoption of the amendment.

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

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

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

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

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

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding. The language of the amendment of the gentleman from Oregon as originally drawn was way beyond the scope of what he intended, and we greatly appreciate the cooperation of the majority giving the gentleman the opportunity to have unanimous consent to correct the language to reflect exactly what he wants to do, to limit this amendment to small starts, which it does; and I think that relieves the concerns on both sides of the aisle.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, we are going to support the amendment as intended. However, there is a slight, as I think the gentleman from Minnesota mentioned, drafting error, the section that applies to both the current new starts and the new small starts process. We will take the amendment at this time with the gentleman's understanding we want to correct the language in conference so that the exemption applies only to the new small starts process.

Does the gentleman understand that?

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

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

Mr. OBERSTAR. Mr. Chairman, I believe under the unanimous consent agreement, the gentleman has already made that correction in the language pending.

Mr. YOUNG of Alaska. Reclaiming my time once again, Mr. Chairman, if he has done that, I apologize. I was talking to my staff and they did not advise me of that. If that has already been done, we do not have to worry about that.

Mr. OBERSTAR. If the gentleman will continue to yield, I would just add that the principle remains.

Mr. WU. Mr. Chairman, I yield myself such time as I may consume to assure the chairman and ranking member that as originally drafted it applied to both subsection (d) and (e), major starts and small starts. As redrafted in the modified language, this amendment applies only to subsection (d), the small starts provision.

So I want to assure the chairman and ranking member that it does only apply to small starts, what would otherwise be small starts.

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

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Oregon (Mr. WU).

The amendment, as modified, was agreed to.

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The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). It is now in order to consider amendment No. 15 printed in House Report 108–456.

AMENDMENT NO. 15 OFFERED BY MR. LATOURETTE

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. LATOURETTE:

In section 3023(g) of the bill, redesignate paragraphs (1) through (4) as paragraphs (2) through (5), respectively, and insert before paragraph (2) (as so redesignated) the following:

(1) IN GENERAL.—Section 5323(j) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) IN GENERAL.—Funds made available to carry out this chapter may only be used if—

''(A) in the case of a construction project—

''(i) the steel or iron used shall be of United States origin;

''(ii) more than 60 percent of the cost of the components and subcomponents, in the aggregate, of all manufactured products shall be of United States origin; and

''(iii) labor costs related to on-site construction shall not be included in calculating the costs under clause (ii);

''(B) in the case of a system acquisition—

''(i) more than 60 percent of the cost of the components and subcomponents, in the aggregate, of all manufactured products shall be of United States origin; and

''(ii) labor costs related to installation and testing shall not be included in calculating the costs under clause (i);

''(C) in the case of a manufactured product—

''(i) more than 60 percent of the components and subcomponents shall be of United States origin;

''(ii) final assembly shall occur in the United States; and

''(iii) labor costs related to final assembly shall not be included in calculating the costs under clause (ii).

''(2) REGULATIONS.—The Secretary shall issue regulations to carry out this section.''.

In section 3023(g)(2) (as so redesignated), strike ''is amended'' and all that follows through ''following:'' and insert ''is amended by inserting after paragraph (2) the following:''.

In section 3023(g)(3) (as so redesignated), strike ''5323(j)(6) (as so redesignated)'' and insert ''5323(j)(5)''.

In section 3023(g)(4) (as so redesignated), redesignate the quoted paragraph (9) as paragraph (8).

The CHAIRMAN pro tempore. Pursuant to House Resolution 593, the gentleman from Ohio (Mr. LATOURETTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

I am proud to offer this amendment with the gentlewoman from Michigan (Ms. KILPATRICK). I offered a similar amendment in committee, and the chairman and the ranking member have been kind enough to work with us to incorporate as much as possible into the manager's amendment today.

Mr. Chairman, as Members know, we have a manufacturing crisis in this country. We have lost an estimated 3 million manufacturing jobs. While many of us may hold different views on how that came about, I think we can all agree that the Federal Government should be part of the solution to the crisis.

The problem here is that there is too much confusion currently as to what a manufactured good is. The gentleman from Washington (Mr. BAIRD) had a sense of Congress on the floor a little earlier that addressed this issue. Today, Buy America requires that a manufactured good must be made with components assembled in the United States. Subcomponents, however, do not have to be American made. This has caused a good deal of confusion.

This amendment that the gentlewoman from Michigan and I are offering will correct the problem. The amendment is a modified version of H.R. 3682, the Protecting American Manufacturing Jobs Act, which was introduced by the gentlewoman from Michigan. We were able to work this out with input from the Federal Transit Administration so they can implement it.

Under this amendment, we clarify that 60 percent of the components and subcomponents in a manufactured product must be American made. For construction projects and system acquisition, the amendment requires that 60 percent of the total cost of components and subcomponents in manufactured products must be American made. We also required that final assembly of any manufactured product must happen in the United States. By making these changes we will make sure that Federal dollars support American jobs.

This is, in my opinion, a good amendment. It helps take care of our own manufacturing jobs in this country. I urge support.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. TOM DAVIS) is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the LaTourette amendment.

First, let me say to my friend from Ohio, the domestic steel industry has no stronger advocate in the Congress than the gentleman from Ohio. He has been a leader in this area, but on this particular amendment I take issue with it and disagree.

This amendment would require that more than 60 percent of the components and subcomponents of manufactured products used for construction projects be of United States origin. Of course, this means that, instead of going to the lowest bidder, the taxpayers getting their best bang for the buck, it could raise costs conceivably as much as 15 percent on a project with its components. That means that there is less money to build more roads with, to buy additional rail cars, to build intersections that are needed, and it means fewer people can become employed because we may be paying more money just to buy domestically. This would constitute a radical and in my judgment harmful expansion of the current law.

There is already in my judgment a very wrongheaded 50 percent ceiling on non-U.S. components. I have serious concerns about raising it another 10 percent. I think we ought to be going in the other direction, and I think that this amendment makes bad policy even worse.

We need to beware the law of unintended consequences. Domestic source restrictions such as this one may indeed be well intentioned, but they only serve to increase the cost of our critical transportation projects by reducing competition available for Federal contracts and raising the cost to the taxpayers. These restrictions are often self-defeating as they can well lead to reprisals from overseas trading partners. We often lose much more business than we gain.

Restrictions such as those proposed here could possibly provide some immediate short-term benefits to some American companies, but in the long run, in my judgment, they hurt the overall economy. We cannot maintain our global leadership in manufacturing by artificially propping up industries that are not able to compete in the global marketplace.

Mr. Chairman, we are here today touting the job creation potential of this reauthorization bill, so I have to ask this question: Have we considered the counterproductive, anticompetitive consequences of restrictionist amendments like this one? How many jobs could be created with the dollars firms will have to spend to comply with these government-unique restrictions? Our goal should be to ensure that we have access to open world markets so that we can get the best deal on the best goods available, regardless of their location. The American taxpayer deserves nothing less. This again allows us to spend more money from this transportation bill on transportation products, which means we can employ more people than these restrictions would otherwise give us.

I cannot overstate the potential harm posed by such economic isolationist restrictions, harm to our critical transportation infrastructure, because by paying more we end up being able to do less; harm to our Nation's

place in the global economy; and harm to our job creation agenda.

We have to remember a couple of things.

First of all, the details of the certification contained in this bill in my judgment means that if there is not availability of U.S. parts then we are going to need waivers. Waivers are going to have to be obtained. In these waivers, of course, it takes more time, which delays transportation projects.

Secondly, it could have the unintended consequences of allowing by these waivers more foreign products in the U.S. than you may get otherwise in some instances.

Thirdly, and most important, this can invite retaliation from foreign countries who, as we restrict the ability of their goods to get into markets, they retaliate against us.

What does this mean? It could be retaliation against agricultural products, information technology, even other manufactured products. It is anticompetitive, and it is antijobs, in my opinion, as it is currently constructed. I rise in opposition.

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

MODIFICATION TO AMENDMENT NO. 15 OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. Mr. Chairman, I ask unanimous consent to modify the amendment with the text which I have placed at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 15 offered by Mr. LATOURETTE:

In the table contained in section 1702 of the bill, as amended—

(1) strike ''Conduct a project study to examine an interchange at State Route 165 and Bradbury Road, Merced County.'' in item 1544 and insert ''Conduct a Project Study Report for new Highway 99 interchange between State Route 165 and Bradbury Road, serving Turlock/Hilmar region''; and

(2) strike ''$500,000.00'' in item 2844 (relating to construction of roads in Rockdale Veterans Memorial Park, Georgia) and insert ''$1,000,000.00''.

In item 13 of the table contained in section 3038 of the bill, as amended (relating to Burlington County, New Jersey), strike ''Transit'' and insert ''transit''.

At the end of such table after item 358, insert the following:

Project	FY 05	FY 06	FY 07
359. State of Wisconsin buses and bus facilities	$9,600,000.00	$9,900,000.00	$10,500,000.00

Mr. LATOURETTE (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, reserving the right to object, could I just ask what the purpose of the modification is?

Mr. LATOURETTE. If the gentleman will yield, the committee, both minority and majority, have asked me to use this amendment as a vehicle to make technical corrections in the bill.

Mr. TOM DAVIS of Virginia. This makes a bad amendment better.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN pro tempore. Without objection, the modification is agreed to.

There was no objection.

Mr. LATOURETTE. Mr. Chairman, it is my pleasure to yield 2 minutes to the distinguished gentlewoman from Michigan (Ms. KILPATRICK), who, as I indicated in my other remarks, is the sponsor of the original legislation and the coauthor of this amendment.

Ms. KILPATRICK. Mr. Chairman, let me thank the gentleman from Ohio for his leadership in continuing the provision to buy America. We are in a downturn in our country. Many manufacturing jobs have been lost. This Congress has always supported Buy America in earlier years and in times past. We hope they will come together today to support our amendment.

It is important that we make sure, and a previous speaker said that we may not get the best price. We believe that American workers will have the best price, will have the best manufactured goods and that in this $275 billion bill, much of it should be spent with American manufacturers.

I was just visited by a group of bus manufacturers in my office just last week. They were complaining about how much business they are losing and how many jobs they are losing. I think it is imperative that we adopt the LaTourette-Kilpatrick amendment.

Buy America keeps Americans working, keeps families together and additionally offers revenues for cities across America. I would hope that we would support the LaTourette-Kilpatrick amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself the balance of my time.

Let me just say on this amendment, this may expand the Buy America for steel, but it shrinks Buy America in other areas, other manufactured areas, perhaps agriculture, perhaps information technology, because of this kind of action that basically invites retaliation from foreign countries.

America is only 5 percent of the world's consumers. If we want to succeed from a manufacturing standpoint and economically around the world, we need to expand those markets. This goes in the opposite way. We ought to be reducing the Buy America requirements, reducing the certification process that does nothing but invite waivers which delays transportation projects; and we ought to put our transportation dollars into getting as much road money, as much money to buy rail cars, to lay track and move America as we can. This raises the cost of doing that with this legislation. It is for that reason that I oppose this and urge opposition to this amendment.

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

Mr. LATOURETTE. Mr. Chairman, it is my pleasure to yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the committee.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding time and thank the gentleman and the gentlewoman for bringing this amendment forward.

In the 1980s, as the Chair of the Subcommittee on Investigations and Oversight, I held extensive hearings on the status of manufacturing in light rail, passenger vehicles and buses during which we demonstrated the loss of tens of thousands of jobs in America to underbid products coming in from overseas. We shipped overseas tens of thousands of jobs in the light rail, passenger rail and bus sector of our economy.

Now it is coming back. Now we are recapturing those jobs. We now are putting in the next 6 years $51.5 billion into transit systems in America. We ought to have those jobs in America as well and reclaim the technology and the jobs that go with them for America. That is what this amendment will do.

Mr. LATOURETTE. Mr. Chairman, I yield myself the balance of my time.

I want to make this observation. The Federal Government in the procurement process has no greater champion in this Congress than the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform. The hearings that he has conducted have literally saved the country and the taxpayers billions of dollars.

This issue, however, while I appreciate every argument that he has made, it is time, not by being protectionist but it is time in the manufacturing sector that we take care of our own in the United States. It is not unreasonable to require that 60 percent, we are not asking for 100 percent, but 60 percent of these goods and projects be manufactured in the United States and there not be some shell game where they simply have to be assembled in the United States. You could have a machine with 150 parts and today's requirement is they could all be made overseas as long as we had a shop that assembled them here in this country. It is wrong, and I ask for support of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. LATOURETTE).

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 16 printed in House Report 108–456.

AMENDMENT NO. 16 OFFERED BY MR. CROWLEY

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. CROWLEY:

At the end of title III, add the following (and conform the table of contents accordingly):

SEC. 3045. AIRPORT BUS REPLACEMENT AND FLEET EXPANSION PILOT PROGRAMS.

(a) ESTABLISHMENT.—The Secretary shall establish a pilot program for awarding grants on a competitive basis to eligible entities for facilitating the use of natural gas buses at public airports through airport bus replacement and fleet expansion programs under this section.

(b) REQUIREMENTS.—Not later than 3 months after the date of enactment of this Act, the Secretary shall establish and publish in the Federal Register grant requirements on eligibility for assistance, and on management, transfer, and ultimate disposition of buses, including certification requirements to ensure compliance with this section.

(c) SOLICITATION.—Not later than 6 months after the date of enactment of this Act, the Secretary shall solicit proposals for grants under this section.

(d) ELIGIBLE RECIPIENTS.—A grant shall be awarded under this section only to a public agency responsible for bus service at a public airport.

(e) TYPES OF GRANTS.—

(1) IN GENERAL.—Grants under this section may be for the purposes described in paragraph (2), paragraph (3), or both.

(2) REPLACEMENT BUS GRANTS.—A grant under this section may be used for the acquisition of replacement buses pursuant to subsection (f).

(3) FLEET EXPANSION BUS GRANTS.—A grant under this section may be used for the acquisition of not more than 10 buses to expand a fleet of airport buses at any single airport.

(f) REPLACEMENT BUS GRANTS.—

(1) REPLACEMENT.—For each bus acquired under a replacement bus grant, 1 older model year bus shall be retired from active service and crushed as provided in paragraph (2).

(2) BUS ACQUISITION.—Buses acquired under a replacement bus grant shall be acquired in the following order:

(A) First, new buses will replace buses manufactured before model year 1977, and the older buses replaced shall be crushed.

(B) If all buses manufactured before model year 1977 owned or operated by the grant recipient have been replaced, additional new buses will replace diesel-powered buses manufactured before model year 1991, which shall either—

(i) be crushed; or

(ii) be exchanged by the grant recipient for buses manufactured before model year 1977 from another bus fleet, with that bus then being crushed.

Exchanges made under subparagraph (B)(ii) shall be made without profit or other economic benefit to the grant recipient.

(3) PRIORITY OF GRANT APPLICATIONS.—The Secretary shall give priority to awarding grants to applicants emphasizing the replacement of buses manufactured before model year 1977.

(g) CONDITIONS OF GRANT.—A grant provided under this section shall include the following conditions:

(1) All buses acquired with funds provided under the grant shall be operated as part of the airport bus fleet for which the grant was made for a minimum of 5 years.

(2) Funds provided under the grant may only be used—

(A) to pay the cost, except as provided in paragraph (3), of new natural gas airport buses, including State taxes and contract fees; and

(B) to provide—

(i) up to 10 percent of the price of the natural gas buses acquired, for necessary natural gas infrastructure if the infrastructure will only be available to the grant recipient; and

(ii) up to 15 percent of the price of the natural gas buses acquired, for necessary natural gas infrastructure if the infrastructure will be available to the grant recipient and to other bus fleets.

(3) The grant recipient shall be required to provide—

(A) in the case of a replacement bus acquired as described in subsection (f)(2)(A) to replace a bus manufactured before model year 1977, 10 percent of the total cost of the bus, but not more than $10,000;

(B) in the case of a replacement bus acquired as described in subsection (f)(2)(B)(ii) to replace a diesel-powered bus manufactured before model year 1991 for exchange for a bus manufactured before model year 1977, 10 percent of the total cost of the bus, but not more than $10,000; and

(C) in the case of a replacement bus acquired as described in subsection (f)(2)(B)(i) to replace a diesel-powered bus manufactured before model year 1991, 25 percent of the total cost of the bus, but not more than $25,000.

(h) BUSES.—Funding under a grant made under this section may be used to acquire only new airport buses—

(1) with a gross vehicle weight of greater than 14,000 pounds;

(2) that are powered by a heavy duty engine;

(3) that emit not more than—

(A) for buses manufactured in model years 2001 and 2002, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(B) for buses manufactured in model years 2003 through 2006, 1.8 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(4) that are powered substantially by electricity (including electricity supplied by a fuel cell), or by liquefied natural gas, compressed natural gas, liquefied petroleum gas, hydrogen, propane, or methanol or ethanol at no less than 85 percent by volume.

(i) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek to the maximum extent practicable to achieve nationwide deployment of natural gas airport buses through the program under this section, and shall ensure a broad geographic distribution of grant awards, with a goal of no State receiving more than 10 percent of the grant funding made available under this section for a fiscal year.

(j) DEFINITIONS.—In this section, the following definitions apply:

(1) AIRPORT BUS.—The term ''airport bus'' means a bus operated by a public agency to provide transportation between the facilities of a public airport.

(2) ELIGIBLE ENTITIES.—The term ''eligible entities'' means the owners and operators of the 25 public airports in the United States with the most passenger boardings in the prior calendar year.

(3) PUBLIC AIRPORT.—The term ''public airport'' has the meaning such term has under section 47102 of title 49, United States Code.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section—

(1) $40,000,000 for fiscal year 2004;

(2) $50,000,000 for fiscal year 2005;

(3) $60,000,000 for fiscal year 2006;

(4) $70,000,000 for fiscal year 2007; and

(5) $80,000,000 for each of fiscal years 2008 and 2009.

The CHAIRMAN pro tempore. Pursuant to House Resolution 593, the gentleman from New York (Mr. CROWLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. CROWLEY).

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

Let me state first my admiration for both the chair and the ranking member of the Committee on Transportation and Infrastructure for the work that they have put into creating this bill before us today. I do not pretend to know all the difficulties that they have been through in trying to craft this legislation, not being a member of the committee, but having done a good bit of extensive reading through the papers have come to understand that this has not been an easy process for them. I do extend to them my congratulations on coming this far.

Mr. Chairman, I do have an amendment at the desk that I believe will enhance this bill and make it a better bill. So many of us who represent airports know the economic benefits airports bring to our communities, but we also, unfortunately, know the environmental damage that airports can cause the surrounding communities. While everyone thinks it is the airplanes themselves which bring elevated levels of pollution and ill health effects to surrounding communities, studies have shown that the more pressing concern is the emissions of shuttle buses, private cars and taxis, tarmac equipment and other vehicles which elevate local pollution levels, causing complaints and health concerns for many of our constituents.

A study in 2002 showed the emission reduction performance of natural gas transit buses versus conventional diesel counterparts, that the natural gas buses had a 53 percent lower oxides of nitrogen, 85 percent lower total particulate matter, and 89 percent lower carbon monoxide emissions. In fact, right here in Washington, D.C., officials developed a plan in 2001 to convert much of the Washington Metropolitan Area Transit Authority bus fleet from diesel to clean natural gas.

My amendment will create a pilot program that facilitates the use of natural gas buses at our Nation's top 25

busiest airports, New York's three airports, Chicago O'Hare, Los Angeles, Atlanta, Miami and others that handle millions of passengers, employees and visitors a day.

My amendment would entail buses not only shuttling passengers connecting to terminals but also buses taking passengers from the airport to the public airport parking lots and employees to and from employee parking lots. This would be done by awarding grants on a competitive basis for the use of natural gas buses at public airports through airport bus replacement and fleet expansion programs.

My amendment makes sure that the priority is given to those public airports running the oldest buses. We have to get these old polluting buses out of service and ensure we can start to reduce air pollution. As most of us know, natural gas buses are not something new. This amendment will help clean up the air around America's busiest airports by improving health and quality of life at the same time.

□ 1630

Mr. Chairman, my amendment is supported by the Natural Gas Vehicle Coalition, and I encourage all my colleagues to support this amendment.

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

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

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

Although it is well merited, the Federal Public Transportation program does not provide programs for airport-based services. In addition, we understand that this amendment, according to our figures, adds $300 million to the cost of the bill, and that concerns me a great deal.

And, lastly, may I suggest respectfully, as important as natural gas is, we have some real problems getting natural gas to the United States, and we had better start looking at that problem very quickly; and under the energy bill we can do that. We have not passed the energy bill, but it is crucially important for this Nation to have a new supply of natural gas.

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

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

Mr. OBERSTAR. Mr. Chairman, I thank the chairman for yielding.

I too support the spirit of the gentleman's amendment, but not the language and not the approach and certainly not the additional cost without offsets. I do want to point out that under FAA's Airport Improvement Program and with the use of passenger facility charges, airports can accomplish this purpose. In fact, provided that the vehicle is owned by the Airport Authority, operated solely on airport property, the funds from passenger facility charges can be used to purchase such vehicles.

Where a vehicle is not AIP eligible, FAA would pay for the difference in cost between low emissions and a regular vehicle. We have addressed this matter already in the appropriate context in the FAA reauthorization bill. So there is a way of accomplishing it.

Under Congestion Mitigation and Air Quality Improvement, funds are apportioned to the States to improve their air quality in nonattainment areas. The pilot program, unfortunately, does not address nonattainment areas within States. So just as we opposed taking FAA money off airports, we are in the position of taking CMAQ money and putting it into airports. So the purpose of the gentleman is at cross purposes with public policy already in place, and reluctantly we must oppose the amendment. But we will work with the gentleman and find a way that we can accomplish this purpose.

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

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

I appreciate the comments of both gentlemen whom I respect very much on those issues. I would say that it is not an attempt on my part to take from Peter to pay Paul or vice versa. I was really trying to find a solution to the problem of congested airports and the pollution that they emit to surrounding communities. And I look forward to working with the gentleman from Minnesota (Mr. OBERSTAR), ranking member, in the future to further address this issue.

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

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

The amendment was rejected.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 17 printed in House Report No. 108–456.

AMENDMENT NO. 17 OFFERED BY MR. BACHUS

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

The Chairman pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. BACHUS:

After section 4131, insert the following (and redesignate the subsequent section of subtitle A of title IV, and conform the table of contents, accordingly):

SEC. 4132. HOURS OF SERVICE RULES FOR OPERATORS PROVIDING TRANSPORTATION TO MOVIE PRODUCTION SITES.

Notwithstanding sections 31136 and 31502 of title 49, United States Code, and any other provision of law, the maximum daily hours of service for an operator of a commercial motor vehicle providing transportation of property or passengers to or from a theatrical or television motion picture production site located within a 100 air mile radius of the work reporting location of such operator shall be those in effect under the regulations in effect under such sections on April 27, 2003.

The CHAIRMAN pro tempore. Pursuant to House Resolution 593, the gentleman from Alabama (Mr. BACHUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

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

Mr. Chairman, the U.S. motion picture and TV industry makes movies that are seen around the world. But, unfortunately, foreign countries are offering tax incentives to attract that production overseas, and I think most of us have seen movies lately that were set here, but filmed in Canada or Mexico.

This amendment would help stop that, and it simply will allow the motion picture industry, the TV industry, to operate under the current Hours of Service regulations. Not only the motion picture industry and the TV industry which asked me to bring this amendment, but the Teamsters Union have endorsed this amendment. It will simply allow those drivers who drive out to the location for an hour or 2 hours, then have 9 hours of rest and then have 2 hours in the evening to continue those hours of service. They have an excellent and exemplary safety record.

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

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

Mr. Chairman, I rise not only in opposition to this amendment, but to the many assaults upon the Federal Motor Carrier Safety Administration's hours of service rule announced just recently. But this one in particular, the FMCSA revised the hours of service pursuant to legislation that we enacted that moved out of our committee, through this body, through conference, signed into law. It has taken years for them to get this rulemaking after many hours of public discussion, debate, publishing in the Federal Register; and now people who are unhappy with the outcome are coming to the Congress to overturn a rulemaking. They have another procedure to do that. We should not by law go in and just be a congressional wrecking crew for safety.

Major change in the rules was to lengthen the required rest time after a long day on duty from 8 hours to 10 hours. An 8-hour rest is not enough. They barely get time to get home from their job, maybe get a shower, have something to eat, go to bed, and then they are going to be on duty again. A 10-hour off-duty period allows a driver reasonable time to get home, be with

family, have dinner or lunch or whatever his shift allows, and then get that 7 to 8 hours of sleep.

I have heard this said many times, including the President of the Motion Picture Association say they start at seven o'clock and they may finish at eight or nine o'clock at night, and they are not doing anything all this time. I say those who only stand and wait also serve.

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

Mr. BACHUS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Bachus-Tauscher amendment to clarify the hours of service rule for drivers in the motion picture and television industry.

This industry is vital to California and the Nation, and these new rules inadvertently impact their business model and encourage offshore production. The Teamsters strongly support this amendment because it will save jobs for their members who contribute so much to our economy.

I have tremendous respect for the ranking member of the committee and chairman of the committee, but the facts are that the rulemaking is about long-haul drivers, drivers who are driving many consecutive, consistent hours. This is not the situation here. This industry and the Teamsters have an unblemished record. They have a tremendous safety record. They are not driving for long hours. They are actually driving for less than 100 miles, waiting until the production is done, and then driving back.

We are all for safety, but we also want to keep jobs in this country. This is vital to California. I urge my colleagues to support the Bachus-Tauscher amendment.

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

Mr. BACHUS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. COBLE), who is one of 38 Committee on Transportation and Infrastructure members who have signed a letter in support of this amendment.

Mr. COBLE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is a good amendment. Outside of industry centers such as New York and California, North Carolina, my State, leads the country in attracting film and television production to our State. This hours of service amendment would allow the motion picture industry to operate under the old hours of service rules under which they have an excellent safety record, but this will also afford them to keep production costs down.

It is imperative, Mr. Chairman, that my State and other States be able to compete for this business. Too much of it is lost to Canada and other countries. As my friend from Alabama just said and gentlewoman from California mentioned, it is a good amendment. The Teamsters support this amendment. I support this amendment. I urge my colleagues to do likewise.

Mr. BACHUS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. FOLEY) in support of this amendment.

Mr. FOLEY. Mr. Chairman, I appreciate what the ranking member and the chairman are trying to do relative to truck safety, but this is a very unique issue. As chairman of the House Entertainment Task Force, we have been working consistently to try to keep jobs in America. We are talking about jobs not only about movie stars, but for the grips, the caterers, the production folks. This is a totally different issue.

The truck arrives on the set of a production in the morning, having driven maybe 50, 75 miles, and remains on the set for the remainder of the day before it moves back to its location. This is not long-haul shipping.

Mr. Chairman, we have had enough runaway productions leaving to Canada and other locales. This is one more impediment to keeping film production in the United States. It is a jobs opportunity provision. The gentleman from Alabama (Mr. BACHUS), the gentlewoman from California (Ms. TAUSCHER), and the gentleman from North Carolina (Mr. COBLE), I appreciate their sentiments on this. So, please, as we get ready to vote for this amendment, this is not contrary nor trying to be argumentative with our great chairman and ranking member on safety. We all join in the safety of our streets and highways. But we have to be very careful and make this unique distinction to protect jobs.

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

Mr. Chairman, I would like to include in the RECORD a letter from the Teamsters in support of this amendment, and these are the very drivers that are driving these trucks. And as the gentleman from Florida said, these drivers drive and our amendment limits them to 100 miles. They drive out in the morning. They drive back at night, and that is their responsibility, and they do have 9 hours of rest. This does not include overnight. They go with the film crews. They go with the actresses. They go with the actors. They go with the camera people. And they are all out there from sunup to sundown. And the Teamsters, if the Members look at the letter that I am introducing, they will tell them that they are afraid they will either lose their job because they will continue to go out of country or they will turn these jobs into 2- or 3-hour part-time jobs and hire two crews. And instead of having a good-paying job, they will have no job.

STUDIO TRANSPORTATION DRIVERS,
TEAMSTERS LOCAL UNION NO. 399,
North Hollywood, CA, July 16, 2003.

Re: support for exemption from new hours of service regulations.

Hon. ERNEST ISTOOK, Jr.,
Chairman,
Hon. JOHN W. OLVER,
Ranking Member,
House Appropriations Subcommittee on Transportation, Treasury, and Independent Agencies, Washington, DC.

GENTLEMEN: I understand that your committee is considering amendments that would provide relief to certain industries from aspects of the new hours of service (''HOS'') regulations published by the Federal Motor Carrier Safety Administration. On behalf of the Studio Transportation Drivers of the International Brotherhood of Teamsters, Local 399, I wish to express our support for a proposal to permit commercial drivers to continue to comply with current HOS regulations concerning daily, on-duty time when operating to and from a motion picture or television production site located within a 100 air-mile radius of their work reporting location.

Existing HOS duty time regulations are better suited to the unique schedules of studio transportation drivers than th new regulations that will take effect January 4, 2004. Drivers assigned to productions drive only a few hours each day; these are short haul assignments. These drivers have had an excellent safety record, and their schedules meet the current HOS limitation. To comply with the new regulations, the industry will not be able to use the same drivers for an entire production day. Thus, each driver will receive significantly less compensation than under the current system. Given our excellent safety record, and that new HOS regulations largely were designed to address the fatigue of long-haul drivers, application of new duty-time limits to our drivers will increase operating costs without a corresponding safety benefit.

I hope that you will support retaining current hours of service regulations for studio transportation drivers.

Sincerely,

LEO T. REED,
Secretary-Treasurer/Principal Officer.

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

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman for yielding me this time.

There are at least three other, and perhaps four other, industries in this country that have come to me asking for an exemption from this hours of service rule, and we have looked at it very closely, and we feel very strongly that these exemptions should not be granted.

I am a long-time supporter of the Teamsters. I do not think there is an issue that has come before this House that I have not been on their side, but there are some times that we have to protect people from themselves. Consequently, I have to strongly oppose this amendment.

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

I thank the gentleman for his statement.

If I may have the attention of the gentleman from Alabama, he has twice

referenced that drivers have 9 hours off during the day. If he would be willing to limit his amendment to those cases where they have 9 hours off during the day, I think we could accept that.

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

Mr. OBERSTAR. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, as the gentleman knows, this amendment was first proposed last October and we have tried to work in committee. We tried to work on this issue. What we are talking about is we have restricted it to 200 miles: 100 miles in the morning, 100 miles at night. To me it is almost a joke to say that that would fatigue these drivers. The very drivers that are driving, they have been operating under these rules for years and years and years and have an exemplary safety record.

□ 1645

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, under the language provided for us here in this amendment, a driver could start work at 8 o'clock in the morning, work until midnight with 2 hours off during the day, and be expected back at work at 8 o'clock the following morning. I do not think it is right to put drivers on the road with so little rest, so much fatigue and so great potential for fatalities.

Now, the industry argues, well, we have not had any fatalities. But I have been involved in this fatigue issue in aviation, railroading, maritime and over-the-road truck driving for 25 years, and I know that the next fatality is just around the corner from the next weakening of safety regulations.

It is inappropriate to make the change in the way in which it is proposed here. This is not the right venue, it is not the right approach, it will endanger worker safety, and we ought to oppose this amendment.

Mr. BOOZMAN. Mr. Chairman, I rise in support of the Bachus amendment. I understand the effects that the new hours of service rule is having on the trucking industry and I also understand the unique operation of the motion picture drivers.

There are a number of groups who are seeking a modification to the hours of service rule and its for a simple reason—one size doesn't fit all.

The modifications sought by individual groups are understandable and I do support the motion picture industry's efforts. However, I also want to mention that I am also a strong supporter of taking a broader approach to assist all drivers, including short-haul operators in dealing with the new rule.

Options such as providing another 16-hour day to the short-haul drivers and providing all drivers with a defined two-hour rest period are viable options. I plan to continue working on this issue because there are several matters that deserve consideration.

Again, I support the Bereuter amendment and I thank the gentleman for yielding.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). All time has expired.

The question is on the amendment offered by the gentleman from Alabama (Mr. BACHUS).

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

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

It is now in order to consider Amendment No. 18 printed in House Report number 108–456.

AMENDMENT NO. 18 OFFERED BY MR. BEREUTER

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. BEREUTER:

At the end of title IV, add the following (and conform the table of contents accordingly):

SEC. 4133. OPERATORS OF VEHICLES TRANSPORTING AGRICULTURAL COMMODITIES AND FARM SUPPLIES.

(a) AGRICULTURAL EXEMPTION.—Sec. 345(a)(1) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 613) is amended to read as follows:

''(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies.''.

(b) DEFINITIONS.—Section 345(e) of such Act of 1995 (109 Stat. 614) is amended by adding at the end the following:

''(7) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means products grown on and harvested from the land during the planting and harvesting seasons within each State, as determined by the State.

''(8) FARM SUPPLIES FOR AGRICULTURAL PURPOSES.—The term 'farm supplies for agricultural purposes' means products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and livestock feed at any time of the year.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 593, the gentleman from Nebraska (Mr. BEREUTER) and a Member opposed will be recognized for 5 minutes each.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

MODIFICATION TO AMENDMENT NO. 18 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 18 offered by Mr. BEREUTER:

On page 1, line 13, after the word ''apply'' insert the phrase ''during planting and harvest periods, as determined by each state''.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Nebraska?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER) for 5 minutes.

Mr. BEREUTER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first, I want to thank the leadership of the committee for accepting the perfecting amendment. It does track the existing regulations.

This amendment, based upon H.R. 871, which this Member offered last year, would assure that agriculture transporters would continue, that is the important part, would continue to be exempt from hours of service requirements when operating within a 100-mile radius of their point of origin during the very busy and at times short, weather-restrained planting and harvesting seasons of the year.

This is a matter of great importance to the transporters of agriculture commodities and supplies as well as consumers. However, this amendment narrows the definition of commodities and farm supplies, and I think it is appropriate.

The business of farming is driven largely by the weather and the significant demands of spring planting and fall harvest, and farmer's yields and the qualities of their crops depend, to a major extent, on timing. Planting, fertilizing, application of crop protection products and harvest all must be done at the right time, fitted in and around the ups and downs of weather.

During the 1995 National Highway System Designation Act, this Member's initiative led to regulations creating the current exemption. This relief has been threatened by proposed changes to hours of service rules. The provisions to include this amendment are needed to safeguard the continuation of this necessary exemption and to provide a clearer definition and a more restricted definition of agriculture commodities and farm supplies.

It is for this reason that I offer the amendment today. The legislation is supported by 40 cosponsors on a bipartisan basis. The chairman and the ranking member of the committee have received letters from about 35 organizations supporting the amendment.

I ask for its approval.

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

Mr. BEREUTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I will not have to claim time in opposition. The unanimous consent request includes restoring the language ''during planting and harvest periods as determined by each State'' is restoration

of current law and is not an expansion thereof.

Mr. BEREUTER. Mr. Chairman, that is correct.

Mr. OBERSTAR. With that understanding, we can accept the amendment on this side.

Mr. BEREUTER. Mr. Chairman, reclaiming my time, I thank the gentleman very much.

Mr. Chairman, I yield such time as he may consume to the cosponsor of the legislation, the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank my friend from Nebraska for yielding me time. I also thank the ranking member for his acceptance of this amendment and also the chairman of the committee.

Mr. Chairman, this is a very important amendment for agriculture, the agriculture exemption for truck drivers. Without this exemption, drivers employed by agriculture retailers and farmers during the busy planting and growing season would have to comply with the same stringent rules that apply to long-haul drivers.

U.S. agriculture depends heavily on this limited relief. We have a great opportunity with this amendment to develop a uniform set of regulations that haulers of agriculture commodities will use.

Mr. BEREUTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the committee.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding me time and especially thank the gentleman for his perseverance and the work he has done, as well as the ranking member for accepting the amendment to the amendment.

Mr. Chairman, I think what I have said before is it is a way to have a little logic in this body. I do compliment the gentleman for bringing this amendment to the floor.

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

Mr. Chairman, I thank the gentleman for his support and appreciate the assistance of the staff on both sides of the aisle as we moved in this direction.

Mr. BOOZMAN. Mr. Chairman, I rise in support of the Bereuter amendment. I understand the effects that the new hours of service rule is having on the trucking industry and I also understand the unique operation of the drivers of agriculture commodities.

There are a number of groups who are seeking a modification to the hours of service rule and it's for a simple reason—one size doesn't fit all.

The modifications sought by individual groups are understandable and I do support the agriculture modification. However, I also want to mention that I am also a strong supporter of taking a broader approach to assist all drivers, including short-haul operators, in dealing with the new rule.

Options such as providing another 16-hour day to the short-haul drivers and providing all drivers with a defined 2-hour rest period are viable options. I plan to continue working on this issue because there are several matters that deserve consideration.

Again, I support the Bereuter amendment and I thank the gentleman for yielding.

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

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Nebraska (Mr. BEREUTER).

The amendment, as modified, was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 3 offered by Mr. FLAKE of Arizona, Amendment No. 4 offered by Ms. JACKSON-LEE of Texas, Amendment No. 9 offered by Mr. CHOCOLA of Indiana and Amendment No. 17 offered by Mr. BACHUS of Alabama.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 3 OFFERED BY MR. FLAKE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 3 offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 60, noes 367, not voting 6, as follows:

[Roll No. 106]

AYES—60

Akin
Barrett (SC)
Bartlett (MD)
Bass
Bishop (UT)
Boehner
Bradley (NH)
Brady (TX)
Cantor
Carter
Chabot
Collins
Cox
Davis (FL)
Deal (GA)
Everett
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gingrey
Gutknecht
Harman
Harris
Hastings (WA)
Hayworth
Hensarling
Hunter
Isakson
Kennedy (MN)
King (IA)
Kingston
Kline
Kolbe
Linder
Lofgren
Majette
Miller (FL)
Musgrave
Myrick
Norwood
Otter
Paul
Pence
Putnam
Ramstad
Renzi
Rohrabacher
Royce
Rush
Sensenbrenner
Shadegg
Simpson
Smith (MI)
Stearns
Sullivan
Tancredo
Thornberry
Weldon (FL)
Wilson (SC)

NOES—367

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Hart
Hastings (FL)
Hayes
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)

Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

DeMint
Gephardt
Hulshof
Tanner
Tauzin
Waxman

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1718

Messrs. STRICKLAND, HASTINGS of Florida, SPRATT, HOYER, ACKERMAN, and Ms. KILPATRICK, Ms. BROWN-WAITE of Florida, and Mrs. JO ANN DAVIS of Virginia changed their vote from ''aye'' to ''no.''

Messrs. SIMPSON, ROHRABACHER, HAYWORTH, COLLINS, and EVERETT changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1720

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Pursuant to clause 6 of rule XVIII, the remaining votes of this series will be conducted as 5-minute votes.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 50, noes 376, not voting 7, as follows:

[Roll No. 107]

AYES—50

Ballance
Bell
Bonilla
Brady (TX)
Burgess
Carson (IN)
Carter
Conyers
Culberson
Cummings
Davis (AL)
Davis, Tom
DeLay
Doggett
Flake
Foley
Fossella
Frost
Gonzalez
Granger
Green (TX)
Hall
Hastings (FL)
Hensarling
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Johnson, Sam
Lampson
Neugebauer
Otter
Paul
Pence
Pitts
Sandlin
Scott (VA)
Sessions
Shadegg
Stearns
Stenholm
Thornberry
Toomey
Turner (TX)
Udall (CO)
Vitter
Walden (OR)
Watson
Weldon (FL)
Wynn

NOES—376

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—7

DeMint
Gephardt
Hulshof
Lewis (KY)
Tanner
Tauzin
Waxman

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1726

Ms. MAJETTE changed her vote from ''aye'' to ''no.''

Messrs. DOGGETT, SHADEGG, OTTER, and FROST changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. CHOCOLA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. CHOCOLA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 198, noes 228, not voting 7, as follows:

[Roll No. 108]

AYES—198

Aderholt
Akin
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blunt
Boehlert
Boehner

Bonilla
Bonner
Bono
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Cardoza
Carson (IN)
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Feeney
Ferguson
Flake
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Hostettler
Hunter
Isakson
Issa
John
Johnson (CT)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Majette
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)

NOES—228

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baker
Baldwin
Ballance
Ballenger
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boozman
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Camp
Capps
Capuano
Cardin
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gillmor
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Radanovich
Rahall
Reyes
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Wexler
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—7

DeMint
Gephardt
Hulshof
Tanner
Tauzin
Waxman
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1736

Ms. DeGETTE changed her vote from ''aye'' to ''no.''

Messrs. SMITH of Texas, OTTER, McINNIS and FORBES changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. BACHUS

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama (Mr. BACHUS) 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 CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 365, noes 62, not voting 6, as follows:

[Roll No. 109]

AYES—365

Abercrombie
Ackerman
Aderholt
Akin
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Osborne
Ose
Otter
Oxley
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Wamp
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wynn
Young (FL)

NOES—62

Alexander
Andrews
Berry
Bonilla
Capuano
Carter
Case
Collins
Conyers
Costello
Crowley
Davis, Jo Ann
DeFazio
Delahunt
Dicks
Dingell
Filner
Frank (MA)
Gonzalez
Gutierrez
Hastings (FL)
Holt
Hostettler
Inslee
Jackson (IL)
Johnson, Sam
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Levin
Lipinski
Markey
McCollum
Mollohan
Oberstar
Obey
Ortiz
Owens
Pallone
Petri
Radanovich
Rahall
Ryan (OH)
Sabo
Scott (VA)
Sherwood
Skelton
Snyder
Stark
Stearns
Stupak
Thornberry
Tierney
Visclosky
Walsh
Weldon (FL)
Wolf
Wu
Young (AK)

NOT VOTING—6

DeMint
Gephardt
Hulshof
Tanner
Tauzin
Waxman

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1744

Mr. RANGEL and Mr. RUSH changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. SIMPSON, Chairman pro tempore 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. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, had come to no resolution thereon.

PERMISSION FOR COMMITTEE ON SCIENCE TO HAVE UNTIL 5:00 P.M., WEDNESDAY, APRIL 14, 2004, TO FILE LEGISLATIVE REPORTS ON H.R. 3970 AND H.R. 4030

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Committee on Science have until Wednesday, April 14, 2004, at 5 p.m. to file legislative reports on the following measures:

H.R. 3970, Green Chemistry Research and Development Act of 2004; and

H.R. 4030, Congressional Medal for Outstanding Contributions in Math and Science Education Act of 2004.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 898

Mr. RENZI. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 898.

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

There was no objection.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The SPEAKER pro tempore. Pursuant to House Resolution 593 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. 3550.

□ 1745

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. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with Mr. SIMPSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment numbered 17 printed in part B of House Report 108–456, offered by the gentleman from Alabama (Mr. BACHUS), had been disposed of.

It is now in order to consider amendment No. 20 printed in House Report 108–456.

AMENDMENT NO. 20 OFFERED BY MR. BRADLEY OF NEW HAMPSHIRE

Mr. BRADLEY of New Hampshire. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. BRADLEY of New Hampshire:

Add at the end the following new section:

SECTION 1. VEHICLE WEIGHT LIMITATIONS.

(a) The next to the last sentence of section 127(a) of title 23, United States Code, is amended by striking ''Interstate Route 95'' and inserting ''Interstate Routes 89, 93, and 95''.

(b)(1) IN GENERAL.—In consultation with the Secretary of Transportation, the State of New Hampshire shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by subsection (a), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $250,000 for fiscal year 2004 to carry out the study.

(3) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

The CHAIRMAN pro tempore. Pursuant to House Resolution 593, the gentleman from New Hampshire (Mr. BRADLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I propose this amendment for consideration by the Congress so that it can strictly apply to the State of New Hampshire, raising the weight limits on trucks that travel on Interstate 89 and Interstate 93. Currently, right now, Mr. Chairman, we have trucks avoiding our main highways and driving through some of the most populated towns in our State in order to avoid the weight limit.

Mr. Chairman, when I proposed this amendment to the Committee on Rules, I submitted for the record letters from many public safety people throughout our State, including the Department of Safety, the Department of Transportation, local police chiefs, as well as town councilors, and others supporting this amendment.

The reason people in New Hampshire support this amendment, Mr. Chairman, is that our trucks are riding on roads where there is no weight limit up to 99,000 pounds, presenting significant public safety issues, going by schools and other places of assembly. We need to get these trucks on our highways where they are safer and where they are designed to be operated.

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

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition, and I yield myself 1 minute.

Mr. Chairman, Congress, some years ago, granted New Hampshire limited exemptions from the Federal truck size and weight limits. We required that the State complete the study of the impacts upon the State's infrastructure, and even allocated $250,000 to undertake the study. The State has not completed its study. DOT, U.S. Federal