

the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 3085, as amended.

The question was taken.

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

Mr. RENZI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3496) to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3496

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the “National Capital Transportation Amendments Act of 2006”.

(b) FINDINGS.—Congress finds as follows:

(1) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(2) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(3) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

SEC. 2. FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.

The National Capital Transportation Act of 1969 (sec. 9–1111.01 et seq., D.C. Official Code) is amended by adding at the end the following new section:

“AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

“SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

“(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

“(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

“(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

“(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

“(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

“(1) An amendment requiring all payments made by the local signatory governments for the Transit Authority and for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources. For purposes of this paragraph, a ‘dedicated funding source’ is any source of funding which is earmarked and required under State or local law to be used for payments to the Transit Authority.

“(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2006.

“(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

“(e) AMOUNT.—There are authorized to be appropriated for grants under this section such sums as are made available to the Secretary of Treasury to make payments to the Transit Authority pursuant to section 9(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

“(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

“(1) shall remain available until expended; and

“(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.”

SEC. 3. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.

(a) ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—The Washington Metropolitan Area Transit Authority (hereafter referred to as the “Transit Authority”) shall establish in the Transit Authority the Office of the Inspector General (hereafter in this

section referred to as the “Office”), headed by the Inspector General of the Transit Authority (hereafter in this section referred to as the “Inspector General”).

(2) DEFINITION.—In paragraph (1), the “Washington Metropolitan Area Transit Authority” means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89–774).

(b) INSPECTOR GENERAL.—

(1) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(2) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(c) DUTIES.—

(1) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(3) REPORTS.—

(A) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(B) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee

on Homeland Security and Governmental Affairs of the Senate.

(4) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(A) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(B) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(C) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(5) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) POWERS.—

(1) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(2) STAFF.—

(A) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(i) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(ii) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(iii) such other personnel as the Inspector General considers appropriate.

(B) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(C) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (B).

(3) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(e) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

SEC. 4. RESTRICTIONS ON DISPOSITION OF CERTAIN PROPERTIES.

(a) PROHIBITION ON DISPOSITION OF CERTAIN PROPERTY.—

(1) IN GENERAL.—The Washington Metropolitan Area Transit Authority (hereafter in this section referred to as the “Transit Authority”) may not sell, lease, or otherwise convey or dispose of the property described in paragraph (2) unless the Transit Authority meets each of the following conditions:

(A) The Transit Authority has held a separate, additional public hearing after October 20, 2005, regarding the disposition of the property at which members of the general public had the opportunity to comment.

(B) The Transit Authority has submitted a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the costs and benefits associated with the disposition of the property, the impact of the disposition on parking facilities available at the Vienna Metrorail station, and the effect of the disposition on the capacity of the Vienna Metrorail station and the entire Metrorail system.

(2) PROPERTY DESCRIBED.—The property described in this subsection consists of approximately 3.75 acres located in Fairfax County, Virginia, and is contained in all or part of the following parcels on the Fairfax County tax map:

(A) Parcel 48—1(1), 90 Portion.

(B) Parcel 48—1(1), 91B Portion.

(C) Parcel 48—1(6), 7A.

(D) Parcel 48—1(6), 8B.

(E) Parcel 48—1(24), 38A.

(b) CONDITIONS FOR DISPOSITION OF CERTAIN PROPERTY.—

(1) IN GENERAL.—The Transit Authority may not sell, lease, or otherwise convey or dispose of the property described in paragraph (2) unless the Transit Authority meets each of the following conditions:

(A) The Transit Authority has met with the Mayor and members of the Council of the City of Takoma Park, Maryland, and community representatives to discuss each of the following issues related to the disposition of such property:

(i) The movement of buses and other vehicles, pedestrians, and bicycles to and from the Takoma Park Metrorail station.

(ii) The provision of bus bays, based on recommendations of the Transit Authority and the Maryland Transit Administration’s Ride-On program.

(iii) The enhancement of public green space on the property, based on the Central District Plan for Takoma DC.

(B) The Transit Authority will work with residents and elected officials of Takoma Park, Maryland, and the Takoma area of the District of Columbia throughout the planning phase of the development of such property.

(C) The Transit Authority has submitted a statement to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate certifying that the Transit Authority has met the conditions described in subparagraphs (A) and (B).

(2) PROPERTY DESCRIBED.—The property described in this paragraph consists of Lots 820, 821, 822, 823, 829, 831, 832, 833, 839, 840, 841, 845, 846, 847, 848, 849, 850, and 851 in Square 3352 and Lots 811, 812, and 813 in Square 3353 of the District of Columbia Real Property Assessment Database.

(c) RESTRICTIONS ON DEVELOPMENT OF CERTAIN PROPERTIES.—

(1) RESTRICTION.—The Transit Authority may not sell, lease, or otherwise convey any of the real property described in paragraph (2) other than in accordance with a development plan for the property which meets the following requirements:

(A) The plan shall require that any portion of the property used for residential purposes shall be used only for owner-occupied, multi-family dwellings.

(B) The plan must provide for the use of a portion of the property for commercial purposes.

(C) The plan shall be developed in consultation with appropriate representatives of the local governments and communities for the area in which the property is located.

(2) PROPERTY DESCRIBED.—The property described in this paragraph is any real property of the Transit Authority which is located within one mile of the Largo Town Center Metro Rail Station.

(d) NO EFFECT ON OTHER AUTHORITIES.—Except as specifically provided, nothing in this section may be construed to affect any law, rule, or regulation governing the development or disposition of real property of the Transit Authority.

SEC. 5. STUDY AND REPORT BY COMPTROLLER GENERAL.

(a) STUDY.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this Act).

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

Mr. HENSARLING. Mr. Speaker, is the gentlewoman opposed to the motion? If not, I request the time in opposition.

The SPEAKER pro tempore. Is the gentlewoman from the District of Columbia opposed to the motion?

Ms. NORTON. Mr. Speaker, I am not opposed to the legislation, nor should anybody else in this Chamber be.

The SPEAKER pro tempore. Is the gentleman from Texas opposed to the motion?

Mr. HENSARLING. I am, Mr. Speaker.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XV, the gentleman from Texas (Mr. HENSARLING)

will be recognized for 20 minutes along with the gentleman from Virginia (Mr. TOM DAVIS).

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 3496, as amended, the National Capital Transportation Amendments Act of 2006. This important legislation would establish critical new oversight and accountability mechanisms for the Washington Metropolitan Area Transit Authority, including an inspector general and an increased Federal presence on the Authority's board of directors. These steps are being taken to ensure that the funding provided to the Authority by Virginia, Maryland, the District of Columbia and the Federal Government are being spent as effectively and efficiently as possible. I urge my colleagues to support this important legislation.

In 1960, President Eisenhower signed the National Capital Transportation Act to provide for the development of a regional rail system for the Nation's Capital. He did so in recognition of the need to provide reliable access to government facilities for Federal workers, contractors, and citizens. Over the years, other Presidents have also recognized this need: Kennedy, Johnson, Nixon, Carter, and most recently, President George H.W. Bush.

Past Congresses have done so as well. In 1969, the National Capital Transportation Act was signed into law. Subsequently, Congress passed amendments to this act in 1979 and 1990. The sentiment expressed by Congress in supporting Metro in 1979 remains the same today: "Congress finds that an improved transportation system for the National Capital region is essential for the continued and effective performance of the functions of the Government of the United States, for the welfare of the District of Columbia, for the orderly growth and development of the National Capital region, and for the preservation of the beauty and dignity of the Nation's Capital."

The sole purpose of the previous authorizations was to provide the easy and reliable access to government for Federal employees and citizens that President Eisenhower envisioned. Today, the Metro system remains an indispensable resource for the Federal Government. At peak times, over half of Metro riders are Federal employees

and contractors. Metro's record riderships have occurred during historic events, where people from all over the country flocked to the Nation's Capital for the national gathering; President Reagan's funeral, the Fourth of July celebrations, Presidential inaugurations.

□ 1430

In times of national crisis, the Metro system has also proved indispensable to the Federal Government, such as during the September 11 terrorist attacks in which Metro served as the primary means out of a city under lockdown.

In many ways, the Metro system is the lifeblood of the Federal Government. More than 15 Federal agencies in the National Capital region are located adjacent to Metro stations. This is not a coincidence. Federal agencies rely on the Metro system to get their employees to and from the workplace year round in all types of weather. Unfortunately, as was recently evident when Metro suffered delays due to torrential rains that hit the region, when Metro shuts down, the Federal Government shuts down.

In 1965, 1969, 1979 and 1990, Congress recognized the unique relationship between the Federal Government and Metro, acknowledging the shared responsibility in maintaining the Metro system to make sure it keeps pace with the growing service demands.

Without a similar commitment today, Metro will no longer remain a viable transportation option to the Federal Government or the region. Last month, as part of the Deep Ocean Energy Resources Act, the House voted to devote funds from future OCS receipts for Metro revitalization.

The bill today sets out other measures necessary to ensure that these dollars are well spent. Before I detail what this bill does, let me detail what it does not do. It does not authorize any additional appropriations for the Metro system. This bill is about good government, something I am sure we can all agree on.

Specifically, this bill requires the three jurisdictions comprising WMATA, Maryland, Virginia Virginia and the District, to come up with a dedicated revenue source to cover capital and operational expenses.

As GAO recently reported, Metro is unique among major transit systems in that it only derives a tiny amount of its budget from dedicated sources. This legislation would require the local jurisdictions to come together and rectify a long-standing discrepancy.

The bill also creates an Inspector General for the Washington Metropolitan Area Transit Authority. Most major transit systems have an IG in place already. There is no question Metro is a complex organization with many moving parts. Thus, it is especially important that appropriate controls are in place to identify and address managerial, financial, and operational discrepancies and problems.

Without the legislation we are considering today, the Federal funding for Metro that was authorized as part of the Deep Ocean Energy Resources Act last month would have no strings attached to it. The purpose of H.R. 3496 is to establish an Inspector General to monitor the operations and to ensure that the Federal funding generated by the OCS receipts would not be allocated unless the local jurisdictions have committed to equally share the financial responsibilities with the Federal Government.

Finally, the bill adds four Federal members to the WMATA Board of Directors, including for the first time a Federal presence on the WMATA board. Since Metro is such an integral part of the Federal Government's day-to-day operations, it stands to reason there should be a direct Federal representation in Metro's affairs.

Mr. Speaker, this bill is not about funding; it is about the good use of funding. Congress has long recognized the national significance of the Metro system. The provisions of this bill will ensure our Nation's subway is a model of efficiency and good performance.

Mr. Speaker, I urge my colleagues to support this important legislation.

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

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

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

Mr. HENSARLING. Mr. Speaker, I rise today in opposition of H.R. 3496 for several reasons. Number one, Mr. Speaker, I don't quite understand why this is on the suspension calendar today.

Second of all, Mr. Speaker, the Federal taxpayer is paying a lot of money already to help subsidize this particular transit system. I am not sure if more payments are really worthwhile at this time.

Next, Mr. Speaker, we have over 10,000 Federal programs today. At what point do we say enough is enough? And, Mr. Speaker, I am very concerned that when the dots are connected, the dust settles, whatever metaphor you want to use, that unfortunately the taxpayers will be on the hook for an additional \$1.5 billion that they had not counted on. And that money ultimately, Mr. Speaker, has to come from somewhere.

First, Mr. Speaker, let me address the concern I have of why we have this on the calendar in the first place. Certainly under our House Republican Conference rules, legislation creating new Federal programs, I thought, was not supposed to be put on the suspension calendar.

As we all know, typically our suspension calendar is used frequently to honor somebody with the naming of a post office, to congratulate a sports team, to declare breast cancer awareness week. I don't think it is to put

taxpayers on the hook for \$1.5 billion, which ultimately, if this bill passes, I believe could be the result.

Now, I have no doubt that since it is on the suspension calendar that it will receive a very, very healthy vote as Members just start to arrive and, frankly, do not pay as close attention to the suspension calendar as opposed to bills coming up in regular order.

But I fear at the end of the day, again, this does authorize a new program. If it did not authorize a new program, why are we here today? Why did we not simply have a Member propose an amendment to perhaps the transportation bill or the homeland security bill? So in that respect, Mr. Speaker, I am concerned that this is being handled on this particular calendar.

Next, Mr. Speaker, how much is enough? I admit the Federal Government has had a lengthy partnership with the Washington Metropolitan Transit Authority. \$6.2 billion or 60 percent of the construction costs, I believe, were picked up by the Federal taxpayer; 40 percent of the capital costs over the last decade. But the WAMTA is already receiving formula grants under titles 5307 and 5309. So they are already receiving Federal funds, if you will, a dedicated revenue source from the Federal Government already. I believe in inflation-adjusted terms that is about \$1.5 billion over the last 10 years.

And I think if you look back, these annual grants are now more or less three times what they were 10 years ago. Again, Mr. Speaker, I ask the question, how much is enough? You add it all up, Mr. Speaker, that is a lot of money.

Now, I certainly applaud the gentleman from Virginia for wanting to put in greater oversight and greater accountability into the system. I know that his committee provided a number of articles from a Washington Post expose, I think, dating back 9, 10, 11 months ago, that indicated that trains broke down 64 percent more often now than several years ago, that the Washington Metro Transit Authority had spent \$383 million on 192 rail cars, and those cars break down almost as often as the old cars.

Several hundred million, according to The Washington Post, was spent to refurbish old cars from the 1980s and those refurbished break down even more often. \$93 million was spent to renovate 178 escalators, and a third break down more often than before renovation.

So I would say if there was a system that perhaps was in need of a little greater oversight and a little greater accountability, this is it. Otherwise, Mr. Speaker, I fear that what we would be doing is punishing success and rewarding failure. I certainly hope that the gentleman from Virginia indeed did take these steps in his bill. And for that aspect of the bill, I certainly congratulate that portion of it.

But, Mr. Speaker, the thing that concerns me the most is at a time that our

Nation is facing unparalleled national debt, when we are a Nation at war, at what point do you say "no" to a new program? Again, according to the Heritage Foundation, we have over 10,000 Federal programs spread across 600 different agencies. How much is enough?

I believe in our last budget we have \$75 billion, more or less, in transportation funding. Now that is up 83.5 percent in just 10 years. In other words, Mr. Speaker, we have almost doubled the Federal contribution to transportation, almost doubled in just a decade.

Again, how much is enough? I believe we have over 28 Federal programs dedicated to mass transit. And I believe in the most recent SAFETEA-LU bill, that translates to \$45.3 billion.

Are the number of government programs only limited by our imagination, the imagination of Members to come to the floor and propose it? No matter how worthy they are, again, how many are enough? Maybe, Mr. Speaker, we should start limiting government programs by the ability of taxpayers in future generations to pay for them.

Now, I certainly want to applaud the gentleman from Virginia from attempting to offer an offset to the spending. I think I may agree to disagree with the gentleman, but my fear is again when the dots are connected and the dust settles, I am not sure it is a real offset. My fear is that it will prove to be a mirage.

What happens here, Mr. Speaker, is that the gentleman is claiming offsetting receipts from H.R. 4761. Now, when that bill was originally written, it was coming to the floor violating our Budget Act, violating our budget resolution. I am happy to say that that was corrected by a manager's amendment.

But it appears that receipts from the Outer Continental Shelf drilling are spoken for, between State revenue sharing and several new entitlement programs that were included in H.R. 4761. I know that this is an authorization bill; but had it been a mandatory bill, if it had ultimately resulted in real spending, CBO would have scored this money in such a way that it would have busted the budget.

And, Mr. Speaker, if the funding does materialize, again in the years that it is spent, it will end up contravening our budget. And I don't see that the revenue-sharing agreement is going away with the States. I don't see these other mandatory programs going away. So maybe the gentleman did indeed secure an offset. Maybe his program is fully offset. But, Mr. Speaker, if his program is fully offset, somebody else's program is not.

At the end of the day, it is a little bit like musical chairs; and I fear when the music stops, the taxpayer is the only one who is left standing.

Next, Mr. Speaker, I am a little concerned about what is happening in our Congress with respect to earmarks. According to the Heritage Foundation, this particular bill, weighing in at \$1.5 billion, may constitute the largest ear-

mark ever. I thought this was the House that wanted to start reforming earmarks, which among other things I would hope would lead to fewer of them, and perhaps less costly earmarks.

I mean, recently we have had the bridge to nowhere, weighing in at about \$250 million; the railroad to nowhere, weighing in at about \$750 million; and now we have everything, the bike improvements, the curb extensions, the bus bays, the new rail cars of the WMATA weighing in at about \$1.5 billion.

Again, Mr. Speaker, that is a lot of money. And ultimately, Mr. Speaker, the bottom line is, someone is going to have to pay for all of this; and part of our job in Congress is to decide upon priorities and make some very, very tough decisions. But, again, if this all comes to fruition, ultimately there is \$1.5 billion more that is going to be spent over 10 years than was expected.

There are only three places that money ultimately comes from: either we place more debt on our children, we raise taxes, or we end up spending less somewhere else. Now, right now we are awash in tax revenues. We have the highest number of tax revenues we have had in the history of America. Corporate tax revenues are up roughly 40 percent last year. Individual tax revenues are up roughly 15 percent. We do not seem to have a taxing problem in the Nation's Capital.

I do think, though, Mr. Speaker, maybe we have a spending problem. We are spending over \$23,000 per American household for only the fourth time in our Nation's history. Since I was born, the Federal budget has grown seven times faster than the family budget.

In the last 10 years alone, Federal funding for international affairs is up 89 percent; agriculture, 118 percent; education, 113 percent; and as I mentioned earlier, the transportation function, 83 percent.

Meanwhile, inflation over the same period grew 25 percent; median family income, 33 percent. We are more than spending over inflation, and the Federal budget is growing beyond the family budget. When do you say enough is enough? Let's look at the national debt. Although we have had great news recently in reducing the Federal deficit, the debt continues to increase.

We have gone from roughly \$5.5 trillion to \$8 trillion in just 5 years. Unless we balance the budget tomorrow, every new program's cost is going to get added to the national debt, and ultimately that burden is borne by our children and our grandchildren.

We know that our entitlement spending, Social Security, Medicare and Medicaid, is growing way beyond our ability to pay for it. And we know that we are facing a rather nasty fork in the road. If you look at CBO, OMB, GAO and anybody who has looked at Federal budgetary trends, they will tell you.

□ 1445

Within one generation, either we are going to have no Federal Government,

except Medicare, Medicaid and Social Security. There will be nothing else left to give the Washington Metropolitan Transit Authority, much less the border security or FAA or anybody else. Or the other fork in the road is we will have to double taxes on our children and grandchildren just to balance the budget.

Again, Mr. Speaker, we have to make tough decisions, and I have no doubt that the gentleman is sincere in that this money would go for a very, very good purpose. But there are lots of good purposes out there, Mr. Speaker, including the purpose of ensuring that our children and grandchildren do not inherit an America with greater debt and less freedom and less opportunity.

If we say "yes" to every Member's program today, no matter how worthy it may be, we are going to end up saying "no" to our children's future tomorrow. Because of that, Mr. Speaker, I urge my colleagues to say "no" to H.R. 3496.

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

Mr. TOM DAVIS of Virginia. Could I ask how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Virginia (Mr. TOM DAVIS) has 14½ minutes remaining and the gentleman from Texas (Mr. HENSARLING) has 8 minutes remaining.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF), who has been a champion of transportation in the Washington area during his tenure in Congress.

Mr. WOLF. Mr. Speaker, I rise in support of the bill. The bill brings accountability. I have a note here and I quote, "CBO expects that the proposed amendment would not authorize any additional appropriations."

I would read that one more time: "CBO expects that the proposed amendment would not authorize any additional appropriations."

I rise in support of the bill, H.R. 3496, the National Capital Transportation Amendments Act. The legislation would ensure, and what Mr. DAVIS is trying to do, accountability for the Federal funding that is provided to the Washington Metropolitan Area Transit Authority, or, as they call it, Metro. The bill would require an IG office to be established and to provide oversight of the system.

You would have thought that the system would have had an IG, but it requires Virginia, Maryland, and the District of Columbia to identify dedicated funding sources to the Metro system.

The bill also adds Federal members to the Metro board of directors, and I think these are good ideas. The Metro system in Washington, as Mr. DAVIS has said, is known as the Nation's subway system.

Visitors from all over the country and the world use the system daily when visiting our Nation's Capital, and Metro's highest ridership, as Mr. DAVIS

said, occurs when national events are taking place, such as Presidential inaugurations when people come from all over the country.

The Metro system also supports the Federal workforce. Federal employees rely on the system. Many people up here on Capitol Hill and other agencies, FBI, CIA, DIA, DEA, all the other ones, commute back and forth to work every day. During peak times, over half of Metro's riders are Federal employees.

Finally, this system is vital to the emergency needs of the region. During the terrorist attack of 9/11, Metro was a reliable way to ensure that thousands of people were able to safely and quickly evacuate the city. In order to help hold Metro accountable, which Mr. DAVIS's bill has done, is accountability for Metro for the use of its Federal funds.

I urge adoption of this measure.

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

Mr. TOM DAVIS of Virginia. I recognize the gentleman from the District of Columbia for 5 minutes.

Ms. NORTON. Mr. Speaker, when I was asked did I want to accept time in opposition, when I said nor should any Member of this body, I was not being rhetorical. This bill is indispensable to the Federal Government, and it is indispensable to the 20 million visitors who come every year.

I don't want anyone to think that the chairman and the Members who have come forward would have the chutzpah to come forward and say support a local transportation system.

This system was created by the National Transportation Act. It was not created by Maryland, Virginia, or the District of Columbia but by the Federal Government. It was created by the Federal Government, because by 1969, the Federal presence had spread to Maryland and Virginia, and it was very clear that the Federal Government itself could not operate without a modern transportation system allowing what amounts to 200,000 workers today to get from one place to the other.

Meanwhile, the gentleman from Texas has cited the many programs and the transportation funds that the local jurisdictions get, and that, of course, is what has supported this system ever since. What this funding is necessary for is capital funding in order to keep the system up and operating because of pressure put on the system by the Federal Government and nobody but the Federal Government. Almost half of those who ride every day are Federal employees.

Without dedicated funding, and here is where the chairman and the Members of the region deserve real credit because there is no dedicated funding for the system, so it has to be funded on an annual basis. The chairman's bill, supported by all of us, essentially says no funding is available unless there is a dedicated funding source.

So it performs the task that is responsible to the Federal Government

by saying, here is your share that you must give, and it says to the local jurisdictions, you do not get the Federal share unless you come forward not just with funding, but with dedicated funding. The purpose of this bill is to deal with the initial investment that the Federal Government made, which is now going down the drain because the local jurisdictions cannot in fact, by themselves, deal with the maintenance and capital costs that Federal pressure has put on it.

Let me tell you what I mean by Federal pressure. We are so dependent on this system, that we subsidize Federal workers to, in fact, take Metro. As it is, you cannot, in fact, get on the roads here, even with Metro. Imagine what would happen if Metro were not available; but it is becoming unavailable because its cars are so crowded that there are many Federal workers who believe that they should just as well take a car, something that the roads coming to and from the District cannot stand.

I am a member of the Homeland Security Committee. I do not believe there is a single Member who would not not understand what in the post-9/11 world this transportation system means to the safety and security of this region. But I can tell you from my work, and the chairman is also on the committee, that it adds to the necessity that President Eisenhower saw in 1969, and an additional one that we cannot turn our heads from.

Ask your own constituents how they get around Washington when they come. There are 20 million of them. They are not my constituents, and they are not Chairman DAVIS's constituents, they are yours. And they would be lost without the Metro system.

The beauty of the bill is that it is going to get the local jurisdictions to do what all of our hectoring has not made them do until now, and that is to get the dedicated funding so that the cars, which are now overloaded with Federal workers every morning, you cannot get on these cars, will indeed have additions to them; so the facilities, indeed, can be maintained. The gentleman complained about that. He was perfectly right. There are not the funds to maintain it and keep it operating if you depend only on the three local jurisdictions.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), a strong transportation advocate.

Mr. VAN HOLLEN. Mr. Speaker, I want to thank my colleague, Mr. DAVIS, the chairman of the Government Reform Committee, for his leadership on this very important national issue.

As my colleague Ms. NORTON pointed out, the Federal Government was there at the creation of the Washington Metro system, and has a huge investment already in the Washington Metro system. This legislation is designed to

help protect the Federal investment, the investment taxpayers have already made in that national system. I don't know why anybody would not want to provide the accountability measures to ensure that this investment is protected going forward.

We have, as we know, a system that the Federal Government relies upon to bring thousands of employees to work every day: workers who work in our national security agencies, workers who work at the Department of Health and Human Services, and all the other Federal agencies that help provide services to the American people every day.

This system is also a critical link in any evacuation plan of the Nation's Capital. Imagine everyone trying to get out of this city without using the Metro system to take thousands of people out. You would have gridlock. You wouldn't be able to do it.

Now, Mr. DAVIS has already pointed out this House is already on record just a few weeks ago in providing the Federal investment. We have done that. The only question now is whether we are going to provide the accountability piece, whether we are going to say to the Washington Metro system, you are going to be held accountable for that Federal investment in order to protect the Federal taxpayers. That is what it is all about.

I think it is worth underscoring the four major accountability provisions. Number one, we are asking the local jurisdictions that contribute to the system to make sure that they do it.

Why would we, the Federal Government, want to be at the whim, on a year-to-year basis, of whether local jurisdictions are going to be able to provide their part of this Federal-local partnership? That doesn't make any sense from the point of view of the Federal Government.

Second, it requires the establishment of the inspector general. Don't we want somebody there to make sure we protect that investment, an independent auditor who can look after that Federal taxpayer investment?

Third, we add four new members to WMATA's board. Right now, none of the board members are accountable to the Federal Government. Don't we want board members who are accountable to the Federal taxpayer, as well as board members who are accountable to the other contributing jurisdictions?

Fourth, it requires that Metro take on some other issues that have festered over a period of time and which make it more difficult to fulfill its Federal mandate and its responsibilities to the Federal Government.

Now, I want to commend the Metro system for doing what they have done with the budget they have got. But there is no doubt in order to keep the system viable going forward, the Federal Government needs to maintain its historic contribution and the local partners need to continue to make theirs.

The only question with this bill is whether we are going to be asking

WMATA to make sure it has accountability provisions in place to protect that very important Federal investment. I would say, why wouldn't we want to protect the taxpayers who have made an investment in this very important national transportation infrastructure right from the beginning?

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would recognize my distinguished colleague from northern Virginia, a neighbor, and also a strong transportation advocate, Mr. MORAN, for 3 minutes.

Mr. MORAN of Virginia. Mr. Speaker, I thank the chairman of the Government Reform Committee and applaud him for his leadership, as well as Mr. WOLF's, particularly when Mr. WOLF was chairman of the Appropriations Subcommittee for Transportation, Ms. NORTON representing the District of Columbia, and Mr. VAN HOLLEN representing the Maryland suburbs.

We are a team. We are a team, but we are representing the interests of the entire Congress. The principal reason why we need the Metro system is to transport our employees, the Federal workforce. If we did not have this Metro system, our Federal Government could not function. We don't have the road capacity to get them to and from work.

Even with Metro, we have the second-worst congestion in the country, and it is the most expensive. We need a better Metro system, and the only way that we can meet today's demands is by having a dedicated source of revenue. That is what this bill does.

But the funding has already been taken care of. It passed the House. The House voted for it. This is not about finding the money for Metro. This is about insuring that it gets used properly.

□ 1500

This is about putting limitations on Metro, providing more Federal oversight for the Metro system, ensuring that local governments in the Washington area contribute their fair share, as should the State governments. The local and the State governments are willing to do that, as long as the Federal Government does; and the Federal Government should, because the principal people it serves are the Federal workforce.

President Eisenhower condemned the land that established the transit system. President Nixon and President Carter both signed legislation to get Metro on track.

Imagine if we did not have a Metro system when we have the Presidential inauguration, when we have these major national events in our Nation's Capital. We could not function. We are primarily dependent upon this transportation system so that this government, the government of the Nation's Capital, the principal government of the entire free world can function.

Everything does not happen here on Capitol Hill. Everyone can't live here.

People have to travel to get here. They have to get back home. You have to have a regional economy and a regional population; and in a dense metropolitan area you have got to have a Metro system, so that they can function. And it ought to be a first-class Metro system. This does not even ensure it is going to be first class, but at least it ensures it is going to be able to be adequate to meet the needs of the local, the State and the national governments, and it ensures that there is going to be Federal oversight and that it will serve the needs of our Federal workforce.

Again, I applaud the chairman for bringing it to the floor today and securing its financing last week.

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

Mr. Speaker, I have listened very carefully to this debate, and I am unconvinced at the end of the day that the combination of these two bills is not spending additional taxpayer money. In fact, I have in my hand the committee report, before the two bills were separated, dated April 26 that on page 11 it clearly says for those grants, the bill would authorize the appropriation of \$1.5 billion to the Secretary. I admit that is a report before the two bills were separated.

But a combination of the two, again, is going to put the taxpayer on the hook for an additional \$1.5 billion, and I think, Mr. Speaker, what we have to do is peel away the layers of the onion here and see what we have.

Again, we already have Federal programs in place to help fund WMATA. We already have moneys flowing. So either we are looking at new funding today, or we are looking at a new program, or we are looking at both.

Regardless, a combination of the two, I believe, will spend more money, and Mr. Speaker, even if it was budget neutral, even if it was budget neutral, when we are looking at a Federal debt that has gone from roughly \$5.5 trillion to \$8.5 trillion in just about 5 years, I am not sure I want any new Federal programs until we do a better job in preventing this debt from being imposed upon our children, at a time when we have the highest level of tax revenues we have ever had in the Nation's history.

Again, Mr. Speaker, we don't have a taxing problem. We have a spending problem, and I am not here to say that there are not many worthy provisions of this bill, and I am glad to hear about all the accountability features of the bill. I don't quite know why that has to be combined with a billion and a half new spending since, again, the Federal taxpayer is already contributing to this mass transit system at a very healthy clip.

But one of the reasons I would be leery of authorizing new funds, as President Reagan, one of my favorite Presidents, once said that the closest thing to eternal life on Earth is a Federal program. So what happens in the

outyears as this program continues on and on and on? I am not sure anybody here on this floor today knows for certain.

I can tell you this: I got into the fatherhood business 4 years ago. I now have a 4-year-old daughter and 2½-year-old son; and I can tell you once I helped bring them into the world, they have been very hungry, very expensive, and very needful people. Now, I love them very much, but again, using this analogy, they can get very expensive in the outyears.

So, Mr. Speaker, another point I would like to address as many speakers came here today to make a very compelling argument that this was a vital transportation program, that it was a very vital program related to our homeland security, God forbid should another 9/11 occur. But if this is true, Mr. Speaker, I ask the question, why was this program not originally funded in the homeland security appropriations bill? Why was this project not originally funded in the transportation appropriations bill? Many competing interests come together in those bills, hopefully within a budget constraint, and decisions are made about Federal priorities. So, again, if this is such a priority, I am wondering why it was not included there.

But again, Mr. Speaker, at the end of the day, my concern here is that somehow, some way a combination of these two bills is going to mean at a time when tax revenues are at their highest, at a time when the national debt is at its highest, at a time where we already have 10,000 Federal programs and they grow each day, that we are going to have a new Federal program, and again, no matter how worthy it may be, without taking away some other lower-priority Federal program, and I just do not believe that the OCS dedicated revenue stream that was already spoken for, that even if the gentleman from Virginia has been successful, and maybe he has been, in dedicating that funding to his bill, then some other program has gone unfunded; and therefore, again the Federal taxpayer today in the future will be on the hook.

For those reasons, Mr. Speaker, I would urge defeat of the bill.

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

Mr. TOM DAVIS of Virginia. Before I begin, I would ask unanimous consent to put the memorandum from Greg Waring of the Congressional Budget Office into the RECORD noting that CBO has reviewed the proposed amendment and it does not authorize any additional appropriations, score of zero.

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

There was no objection.

NATURAL & PHYSICAL RESOURCES
COST ESTIMATES UNIT CONGRES-
SIONAL BUDGET OFFICE,

From: Greg Waring

Sent: Tuesday, July 11, 2006 5:42 PM

To: Puccerella, Ed

Cc: Robert Murphy; Mark Hadley

Subject: HR 3496 budgetary impact

Ed: CBO has reviewed the proposed amendment to H.R. 3496. The language would link

funding for the capital and preventive maintenance projects to the authorization of appropriation provided in Section 30 of H.R. 4761, as passed the House of Representatives on June 29, 2006. CBO expects that the proposed amendment would not authorize any additional appropriations.

Please let me know if you have any additional questions.

GREGORY WARING,

Analyst.

From: Puccerella, Ed

Sent: 7/11/2006 4:52 PM.

GREG: Per our conversation with Budget Committee and you all at CBO here is the revised appropriation language that the Chairman would like to add to H.R. 3496 when it goes to the floor. Can you please confirm that this language would not authorize any additional appropriations that are not otherwise authorized under H.R. 4761 as passed by the House? We would like this language to be effectively budget neutral.

Thanks, Ed

(e) Amount.—There are authorized to be appropriated such sums as are made available to the Secretary of Treasury to make payments to the Washington Metropolitan Area Transit Authority pursuant to section 9(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(f) Availability.—Amounts appropriated pursuant to the authorization under this section

(1) shall remain available until expended; and

(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

EDWARD J. PUCCERELLA,

COMMITTEE ON GOVERNMENT REFORM,

TOM DAVIS,

CHAIRMAN.

Mr. TOM DAVIS of Virginia. Mr. Speaker, this is not a new program. This program was authorized in 1960 and signed by President Eisenhower. It has been reauthorized four times; and I hope it has a long life, a long productive life, taking commuters off clogged roads and using mass transit so we can reduce our energy dependency on foreign oil.

Mr. Speaker, this is not an authorization of funds. It is about making sure, as my colleagues have said, that this money is spent well. If this goes down, the money still goes through without any checks and balances and Inspector Generals or any of these being set up. If you vote against this bill, you are not saying we should not spend any extra dollars on the Metro system. You are not saying that. You are saying they can spend the extra dollars without the congressional oversight.

Statistics show that Metro is, in fact, one of the best run systems, but I am not willing to say they are so good that no improvements are required and additional oversight is not required.

The provisions in this came from a GAO report. It is our responsibility in Congress to ensure Federal dollars are well spent. There should be nothing contentious about requiring an Inspector General, adding Federal members to the board, or requiring the jurisdictions to truly provide stable funding to the system.

So I urge my colleagues to offer this bill their full support.

I appreciate the comments of my colleague. He has long been a supporter of

no further Federal spending, but we are out the barn door on this. That happened under the previous legislation, under the Deep Ocean Energy Resources Act. This refines it and controls it and makes sure the money is well spent.

I hope my colleagues will join us in legislation that scores zero with the Congressional Budget Office and reauthorizes this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 3496, as amended.

The question was taken.

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

Mr. HENSARLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

FEDERAL JUDICIARY EMERGENCY TOLLING ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3729) to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts, as amended.

The Clerk read as follows:

H.R. 3729

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Judiciary Emergency Tolling Act of 2006".

SEC. 2. EMERGENCY AUTHORITY TO DELAY OR TOLL JUDICIAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following:

"§ 1660. Emergency authority to delay or toll judicial deadlines

“(a) TOLLING IN DISTRICT COURTS.—

“(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of courts or rendering it impracticable for the United States Government or a class of litigants to comply with deadlines imposed by any Federal or State law or rule that applies in the courts of the United States, the chief judge of a district court that has been affected may exercise emergency authority in accordance with this section.

“(2) SCOPE OF AUTHORITY.—(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in