

Center's 2006-2007 Comprehensive Building Plan, which has worked its way through the administrative review process within the administration and the Office of Management and Budget.

The bill also authorizes the center to study, plan, design and build a photovoltaic system on the four-acre main roof of the Kennedy Center. That is 140,000 square feet of roof space. A preliminary estimate shows that a photovoltaic system would cost \$6 million to build, but would save \$10 million over the next 25 years. It is part of the plan of this committee to redirect the energy consumption of our portfolio of Federal civilian office space, for which this committee has responsibility of some 367 million square feet of Federal civilian office space that we can cut down on the electricity bill of \$5.8 billion a year at those facilities. We could save the taxpayers a lot of money, and we could save the environment an awful lot of damage by converting to photovoltaic use. A good place to start is with the arts and with the Kennedy Center and with the Department of Energy building in the recently House-passed version of the energy conservation bill.

So this initiative that we require would in itself be a tribute to President Kennedy's longstanding well-known views of environmental protection.

I reserve the balance of my time.

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

I rise in support of this measure, and I urge my colleagues to do the same.

H.R. 3986, the John F. Kennedy Center Reauthorization Act of 2007, is a bipartisan bill authorizing appropriations for the John F. Kennedy Center for the Performing Arts for 3 years. Additionally, the bill authorizes a photovoltaic system for the main roof of the Kennedy Center.

The Kennedy Center serves an important role in our Nation. Not only is it one of the busiest theaters in the world, hosting millions of patrons each year to its seven stages, but it is first and foremost a presidential memorial for President John F. Kennedy.

Since its founding, the Kennedy Center has become one of the world's premier entertainment venue, featuring award-winning performances.

The funds we are authorizing today will go towards the upkeep and maintenance of the facility. These repairs are in line with the comprehensive building plan maintained by the Kennedy Center and created at the direction of Congress in 1994.

By supporting the regular maintenance and upkeep of the Kennedy Center, we can ensure that the center will continue to be a world-class venue well into the future.

I would also like to thank Chairman OBERSTAR and Chairwoman NORTON, for working with us on this legislation. It was important for the Kennedy Center to report back to Congress before construction begins on the photovoltaic project to ensure adequate congressional oversight of the project.

I believe it is important the photovoltaic project be cost effective and appropriate for a presidential memorial. Thank you again for working with us.

I support this measure and urge my colleagues to do the same.

I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, it is my earnest hope that the other body will act promptly on this legislation. We would certainly like to get the bill enacted before the close of this session of Congress. We intend to pass this bill and send it over to the other body in the hopes that they will simply accept or make such technical or minimal changes as we can accept without the need for a conference with the other body, and send this bill on to the President to get the authorization in place in time for the upcoming budget cycle.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 3986, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1515

#### OVER-THE-ROAD BUS TRANSPORTATION ACCESSIBILITY ACT OF 2007

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3985) to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3985

*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 "Over-the-Road Bus Transportation Accessibility Act of 2007".

##### SEC. 2. REGISTRATION OF MOTOR CARRIERS OF PASSENGERS.

(a) IN GENERAL.—Section 13902(a)(1) of title 49, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B)(iii);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) the accessibility requirements established by the Secretary under subpart H of part 37 of title 49, Code of Federal Regulations, or such successor regulations to those accessibility requirements as the Secretary may issue, for transportation provided by an over-the-road bus; and"

(b) CONFORMING AMENDMENTS.—Sections 13902(a)(5) and 13905(d)(1)(A) of such title are each amended by inserting after "Board" the following: "(including the accessibility requirements established by the Secretary

under subpart H of part 37 of title 49, Code of Federal Regulations, or such successor regulations to those accessibility requirements as the Secretary may issue, for transportation provided by an over-the-road bus)".

##### SEC. 3. OVER-THE-ROAD BUS DEFINED.

Section 13102 of title 49, United States Code, is amended by adding at the end the following:

"(27) OVER-THE-ROAD BUS.—The term 'over-the-road bus' means a bus characterized by an elevated passenger deck located over a baggage compartment."

##### SEC. 4. DEADLINE FOR IMPLEMENTATION OF REGISTRATION REQUIREMENTS.

Not later than 30 days after the date of enactment of this Act, the Secretary shall take necessary actions to implement the changes required by the amendment made by section 2(a) relating to registration of motor carriers providing transportation by an over-the-road bus.

##### SEC. 5. COORDINATION WITH THE DEPARTMENT OF JUSTICE.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation and the Attorney General shall enter into a memorandum of understanding to delineate the specific roles and responsibilities of the Department of Transportation and the Department of Justice, respectively, in enforcing the compliance of motor carriers of passengers providing transportation by an over-the-road bus (as defined in section 13102 of title 49, United States Code) with the accessibility requirements established by the Secretary under subpart H of part 37 of title 49, Code of Federal Regulations, or such successor regulations to those accessibility requirements as the Secretary may issue. Such memorandum shall recognize the Department of Transportation's statutory responsibilities as clarified by this Act (including the amendments made by this Act).

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

The Chair recognizes the gentleman from Minnesota.

##### GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3985.

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

There was no objection.

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

This legislation will ensure that the motor coach accessibility regulations promulgated by Department of Transportation under the Americans with Disabilities Act are vigorously monitored and actively enforced. A leader in this initiative was our committee colleague, the gentleman from Oregon (Mr. DEFazio). His leadership on this initiative is of long standing, his commitment to the handicapped community is well known, and he has been a forceful and vigorous advocate, as has Mr. PETRI, who is the ranking member of the Aviation Subcommittee, and served previously as Chair of the Surface Subcommittee. He is well familiar with the issues presented to our fellow citizens saddled with disabilities.

Under the Americans with Disabilities Act, the DOT was required to adopt a final rule, which they did in 1998, requiring vehicle modifications for intercity buses, charter buses, tour buses, to accommodate individuals with disabilities.

But regulations have to be enforced to be effective, and the Federal Motor Carrier Safety Administration has interpreted the motor carrier statute in a way that limits the agency's ability to assess compliance with over-the-road bus accessibility regulations.

That's not acceptable. We have had quite some discussion about that issue. And, in fact, a new version of the American with Disabilities Act was introduced earlier this year by our majority leader, the gentleman from Maryland (Mr. HOYER) and cosponsored and co-initiated by the gentleman from Wisconsin (Mr. SENSENBRENNER) who has long been a strong advocate for legislation supporting the needs of the handicapped community.

Relying simply on Department of Justice enforcement authority, the FMCSA felt it couldn't take action on violations of its own regulations by over-the-road bus companies. In the U.S. Court of Appeals case, Peter Pan Bus Lines and Bonanza Acquisition, the court rejected the claim that the agency does not have discretion to interpret the law to allow consideration of compliance with ADA. The case was sent back to FMCSA for further review in February of this year.

But again the agency dragged its feet. After 8 months of failure to act, the FMCSA responded to the court in October, but only after Chairman DEFAZIO and I expressed our intent to legislate a solution if the agency did not provide its own plans to comply with ADA requirements.

In the decision, FMCSA defends its position that the agency does not have the authority to enforce the American with Disabilities Act and said, "If Congress intended to expand the fitness criteria to include compliance with additional DOT regulations such as 49 CFR part 37, it presumably would have said so."

Well, we are saying so today. If that's what they think they need, then we are going to make sure they have the authority to do it. There is no excuse for any further delay.

Specifically, the pending bill amends section 13902 of title 49 of U.S. Code to prohibit the Federal Motor Carrier Administration from granting registration authority to motor carrier providing over-the-road bus transportation where that carrier is not willing or able to comply with the accessibility requirements under subpart H of part 37 of title 49, CFR.

This bill will allow DOT to put compliance with ADA on a par with compliance with safety requirements, further clarifying in this legislation that the Secretary may suspend, amend or revoke a motor carrier's registration in the event of willful failure to comply

with ADA. And bill further requires DOT and the Justice Department to enter into a memorandum of understanding to clearly define each department's roles and responsibilities in enforcing the provisions of ADA. This was not a new initiative. Some years ago when I chaired the Economic Development Subcommittee and the Investigations and Oversight Subcommittee, my colleague from Pennsylvania, Mr. Klinger, and I required similar memorandum of understanding among three departments who were failing to carry out their responsibility on transportation overlaps.

So what we are doing here in this legislation has precedence of over 20 years ago in a similar issue of transportation.

ADA was enacted 17 years ago. We need to keep our vigilance over its enforcement, make sure that the agency is doing its responsibility to oversight and that the carriers are complying with their responsibility to all members of the traveling public.

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

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

H.R. 3985 will level the playing field for all bus and motor carrier companies operating in interstate commerce in this area. The bill deserves support. I urge all of my colleagues to support it.

Mr. Speaker, I rise today to support this important bipartisan bill offered by my colleagues on the Transportation and Infrastructure Committee.

The Over-the-Road Bus Transportation Accessibility Act of 2007 is an important bill for all people who rely on transportation by bus and motorcoaches.

H.R. 3985 requires that all buses and motorcoaches comply fully with the Americans with Disabilities Act, or the "ADA." If not, the U.S. DOT will revoke the company's authority to operate on our interstates and highways.

H.R. 3985 will also require U.S. DOT and the Department of Justice to work together when an ADA violation is discovered. This will ensure that bus and motorcoach companies that violate the ADA will be held accountable for their actions.

It is important to note that this bill is not creating any additional ADA requirements. H.R. 3985 does not change what is currently mandated in the ADA. Bus and motorcoach companies will not have to change their business plans, unless they are not obeying the law.

This bill simply ensures that all carriers comply with the ADA, which is what they are supposed to do anyway. If a bus is not in compliance, it will not be on our roads.

H.R. 3985 will level the playing field for all bus and motorcoach companies operating in interstate commerce. Companies who have ignored the ADA will not have a competitive advantage over the good actors who have spent substantial amounts on lifts and other equipment to make their buses accessible.

I have no further requests for time, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 3985.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. OBERSTAR. 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 motion will be postponed.

#### HONORING THE ACCOMPLISHMENTS OF BARRINGTON ANTONIO IRVING

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 661) honoring the accomplishments of Barrington Antonio Irving, the youngest pilot and first person of African descent ever to fly solo around the world, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 661

*Whereas Barrington Irving was born in 1983 in Kingston, Jamaica, and raised in inner-city Miami, Florida;*

*Whereas Irving discovered his passion for aviation at the age of 15 when Captain Gary Robinson, a Jamaican airline pilot who has since served as his mentor, took him to tour the cockpit of a Boeing 777;*

*Whereas Irving overcame financial hardship to pursue his dream to become a pilot by working miscellaneous jobs and working for private aircraft owners in exchange for flying lessons;*

*Whereas Irving was the recipient of a joint Air Force/Florida Memorial University Flight Awareness Scholarship to cover college tuition and flying lessons for his tireless volunteer efforts and commitment to community service;*

*Whereas in 2003, Irving contacted companies including aircraft manufacturer Columbia, which agreed to provide him with a plane to fly around the world if he could secure donations and components;*

*Whereas over several years, Irving visited aviation trade shows throughout the country and secured more than \$300,000 of cash and donated components including the engine, tires, cockpit systems, and seats for a Columbia 400, one of the world's fastest single-engine piston airplanes;*

*Whereas in the process of pursuing his dream of an around the world flight, Irving founded a nonprofit organization in 2005 to address the significant shortage of youth pursuing careers in aviation and aerospace;*

*Whereas Irving's efforts have garnered widespread community support and sponsorship as an effective model to expose young people and underrepresented groups to opportunities in aviation;*

*Whereas on March 23, 2007, Irving embarked from Miami, Florida, on a 24,600-mile flight around the world in an airplane named "Inspiration" at 23-years of age while still a senior majoring in aerospace at Florida Memorial University;*

*Whereas on June 27, 2007, Irving concluded his flight in Miami, Florida, after stopping in 27 cities throughout the world; and*

*Whereas Irving continues to inspire youth and adults alike with his achievements and*