The gentleman is correct, the majority leader has agreed that there would be no session on Friday; that we could complete the agriculture bill, if necessary, when we return.

□ 1700

Mr. OBEY. If the gentleman will yield further, it is also my understanding, frankly, that there will be not all that extended a discussion tomorrow on the energy and water bill. I think it is relatively uncontroversial. So I understand the majority party has an event tomorrow evening, and it would certainly be our understanding we would be finished well in time for that to occur.

Mr. YOUNG of Florida. Madam Speaker, reclaiming my time, the gentleman is correct. We do not anticipate a lengthy debate on the energy and water bill, which the gentleman from Alabama (Mr. CALLAHAN) will file here very shortly. In the full committee it was handled expeditiously, and I believe the same thing would happen on the floor tomorrow. But, understand, the Committee on Appropriations has two markups in the morning, so we cannot get to that bill on the floor until those two markups are completed.

Mr. OBEY. Madam Speaker, if the gentleman will yield further, I thank the gentleman. I think that the Members will appreciate the information.

REPORT ON H.R. 2311, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

Mr. CALLAHAN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–112) on the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to clause 1 of rule XXI, all points of order are reserved on the bill.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 178 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. 2299.

□ 1702

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. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill was open for amendment to page 53 line 12, through page 53 line 17.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word to engage the chairman of the Committee on Appropriations Subcommittee on Transportation in a colloquy.

Mr. Chairman, I note that the subcommittee's recommendation for the New Starts program does not include any funding for the Second Avenue Subway in New York City. This is an important transportation investment planned in the metropolitan area, and it is vitally necessary to ensure fluid transit in an already over-congested metropolitan area. The project received $3 million for continued analysis and design in fiscal year 2001.

I understand that the subcommittee's recommendation provides funding for only those projects that have full funding grant agreements in place, are likely to have full funding grant agreements in place in the very near future, or are in final design. While the Second Avenue Subway does not meet this criteria, it is important that the analysis and design continue on this important project. The MTA assures me that the project will be in preliminary design by the end of fiscal year 2001.

The State and the MTA have made a major commitment for the project and have included $1.05 billion in the MTA's capital budget.

I ask the chairman that if the Senate were to include an appropriation for the Second Avenue Subway in its fiscal year 2002 Department of Transportation and Related Agencies Appropriations bill, that the subcommittee be accommodating to the greatest extent possible to ensure that Federal funding for this project is continued in fiscal year 2002.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I appreciate the gentlewoman's commitment to this project, and her observations about the criteria the subcommittee used in developing its recommendations are accurate. The subcommittee had an enormous number of requests for new light rail transit systems that we simply could not accommodate. We did not have the money. Unfortunately, we had to say ''sorry'' quite a bit this year.

I can assure the gentlewoman that should the Senate include funding for the subway in its version of the bill, that we will give it every consideration.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 330. None of the funds made available in this Act may be used for engineering work related to an additional runway at New Orleans International Airport.

SEC. 331. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

AMENDMENT OFFERED BY MR. OLVER

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

The Clerk read as follows:

Amendment offered by Mr. OLVER:

Page 54, line 7, insert before the period at the end the following: '', except that this limitation does not apply to activities related to the Kyoto Protocol that are otherwise authorized by law (including those activities authorized by the United Nations Framework Convention on Climate Change with respect to which the Senate gave its advice and consent to ratification in October 1992)''.

Mr. OLVER. Mr. Chairman, I rise reluctantly, because this bill is an excellent bill, and I respect very much the work of the chairman of the subcommittee, the gentleman from Kentucky (Mr. ROGERS), as well as my ranking member on the subcommittee, the gentleman from Minnesota (Mr. SABO), but I do take exception to the language of section 331.

The language in section 331 is language which has been included several times over the last few years, at a time when it was legitimately believed by the majority that the President in charge of the executive departments would have conducted the very actions which are prescribed by section 331 in the present legislation.

On the other hand, President Bush has made it clear that he has no intention of implementing the Kyoto Protocol as it has been worked out, and has even used much stronger language, that the Kyoto protocol is ''dead.'' So, at the very least, the language is unnecessary and shows perhaps a disbelief in the President's intentions and the President's word, which I am sure the majority does not mean to show.

I would like to point out that just slightly more than 1 month ago, that this House adopted in the Foreign Relations Authorization Act, which was passed on May 16, a sense of the Congress section relating to global warming, and that sense of Congress pointed out that global climate change poses a significant threat to national security; that most of the observed warming over the last 50 years is attributable to human activities; that global average surface temperatures have risen since 1861; that in the last 40 years the global average sea level has risen, ocean heat content increased, and snow cover and ice extent have decreased, which threatens to inundate low-lying Pacific Island nations and coastal regions throughout the world; and pointed out at that time that the United States has ratified the United Nations framework

on climate change, which framework, ratified in 1992 by the Senate, was proposed for ratification by then President George Herbert Walker Bush to be ratified and was ratified by the Senate and took full effect in 1994, that, quoting from that, ''the parties to the convention are to implement policies with the aim of returning to their 1990 levels of anthropogenic emissions of carbon dioxide and other greenhouse gasses,'' and, to continue, ''that developed country parties should take the lead in combatting climate change and the adverse effects thereof.''

So, in that sense, we already have adopted by this Congress the language that I have offered in the amendment, which is a clarifying amendment, the amendment merely saying that the limiting language should not relate, should not apply, to activities that are otherwise authorized by law, nor to those activities that are authorized by the United Nations Framework Convention on Climate Change with respect to which the Senate gave its advice and consent; and we have a full ratification of that treaty, the United Nations Framework Convention.

So my amendment suggests that the activities that are related to that framework convention as ratified in 1992 are in no way proscribed by the language of section 331. So it is additional language to limit the limitation or to explain that limitation.

By the way, Mr. Chairman, it is my intent at the appropriate time to withdraw this amendment. I just wanted to bring it to the attention of the House, that we have a series of activities that we should not be proscribing, that those which are formerly previously authorized by law and those that are part of the already ratified treaty of the United Nations Framework Convention on Climate Change should not be proscribed. So I intend to withdraw the amendment at the appropriate time.

Mr. GILCHREST. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would hope that as we move through the appropriations process, that those of us who have a different opinion about climate change, for whatever reason, and continue to put language in the appropriations bills that, however you want to describe it, ties agencies' hands to discussing the issue, implementing policy that might not be related to Kyoto, but something that the United States wants to do, I would hope that Members can sit down at a breakfast, at a dinner, those of us who have different opinions on this issue, and discuss that issue, so that we can come to a more friendly agreement on how to proceed and assume and accumulate more knowledge on this issue and understand each other's positions and why.

Mr. Chairman, this country has not prospered for over 200 years because of gagged restraint on the part of its citizens and its agencies; this country has prospered because of the accumulation of knowledge and wisdom and information and initiative.

What I would like to do for the Members present is to just discuss some of the undisputed facts about climate change. One is scientifically sound. Over the last 10,000 years, the planet has warmed 1 degree centigrade every 1,000 years, except in the last 100 years, especially the last 50 years, this country has warmed 1 degree Fahrenheit in less than 100 years. So there is a dramatic shift in the warming that corresponds to the amount of CO_2 and other greenhouse gasses as a result of human activity.

The polar ice caps, in about 50 years, if the present trend continues, will be gone. The North Pole, the polar ice caps, glaciers are receding around the globe. We are releasing into the atmosphere CO_2 in decades what took nature millions of years to lock up.

□ 1715

Mr. Chairman, CO_2 is a natural greenhouse gas that deals with the heat balance of the planet, and it took millions of years to lock up a lot of this CO_2 as a result of dying vegetation and so on and so forth. Now, we have been releasing that same amount of CO_2 in decades, so it has some impact. There is more CO_2 in the atmosphere now than there has been in the last 400,000 years.

Now, just one last fact, Mr. Chairman. CO_2 makes up about .035 percent of the atmosphere. That is a tiny fraction of our whole atmosphere. Yet that tiny amount has an extraordinary effect on the heat balance of the planet. We are warm in a tiny, thin sheen of atmosphere that covers the earth.

Now, any change in that, which is fairly dramatic that we are seeing, will have an effect on the change of the climate. So basically, human activity, because of what we are doing, is having an effect on the climate and 95 percent of the international scientists and 16 scientists from the U.S. just took up overview of this situation with an international panel on climate change, and 15 out of the 16 said there is no mistake that human activity is having an effect on the climate.

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

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

Mr. YOUNG of Alaska. Mr. Chairman, I love his theory, but one thing I would ask the gentleman. Two years ago I was in New Mexico standing and overlooking a huge ice action and the gentleman with me said, you know, think about it, Congressman, 12 million years ago there was 284 feet of ice where you are standing. I never will ask how the ice got there, but it was there, and that has scientifically been proven.

But I will ask the gentleman from Maryland, what melted that ice all the way back to the North Pole when our activity is less than 4,000 years? So I want to ask the gentleman, what melted it all the way back there? It always intrigues me about the idea of how arrogant we are thinking we are the real problem for all of the problems that occur on this earth.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. GILCHREST) has expired.

(On request of Mr. YOUNG of Alaska, and by unanimous consent, Mr. GILCHREST was allowed to proceed for 1 additional minute.)

Mr. GILCHREST. Mr. Chairman, I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, the oil that we are going to drill and the gentleman from Maryland is going to help me drill in Alaska if he has any wisdom at all; in fact, when we drill, we do not drill through rock up there, we drill through ferns, tree trunks, elephants, all the way down to the bottom to get to the oil.

Now, if we are to follow the gentleman's theory and there is not going to be any change and we are the fault of all of it, then why did this always occur in the past? We take a great deal upon ourselves saying it is our fault because of this global warming when, in reality, if we look at the past history of this earth, it was warm at one time, it was very, very cold at one time; and that was before mankind had anything to do with it.

So before we jump off the cliff, let us understand one thing: we may not be as important as the gentleman thinks we are.

Mr. GILCHREST. Mr. Chairman, reclaiming my time, if I could just respond to the chairman, I am going to go off that cliff in a very gentle way. I am not leaping off that cliff; I am looking to see what is at the bottom.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. GILCHREST) has again expired.

(By unanimous consent, Mr. GILCHREST was allowed to proceed for 1 additional minute.)

Mr. GILCHREST. Mr. Chairman, there has been change in the climate ever since we have been a planet and the cycle has run over many millions of years and a quick cycle would be 10,000 years. Human beings have a right to live on the planet and to improve the standard of living as best we can, but we also have a responsibility to understand the nature of our impact on the natural processes so that future generations, which will be our grandchildren and great grandchildren, will not deal with a situation that is more difficult than what we have.

In the last 10,000 years, as a natural consequence of nature, we have warmed about 1 degree centigrade every 1,000 years. But in correspondence to the internal combustion and burning fossil fuels, we have warmed almost that amount in 100 years. So simple observation, to me, says we ought to take a look at that acceleration of that warming rate.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Regrettably, I came in the middle of this debate and did not have the advantage of hearing the earlier comments. I did hear the remarks of our committee chairman, the gentleman from Alaska, and those very thoughtful remarks of the gentleman from Maryland.

There is incontrovertible scientific evidence that we are experiencing widespread climate change around the globe. The polar ice cap, the Arctic region, has shrunk by 40 percent, releasing enormous amounts of colder water into the great ocean circulating current, the great hyaline circulating current that starts in the Arctic with a volume equal to the discharge of all of the rivers of the world in a second. Mr. Chairman, 2 million cubic meters per second, moving cold water of the ocean from the Arctic all the way down the Atlantic coast of the United States, the south Atlantic, into the Pacific and then circulating back up to the Arctic. That great ocean circulating current from time to time disappears. The world enters an ice age, and it occurs on regular currents of about 100,000 years.

It also occurs with a tilt of the earth's axis a half a degree away further from the sun than it does now. That last occurrence made of the disappearance of the circulating current was followed by a warming period that ended with the great Ice Age, which itself ended over 10,000 years ago and was followed by the lesser Ice Age, the period of roughly 1,300 to 1,400 in the modern era. And then about 750 years ago we experienced another lesser ice age known as the Younger Dryas.

We are now in a period of extended warming. We are beyond those ice age periods and into a new cycle of climate. As the atmosphere has warmed and as the surface of the waters of the Pacific Ocean have warmed more than a centigrade degree since the beginning of this century, the ocean waters are expanding. As they warm, they expand, and so is it happening with the Atlantic waters. And as those waters expand and as the atmosphere is warmer, it holds for every degree of temperature 6 percent more moisture. And with more moisture in the atmosphere, more of a collision of warm and cold forces, we are seeing these violent storms. Fifteen years ago, we did not pay more than $1 billion a year in disaster assistance programs. Within the last 5 years, we have expended over $5 billion a year, and last year with the private insurance and the public funds, expended over $100 billion responding to natural disasters. It is incontrovertible that serious things are happening in our climate. And what has changed is not the forces of nature, but man's application to them.

The gentleman from Maryland said we have contributed the carbon into the atmosphere. There is more carbon in the atmosphere today than at any time in the last 420,000 years. That carbon causes warming. That is the conclusion of 500-plus scientists gathered in the U.N. in the year of the environment in a multi-volume report that was submitted.

Mr. Chairman, we cannot stick our heads in the sand and ignore these facts. We cannot ignore the relentless movement of forces in nature, the melting polar ice pack in the Arctic and the ice pack of Antarctica that are increasing the volume of the oceans by warming of the surface temperature of the Atlantic and the Pacific Oceans. They are causing warming in the atmosphere and more moisture in the atmosphere, more carbon in the atmosphere; and only we can change it, by slowing down the destruction of the tropical forests, increasing sustainable-yield forestry in the United States, and reducing our use of carbon. We ought to have that study, and we ought to have this debate. Five minutes is no serious time in which to do it.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to share with my colleagues a few facts about climate change that have not gotten much press. The main point is uncertainty. There is still a great deal that we do not know or do not well understand about our global climate. For every study that seems to tell us something, there is another that confounds the previous conclusions. Uncertainty is a normal and maybe important part of the scientific process, but it is a part that the media are not comfortable with and so rarely report on. To its credit, The New York Times ran a piece last week entitled, ''Both Sides Now: New Way That Clouds May Cool,'' which noted that science is uncertainty, and how that uncertainty can dramatically change climate models.

Clouds have long been a source of uncertainty in climate studies. Certain gases generated by the burning of fossil fuels, such as carbon dioxide, are widely held to play a role in warming the planet by trapping heat. However, aerosols, also produced from fossil fuels, have been found to contribute to the cooling of the planet by affecting the development of clouds that reflect sunlight, and thus it reflects heat away from the planet.

Now, before we pass legislation meant to curb global warming, we need to understand better which human activities affect those and other processes. It seems, and I would suggest, the most important point to take from the recent round of reports is that our climate is a very complex system that is not well understood. As chairman of our Subcommittee on Research of the Committee on Science, we have held several hearings on this subject; and it is almost universally agreed by those testifying before our committee that scientific evidence and knowledge is lacking.

Our best intentions can very easily produce the wrong outcome. Fredrick Seitz, former president of the National Academy of Sciences, did a piece for the Washington Times last week on this very point. Let me quote from that article entitled ''Beyond the Clouds of Fright.'' Quote: ''The science of climate change today does not call for rash action that could wreak havoc with economies worldwide and even cause worse damage to the environment over time.'' He also cautioned that ''researchers shouldn't be pressured by politics or encouraged by publicity to find a particular answer. They should be given the space, the time, the funding and the support to seek and find the truth.''

So in conclusion, I would like to urge my colleagues to resist the temptation to jump on the bandwagon of climate change before we better understand the science and better know the consequences of our actions. I understand the ranking member has a perfecting amendment that might help us, help guide us.

Mr. INSLEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, modest uncertainty is not an excuse for major inaction. When the captain of the Titanic steamed out and just kept going straight at the same speed because he was not sure if there was an iceberg there, because he was uncertain if there was an iceberg there, that was a mistake. And this body, with the language in this bill, which now continues to ignore this problem of global climate change, is a major mistake.

I am just going to ask my friends across the aisle to look at two things that happened today within a quarter mile of this building. Number one, The Washington Post, headline this morning: ''Penguins In Major Decline. Fifty percent of these stocks are disappearing in the Antarctic.''

□ 1730

Why? Because they have had a reduction of ice in the Antarctic, a death of the crill population that penguins rely on and a potential huge collapse in a couple of their populations.

It happened today. I am just going to ask people across the aisle to not adopt the attitude of the ostrich and ignore these facts.

Number two, right now, 200 yards from now, are two fuel-cell-driven cars, one manufactured by the Ford Company, that run on fuel cells and emit water instead of carbon dioxide in their emissions.

We, and I mean we, have the potential if we get together to emphasize research in these new technologies, we are going to lead the world, instead of the laughingstock of the world, of the country that refuses to be anything but an ostrich on this issue.

Mr. Chairman, I am going to ask at some point that we work together to lead the world. We did not have to wait for the rest of the world to do a clean air bill. We did not have to wait for the

rest of the world to do a clean water bill. We ought to lead the world on global climate change. That is the right approach.

Mr. Chairman, I look forward to the time we can do that on a bipartisan basis.

Mr. OLVER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. OLVER. Mr. Chairman, I will be very brief this time. In section 331, it refers to a limitation in the use of funds in this legislation to implement in a broad way, in any kind of way, the Kyoto Protocol, which has never been ratified by the Senate of this Nation, nor by any of the other major signatories to the original Protocol for that matter.

My amendment merely says that the limitation which would remain does not include activities related to the Protocol which are otherwise authorized by law, nor activities that are authorized by the United Nations Framework Convention on Climate Change, which is the treaty that was negotiated back in 1991 and 1992, and sent to the Senate for ratification by former President George Herbert Walker Bush, and was ratified by the Senate and has the full force of law.

Mr. Chairman, it merely removes the limitation from otherwise-authorized-by-law activities in this area. It is my intent to withdraw the amendment.

Before I do withdraw my amendment, I know that we could probably generate a long discussion here, which none of us really want, but I would ask the gentleman from Kentucky (Chairman ROGERS) if the gentleman would be willing to work with the groups that are obviously showing their interest in this and come up with something that might address these concerns in the conference that will come forward.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I will be happy to consider it as time passes, but I was sort of hoping, can we have some more discussion of this?

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 332. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation or weather reporting: *Provided,* That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 333. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: *Provided,* That any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages.

SEC. 334. Notwithstanding section 402 of the Department of Transportation and Related Agencies Appropriations Act, 1982 (49 U.S.C. 10903 nt), Mohall Railroad, Inc. may abandon track from milepost 5.25 near Granville, North Dakota, to milepost 35.0 at Lansford, North Dakota, and the track so abandoned shall not be counted against the 350-mile limitation contained in that section.

POINT OF ORDER

Mr. OTTER. Mr. Chairman, I make a point of order against all of section 334 beginning on page 55, line 6, and ending on line 13.

The CHAIRMAN. Does the gentleman from Kentucky (Mr. ROGERS) wish to be heard on the point of order?

Mr. ROGERS. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from Kentucky concedes the point of order.

The point of order is conceded and sustained under clause 2, rule XXI. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 335. Beginning in fiscal year 2002 and thereafter, the Secretary of Transportation may use up to 1 percent of the amounts made available to carry out 49 U.S.C. 5309 for oversight activities under 49 U.S.C. 5327.

SEC. 336. Amtrak is authorized to obtain services from the Administrator of General Services, and the Administrator is authorized to provide services to Amtrak, under sections 201(b) and 211(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2002 and each fiscal year thereafter until the fiscal year that Amtrak operates without Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.

SEC. 337. Item number 1348 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 269) is amended by striking ''Extend West Douglas Road'' and inserting ''Construct Gastineau Channel Second Crossing to Douglas Island''.

SEC. 338. None of the funds in this Act may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 339. For an airport project that the Administrator of the Federal Aviation Administration (FAA) determines will add critical airport capacity to the national air transportation system, the Administrator is authorized to accept funds from an airport sponsor, including entitlement funds provided under the ''Grants-in-Aid for Airports'' program, for the FAA to hire additional staff or obtain the services of consultants: *Provided,* That the Administrator is authorized to accept and utilize such funds only for the purpose of facilitating the timely processing, review, and completion of environmental activities associated with such project.

POINT OF ORDER

Mr. OTTER. Mr. Chairman, I make a point of order against all of section 339 beginning on page 56, line 16, and ending on page 57, line 2.

The CHAIRMAN. Does the gentleman from Kentucky (Mr. ROGERS) wish to be heard on the point of order?

Mr. ROGERS. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from Kentucky concedes the point of order.

The point of order is conceded and sustained under clause 2, rule XXI. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 340. Item 642 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 298), relating to Washington, is amended by striking ''construct passenger ferry facility to serve Southworth, Seattle'' and inserting ''passenger only ferry to serve Kitsap County-Seattle''.

SEC. 341. Item 1793 in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 298), relating to Washington, is amended by striking ''Southworth Seattle ferry'' and inserting ''passenger only ferry to serve Kitsap County-Seattle''.

SEC. 342. Item 576 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 278) is amended by striking ''Bull Shoals Lake Ferry in Taney County'' and inserting ''Construct the Missouri Center for Advanced Highway Safety (MOCAHS)''.

SEC. 343. The transit station operated by the Washington Metropolitan Area Transit Authority located at Ronald Reagan Washington National Airport, and known as the National Airport Station, shall be known and designated as the ''Ronald Reagan Washington National Airport Station''. The Washington Metropolitan Area Transit Authority shall modify the signs at the transit station, and all maps, directories, documents, and other records published by the Authority, to reflect the redesignation.

AMENDMENT NO. 5 OFFERED BY MR. TRAFICANT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment no. 5 offered by Mr. TRAFICANT:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated or otherwise made available in this Act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

Mr. TRAFICANT. Mr. Chairman, I would just like to say the worst thing about global warming would be a German transit system in the City of New York that focuses on the violations

that occur in the Buy American Act. The language is straightforward.

Mr. Chairman, I yield to the distinguished gentleman from Kentucky (Chairman ROGERS), who has produced a fine work product.

Mr. ROGERS of Kentucky. Mr. Chairman, the Traficant amendment is a good one. We accept it.

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished gentleman from Minnesota (Mr. SABO), the ranking member.

Mr. SABO. Mr. Chairman, we accept the amendment.

Mr. TRAFICANT. Mr. Chairman, I ask for a vote in the affirmative.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I want to thank the Committee on Transportation and Infrastructure for the $250,000 for the Long Island City Links project and acknowledge the importance of this project and also to express my appreciation.

Mr. Chairman, I include the following list for the RECORD of developments in this growing economy:

I am tremendously pleased that the House Transportation Appropriations bill includes $250 thousand dollars for the Long Island City Links project, to improve transit connections and pedestrian paths in an area of New York City that is experiencing tremendous economic growth.

These improvements are a vital part of our efforts to make Long Island City not only one of the best places to work in the region, but also a beautiful and livable residential neighborhood.

Long Island City Links will immeasurably improve the quality of life for residents in the area by reducing traffic and increasing air quality and providing public parks and walkways.

Long Island City, Mr. Chairman, is one of the fastest growing regions in New York City.

Here are just a few of the recent developments in this growing economy:

BUSINESS MOVES TO LIC

MetLife brings almost 1,000 jobs to northwest Queens—MetLife recently decided to relocate almost 1000 employees in about six months to the renovated, six-story Bridge Plaza North. This move is expected to attract more businesses to this area by drawing attention to the convenient 15-minute commute to midtown Manhattan. MetLife plans to add another 550 jobs in the city during the 20-year term of its lease.

The FAA has plans to develop a new Regional Headquarters in the area.

Construction is already underway for a new FDA laboratory.

International Firms such as Citicorp and British Airways already have major operations in the borough as well as Chubb who opened a backup facility in the area for Wall Street brokerage and financial firms.

Established Companies in the area, such as Eagle Electric, Continental Bakeries, and Schick Technologies, are continually growing and expanding.

Recently welcomed retail chains include Home Depot, Tops Appliance City, Costco, Caldor, Kmart, Sears, the Disney Store, Barnes & Noble, Marshall's, Conway, Ethan Allan, Staples, Circuit City, and Bed, Bath & Beyond with a CompUSA already being planned for the near future.

With this growth in business and the economy in Long Island City it is absolutely vital that we move forward with community enhancements like public parks, transportation enhancements, and quality of life improvements for all residents in the neighborhood.

AMENDMENT OFFERED BY MR. SCHIFF

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

The Clerk read as follows:

Amendment offered by Mr. SCHIFF:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds in this Act may be used for the planning, design, development, or construction of the California State Route 710 freeway extension project through El Sereno, South Pasadena, and Pasadena, California.

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

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

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

Mr. SCHIFF. Mr. Chairman, this amendment precludes funding for a highway project in my district.

Mr. Chairman, I want to thank the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Minnesota (Mr. SABO) and their staff for help on this amendment.

Mr. Chairman, I urge a yes vote on the amendment which passed in prior years on a bipartisan voice vote.

Mr. Chairman, I have an amendment at the desk.

For the last 2 years, the Transportation appropriations bill has included a provision to prohibit the expenditure of Federal funds on the California State Route 710 freeway extension project in Southern California.

My amendment would extend that ban for one additional year.

The 4.5 mile freeway extension would cost more than $1.5 billion—with 80 percent of the cost federally funded.

In lieu of the 710 freeway extension, which would deliver speculative traffic benefits at a cost far too high to the communities I represent, I encourage the support of local surface traffic mitigation measures proposed by experts in the communities of Pasadena, South Pasadena and El Sereno.

In addition to $10.3 million in state funds I secured from Caltrans for local congestion relief, Congress has set aside $46 million in federal funds for these measures that will significantly and expeditiously relieve congestion in the extension corridor in Pasadena, South Pasadena, El Sereno and Alhambra.

I am also pleased to note that the Transportation bill at my request and others, includes more than 7 million in funding for the Los Angeles to Pasadena Blue Line, a light rail project that will bring congestion relief and clean air benefits to the entire region.

I urge a ''yes'' vote on this amendment, and I thank the Chairman and Ranking Member for their support.

Mr. CHAIRMAN. Is there anyone seeking time on the amendment?

Mr. ROGERS. Mr. Chairman, we accept the amendment.

Mr. SABO. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SABO

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

The Clerk read as follows:

Amendment offered by Mr. SABO:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds in this Act may be used to process applications by Mexico-domiciled motor carriers for conditional or permanent authority to operate beyond the United States municipalities and commercial zones adjacent to the United States-Mexico border.

Mr. SABO. Mr. Chairman, we had a long discussion on the rule today, and the amendment I had offered I requested be made in order. It was not made in order, and the rule was not changed, so we have to offer the amendment in a different form.

This is a very simple amendment. I wish it could be more complicated, but because of the action of the Committee on Rules and the action in the House, I cannot offer a more complicated amendment.

This one simply prohibits funding to process the applications of Mexico-domiciled motor carriers for either conditional or permanent authority to operate throughout the United States beyond the current 20-mile commercial zone.

Let me say that I thought the amendment that we had earlier clearly was NAFTA-compliant. This probably is not, because it is a total prohibition, but I know of no other way for us to deal with this issue on the floor. I think we should deal with it.

Let me review where we are at this point. The Committee on Rules did not make our amendment in order. We heard a great deal about the money that we were going to make available for facilities and inspectors in this bill. A significant part of that money has been struck. Today I think close to $90 million for inspectors and facilities have been struck by points of order.

Mr. Chairman, I was a strong supporter of the action of our Chair in putting that money in the bill. I thought it was the appropriate thing to do. I thought that was a significant step forward, but not far enough. I thought the best solution to a very troubling situation was both to do preinspection of

the carriers, plus add to our capacity to inspect individual trucks.

The reality is at this point in the bill, most of that money has disappeared, and I have no option to offer an amendment that calls for preinspection. I think the only way we can address this issue in the House, keep it alive for conference, indicate to the administration and to the Senate that we want to make sure that we do the utmost to protect safety, is to adopt this limitation which is strong and outright. It gives us the action from a point of strength of dealing with the issue of truck safety for all the trucks that are going to be coming here from Mexico as we move on in this process.

Let me say as it relates to some of the money that was struck, the administration plans to do 18 months review. Let me simply suggest that even if that money had stayed in the bill, particularly the money for building new facilities, probably very little of that would have been spent within the next 18 months, because it will take a significant period of time to build facilities. Clearly that money would not have been spent by January 1 of this year.

Mr. Chairman, I ask for support of this amendment. It is clear. It is straight to the point. It says that we are not going to permit these carriers to operate beyond the existing 20-mile commercial zone.

Mr. Chairman, I fully understand that as this moves through the process, this will need to be revised, but it is the only option we have to deal with this important safety question for the American people.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let us understand where we are here. I did not vote for NAFTA. I opposed NAFTA, but it passed. It is now the law of the land. It is the treaty between our neighbors and us. This provision is in direct violation of a United States treaty with our neighbors.

I am referring to a letter of June 12 from the Secretary of Transportation, who in essence says that this is a clear violation of Mexico's rights under NAFTA; that it would subject the United States to possible trade sanctions estimated to be valued at over $1 billion annually that this would expose us to.

The majority of my colleagues in this body voted for NAFTA. It passed. NAFTA says we are going to open the borders up to Mexico and to Canada.

□ 1745

This President says January of next year is when we do it. This amendment would prohibit motor carriers from Mexico to enter the United States. Period. You cannot do that. You are in violation of a treaty; in violation of the law; in violation of the majority that passed the treaty through this body.

Now, is it worthwhile to do this type of thing? Look, the Motor Carrier Safety Administration, even as we speak, is taking public comments from anybody who wants to comment, including Members of Congress, about what kind of a procedure we should have to check Mexican trucks for safety as they come into the country. The experts are working on the rule even as we speak. Should we not let them finish their work before we, who are not experts on trucking or safety, tell the experts what they should or should not do?

Give them a chance. If we do not like what they have come up with this fall, we can change the rule and make it effective. But for goodness sakes, give the experts the chance to do their work. They are making the rule right now. Make comments to the rulemaking body, not to the Congress. We can deal with this at a later time.

The administration has a plan. The DOT will be going to Mexico. For those carriers in Mexico who want to run trucks into this country, those carriers will be audited for safety, for their record, for training, for all the things that go into whether or not a safe operation of the truck could be made in the United States by that Mexican carrier.

If they pass that test, they would be given a temporary permit to drive. In the meantime, we will be inspecting the dickens out of the trucks crossing the border.

If at the end of 18 months that carrier has no record problems, all has gone smoothly, then and only then would they be given, not a conditional permit, but a permanent permit. I think it is a responsible approach. There is money in the bill for that approach.

The administration is proceeding. The rulemaking is taking place. Let us not interrupt what they are doing. But please do not vote in this Congress an amendment on to this bill that would be a direct violation of a treaty of the United States of America. Please reject this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are being told that this amendment violates NAFTA. That is like the old song that we hear so many times about the person killing both of his parents and then throwing himself on the mercy of the court because he is an orphan.

What the gentleman from Minnesota (Mr. SABO) tried to do is to bring to this House an amendment that will prevent Americans from dying by seeing to it that we have an inspection process and a review process before, not after, dangerous trucks hit the highway.

I want to remind my colleagues NAFTA is a trade agreement. It is not a suicide pact. Let me repeat that: NAFTA is a trade agreement; it is not a suicide pact. We are not required to allow unsafe trucks on American highways in order to satisfy some pencil-happy bureaucrat dealing with NAFTA.

This amendment has no choice but to, for the moment, cut off all Mexican trucks on American highways because the majority party insisted that that was the only option that could be put before this body. So they blocked the effort that the gentleman from Minnesota (Mr. SABO) tried to bring to this House, and which would have been fully consistent with NAFTA. That effort would have said you cannot have those trucks running over American highways until we have the proper review process in place to make certain ahead of time that safety standards are being met.

If this amendment technically would become a violation of NAFTA, it is because the majority has forced the House into a position where it can consider no amendment except that kind of an amendment.

Everybody on this floor knows, if you want to cut through the bull gravy at the end of the day, this amendment can be fully tweaked in conference so that it is fully consistent with NAFTA and protects the American trucker.

The rationale against this amendment keeps changing. We were told earlier in the day, oh, you have to block the Sabo amendment under House rules because the Sabo amendment was not passed by the full Committee on Appropriations. Many a time, many a time the Committee on Appropriations has chosen not to follow that logic.

We are also told, oh, we do not have to do this. We do not have to protect American motorists this way because we have got all this money in the bill for these new inspectors.

Well, let me remind my colleagues that money is now gone. It was knocked out on a point of order. So the $56 million for infrastructure improvements at the border, the $14 million for added inspections at the border, the $18 million for the State supplements for States around the border, all that money is gone.

So your excuse is gone. You have no added protection for American drivers at this point. You know what the problems are. There is no effective oversight. There is no effective oversight on Mexican motor carriers today. There are no motor carrier hours-of-service regulations in effect in Mexico. There is no way to check the driving history of Mexican motor carrier drivers.

In testimony last year, the Department of Transportation Inspector General said this: ''I do not think there is any reasonable person who can say that the border is safe when you have an out-of-service rate for safety reasons in the neighborhood of 40 to 50 percent.''

Now, the majority blocked the Sabo amendment that would have allowed us to deal with this issue the way it needed to be dealt with. Now because they blocked us from offering the right amendment, they are blaming us because the language of this amendment is not pluperfect.

Well, the gentleman from Kentucky (Mr. ROGERS) is a very smart man. He can easily fix it in conference. We have heard this excuse time and time again. Can fix it in conference. Can fix it in conference. Well, this is one time we are going to say that. We have full confidence in the ability of the gentleman from Kentucky to fix this in conference.

But today, we have only one option if we want to protect American motorists.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, the only option we have is to adopt this amendment, because this is the only procedural alternative left to us by a rule that prevented us from offering the amendment that should have been offered on this subject. So do not blame us for the shortcomings which the majority itself has caused.

I would simply make one other point. We have a choice. We can either insist on having an inspection regimen and a review regimen in place before these trucks are put on the highways, or we can do what the gentleman from Kentucky (Mr. ROGERS) says and wait until they are on the highways and then see what happens.

Only one difference between the approaches. There are people who will die under the second approach who will not under the first. It is just that simple.

So you have got a very clear choice. If you want to do anything at all to protect the safety of American motorists on the highways on this issue, you will vote for the Sabo amendment; and you will give the committee the opportunity to do what it has done thousands of times before, which is to tweak the language in conference so that it can satisfy the procedural niceties of people in this House who eight times out of 10 run a railroad truck over legitimate procedure.

You hide behind procedure when it suits your purpose, and you trample fair procedure the rest of the time. We are not fooled by that. American drivers are not going to be fooled by that. The only people you might be fooling are yourselves.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I have listened with interest to this debate. I do rise in strong opposition to this amendment.

I think that sometimes the rules of the House work to help to show the real true intent of what is involved here. I have said all along in the debate in committee and before on this, in the years that it has been before, that this is really an issue about trying to block Mexican trucks from the United States highways, that there are interest groups here in the United States that do not want under any circumstances to have Mexican trucks driving on our highways.

Well, today we see that with this amendment. Granted, as the gentleman from Wisconsin (Mr. OBEY) said, it is the only amendment that can be offered or something like this amendment can be offered under the rules. With this amendment, it is very clear. Block all trucks from coming into the United States. The heck with an inspection procedure. The heck with anything else. Block all trucks.

I might add, somehow within only in his State, 20 miles in my State is okay under this amendment, but in other areas, it is not okay. So somehow it is okay for us not to have safe trucks since he is worried about safe trucks.

So I think it is very clear what we are talking about here. We are talking about blocking trucks from coming in the United States. Let us face it, there are interest groups in the United States that do not want those trucks here. They are joined by interest groups in Mexico. The Mexican Trucking Association does not want American trucks coming down into Mexico. So they join you in this. They want to make sure there are not trucks in the United States to have an opportunity to compete there.

If we get this, we get reciprocity; and we have an opportunity to have Mexican trucks to go down there. There are Mexican truck associations that do not want us. So there are joint interest groups on both sides that do not want this.

But let us review the facts here. We adopted NAFTA. It was adopted in this body at a time in fact when the other party controlled this House. It is the law of the land that took effect on January 1, 1994. It stipulated that, by January 1, 2000, that is 18 months ago, we would allow trucks to cross at all points of the border into the United States. Here we are at June 25, and it still has not occurred.

Mexico filed a complaint against us under the terms of NAFTA for not meeting the deadline; and in February of this year, the panel concluded that the U.S. was indeed in breach of its NAFTA obligations.

The sanctions that are being talked about could be as much as $1 billion a year. That is $1 billion on American industry. That is $1 billion for American consumers that they are going to pay more.

□ 1800

I say let us stop treating our Mexican neighbors as though they are some kind of people that we should not want to do business with.

This amendment has nothing to do, by the way, with trucks coming from Canada, our other NAFTA partner. Oh no, just the trucks from Mexico somehow are suspect. So I think we should be building bridges, not barriers to our neighbors from the south.

Let us be clear about this. This issue is not about the safety of the truck, it is about paperwork. The issue as was presented earlier by the gentleman from Minnesota was about paperwork. Of course we want to be sure that all trucks traveling on our highways are safe, but the States along the border, for several years now, have said they are prepared to do that. How come the States that have the responsibility for enforcing this, along with the Department of Transportation, are prepared to do this? We have the regimen in place to check the paperwork as they come across the border, to look at the logs, to look at all these things, to make sure the bonds are there, the licenses are there, the insurance is there, and to do the actual physical inspection of the truck. Because that is after all what we are about, is it not? We want to make sure these trucks are actually safe. So the most important aspect of truck safety is the observation of the driver and the actual inspection of the truck at the border and along the highway.

The gentleman from Wisconsin said people will die. Yes, people have died in my district. Not very long ago there was a truck driver who was using amphetamines, had not slept for 18 hours, crashed into a car parked along the side of the road and destroyed all the occupants of an entire family because he was violating rules and the law in the United States. We need to inspect for that. We need to have adequate inspection to make sure it is safe in this country.

The trucks coming across the border are all going to be subject to inspection, and the percentage of them that are actually going to be physically inspected is going to be much much higher than currently are inspected traveling on our highways, American trucks traveling on our highways. So the paperwork is not the issue. If all my colleague wants to do is check the paperwork, the paperwork can be checked when the truck is down in Guadalajara, but that does not tell us whether the truck is safe.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. KOLBE) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. KOLBE was allowed to proceed for 5 additional minutes.)

Mr. KOLBE. Mr. Chairman, let me just say this, and then I really will yield to the gentleman. This really is not about paperwork, in my opinion. It is really about whether or not trucks are going to be allowed to travel on our highways from Mexico.

I say we should treat people equally. In a study, by the way, in California, of trucks coming across the border into that border zone, shows they meet the standards on an equal basis with U.S. trucks. So there is no real difference that is there. So I say we need to treat our neighbors to the south as partners.

Those of us who live along the border understand what this partnership is all about and how important it is economically and politically to the United

States, and I believe that we can make this work. It is clear the Department of Transportation is prepared to do it, the States are prepared to do it, and I would urge that we defeat this amendment.

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

Mr. KOLBE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding, and let me say he is my good friend, but I would like to read something to him and then ask him a question.

The gentleman indicated that he thought that in this case the rules had been used to bring out the true intent of the amendment before this body, implying that the true intent was to have a flat shutoff of Mexican trucks. I flatly dispute that, and I want to read something then ask the gentleman a question.

This is the text of the original Sabo amendment which the majority blocked from consideration in the House today. It reads as follows: ''No funding limited in this Act for the review or processing of applications by Mexican motor carriers for conditional authority to operate beyond U.S. municipalities and commercial zones on the U.S.-Mexico border may be obligated unless the Federal Motor Carrier Safety Administration has adopted and implemented as part of its review procedures under 49 U.S.C. 13902 a requirement that each Mexican motor carrier seeking authority to operate beyond U.S. municipalities and commercial zones on the U.S.-Mexico border undergo a new entrant safety compliance review consistent with the safety fitness evaluation procedures set forth in 49 CFR Part 385 and receive a minimum rating of satisfactory thereunder before being granted such conditional operating authority.''

Now, that language is pretty clear. It does not try to shut off Mexican trucks. It says they cannot operate here until they have met these standards. Does not the language of the original amendment in fact indicate what the intention of the original amendment was?

Mr. KOLBE. Mr. Chairman, reclaiming my time, I appreciate the gentleman asking the question, and I understand what the amendment did do and that this amendment now, as it is offered, is somewhat different. But I believe that the amendment that was crafted before and as offered has the effect of actually stopping any trucks from coming into the United States. That is the intent of it, I believe, to make sure they do not get into the United States.

So now that amendment not having been made in order under the rules, I would say to my good friend from Wisconsin, I think we are seeing the true intent here. It is interest groups. Look at the people that are supporting this amendment. Look at the people asking for this. It is groups that do not want trucks coming into the United States, period.

Mr. OBEY. Mr. Chairman, if the gentleman will again yield. Let me simply say that the gentleman is forgetting one thing. What the Sabo amendment attempted to do is to say that there would be no Mexican trucks on these roads until the safety requirements were met as outlined in the amendment.

I think it is blatantly ridiculous for anyone to assert that the intention of a proposal is something other than that which is quite clearly stated in the proposal. It was the majority that blocked us from being able to vote on this proposal.

Mr. KOLBE. Again reclaiming my time, Mr. Chairman, more than 2 years ago, down at the border, I went over the whole procedures with the Arizona Department of Transportation and the U.S. Department of Transportation. Everybody was prepared at that time to begin implementing this. So there is no question. We are prepared to inspect. We are prepared to look at these trucks. We are prepared to make sure they are safe. We are prepared to make sure they have their license, their insurance, the bonding that is required, and to do the physical inspection of the truck.

As I pointed out, a far greater percentage of them will be inspected than any of the trucks traveling on our highways. The gentleman must acknowledge that there are accidents occurring on our highways because of trucks not properly inspected or, more likely, because the drivers are not following the rules. In fact, there is a very interesting study I just saw the other day that states that 73 percent, I believe was the figure, of all accidents in trucks occur when there is a passenger in the vehicle as opposed to about 23 percent when there is not a passenger. So passengers' distractions have more to do with it apparently than anything else.

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

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

Mr. SABO. Mr. Chairman, the gentleman talks about who supports this amendment, or my earlier amendment.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. KOLBE) has expired.

(On request of Mr. SABO, and by unanimous consent, Mr. KOLBE was allowed to proceed for 1 additional minute.)

Mr. KOLBE. Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. SABO. As I was saying, I have here a letter from the Commercial Vehicle Safety Alliance, which is an association of State, provincial, and Federal officials responsible for the administration and enforcement of motor carrier safety laws. They were writing to me to express their strong support for the amendment that I had before the Committee on Rules. They are hardly a self-interest group. Their interest is in enforcing the laws that we pass.

Mr. KOLBE. Mr. Chairman, I appreciate what the gentleman is saying, but I would say to the gentleman in response that it is very clear to me that we have the ability to do this, we have the wherewithal to do it, we have the desire on the part of both Federal and State authorities to do this checking, and they are capable of doing this.

Why is this amendment not including Canada? Why are we only including Mexico under this? Canada is a NAFTA partner. Why do we discriminate against the one? That is what makes this violative of NAFTA.

Mr. OBEY. Mr. Chairman, will the gentleman yield so we can answer that?

Mr. KOLBE. I yield to the gentleman from Wisconsin if I have time here.

Mr. OBEY. Mr. Chairman, it is very simple.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. KOLBE) has again expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. KOLBE was allowed to proceed for 1 additional minute.)

Mr. KOLBE. I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. The record for Canadian carriers shows that their highway safety record is virtually every bit as good as ours. The record with respect to the Mexican drivers in question demonstrates quite the opposite.

Mr. KOLBE. And I would say to the gentleman that fair is fair. If we are going to treat people fairly, we need to treat both sides in exactly the same way. With the kind of inspection regimen we are talking about installing here, we should have the same kinds of inspections for trucks coming from Mexico as we are talking about trucks that travel from Canada. Fair is fair. Treat all sides fairly here. That is all that I am saying that we should do.

Why are we singling out our neighbors to the south? Why are we singling out Mexico to say we do not trust you, we do not think your trucks are safe, we do not think you can comply with NAFTA? I think that is wrong and it sends the wrong signal to our partner, the wrong signal to NAFTA and the rest of the world, that we are going to single out this Latin American country, this neighbor to the south of us, to say that we do not believe your trucks can travel here in the United States. I think it is just plain wrong.

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. BONILLA. Mr. Chairman, I stand in strong opposition to this amendment.

Here we go again, attacking Mexico, singling out Mexico for some reason that I cannot understand. What a farce,

for anyone to argue that these trucks coming in from Mexico would not be forced to comply with the same standards as American trucks on our highways. This is simply a ploy, a naked ploy now, because it is not masked as an earlier amendment was trying to be masked as some kind of effort that is actually behind a safety issue. This is just a clear effort to try to stop these trucks from coming in all together.

Let me also say to many of my colleagues who are supporting this amendment, this is an attack on many border communities who have seen an incredible economic boom as a result of free trade over the last 20 years. To support this amendment stops the progress, stops the jobs from being created in many of the communities close to the border. I do represent almost 800 miles of the Texas-Mexico border and have seen incredible opportunities come to these neighborhoods because of free trade. These people want more opportunity that would come with allowing these trucks to drive through these communities. And we know that they would not be held to any less a standard than an American truck driving through the community.

So let us look at this for what it is, it is a discriminatory attack against Mexico. It has already been pointed out that no one else is being forced to comply with this standard. No one else would fall under this amendment. Our friends from Canada would not fall under this amendment. This is simply another effort to discriminate against our friends in Mexico who have been good trading partners and have helped create thousands of new jobs in this country. I urge defeat of this amendment for those reasons.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to attempt to bring some rationality to this debate and historical perspective. The issue is not, as previous speakers have tried to make it, no Mexican trucks in the U.S. or sinister special interest forces trying to keep Mexican trucks from entering the United States. That is not the issue. The issue is safe trucks, safe U.S. trucks, safe trucks from Canada, and safe trucks from Mexico.

In 1982, the then Committee on Public Works and Transportation brought to the House legislation to prohibit trucks from Canada and Mexico entering the United States unless the President of the United States would issue a finding lifting that legislatively imposed moratorium on truck entry into the United States. That was 1982. In 1984, President Reagan lifted the moratorium with respect to trucks from Canada but did not lift it with respect to trucks from Mexico. In 1986, 1988 the President again lifted the moratorium on Canadian trucks but not on Mexican trucks because of a finding by the Federal Motor Carrier Safety Office that those trucks did not meet U.S. safety standards.

President Bush, the first, in 1990 and again in 1992 lifted the moratorium on Canadian trucks but not on Mexican trucks simply because Canadian trucks met U.S. safety standards and Mexican trucks did not. In fact, as the gentleman from Wisconsin cited a moment ago, the out-of-service rate for Canadian trucks is lower than that of trucks in the United States. Seventeen percent of Canadian trucks are found by their and our inspection service to be out of compliance with safety standards, while 24 percent of U.S. trucks are found to be out of compliance and 36 percent of Mexican trucks. Mexican trucks, therefore, have a 50 percent higher out of service rating than do trucks in the United States, and more than twice as much as Canadians.

Well, my colleagues cannot make a rational argument that this is an anti-Mexico provision that we are offering on the floor. It is simply a safety issue, not a cross-border issue. And what we are asking for is not, as one speaker indicated, a lot of paperwork. No, no. I know safety from the aviation standpoint, from the rail standpoint, and I have looked at it for many, many years from the surface transportation standpoint, trucking issues as well. We do not just look for this or that truck that is out of compliance, we are looking for a system of safety, for a system, a structure of compliance.

□ 1815

That is why we want to have an overall review of the Mexican safety system. Canada clearly complies; Mexico does not.

The dispute resolution mechanism, the arbitration panel that reviewed this issue found ''it may not be unreasonable for a NAFTA party to conclude that to ensure compliance with its own local standards by service providers from another NAFTA country, it may be necessary to implement different procedures with respect to such service providers. Thus, to the extent that the inspection and licensing requirements for Mexican trucks and drivers wishing to operate in the United States may not be like those in place in the United States, different methods of ensuring compliance with U.S. regulatory regime may be justified. In order to justify its own legitimate safety concerns, if the United States decides to impose requirements on Mexican carriers that differ from those imposed on United States or Canadian carriers, then any such decision must be made in good faith with respect to a legitimate safety concern and implement different requirements that fully conform with all relevant NAFTA provisions.''

The Sabo amendment, which would have been offered, had it not been struck, would have met those tests.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. Mr. Chairman, deprived of an opportunity to offer that amendment, we are reduced to this rather stringent approach. As the gentleman from Wisconsin said earlier, it is an issue that can be tapered in conference and resolved perhaps even to meet the original Sabo-Ney language.

As for the dire warnings that ipso facto this language will put us in violation of NAFTA, there is a dispute resolution mechanism, an arbitration panel that can resolve such disputes and has shown its ability to do so. We ought to be in the mode of protecting life and addressing the life issues that are at stake.

Every year trucks kill 5,000 people in the United States. Our trucks. Trucks that are 50 percent less safe coming in from another country should not be allowed in the United States until a regime is in place to screen them out and to ensure that all those that do enter under the NAFTA will be in compliance with our safety rules. The Sabo amendment provides that opportunity.

Mr. BORSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Sabo amendment. I, like my colleagues, regret that the Sabo-Ney amendment was not made in order. However, I do not regret being in strong support of this amendment, because I believe it is very important for this House to have a clear vote on this issue.

This issue in my view is not about NAFTA; it is about truck safety and whether we can properly inspect the trucks that are entering the United States. Not too long ago, the Subcommittee on Highways and Transit had a site visit to San Diego and Laredo. At San Diego, we found a very good permanent inspection station. That inspection station looks at all of the trucks and issues a permit that is good for 90 days. If any truck tries to enter the United States and does not have a certificate, it is pulled aside and inspected. We have found that their out-of-service rate is similar to the trucks in the whole of the United States of America, about 24 percent. Too high in my view, but similar to the rest of the country.

When we went to Laredo, Texas, we found a system that virtually does not exist. There is no permanent inspection station in Texas. I do not believe there is one outside of California. The results are pretty obvious. The gentleman from the Texas Department of Public Safety, Major Clayton, had suggested to us that a truck that is not inspected will be neglected. We were there on a Sunday, and we asked what the experience was that day. We were informed that they looked at seven or eight trucks, and took five of those trucks out of service.

I asked, What was the problem with those trucks? Were they minor little details like a light that does not work or turn signals or something of that sort?

He said, No, Congressman, these are brakes that are failing, leaking fuel lines, cracks in the undercarriage, bald tires.

Mr. Chairman, these are the vehicles that are going to be allowed come January 1 to enter the interior of the United States. This is not against NAFTA. If we want to continue allowing trucks to come into the border States, where they are traveling at presumably a very low mile-per-hour rate, if these trucks are allowed into the interior of the United States to travel anywhere in the United States of America with brakes that are failing, leaking fuel lines, cracks in undercarriage, bald tires, there are going to be major accidents in our country.

Mr. Chairman, what happens to NAFTA then? What will be the outcry in our country if a truck that was not inspected and had these kinds of violations causes a serious accident? I think that will cause a whole lot more harm to NAFTA than our insisting that Mexican trucks be inspected and inspected properly. California has done a pretty good job. They have set a model for us. They have put up the funds and have permanent inspection stations. There are no other permanent inspection stations along the border, and trucks that are unsafe will be entering our country. I strongly support the Sabo amendment.

Mr. SABO. Mr. Chairman, I move to strike the requisite number of words and see if we might inquire how many people want to speak on both sides.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. SABO. Mr. Chairman, we have two additional requests for time on our side. And how many on the gentleman's side?

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, we have one additional speaker.

Mr. SABO. Mr. Chairman, I ask unanimous consent that there be 30 minutes of debate, 15 minutes allocated to each side, controlled by the gentleman from Kentucky (Mr. ROGERS) and myself.

The CHAIRMAN. On this amendment and all amendments thereto?

Mr. SABO. Mr. Chairman, that is correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, on behalf of my constituents, I thank the gentleman from Minnesota for his amendment.

Mr. Chairman, I represent the southern half of San Diego, California, a district which borders Mexico and which has all of the border crossings for California, at least the great majority. Thirty-five to 40 percent of all truck traffic between Mexico and the United States crosses my district, so I believe we have some sort of experience and expertise with regard to this matter.

The distinguished chairman of the subcommittee suggested that we ought to wait for experts to decide this question. Mr. Chairman, my constituents are experts. My constituents will tell the gentleman what it is like to be in an accident with a Mexican truck whose brakes have failed; in an accident where the driver did not have adequate insurance; in an accident where the truck driver was a teenager or who had just driven for 20 hours straight. My constituents are the experts on what happens when we do not have adequate inspection for the trucks to enter into the United States.

And it is clear we do not have an adequate inspection system. The gentleman from Arizona (Mr. KOLBE) talked about all of the States are ready to do this. I do not see any evidence that they are. If they are, why do they not do this? Twelve thousand trucks are crossing every day. We heard from the gentleman from Pennsylvania (Mr. BORSKI) talking about the state-of-the-art facility in San Diego where the California Highway Patrol inspects trucks. They are doing this, by the way, with their own funds, no Federal support. There is no Federal support for State inspections, and all States can do what they want. That does not strike me as a way to assure U.S. citizens of truck safety.

But the California Highway Patrol has taken on that responsibility, has paid for it, and does good inspections on the trucks they inspect. We think they inspect roughly 2 percent of the trucks that cross the border, and that inspection only deals with the safety of the chassis itself. Very little inspection is done or can be done about insurance. Papers are exchanged, but there is no standard system. There is no way to check those papers.

The driver's license may be asked for and the logs may be asked for, but there is no uniformity of those papers. There is no check or way to check on the accuracy of that data. The driver's license may or may not be a legitimate driver's license. Logs are not required to be kept by Mexican drivers, so we do not know how long the driver has driven. We do not know the safety record of that driver. There is no way to hook up the computer systems between our two nations. And even if there was, the Mexican systems do not yet meet the standards that we would expect in a DMV of any State in our union.

So even though the California Highway Patrol is state of the art, it is only inspecting a few percent of trucks, and it can only inspect for a few percent of what we would normally require to be inspected. And we are light years ahead of the other States that border Mexico. There is no such permanent facility in Arizona or Texas or New Mexico, and there are no Federal funds to set up these, and there are no standards by which they ought to operate, and there is no agreement on the kind of inspections that ought to be done in those States.

The gentleman from Pennsylvania (Mr. BORSKI) mentioned that the Subcommittee on Highways and Transit of the Committee on Transportation and the Infrastructure with our chairman was at various border crossings along the southern border. We were in Laredo, Texas, where there, and in the environs, most of the trucks apparently cross the border. They have not decided what kind of inspections ought to take place. The local border community and its mayor are very adamant about one way of doing it. The Texas Department of Transportation is equally adamant about another way of doing it.

Not only do they not have the money to do it either way, but it is going to be years before they decide how to do it. So we are years away from having an adequate inspection system. We need the Sabo amendment in order to protect our communities.

Mr. Chairman, I stand behind the Sabo amendment and truck safety.

□ 1830

Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, I rise in support of the amendment offered by my colleagues earlier that we were not allowed to have an opportunity to dialogue on.

I represent 13 counties in south Texas, two of which are along the Texas-Mexican border and part of the commercial zone already accessible to Mexican trucks. A number of the other counties contain I–35, a principal trade corridor for truck traffic from Mexico.

I recognize the importance and value of expanding trade with Mexico. We need to build upon the trade relationships with Mexico and Canada. I also recognize that the dramatic growth in truck traffic comes with a price. I know from my constituents that that price is often paid on the ground in those counties as we move forward.

The issue is not whether we should have more trade, rather, the challenge is how to protect the public while increasing trade. One should not be pitted against the other. We should just use our common sense. Road maintenance, border infrastructure improvements and border inspection in general have been the responsibility of the counties along the border, some of which are the poorest counties in the Nation. Increased truck traffic without increased inspections is a recipe for disaster.

Creating a special 18-month exemption for Mexican trucks in south Texas and San Antonio is not the appropriate way to go and is not the way that we should be doing business. It is a price we should not be asked to pay, it is a risk that we need not take, if we adopt

a sensible inspection policy and then pay for it. We need to make sure that those trucks are inspected just like any other truck.

Nearly 70 percent of Mexican truck freight traffic enters the United States through Texas, which experienced 2.8 million truck crossings last year. The volume of truck is expected to increase by 85 percent. As of now, we do not have the ability to inspect and regulate these trucks. A total of 1 percent of the trucks that are crossing into Texas are now being inspected. Of those inspected, the out-of-service rate is 40 percent, nearly twice the national average for U.S. trucks. We will make the problem worse if we do not insist on inspections for Mexican trucks.

We must insist that Mexican trucks and companies meet the same safety and inspection requirements as U.S. trucks. We are not asking for anything special. We want to make sure that they also be able to go through the same guidelines. We are not anti-competitive, and we are not anti-Mexican. What we want to make sure is that those trucks get treated in the same way. They should be inspected in the same manner.

All we are asking is that Mexican carriers be subject to on-site inspections prior to being granted operating authority and permitted to travel throughout the United States. Why should we have to wait 18 months for that? When it comes to public safety, should we not be more sure? Mexico, which has no standard apparatus in place, cannot now certify the safety of its trucks, especially its long-haul fleet, or enforce a border safety inspection program of its own.

We have made modest progress in harmonizing motor carrier safety processes between our two countries. Nevertheless, the Department of Transportation's inspector general recently confirmed that serious discrepancies persist. Mexican trucks tend to be older, heavier and more likely to transport unmarked toxic or hazardous material. Mexico has not yet developed hours of service requirements for commercial drivers. Mexico does not have a laboratory certified to U.S. standards to perform drug testing. Mexico does not have a roadside inspection program.

On our side, in Texas alone, I sent a letter to then Governor Bush when he was there almost 4 years ago. At that time we had 17 workers part time doing the inspections. Now we have 37 part-time people, yet we have 70 percent of the traffic. Texas was supposed to hire 171 new commercial vehicle inspectors. They did not. They did not get the resources. The bottom line is in the existing situation, the State of Texas has not put the resources where they should be. According to the State legislative officials that we just talked to a couple of days ago, they received no additional money for this purpose because of budgetary shortfalls that the past Governor put the whole State into.

I ask Members to really look at this seriously and to make sure that we treat Mexican trucks in the same way that we treat our U.S. trucks.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I hesitated to come running back, but when I started hearing many of the things that were offered up by the other side, I decided perhaps I should come back and plead for more trucks, more trucks to come here maybe and haul off an awful lot of stuff that has gathered in the well during this debate, because as I see it, Mr. Chairman, in Idaho we have got a saying, and the saying is basically this: If it walks like a duck, if it quacks like a duck, it is probably a duck.

This is the second duck that they have had here today. This is no different than their first effort to stop the free flow of traffic across our southern border. This is no different than the effort that was made much, much earlier.

But there are a few things that I would like to clear up. Earlier one of our side was questioned as to whether or not, did the majority not just block an effort, an amendment to change this, to make this right? The majority did not block that amendment. Strict adherence to the House rules that we have all agreed upon about amending appropriation bills is what killed that bill. We made you obey those rules, and in that process the amendment rightfully died.

Why, Mr. Chairman, is this here today? Why have we not since 1994 offered time after time after time similar amendments that could have begun the certification process, that could have perfected the safety on the highways and could have gotten this a long way toward accomplishment of what we are asking to do today? I suspect the reason for that is because from 1994 until last year, until this last January, we did not enjoy a trade representative and a USTR that was prepared to have equal trade on both sides of the border and equal treatment on both sides of the border as we do today and as we can expect today.

Perhaps I should have offered an amendment, too, to go along with this thinly veiled safety effort; that is, that only trucks that are made in Idaho can be run on the highways, so that I could have closed my market, so that I could have enjoyed a monopoly myself.

Mr. Chairman, in 1997, the State of Idaho petitioned the USTR to stop an unfair trade practice on our northern border, our border with Canada. We got no justification. We got no satisfaction. The result was finally our Governor said, all right, if we cannot get the United States Government to do something, perhaps we States ought to unite and do something. And so the northern tier of States did unite. We all put our police to work, our highway patrol to work and our port of entries to work.

The result was, and we heard from the ranking member the statistics about how many unsafe trucks there were. I can tell my colleagues that at that time we found 57 percent of the trucks that we put through our safety efforts on our border with Canada, almost 57 percent did not meet the standards in the State of Idaho, and so, therefore, we could halt them at the border and reject them because they did not meet our safety standards. I suspect, Mr. Chairman, that you can do just about anything that you want to with statistics.

But let me just say, this is not unusual for the United States to do this. We have airlines that cross borders. We have railroads that cross borders. We have no problem with the safety regulations and the equal treatment of both sides. The same thing with our water traffic. And so with all the foreign registry that we have, whether it is on airlines or boats or railroads, we still find that we can have that traffic, and I think that we could use that example, the same thing, on our highways.

Mr. Chairman, I think it is time that we recognize that we need to be good neighbors, we need to be fair neighbors and not be picking on those people which we assume are not prepared to meet the standards that we have in the United States. I think it is time to be fair to all sides. I certainly have sat in awe many times and listened to speeches from the other side about treating people equally and being fair. This is your chance to walk the walk instead of just talking the talk.

Mr. SABO. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon (Mr. DEFAZIO).

The CHAIRMAN. The gentleman from Oregon is recognized for 5 minutes.

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

The previous speaker in the well talked about this being a thinly veiled safety amendment. It is not thinly veiled. This is all about safety. Plain and simple that is what we are talking about, the safety of the driving American public on U.S. highways paid for with taxpayer dollars, and they can expect a little bit of protection from their Federal Government. I think. I hope.

We do inspect U.S. trucks. We do pull them off the roads when they are unsafe. We do require drug and alcohol testing. I went through that debate here on the floor of the House, and I supported that. We do require log books. We do require restrictions on duty time. And we enforce those laws. For the most part those laws do not exist in Mexico, and where they do exist, they are not enforced.

Now, no one has contested that fact. They are saying, oh, that we just do not want to be good neighbors. We want to be good neighbors, but we do not want to be good neighbors with people who are endangering the lives of the traveling public.

My district has I–5 running right through the heart of it, and that is where those trucks are going. Now, the gentleman from Texas got up earlier and said, ''My people have done really well. I have such a long border with Mexico, and we have got so many jobs out of this, and you want to hurt that.'' No, actually he is arguing to hurt them, because if this amendment does not pass, those trucks are going to steam right through his district. Right now all those trucks have to stop in his district, and they have to reload onto safe American trucks. But when this goes into effect, those trucks are going right through his district and right up to mine. They are not going to stop. In fact, he is going to lose many jobs in his district.

I am a bit perplexed by the arguments on the other side of the aisle. For the most part they have been arguing our side, but in a knee-jerk way at the end they are going to come to a conclusion that we have just got to go ahead, that this is about NAFTA and about free trade.

We are having huge trade with Mexico, a huge and growing trade deficit with Mexico under NAFTA, although they promised us surpluses. That is not to be debated here today. That would not be impeded one wit by this amendment. But what would happen is these trucks that we know are heavier, with drivers who generally are not meeting U.S. standards for safety, for training, for drug testing, for log books, for records of offenses being kept in a central data file, perhaps for insurance, for labeling for hazardous materials, 25 percent of the trucks coming across the border carry hazardous materials; 1 in 14, 7 percent, are labeled. What is going to happen when one of those goes over somewhere on I–5 in California or in a heavily populated part of Oregon or Washington? We will not know what is in it. We will not know how to deal with it. We are going to not only put the traveling public at risk, we are going to put communities at risk. We are going to put the firefighters and the first responders at risk.

No, let us have the Mexicans adopt stringent laws for safety, then enforce those laws, and after they do that, then we will be great neighbors, and we will be happy to welcome their fully inspected, safely driven trucks into the United States of America. But until they meet those standards, no, no, no, no, no.

This will kill Americans. People will die for profit, and that is not right.

□ 1845

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. SABO).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SABO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 285, noes 143, not voting 5, as follows:

[Roll No. 193]

AYES—285

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doolittle
Doyle
Duncan
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank
Frost
Gallegly
Ganske
Gephardt
Gilman
Goode
Goodlatte
Gordon
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hunter
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pickering
Pombo
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Sessions
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOES—143

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Bartlett
Barton
Bass
Bereuter
Biggert
Blunt
Boehner
Bonilla
Brady (TX)
Brown (SC)
Bryant
Burr
Callahan
Cannon
Cantor
Coble
Cooksey
Cox
Crane
Cubin
Culberson
Davis, Tom
DeLay
DeMint
Diaz-Balart
Dooley
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Everett
Flake
Fletcher
Forbes
Frelinghuysen
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goss
Graham
Granger
Graves
Greenwood
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hinojosa
Hobson
Hostettler
Houghton
Hulshof
Hutchinson
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
Kerns
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
McCrery
McInnis
McKeon
Miller (FL)
Miller, Gary
Myrick
Nethercutt
Northup
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pence
Peterson (PA)
Petri
Pitts
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ryun (KS)
Schrock
Serrano
Shadegg
Shaw
Simmons
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stenholm
Stump
Sununu
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Whitfield
Wicker
Wilson
Young (FL)

NOT VOTING—5

Burton
LaTourette
Platts
Putnam
Sweeney

□ 1909

Mrs. WILSON, Mrs. CUBIN, Ms. VELÁZQUEZ, Mr. GREENWOOD and Mr. BACHUS changed their vote from ''aye'' to ''no.''

Messrs. BAIRD, COMBEST, BUYER, JEFFERSON, FOSSELLA, PICKERING, HYDE, DUNCAN and MICA changed their vote from ''no'' to ''aye.''

Mr. HINOJOSA changed his vote from ''present'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would be remiss if I did not rise to thank the chairman of the committee, the gentleman from Florida (Mr. YOUNG); the ranking member, the gentleman from Wisconsin (Mr. OBEY); the subcommittee chairman, the gentleman from Kentucky (Mr. ROGERS); and the ranking member, the gentleman from Minnesota (Mr. SABO); for acceding to the request

made by the gentleman from Connecticut (Mr. SHAYS) and myself to include funds in this bill for the environmental impact statement for the New York-New Jersey Cross Harbor Rail Freight Tunnel.

This project was first authorized in TEA–21 and received funds for a Major Investment Study, which was completed last year.

New York City, Long Island, and Westchester and Putnam Counties and the State of Connecticut are virtually cut off from the rest of the country's rail freight system for lack of any way for rail freight to cross the Hudson River, except at a bridge 140 miles north of New York City.

After examining numerous alternatives, the MIS recommended construction of a rail tunnel under New York Harbor. The benefit to the region will be about $420 million a year and the benefit to cost ratio is 2.3 to 1. The environmental impact will be profound as it would remove 1 million tractor trailers from off the region's roads a year. So I am gratified this was included in the bill. I am disappointed the Second Avenue Subway was not included in the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 2002''.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 178, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

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

The amendments were agreed to.

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

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

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 426, nays 1, not voting 6, as follows:

[Roll No. 194]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
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 (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—6

Burton
LaTourette
Platts
Putnam
Sweeney
Woolsey

□ 1930

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING REPRESENTATIVE PUTNAM AND MELISSA PUTNAM ON BIRTH OF DAUGHTER ABIGAIL ANNA PUTNAM

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

Mr. CRENSHAW. Mr. Speaker, I have some exciting news to share with my colleagues, and I think in a spirit of bipartisanship, we can all agree that this is, in fact, good news, because today the youngest Member of the House of Representatives, the gentleman from Florida (Mr. PUTNAM) and his wife Melissa became the proud parents of a baby girl.

Mr. Speaker, today Abigail Anna Putnam was born. She weighed 8 pounds and 4 ounces. She is 21½ inches long, and they are still looking for the first sighting of that fire-engine red hair that the gentleman carries around with him here.

Just as a word of history, I want my colleagues to know, first of all, that the mother and the daughter are doing