

people are feeling the pinch, special needs from the disabled, the elderly, to veterans, who have particularly been well served by the veterans assisted in supportive housing that we have provided.

But also, as I have warned many times before, the FHA program is a high-risk program that could subject us to billions of dollars being thrown on the taxpayers' credit card. And this bill provides resources for HUD to get up the IT systems it needs, to get the people in place. It provides for more oversight. It provides increases for the inspector general to doublecheck to make sure the predatory lending which inflicted the entire economy does not transport itself into FHA-supported housing.

So we do have some more amendments. And we look forward to working on those this afternoon. We thank all our colleagues for letting us come this far. We hope to get it passed and get these badly needed appropriations enacted into law.

#### AMENDMENT NO. 2403, AS MODIFIED

I ask unanimous consent that the McCain amendment No. 2403 be modified with the changes at the desk.

The PRESIDING OFFICER. As in legislative session, without objection, it is so ordered.

The amendment (No. 2403) as modified is as follows:

#### AMENDMENT NO. 2403, AS MODIFIED

On page 318, between lines 11 and 12, insert the following:

SEC. 2 \_\_\_\_\_. None of the funds made available by this Act may be used to carry out the Brownfields Economic Development Initiative program (including with respect to any individual property described on page 138, 139, or 141 of Senate Report No. 111-69) administered by the Department of Housing and Urban Development.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The assistant bill clerk read as follows:

A bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Landrieu amendment No. 2365, to amend the Disaster Relief and Recovery Supplemental Appropriations Act, 2008.

McCain modified amendment No. 2403, to prohibit the use of funds to carry out the Brownfields Economic Development Initiative program administered by the Department of Housing and Urban Development.

DeMint amendment No. 2410, to limit the use of funds for the John Murtha Johnstown-Cambria County Airport.

Vitter modified amendment No. 2359, to prohibit the use of funds for households that include convicted drug dealing or domestic violence offenders or members of violent gangs that occupy rebuilt public housing in New Orleans.

Kyl motion to commit the bill to the Committee on Appropriations, with instructions to report the same back to the Senate forthwith with Kyl amendment No. 2421 (to the instructions on Kyl motion to commit the bill), relating to the American Recovery and Reinvestment Act.

#### AMENDMENT NO. 2365

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes evenly divided for a vote with respect to the Landrieu amendment.

Who yields time?

Mrs. MURRAY. Madam President, it is my understanding that this amendment is accepted on both sides. I urge a voice vote.

Mr. BOND. Madam President, nobody has advised us of objections on our side.

Mrs. HUTCHISON. Madam President, I support the Landrieu amendment.

The year 2008 witnessed numerous devastating disasters: severe wildfires in California, floods in the Midwest, and the one-two punch of Hurricanes Gustav and Ike along the Gulf Coast.

Congress responded last fall by passing a natural disaster supplemental, which in addition to providing necessary FEMA and SBA funding, provided \$6.5 billion in community development block grants to support recovery.

Unfortunately, the language included a restriction that has impaired these impacted communities' ability to rebuild.

This amendment removes that restriction, providing flexibility for these funds to be used to their greatest impact in the community, helping these communities get back on their feet as quickly as possible.

Without this amendment, many communities will be unable to balance their budget priorities, jeopardizing critical projects in the recovery process, or worse yet, leading to the abandonment of projects altogether.

Communities across this Nation have been greatly impacted by natural disasters over the past several years, including the State of Texas. Tax bases have been decimated and many communities are still struggling to recover. These devastated communities want to be able to stand on their own; however, they don't currently have the resources to do so. By providing maximum flexibility of vital Federal funds, as we have for previous disasters, we remove one more barrier from their way on the road to recovery.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 2365) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table. The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2359

The PRESIDING OFFICER. The pending business is amendment No. 2359, the Vitter amendment.

The Senator from Louisiana.

Mr. VITTER. Madam President, this amendment is very simple and straightforward. It simply says that no public housing assistance will be granted to anyone who is convicted of a crime involving drug trafficking, not simple possession but distribution, et cetera, or being a member of a violent gang. These are serious adult offenders. I don't believe we should use taxpayer funds with housing assistance, particularly in public housing projects, in that manner. It specifically focuses on New Orleans, LA, only New Orleans, where we are pouring massive amounts of Federal dollars to rebuild public housing projects in a fundamentally different, better way after Katrina, ridding those projects of the crime problem which had previously been embedded there. It is very important in terms of that recovery.

I reserve the remainder of my time.

Mr. DODD. Madam President, I rise in opposition to amendment No. 2359. Our colleague Senator LANDRIEU spoke at length last night about the reasons she opposes this amendment, which is targeted to her city of New Orleans.

I am here as the chairman of the Banking Committee, to share with you some of the reasons I believe this legislation could have benefitted from a more thorough vetting through the authorizing process.

While superficially an attractive effort to be tough on crime, the proposed amendment is likely to have serious unintended consequences while providing no apparent increase in public safety. The proposed amendment is overly broad, burdensome, and would present great difficulties for Federal, State, and local administrators to actually implement.

Representatives of public housing agencies have raised concerns about implementing this legislation. Advocates for low income families oppose this amendment.

Needless to say, we want to ensure the security of families receiving housing assistance. That is why current law already provides tools for denying or terminating assistance for drug-related and violent crimes and activities in public housing and section 8 assistance, which appears to be the amendment's objective.

I have other concerns about things that may or may not have been the objective of the amendment.

This provision only applies in New Orleans, raising questions about equal protection and the unfortunate possibility of federal law that changes from city to city.

It is a vast expansion of current Federal law. While Senator VITTER describes the amendment as applying to

rebuilt public housing, it is actually very broad. The bill extends far beyond public and assisted housing into all forms of federal housing assistance, including homeless assistance, loans, loan guarantees, or other assistance provided under a HUD housing program.

It is administratively burdensome. The legislation would put additional screening burdens on housing providers, banks, nonprofits, and others who are not currently required to, nor do they have the resources to, conduct criminal background checks. These could include cities administering CDBG, a homeless shelter whose clients vary night by night, or banks processing FHA loans.

It has unintended consequences, and I will provide some examples.

It erects barriers to helping the homeless: The language would appear to apply to homeless shelters, whose clientele change from night to night. Running checks on clients that may only be there for one day or sporadically is nearly impossible, and a waste of scarce resources. Do we really mean to prohibit assistance for these individuals—many of whom are veterans or children—because shelters won't be able to run background checks?

It puts new burdens on banks and homeowners. Every bank originating an FHA loan would have to do a criminal background check on the family buying the home, or refinancing a home. Can you imagine the burden that would create for community banks and homebuyers?

It puts new burdens on small businesses and State and local government CDBG programs. The language could actually require that State and local CDBG programs conduct background checks on small business owners receiving economic development assistance to ensure that they were not a) offenders and b) not residing in federally-subsidized housing.

It provides no room for rehabilitation. The amendment bars someone from ever getting housing assistance, including FHA loans, if they were ever convicted of selling drugs or were a member of a gang, without consideration of rehabilitation. What if that happened 15 years ago? This amendment would run counter to the goals of the Second Chance Act, which this body approved under unanimous consent to help ex-offenders get the services they need to become productive members of society.

In sum, this amendment is superficially attractive. I understand that. But the policy is ill-considered. It will unintentionally hurt homebuyers, veterans, and children without necessarily providing any additional protections. It will create very serious administrative burdens for the public and private sector, with no way to pay for those burdens. I urge my colleagues to defeat this amendment—let's approach this issue in a more thoughtful way.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, this amendment would deny housing assistance to any New Orleans household with a member of a criminal gang or someone convicted of certain drug offenses. Public housing authorities already have the ability to deny or terminate housing assistance to persons who have committed drug-related and violent crimes under current law. This amendment does far more than that. It extends to all forms of housing assistance. It is a permanent prohibition. If anyone in the family has committed these offenses ever, then that entire household would never be able to receive HUD assistance, including homeless assistance or even an FHA loan.

I am concerned that this amendment is targeted to one city, New Orleans. We should not be targeting one city or dictating housing policy city by city under this bill.

Importantly, the underlying bill provides funding to help our Nation's homeless veterans. Many of those veterans have struggled with substance abuse. If this amendment passes, those veterans will not be allowed to get assistance.

I ask my colleagues to vote against the amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, we are not talking about drug possession, we are talking about trafficking. HUD and the housing authority have the ability to negotiate for other family members to stay in public housing and not be penalized.

The PRESIDING OFFICER. Time has expired.

The question is on agreeing to amendment No. 2359.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 62, as follows:

[Rollcall Vote No. 283 Leg.]

#### YEAS—34

Alexander	Ensign	Lugar
Barrasso	Enzi	McCain
Bennett	Graham	McConnell
Brownback	Grassley	Risch
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	LeMieux	

#### NAYS—62

Akaka	Feinstein	Murray
Baucus	Franken	Nelson (NE)
Bayh	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Bond	Johnson	Roberts
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Voinovich
Corker	McCaskey	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murkowski	

#### NOT VOTING—3

Byrd	Landrieu	Specter
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The amendment (No. 2359) was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, if I could have the attention of all Senators, a number of Senators have come to me and said they want to move quickly through the amendments this afternoon. We can't do it if Senators are leaving. I ask all Senators to please stay on the floor as we move through these last amendments.

With that, I believe the next amendment is in order.

Mr. BOND. Madam President, I urge all Members to return promptly. I know several Members on both sides have other commitments. If we are going to make those, we need to keep those 10 minute votes to at least 15 minutes. Thanks.

#### AMENDMENT NO. 2410

The PRESIDING OFFICER. The next amendment is amendment No. 2410 offered by Senator DEMINT.

The Senator from South Carolina is recognized.

Mr. DEMINT. Thank you, Madam President.

This amendment I hope is a beginning or maybe a turning point for the Senate where we identify wasteful spending and begin to make some progress toward cutting those things that we don't have to do here at the Federal level.

I heard some comments about the amendment yesterday which I don't think accurately reflect what the bill does. We do nothing to cut any defense spending or defense use of this airport. We do nothing to cut any safety aspects such as air traffic control. It is simply for 1 year of this appropriations bill which stops the funding for additional subsidies to an airport that has received \$200 million over the last 20 years and has as much subsidy per ticket as passengers pay. This has been the subject of documentaries on many media sources. We need to show America we are listening.

Please support this amendment to cut these funds for 1 year.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Pennsylvania.

Mr. CASEY. Madam President, I would urge a no vote on this amendment. It sets the wrong precedent and singles out one airport which happens to be in Cambria County, PA.

At a time when we are in the middle of a recession and with the unemployment rate in this county at 9.5 percent, and we are going to say here in Washington that we are going to vote on something that will shut down an airport—it is bad policy. We should allow this decision to be made by the Federal authority that should be making the decision, which is the Federal Aviation Administration. It is the right thing to do to oppose this amendment. I urge a “no” vote.

Mrs. MURRAY. Madam President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. DEMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Pennsylvania (Mr. SPECTER), are necessarily absent.

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 284 Leg.]

#### YEAS—43

Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Bayh	Feingold	McConnell
Bennett	Graham	Merkley
Brownback	Grassley	Murkowski
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Snowe
Collins	Johanns	Thune
Corker	Kohl	Vitter
Cornyn	Kyl	Wicker
Crapo	LeMieux	
DeMint	Lugar	

#### NAYS—53

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Bond	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Shaheen
Burris	Klobuchar	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murray	Wyden
Feinstein	Nelson (NE)	

#### NOT VOTING—3

Byrd Landrieu Specter

The amendment (No. 2410) was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2403, AS MODIFIED

The PRESIDING OFFICER. The Senate will be in order. Under the previous order, there is 2 minutes equally divided prior to a vote in relation to the McCain amendment.

The Senator from Arizona.

Mr. MCCAIN. Madam President, the amendment prohibits funding for brownfields economic development initiatives. In May—and not for the first time—the President recommended termination of the brownfields economic development initiatives. You can look it up. Even the committee this time, in the RECORD, said:

The committee does not recommend an appropriation for the brownfields redevelopment program, consistent with the budget request.

On pages 138 and 139, there is \$1.3 million for brownfields redevelopment in Connecticut, Pennsylvania, and Ohio. So now we are not only going against the President's recommendations, we are going to go against the bill itself and give another \$1.3 million in pork. All I say is you cannot make it up.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, on behalf of myself and Senator LIEBERMAN, there is no debate about whether the brownfields redevelopment program ought not to exist. It is duplicative and cut out. This is under the economic development initiative program, which supports a wide range of programs to encourage economic redevelopment, including polluted, contaminated, blighted properties. In Waterbury, CT, home of the brass capital of our country, dating back to the early 19th century, most of the business was military related during the Civil War. There were no pollution requirements back then.

Today those properties are virtually worthless because of the contamination. This is a city with a 13-percent unemployment rate. It is a hard-working blue-collar town where people put in hard labor every day. This is a chance for that community to get back on its feet. That is why it is under the economic development program.

I urge my colleagues to be supportive of a hard-working community so we can let them get back on their feet. We urge defeat of the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been previously ordered. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 285 Leg.]

#### YEAS—37

Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Bennett	Feingold	McConnell
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	LeMieux	

#### NAYS—60

Akaka	Franken	Murray
Alexander	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Bond	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Voinovich
Dodd	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden

#### NOT VOTING—2

Byrd Landrieu

The amendment (No. 2403), as modified, was rejected.

Mrs. MURRAY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### MOTION TO RECOMMIT WITH AMENDMENT NO. 2421

The PRESIDING OFFICER. There is now 2 minutes, equally divided, prior to a vote in relation to the motion to recommit offered by the Senator from Arizona, Mr. KYL.

The Senator from Arizona.

Mr. KYL. Madam President, we can save \$11 billion without cutting a dime from this appropriations bill. It turns out there is duplication between spending in the stimulus bill that already passed and this bill.

What we do is simply send the bill back to committee to report back forthwith, to rescind the money in the stimulus bill that duplicates the Transportation and HUD financing in this bill, except for any funds that have already been obligated, which, obviously, we would go ahead and spend, and, secondly, any money relating to highway construction. That would be totally protected. Beyond that, any duplication in the stimulus bill would be rescinded.

It amounts to about \$11 billion. I think that is a great savings we can all

support. As I said, it does not take a dime out of this bill.

I ask for my colleagues' support. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, the bill in front of us provides critical resources to the Departments of Transportation and Housing and Urban Development for investments in transit, rail, airports, and public housing. This is important for investing in jobs in our economy.

The funding in this bill has a direct impact on every community across the Nation. We should not delay this important piece of legislation.

I urge my colleagues to vote no.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I have about 12, 13 seconds. As I said, this motion takes absolutely no money from the appropriations bill before us. What it would do is identify about \$11 billion in duplicate funding in the stimulus bill and rescind that. So you would not be voting to cut a dime out of this bill if you support my motion.

Mrs. MURRAY. I urge a "no" vote, Madam President.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 64, as follows:

[Rollcall Vote No. 286 Leg.]

#### YEAS—34

Alexander	Ensign	Lugar
Barrasso	Enzi	McCain
Bennett	Graham	McConnell
Brownback	Grassley	Murkowski
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	LeMieux	

#### NAYS—64

Akaka	Cantwell	Feinstein
Baucus	Cardin	Franken
Bayh	Carper	Gillibrand
Begich	Casey	Hagan
Bennet	Cochran	Harkin
Bingaman	Collins	Inouye
Bond	Conrad	Johnson
Boxer	Dodd	Kaufman
Brown	Dorgan	Kerry
Burris	Durbin	Klobuchar
Byrd	Feingold	Kohl

Lautenberg	Nelson (FL)	Stabenow
Leahy	Pryor	Tester
Levin	Reed	Udall (CO)
Lieberman	Reid	Udall (NM)
Lincoln	Rockefeller	Voinovich
McCaskill	Sanders	Warner
Menendez	Schumer	Webb
Merkley	Shaheen	Whitehouse
Mikulski	Shelby	Wyden
Murray	Snowe	
Nelson (NE)	Specter	

#### NOT VOTING—1

Landrieu

The motion was rejected.

Mrs. MURRAY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington is recognized.

#### PIPELINE SAFETY PROGRAMS

Mr. COCHRAN. Madam President, I wish to join Senator MURRAY and Senator BOND, the respective chairman and ranking member of the Transportation, HUD Appropriations Subcommittee, in a colloquy concerning the user fee funded pipeline safety programs overseen by the Pipeline and Hazardous Materials Safety Administration.

Mrs. MURRAY. I am pleased to discuss this issue with my colleagues. Pipeline safety programs are very important in my State and help ensure that tragic accidents can be prevented. I understand that the pipeline safety programs at PHMSA are funded almost exclusively through user fees.

Mr. COCHRAN. That is correct, and in order to better assess the current program priorities at PHMSA and to determine how these user fees are being allocated across the regulated community, I believe PHMSA should provide to the Committees on Appropriations a report that discloses the percentage of program funds and State grants that are dedicated to each of the following sectors: liquid pipelines, natural gas transmission pipelines, liquefied natural gas pipelines, and natural gas distribution pipelines.

Mr. BOND. I thank Senator COCHRAN for his comments and agree that PHMSA should produce a report as soon as possible on this topic. We need to ensure that pipeline safety programs are adequately funded and that Congress and the regulated industries that support these programs understand how they are funded.

Mrs. MURRAY. I agree with my colleagues and would like PHMSA to produce such a report. I thank Senator COCHRAN for bringing this issue to the attention of all Senators.

#### FUNDING ALLOCATIONS

Mr. REED. Madam President, I want to thank Senator MURRAY for her leadership on this bill and her commitment

to funding improvements in our Nation's housing and transportation infrastructure. I rise to engage the chairman of the subcommittee in a colloquy to clarify the State-by-State allocation of Federal-Aid Highway Program funding, which is shown in the committee report.

Mrs. MURRAY. I would be pleased to enter into a colloquy with the Senator.

Mr. REED. I thank the Senator. As I noted, page 46 of the committee report includes a table that shows the estimated State-by-State obligation limitation for Federal-Aid Highway Program funding. This information was prepared for the Appropriations Committee by the Federal Highway Administration based on current law and the funding level provided in this bill. It is my understanding that this table is designed to be illustrative rather than determinative of actual funding levels. Could the Senator confirm that this understanding is correct?

Mrs. MURRAY. The Senator is correct. The table included in the committee report is illustrative and does not direct the actual distribution of the funds provided under this bill.

Mr. REED. I thank the Senator, and I appreciate that clarification. As the Senator knows, I had been concerned because the table indicates that the State of Rhode Island is one of only two States, along with Maine, that would lose funding under the increased appropriation included in this bill.

I have consulted with the Federal Highway Administration, which has produced a new estimate based on more accurate assumptions. That table has been shared with the Appropriations Committee staff. Rather than a decline of over \$5 million, this estimate shows an increase of nearly \$6 million for the State of Rhode Island. In addition, no State is shown to lose funding in fiscal year 2010.

Would the Senator agree that this new table is a more accurate depiction of the distribution federal highway funds?

Mrs. MURRAY. I agree that the table the Senator refers to reflects the Federal Highway Administration's current estimate of how Federal-Aid Highway Program funding included in this bill would be distributed under current law.

Mr. REED. Again, I thank the chairman for her leadership on this bill and for her help in clarifying this matter. For the benefit of all senators, I would ask unanimous consent that the Federal Highway Administration table we have discussed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION—ESTIMATED DISTRIBUTION OF FEDERAL-AID HIGHWAY PROGRAM OBLIGATION LIMITATION

[FY 2010 distribution estimated based on FY 2009 contract authority and the FY 2010 Senate-reported appropriations bill]

State—	FY 2009 enacted	FY 2010 Senate bill	Difference
Alabama—	\$664,181,764—	\$686,900,890—	\$22,719,126
Alaska—	290,717,063—	299,809,478—	9,092,415

UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION—ESTIMATED DISTRIBUTION OF FEDERAL-AID HIGHWAY PROGRAM OBLIGATION LIMITATION—  
Continued

(FY 2010 distribution estimated based on FY 2009 contract authority and the FY 2010 Senate-reported appropriations bill)

State—	FY 2009 enacted	FY 2010 Senate bill	Difference
Arizona—	672,374,585—	694,856,314—	22,481,729
Arkansas—	410,847,021—	424,892,224—	14,045,203
California—	3,002,777,749—	3,107,386,662—	104,608,913
Colorado—	451,065,359—	466,804,480—	15,739,121
Connecticut—	422,828,746—	437,264,323—	14,435,577
Delaware—	129,898,054—	134,437,981—	4,539,927
District of Columbia—	126,772,019—	131,372,586—	4,600,567
Florida—	1,690,108,775—	1,745,663,364—	55,554,589
Georgia—	1,143,842,745—	1,181,764,488—	37,921,743
Hawaii—	136,011,037—	140,890,088—	4,879,051
Idaho—	244,839,686—	253,048,264—	8,208,578
Illinois—	1,121,712,771—	1,160,076,519—	38,363,748
Indiana—	852,499,523—	880,696,895—	28,197,372
Iowa—	384,432,661—	397,991,958—	13,559,297
Kansas—	327,579,516—	339,365,197—	11,785,681
Kentucky—	568,095,523—	587,416,393—	19,320,870
Louisiana—	555,575,744—	574,865,033—	19,289,289
Maine—	141,822,084—	146,996,546—	5,174,462
Maryland—	518,543,985—	536,780,813—	18,236,828
Massachusetts—	531,894,794—	550,976,349—	19,081,555
Michigan—	926,977,662—	959,052,590—	32,074,928
Minnesota—	523,448,534—	541,421,862—	17,973,328
Mississippi—	389,213,117—	402,777,975—	13,564,858
Missouri—	762,024,021—	787,964,042—	25,940,021
Montana—	315,817,904—	326,328,233—	10,510,329
Nebraska—	244,575,447—	253,237,541—	8,662,094
Nevada—	256,097,971—	264,815,350—	8,717,379
New Hampshire—	146,151,389—	151,261,615—	5,110,226
New Jersey—	859,742,154—	889,143,627—	29,401,473
New Mexico—	310,184,441—	320,814,509—	10,630,068
New York—	1,450,156,103—	1,501,247,422—	51,091,319
North Carolina—	930,622,868—	962,100,250—	31,477,382
North Dakota—	207,347,401—	214,686,636—	7,339,235
Ohio—	1,147,361,001—	1,186,456,027—	39,095,026
Oklahoma—	504,786,983—	522,318,817—	17,531,834
Oregon—	372,563,076—	385,730,512—	13,167,436
Pennsylvania—	1,443,922,086—	1,494,303,625—	50,381,539
Rhode Island—	163,809,919—	169,786,620—	5,976,701
South Carolina—	548,969,028—	567,442,319—	18,473,291
South Dakota—	217,374,734—	224,862,704—	7,487,970
Tennessee—	704,208,483—	728,011,969—	23,803,486
Texas—	2,868,608,137—	2,964,113,622—	95,505,485
Utah—	259,427,213—	268,373,350—	8,946,137
Vermont—	134,115,890—	138,995,286—	4,879,396
Virginia—	859,531,139—	888,675,696—	29,144,557
Washington—	556,453,022—	576,378,211—	19,925,189
West Virginia—	350,067,330—	361,686,708—	11,619,378
Wisconsin—	642,654,090—	663,976,975—	21,322,885
Wyoming—	215,495,030—	223,007,830—	7,512,800
Subtotal—	32,700,127,377—	33,819,228,768—	1,119,101,391
Non-Formula programs—	7,999,872,623—	7,287,771,232—	(712,101,391)
Total—	40,700,000,000—	41,107,000,000—	407,000,000

Mr. CARDIN. Madam President, I rise today to express my support for the Senate amendment to H.R. 3288 and to thank my colleagues on the Transportation, Housing & Urban Development, and Related Agencies Appropriations Subcommittee for their fine work in crafting a bill that meets the priorities of the Nation while remaining fiscally responsible.

I would particularly like to thank my colleagues for the provision of \$150 million for capital and preventive maintenance of the Washington Metropolitan Transit Authority's Metro System. The Metro system is sometimes known as "America's Subway" and for good reason. Many Metrorail stations were built at the request of the Federal Government and nearly half of all stations are located at Federal facilities. Federal employees comprise 40 percent of WMATA's peak ridership. WMATA also plays a critical role for ensuring the continuity of Federal Government operations during an emergency. The Federal Government's interest in Metro is clear.

I am sure you all recall the tragic Metrorail accident on June 23 of this year that took the lives of nine individuals. We cannot allow another such tragedy to occur. I appreciate the committee making a commitment to the

safety of the 100 million passengers who travel on Metro each year.

Mass transit is critically important in Maryland as we look for ways of reduce energy and greenhouse gas emissions. The committee has funded two important mass transit projects in Maryland, the purple line in suburban Washington and Baltimore's red line. The purple line is a proposed 16-mile light rail or bus rapid transit line extending from Bethesda in Montgomery County to New Carrollton in Prince George's County. The Baltimore red line is a proposed 14-mile light rail rapid transit line extending from the Woodlawn area of Baltimore County, MD, through downtown Baltimore City to the Johns Hopkins Bayview Medical Campus in East Baltimore. Each project will ease traffic congestion, reduce carbon emissions, conserve energy, and improve the quality of life for many Marylanders.

Maryland has a number of military installations throughout the State. Consequently, several communities will be affected by the upcoming round of base realignment and closures, BRAC. I would like to thank the committee for taking this into consideration and providing funding for BRAC-related improvements at Andrews Air Force Base in Prince George's County,

near Fort Meade in Anne Arundel County, near Aberdeen Proving Grounds in Harford County, and in the vicinity of the National Navy Medical Center in Montgomery County. Nearly 50,000 new residents will arrive in Maryland as a result of BRAC. I appreciate the committee's help to make sure Maryland's transportation infrastructure is well-prepared for this population influx.

I would also like to thank the committee for funding two important economic development initiative projects in Maryland, the Harriett Tubman Underground Railroad Park and Visitors Center and the Maryland Food Bank.

Harriett Tubman was born on Maryland's Eastern Shore. It was from there that she escaped from slavery and went on to become one of the leaders of the Underground Railroad. Funding for the Harriett Tubman Underground Railroad Park and Visitors Center will support the continued design, engineering, and site preparation for the joint State-Federal Visitors Center at the State park and envisioned Federal park. The project is in rural Dorchester County. Tourism is a growing part of the economy and is viewed by the State and county economic development officials as the economic future of the area. The adjacent Blackwater

National Wildlife Refuge is already a major attraction for eco-tourists. This Visitors Center will serve as a focal point of a growing tourism economy in the region while also celebrating one of America's true heroes.

The Maryland Food Bank provides food to 900 soup kitchens, food pantries, shelters, and other community-based organizations across the State. These agencies, in turn, feed hundreds of thousands of hungry Marylanders each year. Last year, the Maryland Food Bank distributed 14.3 million pounds of food. The dire state of the economy has placed increased demands on the food bank. Critical infrastructure needs must be met in order to sustain and expand services to meet the growing need. I am grateful that the committee has provided funds through this bill to meet those needs. This funding will greatly benefit Maryland's hungry families.

In closing, again let me say how much I appreciate the work of Senator MURRAY, Senator BOND, and their staffs along with the rest of the subcommittee. They have crafted a bill that adequately provides for critical transportation infrastructure, addresses housing needs for America's most vulnerable populations, and injects economic drivers into underserved communities, all while remaining 2 percent under the President's requested budget. I find that quite impressive and I support this bill.

Ms. COLLINS. Madam President, I rise to speak in support of provisions I authored in the fiscal year 2010 Transportation-HUD appropriations bill that would increase safety, save energy, and decrease emissions by creating a 1-year pilot project to allow trucks weighing up to 100,000 pounds to travel on Maine's interstates. This provision also requires an analysis by the U.S. Department of Transportation and the State of Maine to study the effects of the increase on safety, road and bridge durability, energy use, and commerce. The U.S. Department of Transportation will report its findings to Congress. This Maine pilot project does not have any impact on other States' weight laws and regulations.

By way of background, let me explain why this pilot project is needed. Under current law, trucks weighing 100,000 pounds are allowed to travel on the portion of Interstate 95 designated as the Maine Turnpike, which runs from Maine's border with New Hampshire to Augusta, our capital city. At Augusta, the turnpike designation ends, but I-95 proceeds another 200 miles north to Houlton. At Augusta, however, heavy trucks must exit the modern four-lane, limited-access highway and are forced onto smaller, two-lane secondary roads that pass through cities, towns, and villages. The same problem occurs for Maine's other interstates like 295 out of Portland and 395 in the Bangor-Brewer area.

Trucks weighing up to 100,000 pounds are already permitted on interstate

highways in New Hampshire, Massachusetts, and New York as well as the Canadian Provinces of New Brunswick and Quebec. The weight limit disparity on various segments of Maine's Interstate Highway System is a significant impediment to commerce, increases wear-and-tear on our secondary roads, and, most important, puts our people needlessly at risk.

Diverting trucks onto these secondary roads raises critical safety concerns. In fact, there have been several accidents, some of which have tragically resulted in death, which have occurred after these large trucks were diverted onto secondary roads and through smaller communities. For example, in May 2007, a 17-year-old high school student from Hampden, ME, lost her life when her car was struck by a heavy truck on route 9. The truck driver could not see the car turning onto that two-lane road as he rounded a corner. Interstate 95 runs less than three-quarters of a mile away, but Federal law prevented the truck from using that modern, divided highway, a highway that was designed to provide ample views of the road ahead.

A year earlier, Lena Gray, an 80-year-old resident of Bangor, was struck and killed by a tractor-trailer as she was crossing a downtown street. Again, that accident would not have occurred had that truck been allowed to use I-95, which runs directly through Bangor.

In June 2004, Wilbur Smith Associates, a nationally recognized transportation consulting firm, completed a study to examine the impact a federal weight exemption on non-exempt portions of Maine's Interstate Highway System would have on safety, pavement, and bridges. The study found that extending the current truck weight exemption on the Maine Turnpike to all interstate highways in Maine would result in a decrease of 3.2 fatal crashes per year. The study also found that the fatal accident rate on the secondary roads was 10 times higher than on the turnpike, and the injury accident rate was seven times higher.

While improving safety is the key objective, a uniform truck weight limit of 100,000 pounds on Maine's interstate highways also would reduce highway miles, as well as the travel time, necessary to transport freight through Maine, resulting in economic and environmental benefits. Moreover, Maine's extensive network of local roads would be better preserved without the wear and tear of heavy truck traffic.

Interstate 95 north of Augusta, ME, where trucks are currently limited at 80,000 pounds, was originally designed and built for military freight movements to Loring Air Force Base at weights much heavier than 100,000 pounds. Raising the truck weight limit would keep heavy trucks on the interstates, which are designed to carry more weight than the rural State roads.

The argument that 100,000 pound trucks would cause greater road dete-

rioration is misguided. Current Maine law requires that vehicles carrying up to 100,000 pounds on State roads be six-axle combination vehicles. Current Federal law requires that vehicles carrying 80,000 pounds be five-axle. Contrary to erroneous assumptions, six-axle 100,000 pound vehicles are not longer, wider or taller than the five-axle 80,000 pound vehicles. The six-axle 100,000 pound vehicles, which include an additional set of brakes, allow for greater weight distribution thereby not increasing road wear and tear. Further, stopping distances and safety are in no way diminished, and preliminary data from studies conducted by the Maine State Police support this statement. That is why Maine's Commissioner of Public Safety, the Maine State Troopers Association, and the Maine Association of Police all support this pilot project.

A higher weight limit in Maine will not only preserve our rapidly deteriorating roads, but will provide economic relief to an already struggling trucking industry. Trucks weighing up to 100,000 pounds are permitted on interstate highways in New Hampshire, Massachusetts, and New York as well as the Canadian provinces of New Brunswick and Quebec. Maine truck drivers and the businesses they serve are at a competitive disadvantage.

Last year, I met with Kurt Babineau, a small business owner and second generation logger and trucker from Maine. Like so many of our truckers, Kurt has been struggling with the increasing costs of running his operation. All of the pulpwood his business produces is transported to Verso Paper in Jay, ME, a 165-mile roundtrip. This would be a considerably shorter trip if his trucks were permitted at 100,000 pounds to remain on Interstate 95. Instead, his trucks must travel a less direct route through cities and towns. Kurt estimated that permitting his trucks to travel on all of Interstate 95 would save him 118 gallons of fuel each week. At last year's diesel cost of approximately \$4.50 a gallon, and including savings from his drivers spending less time on the trip, he could have saved more than \$700 a week, and more than \$33,000 and 5,600 gallons of fuel annually. These savings would not only be beneficial to Kurt's bottom line, but also to his employees, his customers, and to our nation as we look for ways to decrease the overall fuel consumption.

An increase of the Federal truck weight limit in Maine is widely supported by public officials throughout Maine, including the Governor, the Maine Association of Police, and the Maine Department of Public Safety, which includes the State Bureau of Highway Safety, the Maine State Police, and the Bureau of Emergency Communications. I have several letters of support from these officials and organizations, which I will submit for the record with my statement. The Maine

Legislature also has expressed its support for the change having passed resolutions over the past several years calling on Congress to raise the Federal truck weight limit to 100,000 pounds in Maine. I urge my colleagues to support this important provision in the Fiscal Year 2010 THUD appropriations bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF MAINE,

Augusta, Maine, September 10, 2009.

Hon. DANIEL INOUE, *Chair,*

Hon. THAD COCHRAN, *Ranking Member,*  
*Appropriations Committee, U.S. Senate, Wash-*  
*ington, DC.*

Hon. PATTY MURRAY, *Chair,*

Hon. CHRISTOPHER S. BOND, *Ranking Member,*  
*Subcommittee on Transportation, HUD and Re-*  
*lated Agencies, U.S. Senate, Washington,*  
*DC.*

DEAR SENATORS INOUE, COCHRAN, MURRAY AND BOND: As the FY 2010 Transportation-HUD Appropriations bill nears debate in the U.S. Senate, I would like to again express my strong and unwavering support for Section 194 of the bill, which would permit the state of Maine to conduct a one-year pilot program to assess the benefits of allowing increased weight limits for heavy vehicles traveling on any part of Maine's Interstate highway system. My support is grounded in my conviction that this pilot will establish that the higher weight limits on Maine's Interstates will improve the safety and efficiency of heavy vehicles operating on Maine Roads.

Currently, on Maine's Interstate highway system, higher state truck weight limits may be enforced only on Interstate 95 beginning in Kittery and on the Maine Turnpike portion of I-95, which ends in Augusta. Lower federal truck weight limits are enforced on all other Maine Interstate highways. As you know, only the United States Congress can change Interstate truck weight limits, and MaineDOT has been working with the Maine Congressional delegation for some time to pass a federal law to rectify this problem. The current situation negatively impacts the safety of Maine's highways, the health of Maine's economy, and the durability of its highways and bridges. Thus, I strongly support inclusion of section 194 in the FY 2010 DOT-HUD Appropriations Bill.

Maine has a long history of allowing trucks at 100,000-lbs. gross vehicle weight (GVW) to operate on the Maine Turnpike portion of I-95 south of Augusta, with a record of positive economic, environmental and safety outcomes. An extension of this practice to the remainder of the Maine Interstate highway system would divert 100,000-lb. trucks from secondary roads lined with numerous schools, intersections, driveways and traffic lights, and put them on the highway infrastructure that is designed to handle such demands.

A MaineDOT Engineering Opinion signed in June 2008 by five of our top bridge and infrastructure engineers, including the department's Chief Engineer with more than 50 years of highway engineering experience, stated that, "... it is the professional opinion of the undersigned that Maine's interstate system can support the addition of the 100,000-lb. GVW vehicles to Maine's interstate traffic stream, without any noticeable or significant damage to the system's infrastructure."

More specifically, MaineDOT study findings indicated that an Interstate truck weight exemption would save the State of Maine between \$1.3 million and \$2 million annually in bridge and pavement costs. A

companion 2004 Maine DOT study of the currently exempted Maine Turnpike estimated that the federal truck weight exemption on that highway, which allows higher state weight limits, saves the state between \$2.1 million and \$3.2 million annually in bridge and pavement costs. Also, the increased pavement consumption of a six-axle combination truck compared with the five-axle truck is relatively small due to the advantage of adding an axle to offset the weight increase and to the reduced number of trips by the loaded vehicle. A federal truck weight exemption would annually remove an estimated 7.8 million loaded truck-miles of travel from Maine's primary and secondary road system, diverting the traffic to the safer Interstate highway system.

From an environmental standpoint, the federal truck weight exemption would reduce Maine's and the nation's dependence on foreign oil by eliminating the need to divert to less direct routes, thereby reducing overall fuel usage. In addition, increasing payload capacities reduces the number of truck-miles traveled for a given load, thereby reducing fuel usage. Fewer trucks on the road and lower fuel usage also result in lower emissions—a direct environmental benefit.

Also, the State of Maine just completed a study entitled "Estimating Fuel Consumption and Emissions in Maine: A Comparative Analysis for a Six-Axle, 100,000-lb. Vehicle." The study was prepared by the American Transportation Research Institute. Preliminary findings included significant efficiency improvements and trip-specific emissions improvements in the comparison of two different parallel routes—an Interstate route and a state highway route. Efficiency improvements measured in miles per gallon were determined to be 14-21 percent on the Interstate route. Emissions were also expected to decrease by 6-11 percent for CO<sub>2</sub> and 3-8 percent for NO<sub>x</sub> and MNHC on the Interstate.

In summary, enacting a federal truck weight limit exemption on the currently non-exempt Maine Interstate highway system would:

Reduce truck crashes on Maine's highways;  
Reduce the number of trucks necessary to haul a given load;

Allow heavy truck traffic on the much safer Interstate highway system;

Divert many through-trucks from congested town centers with schools, gas stations, intersections, crosswalks, etc.;

Reduce regional transportation costs, making Maine industry more competitive with its neighbors and enhancing interstate and international trade;

Reduce net fuel consumption; and  
Save \$1.3 to \$2.0 million annually in infrastructure costs by reducing impacts.

As Senate action on the FY 2010 DOT-HUD Appropriations Bill moves forward, I want to voice my strong support for Section 194, which will promote safer and more efficient truck movement on Maine's highways.

Sincerely,

JOHN E. BALDUCCI,  
*Governor.*

STATE OF MAINE,  
DEPARTMENT OF PUBLIC SAFETY,  
Augusta, ME, September 9, 2009.

Hon. SUSAN COLLINS,  
*U.S. Senate, Senate Office Building,*  
*Washington, DC.*

DEAR SENATOR COLLINS: On behalf of the Maine Department of Public Safety, I am writing in support of your efforts to include a one year pilot program in the FY2010 Transportation, Housing and Urban Development Appropriations Bill to allow trucks weighing up to 100,000 pounds to operate the entire length of the Interstate Highway here

in Maine. We strongly believe that such a program will allow all Mainers to travel more efficiently and especially more safely along our rural roads if this were to occur.

Last year in Maine, 155 people tragically died on Maine's highways. 23 of these deaths involved large trucks. We also know that of these 23 deaths, more than 80% occurred on our rural roads. We attribute many of these deaths to the fact that large trucks are forced by current Federal law and policy to exit our safe, divided 4-6 lane interstate highway at Augusta, a mere 100 miles into Maine, and travel along two lane rural roads. Many of these trucks are then forced to travel six to eight hours or more along our rural roads to reach their destinations instead of being allowed to travel along the divided highway.

These roads pass through our villages, our towns, past churches, schools, shopping centers, parks and Little League fields. Unlike our major highway that limits access, thereby cutting down on collisions, these rural roads have thousands of locations where roads cross, people enter from parking lots and private driveways and young children, adults and elderly people walk, bike and run.

Each time you add an access point to these roads, you increase the potential for a tragic accident to occur. Each time a truck is forced to travel along an undivided highway, the potential for other vehicles to cross over into its lane, to unexpectedly pull out in front of the truck, for a young child to run into the roadway or for a bicycle to swerve into the lane of travel, increases dramatically. Each of these incidents is a tragedy waiting to happen.

The Maine Department of Public Safety, which includes the State Bureau of Highway Safety, the Maine State Police and the Bureau of Emergency Communications, strongly supports your proposal. State and Federal Motor Carrier statistics that have been gathered over the years tell us that every time you can get a large truck off a small rural road and onto a divided limited access highway, the chance to avoid accidents and prevent death greatly increases. The proposed bill is a smart, practical and well reasoned approach to this problem. The Maine Department of Public Safety wholeheartedly supports your efforts.

Please feel free to contact me at my office at 207 626 3800 if there is any further information I can provide to you in support of your efforts. Thank you for your time and dedication to the efforts to make Maine's roads safer for all of our citizens and visitors.

Sincerely yours,

ANNE H. JORDAN, ESQ.  
*Commissioner of Pub Safety, State of Maine.*

STATE OF MAINE, DEPARTMENT OF  
PUBLIC SAFETY—MAINE STATE PO-  
LICE

Augusta, ME, September 10, 2009.

Hon. SUSAN COLLINS,  
*U.S. Senate, Dirksen Senate Office Building,*  
*Washington, DC.*

DEAR SENATOR COLLINS: I am writing on behalf of the Maine State Police to support your efforts to increase gross vehicle weights on Maine's non-exempt Interstate highway system. The changes you propose will not only benefit the economy of the State of Maine, but will significantly improve the safety of Maine's roads.

As you know, Maine allows gross vehicle weights of up to 100,000 lbs. on six-axle tractor semitrailers on state highways. As a result, when they reach the non-exempt portions of Maine's Interstate highway system heavy combination trucks that would travel on the Interstate system are diverted to the state highway system. This results in 100,000 lbs. trucks traveling through busy downtown



areas, through population centers, through congested intersections and next to schools and playgrounds.

A June 2004 report prepared for the Maine Department of Transportation (MaineDOT) concluded that allowing 100,000 lbs. trucks on the non-exempt Interstate Highway in Maine would result in fewer crashes. This report indicates that the crash rates on non-Interstate facilities in the study network are more than 2 1/2 times higher than the crash rate on the non-exempt Interstate System. In addition, the fatal crash rate on non-Interstate facilities is nearly 10 times the fatal crash rate on Interstate facilities while incapacitating injury crashes are more than twice as prevalent. National studies have found a strong relationship between road class and crash risk. Findings from these reports indicate that trucks traveling on rural interstates are 3 to 4 times less likely to have a fatal crash than trucks traveling on rural state and county highways.

Safety is a primary concern of the Maine State Police. Given that the Interstate highway system is the safest road network for heavy vehicle operations, we fully support your efforts to allow 100,000 lbs. six-axle semi-trailers on the non-exempt portion of Maine's Interstate highway system.

Sincerely,

COL. PATRICK J. FLEMING,  
Chief, Maine State Police.

MAINE STATE TROOPERS ASSOCIATION,  
Augusta, ME, September 11, 2009.

Hon. SUSAN COLLINS,  
Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR COLLINS: I last wrote to you in 2005 in support of your efforts to increase the gross vehicle weights to 100,000 lbs. on Maine's non-exempt Interstate highway system. At that time, I wrote in my capacity as Chief of the Maine State Police. After retiring in 2007, I moved into the private sector as a labor consultant providing services to, amongst others, the Maine State Troopers Association (MSTA). It is on their behalf that I write today. I might add that my personal sentiments in support of your efforts have not wavered and if anything have strengthened.

The statistics continue to support the increase, both from an economic, and to my mind most importantly, a public safety standpoint. The proposed one year pilot program will provide an opportunity for due diligence on the part of policy makers and policy implementers by way of an analytical survey of the results of moving heavy trucks off the secondary roads and on to the Interstate system which was engineered for such traffic. This also will allow for policy decisions to be made based on facts and not simply emotion or speculation.

MSTA's members are on the front line of Maine's highway safety efforts and are responsible for enforcing State and Federal commercial vehicle laws and regulations. They see no down side to this proposal. And as compelling as the data is, intuitively it just makes sense. While the naysayers believe it will increase risk, no data supports that notion.

Safety remains the primary concern of Maine's Troopers as it did in 2005. For that reason we offer our support in your efforts to move 100,000 lb. six-axle semi-trailers on the non-exempt portion of Maine's Interstate system. Thank you for your efforts on this important initiative.

Sincerely,

CRAIG A. POULIN,  
Executive Director, MST A.

MAINE ASSOCIATION OF POLICE, SOUTH  
PORTLAND, ME, SEPTEMBER 9, 2009.  
Senator SUSAN COLLINS,  
Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR COLLINS, The Maine Association of Police offers and urges support of your efforts to include a one year pilot project in the FY 2010 Transportation, Housing and Urban Development Appropriations bill to allow trucks weighing up to one hundred thousand pounds to utilize the full length of Maine's interstate highway system.

Currently, federal law prohibits trucks weighing more than eighty thousand pounds from traveling the I-95 corridor from the city of Augusta, north. Because the Maine Turnpike, also designated as I-95, is a private, toll road, this prohibition does not exist from the New Hampshire border to Augusta.

This inconsistency creates a situation in which commercial vehicles not conforming to the federal weight restriction are forced to leave the interstate system and travel state secondary roads. As law enforcement first responders, this forced departure from the interstate system is of great concern. Given the nature and daily use of secondary roads vital to Maine citizens, this restriction creates an unnecessary risk by forcing these commercial vehicles off of a system that is specifically designed and engineered for this type of commercial traffic.

The pilot project also provides for the diligent study of the impacts that this temporary change will have on Maine's interstate system to address concerns that many would have as to the long term impact of commercial traffic. An unintended side benefit also provides an opportunity for Maine Law Enforcement to gauge the impact of removing this traffic from secondary roads through crash reporting and other statistical data. It also affords law enforcement a clear venue to direct enforcement and safety operations as they relate to commercial vehicle issues.

The one year pilot project provided by this current budget takes a common sense approach to address an important issue in Maine that has gone unattended. It provides the opportunity to study the balance between an effective and efficient commerce system, fuel efficiency and environmental impacts, but most of all, the safety of Maine citizens and those who visit our great state. We look forward to the committee's support of your efforts in making this opportunity a reality.

Sincerely,

PAUL GASPAR,  
Executive Director.

SEPTEMBER 11, 2009.

Hon. SUSAN COLLINS,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the Coalition for Transportation Productivity (CTP) and its 120 members nationwide, I am writing to express strong support for Section 194 of the FY 2010 Transportation-HUD Appropriations Bill now pending before the Senate. This provision would enable the state of Maine to conduct a one-year pilot program to test the impact of allowing 100,000 pound, six-axle single-trailer trucks to access Maine's interstate highway network.

CTP was organized to promote the passage of federal legislation giving each state the option to increase its interstate vehicle weight limit to 97,000 pounds for six-axle trucks if the state determines that the infrastructure of these roads can safely accommodate the heavier loads. Maine officials have determined that their state roads are fully

capable of handling these loads. It is important to note that highway safety, environmental performance and economic productivity would all be improved by allowing this pilot program to occur.

Increasing the interstate weight limit would allow businesses and shippers to carry a specific amount of freight using fewer trucks. This is especially significant for highway safety because accident rates among heavy vehicles are strongly tied to the vehicle miles traveled (VMT), and consolidating freight would reduce VMTs to make roads safer. It is important to note that since the United Kingdom raised its gross vehicle weight limit for six-axle vehicles in 2001, fatal truck-related accident rates have declined by 35 percent. More freight has been shipped, while the number of VMTs to deliver a ton of freight has declined.

Moreover, the current interstate weight limit often forces trucks to travel on rural roads that often wind through towns, passing schools and private driveways, where accidents are more likely to occur. The provision would put these trucks on better-engineered, divided interstate highways, where they can safely and efficiently transport goods.

Allowing six-axle vehicles to carry more weight would also yield cleaner air and greener shipping by cutting fuel use and carbon emissions. A 2008 American Transportation Research Institute study found that six-axle trucks carrying about 100,000 pounds get 17 percent more ton-miles per gallon than five-axle trucks carrying 80,000 pounds. More efficient shipping means a smaller carbon footprint.

Finally, raising the interstate vehicle weight limit will have widespread economic benefits. At a point when many producers are facing tough economic times and smaller budgets, the provision will enable them to reduce the number of weekly shipments—cutting costs, spurring investment and protecting valuable jobs.

Furthermore, producers in Maine and across the country are currently at a productivity disadvantage because Canada, Mexico and most European countries now have higher truck weight limits. Harmonizing weight limits with our major trading partners will ease the cost of moving U.S. goods into international markets and stop costly freight consolidation at our ports and border crossings. With Canada's higher weight limits, the provision in Maine would help Northeastern producers compete for market share and efficiently export goods.

It is a fact that allowing heavier, more efficient trucks to operate on our nation's interstates would improve safety, reduce environmental impact and strengthen the economy. CTP applauds Sen. Collins for introducing the provision.

Sincerely,

JOHN RUNYAN,  
Executive Director.

AMERICAN TRUCKING ASSOCIATIONS,  
Washington, DC.

Hon. DANIEL INOUE,  
Chairman, Committee on Appropriations,  
U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUE: The American Trucking Associations supports Senator Collins' efforts to secure a 1 year pilot program in the Fiscal Year 2010 Transportation and Housing and Urban Development Appropriations bill that would allow for more productive vehicles to be operated on Maine's interstate highways. The inclusion of this provision will improve safety, reduce greenhouse gas emissions, and benefit Maine's economy.

Under current law, six axle vehicles with a gross vehicle weight of 100,000 lbs are allowed to operate on the Maine Turnpike (I-95) from



the New Hampshire border to Augusta, ME. Upon reaching Augusta, however, the federal weight preemption on the Interstate Highway System forces trucks weighing more than 80,000 lbs off of I-95 onto smaller secondary roads which are less safe than Interstates. The removal of the federal prohibition would allow trucks on the roads that are best suited for them.

This pilot project is also an effective strategy for mitigating the impacts of carbon dioxide on climate change due to the reduction in fuel use as a result of fewer trips needed to deliver a given amount of freight. A recent study found that more productive vehicles could reduce fuel usage up to 39% with similar reductions in greenhouse gas emissions.

Furthermore, the allowance of more productive vehicles on the Interstate will help to alleviate Maine's current economic disadvantage. Jurisdictions surrounding Maine all have significantly higher weight limits on their highways. New Hampshire and Massachusetts both allow trucks up to 99,000 lbs. and Canada allows for truck weights greater than 100,000 lbs. Maine's inability to allow for higher weight limits has made it a virtual island unto itself.

ATA encourages the Committee to include the Maine pilot project as part of the final FY 2010 THUD Appropriations bill. This is good public policy and we commend Senator Collins for her efforts to address Maine's needs.

TIMOTHY P. LYNCH,  
Senior Vice President,  
Office of Legislative Affairs

Mr. DODD. Madam President, several of my colleagues offered amendments that would prohibit funding for individual transportation and housing projects in the underlying bill, including several important projects for Connecticut. I question the judgment of my colleagues who attack specific programs without regard for the purpose these projects serve or the impact they will have in the community. I also question the notion that Washington knows better than the communities and States which projects will provide critical services, stimulate their local economies, and preserve jobs.

I would like to take this opportunity to explain some of the critical funding for Connecticut in this important legislation.

In my State of Connecticut, home to some of America's most frustrating traffic congestion, transit is the future of transportation. Investments in sustainable development have resulted in the creation of job centers and residential communities built around transit stations, all the while serving to clear space on the roads. This transportation funding bill includes \$4 million for improvements to the New Haven-Hartford-Springfield rail line, which would establish both faster intercity and commuter rail service between New Haven, Hartford, and Springfield, provide residents of central Connecticut with better access to southwest Connecticut, New York City, western Massachusetts, and Vermont. It also includes nearly \$10 million in transit-related projects across the State, including the development of the Thompsonville Intermodal Transportation Center in Enfield, a passenger

rail station in West Haven, the Bridgeport Intermodal Center, and expanding transit services and access in Stamford. Transit projects such as these connect Connecticut residents with jobs and make it possible for the regional economies to grow.

Sustainable development and livable communities depend on helping towns and regions across Connecticut invest in their transportation, housing, land use, and economic development needs. That is, for example, this bill includes \$1.5 million in funding for the city of Waterbury for the development of brownfield properties and the Naugatuck River Greenway. This community faces a 12.7 percent unemployment rate and millions of square feet of unused, factory space contaminated by generations of brass production and industrial uses. Funding for development of former brownfield sites in Waterbury has been a target on this Senate floor. An amendment was offered to strip away this project's funding. For Members of this body who have never visited Waterbury, I welcome them to walk the streets of this city and question whether this community needs Federal assistance to redevelop properties that have been long-contaminated, abandoned, and blighted. There have been investments on the local and State level to provide this city with the tools they need to thrive. It is only just that the Federal Government do the same.

Our ability to foster economic growth through sustainable development in Connecticut depends on our ability to have affordable housing and assist homeowners struggling to keep their homes in this financial downturn. By providing the resources to keep people in their homes and assistance to communities to expand affordable housing, we can truly strengthen our economy. That is why this bill includes critical funding for housing and foreclosure programs across Connecticut. The bill makes investments in regions, including funds for the Southeastern Connecticut Housing Alliance in Norwich to provide technical assistance to communities in New London County to increase affordable housing and support for the Urban League of Southern Connecticut to provide for foreclosure prevention assistance programs to all of Connecticut. In central Connecticut, funding will support foreclosure prevention and homeownership initiatives in Middletown.

This bill provides nearly \$17 million for the State of Connecticut, representing investments in critical programs and services to help the people of my State. This bill supports local officials and organizations that know best the needs of their communities. It represents jobs and economic growth and I am proud to support it.

Madam President, I was pleased to join with my colleagues Senator MURRAY and Senator BOND to provide much-needed funding to avoid terminations of section 8 housing voucher

assistance to families across the country. The Census Department's recently released poverty figures show that in 2008—before the full brunt of the current recession—nearly one in five American children lived in poverty. Given the challenges confronting the economy and our families, housing assistance programs like section 8 vouchers could not be more important.

Senators MURRAY and BOND have worked hard in recent years to ensure that the section 8 voucher program is adequately funded. Unfortunately, initial budget estimates that they received from the Bush administration last year proved to be too low to accommodate the needs of the program. In recent months, we have seen newspaper accounts of section 8 funding shortfalls in communities around the country, with families worried that they would have their housing assistance reduced or terminated altogether. The funds provided by this amendment will help ease the minds of many families.

I am also pleased that these funds have been identified from within the section 8 voucher account itself, so this solution is also budget-neutral.

I would be remiss if I did not thank Senators MURRAY and BOND for their good work in assembling this challenging bill. The Transportation-HUD appropriations bill is responsible for funding our national transportation infrastructure, vital housing assistance and funding to combat homelessness, and aid to our hard-pressed cities and towns. In this bill, the Senators have been able to provide valuable HUD funding increases for priorities such as public housing, section 8 assistance, and community development block grants. I also appreciate the bill's strong funding for transportation, and particularly public transportation programs.

Finally, I would like to thank my colleagues for the \$100 million they provided for competitive capital grants to transit agencies seeking to reduce energy consumption and greenhouse gas emissions. Senator SHELBY and I worked with the managers to include these grants in the economic recovery bill earlier this year. We appreciate their continued support for this initiative.

Mrs. MURRAY. Madam President, we are now on final passage. I urge all of our colleagues to vote yes.

Mr. BOND. Madam President, I join with my colleague in thanking all Members and urging an aye vote.

The PRESIDING OFFICER. Under the previous order, the committee amendment in the nature of a substitute is agreed to. The motion to reconsider is considered made and laid on the table.

The question is on the engrossment of the committee amendment and third reading of the bill.

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

The bill was read the third time.

Mrs. MURRAY. I yield back our time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, shall the bill as amended pass:

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 287 Leg.]

#### YEAS—73

Akaka	Franken	Nelson (NE)
Alexander	Gillibrand	Nelson (FL)
Baucus	Gregg	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bennett	Hatch	Roberts
Bingaman	Hutchison	Rockefeller
Bond	Inouye	Sanders
Boxer	Johanns	Schumer
Brown	Johnson	Shaheen
Brownback	Kaufman	Shelby
Burr	Kerry	Snowe
Byrd	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	Lugar	Webb
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wicker
Durbin	Mikulski	Wyden
Feingold	Murkowski	
Feinstein	Murray	

#### NAYS—25

Barrasso	DeMint	McCain
Bayh	Ensign	McCaskill
Bunning	Enzi	McConnell
Burr	Graham	Risch
Chambliss	Grassley	Sessions
Coburn	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	
Crapo	LeMieux	

#### NOT VOTING—1

Landrieu

The bill, H.R. 3288, as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mrs. MURRAY. Madam President, I move to reconsider the vote and lay that motion upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses.

The chair appointed Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Mr. KOHL, Mr. DURBIN, Mr. DORGAN, Mr. LEAHY, Mr. HARKIN, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. LAUTENBERG, Mr. SPECTER, Mr. INOUE, Mr. BOND, Mr. SHELBY, Mr. BENNETT, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALEXANDER, Ms. COLLINS, Mr. VOINOVICH, and Mr. COCHRAN, conferees on the part of the Senate.

#### EXECUTIVE SESSION

#### NOMINATION OF GERARD E. LYNCH TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to vote on the nomination of Gerard E. Lynch, of New York, to be U.S. circuit judge for the Second Circuit.

There is 2 minutes of debate equally divided.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, it is Constitution Day. Two hundred twenty-two years ago today, the Constitutional Convention finished its work and proposed our fundamental charter.

With this vote, the Senate will finally begin fulfilling one of its most important constitutional duties by granting consent to the President's lifetime appointment to the Federal judiciary. This is the first Federal circuit court judge the Senate has confirmed all year. The Senate has yet to confirm a single district court judge. Judicial vacancies have spiked and could approach 120 soon.

We all know Judge Lynch is an outstanding judge and will make an excellent circuit judge. His nomination has been on the calendar awaiting Senate action for more than 3 months. I am glad his wait is finally over. The President made a good nomination, and the Senate should grant consent so that Judge Lynch's appointment may finally proceed.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, this nominee is a brilliant lawyer and an excellent, hard-working judge. He has made a number of speeches in the past which evidenced an activist philosophy. I voted against him in 1997 when he came up. And absent one or two opinions since then, it seems he has done an excellent job on the bench.

I remain concerned that we are seeing a pattern of nominees who believe they have the power to amend the Constitution. One—not this one—has said he can make footnotes to the Constitution. But this nominee is a man of good integrity, a proven record on the bench, and I will support the nomination.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Gerard E. Lynch, of New York to be U.S. Circuit Judge for the Second Circuit?

Mr. SESSIONS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 288 Ex.]

#### YEAS—94

Akaka	Feingold	Mikulski
Alexander	Feinstein	Murkowski
Barrasso	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Graham	Nelson (FL)
Begich	Grassley	Pryor
Bennet	Gregg	Reed
Bennett	Hagan	Reid
Bingaman	Harkin	Risch
Bond	Hatch	Roberts
Boxer	Hutchison	Rockefeller
Brown	Inouye	Sanders
Brownback	Isakson	Schumer
Burr	Johanns	Sessions
Burr	Johnson	Shaheen
Byrd	Kaufman	Shelby
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Kyl	Tester
Chambliss	Lautenberg	Thune
Cochran	LeMieux	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	McCain	Whitehouse
Dodd	McCaskill	Wicker
Dorgan	McConnell	Wyden
Durbin	Menendez	
Ensign	Merkley	

#### NAYS—3

Bunning Coburn Inhofe

#### NOT VOTING—2

Enzi Landrieu

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 2394

The PRESIDING OFFICER. There are now 2 minutes of debate prior to a vote in relation to amendment No. 2394 offered by the Senator from Nebraska, Mr. JOHANNIS.

The Senator from Nebraska.

Mr. JOHANNIS. Madam President, this morning I presented the argument on this amendment to the Senate. The question was raised: We don't think there is money that comes out of this budget relative to this organization, ACORN. I went back to the office and did some research. This is a bill that controls hundreds of grant programs. After studying that, it appears I was right. ACORN gets money out of this appropriations.

Moments ago my staff brought me information that would suggest that