

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

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in support of H.R. 455. I want to commend my friend on the other side of the aisle for his eloquence and for his support of H.R. 455.

I yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank the gentleman from Georgia for yielding me the time.

Mr. Speaker, I rise in support of H.R. 455, a bill to designate the United States courthouse in Jackson, Mississippi, as the R. Jess Brown United States Courthouse.

Mr. Speaker, Richard Jess Brown was born on September 12, 1912, in Coffeyville, Kansas. His parents, Ernestine and Joe Brown, were jazz musicians and performed in and managed a local theater.

Jess received a bachelor of science in industrial arts from Illinois State Normal University and a master of science in industrial education from Indiana University in Bloomington, Indiana.

After teaching at Alcorn State University, Jess moved to Jackson, Mississippi, where he taught industrial arts at Lanier High School, the only Black high school in the city at that time. While teaching at Lanier, Jess became an intervening plaintiff in a lawsuit that sought equal pay for Black teachers in Jackson.

After teaching in Jackson, Jess attended Texas Southern University Law School. Jess left the law school before receiving his juris doctorate, but was able to return to Mississippi and pass the Mississippi bar in 1953.

Beginning his law career in Vicksburg, Mississippi, Jess confined his practice to cases involving divorces, deeds, land titles, and other practices that did not agitate White members of the bar. However, after the Brown v. Board of Education of Topeka ruling in 1954, Jess felt compelled to defend the civil rights of African Americans.

In the fall of 1955, the conditions and hardships endured by Black lawyers in the courts led Mr. Brown and seven other Black attorneys to establish the Magnolia Bar Association.

Mr. Speaker, R. Jess Brown is credited with filing the first civil suit on behalf of an African American in Mississippi, that lawsuit on behalf of a Jefferson County minister who challenged laws that prevented Blacks from voting.

Mr. Speaker, Jess Brown has an extensive record as a civil rights lawyer. His list of clients include:

Clyde Kennard, who was charged with and convicted of a fictitious crime while attempting to desegregate the University of Southern Mississippi;

James H. Meredith, whose litigation ultimately led to the integration of the University of Mississippi;

Dr. Gilbert Mason, who led the effort to end racial segregation on the beaches of Biloxi, Mississippi; and

Civil rights icons Medgar Wiley Evers and Dr. Aaron Henry.

Mr. Speaker, Mr. Brown was admitted to practice law before all Mississippi court systems; the United States District Court for the Northern District of Mississippi; the United States District Court for the Southern District of Mississippi; the United States Court of Appeals for the Fifth Circuit; and the United States Supreme Court. Mr. Brown also served on the Executive Board of the National Bar Association for approximately 15 years.

Mr. Speaker, on December 31, 1989, R. Jess Brown died in Jackson, Mississippi, at the age of 77.

Mr. Speaker, R. Jess Brown is well-deserving of this honor, and I urge my colleagues to join me in supporting H.R. 455.

Mr. FERGUSON. Mr. Speaker, I continue to reserve the balance of my time.

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

Mr. Speaker, R. Jess Brown is the type of individual who is an American success story. Just listening to the comments of my colleague, Congressman THOMPSON, about R. Jess Brown made me very proud of his accomplishments. He seemed to have been a Renaissance man with a southern twist. He seemed to be a gentleman and a scholar, yet someone who worked with his hands, also, and showed others how to do so.

That is why I rise in support of H.R. 455, a bill to designate the Federal courthouse in Jackson, Mississippi, as the R. Jess Brown United States Courthouse. I can't think of any better name for a courthouse in that locale other than the R. Jess Brown United States Courthouse. Attorney R. Jess Brown was a towering champion during critical moments in the civil rights movement in the South, and especially in Mississippi.

Jess Brown received his law degree from the Thurgood Marshall School of Law at Texas Southern University, which is my law school alma mater, and he practiced law in Mississippi throughout the sixties and seventies as one of the few attorneys willing to practice civil rights law. He made the metamorphosis from being a divorce lawyer into being a civil rights lawyer.

He was associate counsel for the National Association for the Advancement of Colored People, the NAACP Legal Defense and Educational Fund, and he filed the first civil rights suit in Mississippi in the 1950s in Jefferson Davis County, seeking the enforcement of the right of Black citizens to become registered voters.

In 1961, R. Jess Brown represented James H. Meredith in his suit to be allowed to enter the University of Mississippi. His victory in this case opened the doors of that university to all Mississippi citizens.

While with the NAACP Legal Defense and Educational Fund, he played a

major role in fighting racial discrimination in the areas of transportation and other public accommodations.

During his lifetime, R. Jess Brown received numerous awards and honors, including the NAACP's Lawyer of the Year Award, the National Bar Association's C. Francis Stradford Award, and the Mississippi Teachers Association Award for extraordinary service to education in Mississippi. Other accomplishments are too numerous to mention but, unfortunately, are not as well known as they should be, and this is the least that we can do to honor the legacy of this important American.

I support this legislation honoring the life's work of R. Jess Brown, and I urge my colleagues to join me and pass H.R. 455.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. FERGUSON) that the House suspend the rules and pass the bill, H.R. 455.

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

A motion to reconsider was laid on the table.

#### METROPOLITAN PLANNING ORGANIZATION COORDINATION AND PLANNING AREA REFORM REPEAL ACT

Mr. LEWIS of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (S. 496) to repeal the rule issued by the Federal Highway Administration and the Federal Transit Administration entitled "Metropolitan Planning Organization Coordination and Planning Area Reform".

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 496

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

#### SECTION 1. REPEAL.

The rule issued by the Federal Highway Administration and the Federal Transit Administration entitled "Metropolitan Planning Organization Coordination and Planning Area Reform" (81 Fed. Reg. 93448 (December 20, 2016)) shall have no force or effect, and any regulation revised by that rule shall be applied as if that rule had not been issued.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. LEWIS) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

#### GENERAL LEAVE

Mr. LEWIS of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 496.

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

There was no objection.

□ 1700

Mr. LEWIS of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking my colleague across the aisle, Representative LIPINSKI, for his work on the original House version of this legislation and to Senator DUCKWORTH for introducing the corresponding language in the Senate. We all understood the unintended ramifications that this last-minute rule created, and we worked together to address this issue.

This bill rescinds the Federal Highway Administration and Federal Transit Administration's Metropolitan Planning Organization Coordination and Planning Reform rule that was promulgated in December, 2016.

After being sworn in to the House of Representatives, one of the first pieces of legislation I offered was to repeal this rule. Through the Transportation and Infrastructure Committee, we were able to work in a bipartisan manner to achieve that goal, and I was proud to serve as the lead Republican in advancing a commonsense policy unanimously through our committee.

This flawed rule mandates the expansion of boundaries for federally required Metropolitan Planning Organizations, or MPOs. There are 409 MPOs in the United States, and the Department of Transportation identified that more than one-third of these MPOs would immediately be subject to the new requirements of this rule.

By requiring that MPO boundaries encompass the entire urbanized area and any surrounding areas that may be urbanized within 20 years, the Department of Transportation has taken away the ability for States and localities to determine how to plan their transportation networks. In many cases, this rule pushes an MPO into the boundary of another MPO, forcing consolidation of areas that are represented by different governing bodies. These areas are not capped and could become extremely expansive. There are even instances where MPOs would be mandated to include cities and counties in neighboring States.

The question is: Why did the DOT feel the need to institute this rule? States already have the ability to reassess their MPO boundaries. MPOs have the ability to expand beyond their boundaries by using memorandums of understanding. Minnesota uses several for transportation planning. Additionally, every 4 years, MPOs are required to participate in a review process that identifies areas of concern like the planning of projects with neighboring areas.

Meanwhile, in the instances of unelected MPOs, like Minnesota's Metropolitan Council, this rule encourages them to expand without any participa-

tion or control from local citizens. The MPO council representing the Twin Cities area is entirely appointed by the Governor. Through State statute, they have the ability to levy taxes, and, like all MPOs, they determine what transportation projects to pursue. An expansion of MPO boundaries could mean a new tax for surrounding counties to fund transportation projects that do not address their local needs.

Mr. Speaker, I encourage my colleagues to support this measure and return current law to what Congress intended when it passed the FAST Act. This bill ensures that States, cities, and counties retain decisionmaking ability when it comes to planning their development and transportation growth.

Our language restores certainty to local officials already in planning phases for local projects and could save MPOs more than \$340 million over the next several years conforming to the regulation. The essence of this bill is local control. The more government is removed from the people, the less responsive it becomes. Self-governance works best when closest to home.

I want to thank Chairman SHUSTER for his leadership on this matter, as well as my colleagues, Representative LIPINSKI and Senator DUCKWORTH, for their work on this bill, and I encourage all my colleagues to support our bill.

Mr. Speaker, I include in the RECORD a letter from the National Association of Regional Councils and the Association of Metropolitan Planning Organizations, and a letter from the American Association of State Highway and Transportation Officials.

NATIONAL ASSOCIATION OF REGIONAL COUNCILS AND ASSOCIATION OF METROPOLITAN PLANNING ORGANIZATIONS,

April 25, 2017.

DEAR MEMBER OF CONGRESS: On behalf of the members of the Association of Metropolitan Planning Organizations (AMPO) and National Association of Regional Councils (NARC), we wish to express our strong support for a bill expected on the floor later today: S. 496—"To repeal the rule issued by the Federal Highway Administration and the Federal Transit Administration entitled "Metropolitan Planning Organization Coordination and Planning Area Reform". This legislation passed the Senate unanimously on March 8. Identical legislation from Representatives Daniel Lipinski and Jason Lewis, H.R. 1346, has the support of 26 bipartisan co-sponsors and passed the Transportation and Infrastructure Committee by voice vote on March 29.

AMPO and NARC support increased planning coordination at all levels, but this Final Rule has significant drawbacks that make its implementation impractical, and would hinder the regional planning process and delay project implementation. Our extensive joint comments to the federal docket explain in significant detail the problems with this rule and the negative consequences we believe would result. Ours was one of more than 600 comments to the docket that asked this rule be withdrawn or substantially modified. Neither occurred, so legislative action is required.

Repeal of this Final Rule is a key priority for our organizations and for many of our

members. The legislation you will consider today would immediately restore certainty to the planning process for hundreds of planning organizations. Its bipartisan support is an indication that members from both parties recognize the damage this Final Rule could inflict on the transportation planning process and project implementation.

We thank you for your consideration of this matter, and reaffirm our request that you support passage of S. 496.

Sincerely,

LESLIE WOLLACK,  
Executive Director,  
National Association  
of Regional Councils.

DELANIA HARDY,  
Executive Director, Association of Metropolitan Planning Organizations.

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS,

Washington, DC, March 10, 2017.

Re H.R. 1346 to repeal the rule issued by the FHWA and the FTA entitled "Metropolitan Planning Organization and Coordination and Planning Area Reform"

DEAR MEMBERS OF CONGRESS: The American Association of State Highway and Transportation Officials (AASHTO) expresses our full support of H.R. 1346 which will repeal the recently issued rule by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) entitled "Metropolitan Planning Organization Coordination and Planning Area Reform" (81 Fed. Reg. 93448) finalized on December 20, 2016. Representing all 50 states, the District of Columbia, and Puerto Rico, AASHTO serves as a liaison between state departments of transportation (state DOTs) and the federal government.

AASHTO and its members are supportive of voluntary opportunities to strengthen regional transportation planning by states and metropolitan planning organizations (MPOs). As expressed in our comments on the NPRM regarding this rule, we do not see a basis for making substantial changes to the planning process as required in the rule.

AASHTO has significant concerns with the specific mandates that the rule imposes upon states and MPOs. The regulation will add significant additional legal and administrative requirements that would serve as barriers to constructive and flexible approaches to planning and programming being implemented by states and MPOs today. Imposing these new requirements goes against the Congressional intent of the Fixing America's Surface Transportation (FAST) Act to streamline project delivery. The rule also epitomizes the one-size-fits-all approach that does not allow flexibility to tailor processes and solutions to the diverse needs, opportunities, and constraints faced by states and MPOs across the nation.

We appreciate your tremendous leadership in repealing this specific rule. If you would like to discuss these issues further, please contact AASHTO's Program Director for Planning and Performance Management.

Sincerely,

DAVID BERNHARDT, P.E.,  
President, American Association of State Highway and Transportation Officials;  
Commissioner,  
Maine Department of Transportation.

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

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 496, a straightforward bill to repeal changes made to the transportation planning process in the waning days of the Obama administration.

On June 27, 2016, the Federal Highway Administration and the Federal Transit Administration jointly published a proposed rule to make significant changes to surface transportation planning regulations in an attempt to promote more effective regional planning by States and Metropolitan Planning Organizations, MPOs. The proposed rule was well-intentioned, aiming to strengthen coordination among planning partners and neighboring communities.

However, the rule was haphazardly put together on an expedited timeline, with very little input from States and local planning organizations. It is not surprising, therefore, that the result was overwhelming opposition to the specific requirements of the rule.

This rule was not mandated by Congress. In fact, Congress made very few changes to the planning process in the most recent surface transportation reauthorization, the Fixing America's Surface Transportation Act, also known as the FAST Act.

Among other changes, the administration sought to require that, in any urbanized area represented by more than one MPO, the MPOs would be required to either merge or realign their boundaries or develop unified planning documents. This requirement for joint planning documents would apply in urbanized areas that cross State lines. This provision, in particular, caused substantial concern in the planning community.

The FHWA and the FTA received 299 comments in opposition to the proposed rule, of which 249 requested that the rulemaking be withdrawn. Only 16 commenters expressed support for the proposed rule. The agencies received 156 comments in support of the intent of the rule, but not the specific requirements and procedures proposed.

The final rule, published in December of 2016, made a few modifications, including the addition of a waiver process, subject to approval by the Secretary, from some of the joint planning requirements if an area can demonstrate suitable coordination. Despite the changes made by the agencies in the final rule, strong opposition to the rule continues.

Earlier this month, Atlanta Mayor Kasim Reed testified before the Subcommittee on Highways and Transit on implementation of the FAST Act. His written testimony, submitted on behalf of the U.S. Conference of Mayors, states: "The outgoing administration proposed a new rule on MPO designations that created unreasonable burdens for a number of regions, and we

thank you, Mr. Chairman, and this committee for acting on legislation to remedy this."

Repeal of this rule is supported also by the American Association of State Highway and Transportation Officials, the Association of Metropolitan Planning Organizations, and the National Association of Regional Councils.

Last month, the Transportation and Infrastructure Committee passed H.R. 1346, an identical bill to S. 496, by voice vote. H.R. 1346, introduced by the gentleman from Illinois (Mr. LIPINSKI), is a bipartisan bill with 29 cosponsors.

S. 496 stops the controversial changes I have described from going into effect. The bill does not preclude the administration from pursuing changes in the future, through a new notice and comment rulemaking, to improve the planning process by strengthening the coordination of MPOs and States.

Mr. Speaker, I support this legislation, and I urge my colleagues to do the same.

I yield back the balance of my time.

Mr. LEWIS of Minnesota. Mr. Speaker, I urge my colleagues to join me in supporting this important legislation, and I yield back the balance of my time.

Mr. PASCRELL. Mr. Speaker, I rise in support of S. 496, which is the first and likely only legislation striking an Obama Administration era rule or regulation outright that I will be supporting this Congress.

From when I first learned of the rule last year, I have had strong concerns about the United States Department of Transportation's (DOT) proposal on Metropolitan Planning Organization Coordination and Planning Area Reform.

Planning was a top priority of one of my predecessors in the United States House of Representatives, former Public Works Committee Chairman Bob Roe. In the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, the Congress overhauled the planning process and gave tremendous authority to local Metropolitan Planning Organizations (MPO). The process works well in Northern New Jersey, where the North Jersey Transportation Planning Authority (NJTPA) plays an important role advancing regional projects that provides an important opportunity for local communities to offer meaningful input.

I joined my colleague, Mr. SIREs, in a letter last summer expressing concerns with the draft rule and requesting that the comment period be extended.

I appreciate the DOTs end goal: to make planning more efficient, more comprehensible to stakeholders and the public, and more focused on projects that address critical regional needs. However, in a rush to judgment and ignoring the concerns of many comments from across the county, the DOT finalized a well-intended, but misguided rule. Specifically, I object to the severity of its reconstruction of the planning processes, practices, and understandings that have been in effect for MPOs for decades, and the ability for the public to comment.

Most concerning to me is that the rule could require the redrawing of Metropolitan Planning Areas (MPAs) and require Urbanized Areas (UZAs) to have a common MPO or common

Transportation Improvement Plan (TIP). For densely populated regions like Northern New Jersey, the proposed rule would reduce local decision-making by either forcing MPO consolidation or requiring a burdensome multi-region single long-term TIP that could weaken local input. The NJTPA region covering my district already includes 6.7 million people and its TIP is over \$2 Billion—adding any more to their plate would be unwieldy. We just need to witness the dysfunction at the Port Authority of New York and New Jersey to know that mandating New Jersey to undertake transportation planning with New York City and New York State in this way would be a recipe for disaster.

I thank my colleagues for advancing this bill, look forward to this rule being put back on the shelf, and hope DOT can come up with something less burdensome in their quest to reform transportation planning processes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. LEWIS) that the House suspend the rules and pass the bill, S. 496.

The question was taken.

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

Mr. LEWIS of Minnesota. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

## AVIATION EMPLOYEE SCREENING AND SECURITY ENHANCEMENT ACT OF 2017

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 876) to amend the Homeland Security Act of 2002 to reform programs of the Transportation Security Administration, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 876

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

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Employee Screening and Security Enhancement Act of 2017".

### SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term "Administration" means the Transportation Security Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Transportation Security Administration.

(3) AIR CARRIER.—The term "air carrier" has the meaning given such term in section 40102 of title 49, United States Code.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate.

(5) FOREIGN AIR CARRIER.—The term "foreign air carrier" has the meaning given such