The House met at 10 a.m. and was called to order by the Speaker pro tempore (MRS. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, March 9, 2005.
I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.
J. DENNIS HASTERT, Speaker of the House of Representatives.

PRAYER
The Reverend Mary E. Moore, Pastor of New Salem Missionary Baptist Church, Memphis, Tennessee, offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the earth. We stand here, O God, in awe of Your greatness, but most of all with gratitude in our hearts for Your multitudinous deeds of kindness.

Dear God, we thank You for the leadership of our Nation, and we ask that You bless President Bush and his family as he carries out his providential assignment. Bless not only these United States but extend Your hand of mercy and kindness.

Manifest Yourself now in the attitudes, the efforts, and the oratory of each Representative. Let them be mindful to seek Your guidance in every decision to be made so that all people are benefactors of agreements made in this assembly.

Lord, we realize this is a trying time, but we are also cognizant of the fact that it is a trusting time. Now, dear God, deliver us from evil, for Thine is the kingdom, and the power, and the glory forever, Amen.

THE JOURNAL
The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House her approval thereof.
Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. FORD) come forward and lead the House in the Pledge of Allegiance.

Mr. FORD led the Pledge of Allegiance as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF THE REVEREND MARY MOORE
(Mr. FORD asked and was given permission to address the House for 1 minute.)

Mr. FORD. Madam Speaker, I thank you, and I thank my colleagues and the Speaker, Mr. Hastert, and the Chaplain. It is my honor to belatedly introduce to my colleagues the great pastor from the City of Memphis, Mary Moore, the pastor of New Salem Missionary Baptist Church who led us so wonderfully and graciously this morning.
Pastor Moore has distinguished herself as one of the outstanding voices of the mid-South region, a community traditionally recognized for the vibrancy of its spiritual roots. And through her ministerial duties and through her insight, Pastor Moore has emerged from the shadows of the legendary Reverend C.L. Franklin, the late great pastor of New Salem and the father of another great voice in this country, Aretha Franklin, to also take her place in Memphis history.

As a woman and a force in ministry, Pastor Moore has overcome obstacles in further advancing New Salem’s role as a pillar in our city’s religious community. Her tireless ability to share the sacred scriptures in a way that is applicable to our everyday lives makes her an invaluable resource for Memphis and our larger community.
I have known Pastor Moore for many years. She has been a friend and a supporter, and she proves time and time again to be a trail blazer whose resolve to effect positive change in our community is second to none.
It is an honor for me to have her today as our guest chaplain, and I know I speak on behalf of all of my colleagues, thank you, Pastor Moore, for being with us this morning.

SOCIAL SECURITY
(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Madam Speaker, many people may be asking why are we bringing the topic of Social Security to the kitchen tables of the American family?
Well, maybe it is because Social Security is a pay-as-you-go system, with today’s workers paying to support today’s retirees. But each year, there are more people retiring and not enough additional workers to support them. Maybe it is because, if Social Security is not updated, it will cost all of us $10 trillion, an amount just slightly larger than the entire U.S. economy today.

Maybe it is because, in the 1950s, there were 16 workers paying for every retiree. And, today, there are about three, and soon there will only be two to support each and every person on Social Security.
One thing is crystal clear. The Social Security system as we know it is broken and needs to be fixed. It amazes me that so many people from across the aisle believe that a 70-year-old program will be just fine if we leave it as is.
Madam Speaker, our current Social Security system is well past retirement age. Let us put politics behind us and provide America with solutions rather than sound bites that make the 11 o’clock news.

ADVOCATING WELCOME HOME GI BILL

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

Mr. EMANUEL. Madam Speaker, on March 19 we will begin our third year in Iraq. The brave men and women of our armed forces have fought proudly, and have served proudly.

After extended tours of duty, many are finally coming home to their families. Following every major war, every Congress has compensated its returning service men and women with the resources to begin their lives. Now is our chance, the 109th Congress, to honor a new generation of American heroes.

The Welcome Home GI Bill is a bold new direction in helping our veterans achieve the success they have earned and deserve. It provides health care for up to 5 years through the TRICARE program for service men and women and their families who do not have health care with their place of employment or have lost it.

The Welcome Home GI Bill includes $75,000 for college education and waives the $1,800 fee for getting that education and a down payment on their home. Most importantly, under the plan, all returning veterans, regardless of service, National Guard, State Guard, or Reservista, including our active duty, get this benefit. It is what a grateful Nation should do and has always done. We do not owe these returning veterans a favor but must repay one.

FAIRCHILD INDUSTRIAL PRODUCTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, it takes determination, ingenuity and hard work to succeed in the global economy. In the Fifth District of North Carolina, I have recently seen how a growing manufacturer, Fairchild Industrial Products Company, is sustaining high-skilled jobs, creating new products and increasing American exports.

Fairchild has about 100 employees, and it manufactures highly engineered pneumatic controls for industrial processes. About 45 percent of its products are shipped to overseas markets. Fairchild achieves world class quality because its management really listens to the employees on the front lines through discussions on continuous quality improvement. At every company, it is crucial for managers to listen to the ideas from those who know the manufacturing process best, the employees, who day in and day out work on the assembly lines and on the shop floor.

Fairchild had suffered some setbacks in recent years, but now, with support from Allied Capital Corporation, it is growing seven percent a year, as a result of the economic growth in exports. Every Fairchild product that is shipped overseas helps reduce America’s trade deficit abroad and sustains high-quality jobs here at home.

Madam Speaker, the success of Fairchild shows how American manufacturing can get back on to the path toward growth. I am proud this strong North Carolina company is showing how American manufacturing can compete and win in the global economy.

SOCIAL SECURITY PRIVATIZATION

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, President Bush has invented an immediate Social Security crisis, but his privatization proposal does nothing to solve his invented crisis.

Why would President Bush propose a Social Security privatization plan that leaves the program worse off after he is done with it? Madam Speaker, the President does not want to fix the Social Security program we have had in place for the past 70 years. Instead, he wants to privatize it. He talks about creating an ownership society, but his proposal creates an on-your-own society.

Madam Speaker, for 70 years, Social Security has improved the lives of millions of Americans. Without it today, two-thirds of America’s seniors would be living in poverty. Social Security gave our parents and grandparents independence. Democrats are willing to work with the President in a bipartisan fashion to address Social Security’s future, but we simply refuse to support the President’s proposal that dismantles the independence Social Security affords our senior citizens today and our children when they retire in the future.

We will work with the Republicans on trying to deal with the Social Security problems that exist in the future, but we cannot support privatization.

RECOGNIZING STRENGTH OF IRAQI AND AFGHAN WOMEN IN DEVELOPING DEMOCRACIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. Wilson) is recognized for 5 minutes.

Mr. WILSON. Madam Speaker, as a member of the Congressional Iraqi Women’s Caucus, I am honored to recognize the bravery and strength of Iraqi and Afghan women who are fighting to turn the promises of democracy into realities for their children and grandchildren. Today, a group of Iraqi and Afghan women are visiting the halls of Congress. I am pleased to celebrate their courage and encourage them to continue their work for democracy.

In conclusion, God bless our troops, and we will never forget September 11.

LIFETIME STOP THE VIOLENCE WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. Solis) is recognized for 5 minutes.

Ms. SOLIS. Madam Speaker, I rise today to recognize Lifetime Stop the Violence Week. One-third of American women report being physically or sexually abused by a husband at some point in their lives.

One critical step we can take in Congress is to reauthorize the Violence Against Women Act this year, which will add very important services for immigrant, rural, disabled and older women.

As we celebrate International Women’s Day, I would like to share my concern for the violence against women worldwide, including those women in Ciudad Juarez. Approximately 400 women over the past 10 years have been murdered and sexually assaulted there. It is time for our governments to come together and find a resolution to these heinous crimes.

Today, also, I am reintroducing a bipartisan resolution focusing on the murders of these young women in Ciudad Juarez. I hope to join me this week in wearing their Lifetime scarves and their ties and speak out against the violence against all women throughout the world.

Yes, indeed, we are going to have visitors today from Afghanistan and Iraq, women who have been elected to office. We need to support them and ensure that freedom and democracy reign throughout the world.

SOCIAL SECURITY IS NOT BROKEN

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS. Madam Speaker, a large number of people are on the Hill this week from ACORN, one of the most effective grassroots community organizations in America. The group I just met with told me one thing. They said, Tell the President if it ain’t
broke, don’t fix it. Add to it, but do not fix it. Of course they were talking about Social Security that has been the lifeline for millions of seniors in our country since its inception.

Madam Speaker, I will just repeat what ACORN told me: If it ain’t broke, don’t fix it.

TEN COMMANDMENTS EMBODY AMERICA’S RULE OF LAW

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Speaker, the Supreme Court cases, Van Orden v. Perry and McCreary County, Kentucky v. ACLU seek to remove the Ten Commandments from government property. These cases represent a concerted effort to ignore the central role and contributions of religion in American history and culture.

In 1824, Congress studied the assertions that America is a Christian Nation. They concluded, “The Founding Fathers had no fear or jealousy of religion itself nor did they wish to see us an irreligious Nation.”

The Ten Commandments are a historical and cultural embodiment of America’s commitment to a government based upon the rule of law. The Ten Commandments reflect our Nation’s Judeo-Christian history and our Founders’ deep religious faith. That is why the Ten Commandments should continue to be displayed inside courtrooms throughout our country, including the United States Supreme Court.

VIOLANCE AGAINST WOMEN

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Madam Speaker, I rise to commemorate this week as Lifetime’s Violence Prevention Week and to call on this Congress to support legislation that will truly protect victims of violence and not punish them. It is time for the administration to get serious about protecting victims of abuse.

The President, quite frankly, failed in his proposed fiscal year 2006 budget. He cut funding to the Violence Against Women programs by $19 million. For programs that have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 41.

Mr. BARTLETT of Maryland. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 41.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the day.

EXPRESSIONSSENCE OF HOUSE OF REPRESENTATIVES TO ESTABLISH “NATIONAL TARTAN DAY,” RECOGNIZING ACHIEVEMENTS AND CONTRIBUTIONS OF SCOTTISH-AMERICANS

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 41) expressing the sense of the House of Representatives that a day should be established as “National Tartan Day” to recognize the outstanding achievements and contributions made by Scottish-Americans to the United States.

The Clerk read as follows:

Whereas April 6 has special significance for all Americans, and especially those Americans of Scottish descent, because the Declaration of Arbroath, the Scottish Declaration of Independence, was signed on April 6, 1320, and the American Declaration of Independence was modeled in part on that inspirational document;

Whereas this resolution honors the major role that Scottish-Americans played in the founding of the Nation, such as the fact that almost half of the signers of the Declaration of Independence were of Scottish descent, the Governors in 9 of the original 13 States were of Scottish ancestry, and Scottish-Americans successfully helped shape the Nation in its formative years and guide it through its most troubled times;

Whereas this resolution recognizes the monumental achievements and invaluable contributions made by Scottish-Americans that have led to America’s preeminence in the fields of science, technology, medicine, government, politics, economics, architecture, literature, media, and visual and performing arts;

Whereas this resolution commends the more than 200 organizations throughout the United States that honor Scottish heritage, tradition, and culture, representing the hundreds of thousands of Americans of Scottish descent, residing in every State, who already have made the observance of Tartan Day on April 6 a success; and

Whereas these numerous individuals, clans, societies, clubs, and fraternal organizations do not let their love for the Scottish people go unnoticed: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that a Day should be established as “National Tartan Day” to recognize the outstanding achievements and contributions made by Scottish-Americans to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

GENERAL LEAVE

Mr. DUNCAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 41.

Mr. BARTLETT of Maryland. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 41 expresses the sense of the House of Representatives regarding “National Tartan Day.” This is a resolution for which I have the privilege to be the primary Republican sponsor, and the primary sponsor on the Democratic side has been the gentleman from North Carolina (Mr. McINTYRE). Each year, thousands of Americans of Scottish origin recognize April 6 as Tartan or Clan Day. Next month many events around the country will commemorate National Tartan Day at churches, festivals, and other social gatherings.

In March 1998, the Senate designated April 6 of each year as National Tartan Day because that is the date the Declaration of Arbroath was drafted.

The House no longer permits establishments of commemorations, but I am pleased to support National Tartan Day and salute all Americans who will observe this day.

The consideration of this resolution also provides an opportunity to review an important time in world history. In 1296, King Edward the First of England invaded Scotland. A year later, Robert the Bruce responded by leading Scots in a revolt to regain their sovereignty. Members may remember Robert the Bruce as the leader who continued the Scottish rebellion after his comrade-in-arms, William Wallace’s death, as portrayed in the movie “Braveheart.”

After years of conflict, the outnumbered Scottish soldiers, led by Robert the Bruce, who had since been crowned King of Scotland, overcame the English at the Battle of Bannockburn in 1314. This battle was the culmination of Robert’s struggle for Scottish independence.

Towards the Declaration of Arbroath was written and completed on April 6, 1320, most likely by the monks of Arbroath Abbey on behalf of the Scottish barons and nobles. The declaration was a letter, in Latin, sent to Pope John the 22nd and because the Pope had yet to recognize Scottish independence. The declaration affirmed Scotland’s determination to maintain its independence.
Ultimately, the Pope was swayed by the Scottish appeal, and King Edwards, III, recognized King Robert and the independence of Scotland in 1328. The Declaration of Arbroath is undeniably the most important document in Scottish history, but it is also widely viewed as greatly influencing the American Declaration of Independence in 1776.

Members can also see Scottish-American influence throughout the history of our country. Thirty-five U.S. Supreme Court justices have been of Scottish descent. Nearly half of the Secretaries of the U.S. Treasury, and one-third of the Secretaries of State have been of Scottish origin. Nine of the signers of the Declaration of Independence were directly or indirectly descended from the Scots. And nine out of 13 Governors of the newly created United States were Scot or of Scottish descent.

The 2000 census reported that almost 5 million Americans are of Scottish heritage, and 4.3 million of Scots-Irish descent.

Madam Speaker, almost everyone who settled my home area of east Tennessee was of Scottish or Scots-Irish origin. The Scots-Irish were originally the poorest people in Scotland. Then they moved to Ireland and became the poorest people there. Then the Scots-Irish moved to the United States and became the poorest people here. They seem to have a knack for it.

Scottish-Americans, however, also have a knack for working hard to preserve history and heritage. There are more than 200 organizations through the United States that honor Scottish heritage. In my district, the Scottish Society of Knoxville recently held its annual Robert Burns Night when they honored Scotland's most celebrated poet.

Each year in Gatlinburg, right outside my district, Scottish-Americans from all over the country gather for the Gatlinburg Scottish Festival and Games, known as Highland games. Festivities include throwing the battle axe, the kilted mile, and highland wrestling. Highland games like these are held all over the nation.

A few years ago, the airline magazine "World Traveler" of Northwest Airlines profiled my Scottish ancestry. In that interview I told them one cannot get much more Scottish than having the name Duncan, being Presbyterian, and having one’s relatives coming from Scott County, Tennessee.

Madam Speaker, I am proud of my Scottish and Scots-Irish heritage. I am pleased to join with the gentleman from North Carolina (Mr. McIntyre) in support of House Resolution 41. I thank him for offering this measure and urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. McIntyre), the other co-sponsor of this resolution.

Mr. MCINTYRE. Madam Speaker, I rise today to honor all of those of Scottish ancestry who have had an impact on America in the present and the past, and we know they will in the future.

April 6, Tartan Day, is a significant day in the founding of our Nation. Scottish-Americans have played a key role in the growth of the United States. Contributions made by Scottish-Americans have helped America’s preeminence in the fields of science, technology, medicine, government, politics, economics, architecture, literature, the media, visual and performing arts, and yes, athletics and entertainment as well.

Tartan Day has a special significance for all of us who share Scottish heritage. Next month, the 685th anniversary of the Declaration of Arbroath, the Scottish declaration of independence, will be celebrated. The Declaration of Arbroath was signed on April 6, 1320. This declaration of independence included, among other things, the line, "We fight not for glory, nor riches nor honors, but for freedom alone, which no good man gives up except with his life."

Since that important day, April 6 has been set aside to honor the millions of Scottish descendants who have made outstanding contributions to our great society. Over 450 years later, the American Declaration of Independence was modeled in part on that inspirational document. When our Nation was founded, almost half of the signers of America’s Declaration of Independence were of Scottish descent, and nine of the Governors of the original 13 States were of Scottish ancestry. Throughout the history of our country, three-fourths of our Presidents have been of Scottish ancestry. This tells us despite the fact we are few in number, Scots tend to take seriously the words from the Declaration of Arbroath.

Many of the House of Representatives can claim Scottish ancestry as well, including the gentleman from Tennessee (Mr. DUNCAN), an original cosponsor of this resolution. Every day those of us of Scottish descent in this Chamber live by the words of the Declaration of Arbroath that I quoted a moment ago. We are here to advance freedom.

Today it is my honor to recognize the 685th anniversary of this historic declaration. We mark the gallery from the National Capital Society, St. Andrew’s Society, and if they would stand. Many of them are in their Scottish dress and kilts as well. We thank them for their presence as well.

Scottish-Americans have left their mark on America as pioneers and innovators. Their contributions to the history and development of the United States are invaluable. Who are we talking about? Here are some examples of great Scottish-Americans past and present: Neil Armstrong; Alexander Graham Bell; Andrew Carnegie; Julia Child; Hugh Downs; Thomas Edison; Malcolm S. Forbes; Katherine Hepburn; Billy Graham; Washington Irving; Andrew Mellon; Samuel F.B. Morse; Grandma Moses; and with the ACC tournament coming to Washington, William Scott; Robert Louis Stevenson; Elizabeth Taylor; and James McNeil Whistler, just to mention a few.

In fact, one in 10 of all Nobel prizes awarded have gone to people of Scottish ancestry.

Today, there are more than 200 organizations throughout the United States that honor Scottish heritage, tradition and culture, representing millions of Americans who are of Scottish descent. Every year, the observance of Tartan Day on April 6 is a success because of these fine organizations. There are Scottish-American clubs, fraternal associations and local Scottish American groups in every American city in the country. They represent literally millions of Americans nationwide.

In North Carolina, my home State, Mecklenburg County first officially observed Tartan Day in 1976. Greensboro has followed suit. Tennessee and Colorado also have special days honoring Scottish heritage. The Alaska Highlanders pipe band in Anchorage has celebrated this special time each year since 1975.

Later this month, a congressional delegation will be traveling as guests of the British government to Scotland. It will be our great honor to present this resolution to the Scottish Parliament with a declaration that the United States has officially recognized at long last the outstanding achievements and contributions made by Scots everywhere.

A Tartan provides instant recognition of family and kinship. Passing this resolution honoring Tartan Day will further emphasize the many Scottish contributions to the history and development of our great country, the United States of America.

On behalf of all of us of Scottish descent, I urge all of my colleagues to support this resolution. Help us officially honor the contributions made by Scottish Americans by voting “yes” on H. Res. 41, a resolution recognizing National Tartan Day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Issa). The Chair would remind all Members to refrain from making references to persons in the gallery.

Mr. DUNCAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan (Mrs. Miller).

Mrs. MILLER of Michigan. I thank the gentleman for yielding me this time.

Mr. Speaker, as a proud second-generation Scottish-American, I join my colleagues in recognizing the tremendous contributions of Scottish Americans who immigrated to America because they hoped for a better life and
all the wonderful possibilities that is America. Their ambitions, their braveness, their pioneering spirit helped build our economy, helped build our culture and, more than anything, contributed to our history.

I think it is significant to note, certainly, that one-half of the signers of the U.S. Declaration of Independence and at least 11 United States Presidents have been of Scottish ancestry. They were pioneers, of course, but they also had an ability and the desire to work hard.

Some of the great Scottish Americans include Alexander Hamilton, one of the architects of our Constitution and the first Secretary of the Treasury; John Paul Jones, the father of the United States Navy; Andrew Carnegie, one of the most successful businessmen ever, renowned for his charitable activities; Alexander Graham Bell, inventor of the telephone; Buzz Aldrin and Neil Armstrong, who both captured the imagination of the entire world by floating above it and exploring what no person had ever explored before.

In fact, the term ‘Great Scot’ is meant to express oneself in the presence of something extraordinary. I think it is significant to note, certainly, that the Scots brought a spirit of freedom and rugged individualism that found fertile soil in America.

On a final note, I might add that it was probably Scots, of course, who originated the game of golf, and it is well known that, less than 1 hour after golf was invented in Scotland, that the first golf joke was heard.

Mr. Speaker, Scots are usually members of a clan, from the term ‘clan’ which means ‘group function as a family,’ coexisting, succeeding and overcoming as a family. Today, we pay tribute to all Scottish Americans who have strengthened our American family.

I urge all my colleagues to support this resolution.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, from time to time, it is important that we acknowledge our individual histories and the characteristics that define us as Americans. Last month, we celebrated African-American History Month. Today, I am very proud to stand with the gentleman from North Carolina (Mr. McIntyre) and the other 56 cosponsors of H. Res. 41. This bill recognizes the outstanding achievements and contributions made by Scottish Americans to the United States by expressing the sense of the House of Representatives that a day should be established as National Tartan Day.

Scottish Americans have played important roles in the growth and development of this Nation. Three such Scottish Americans are John Witherspoon, Andrew Carnegie and Alexander Graham Bell. John Witherspoon immigrated to the United States in order to become the sixth President of Princeton University. He was a member of the ratifying convention that made New Jersey the third State to ratify the Constitution of the United States. He also is identified with the Commonwealth Philosophy, which is considered to be of importance in the development of our national life.

Andrew Carnegie came to the United States not as an educated man but as a poor immigrant. His vision and business acumen earned him a fortune in steel during the industrial revolution. Carnegie used his wealth to establish one of the largest philanthropic foundations in the United States. Much of his collected fortune was spent to establish over 2,500 public libraries and support institutions of higher learning and public education. By the end of his life, Carnegie gave away $350 million.

Inventor Alexander Graham Bell, like Carnegie, was primarily self-educated, accomplished much during his life. Graham is best known for inventing the telephone, though he explored the realm of communications and engaged in a great variety of scientific activities. Almost a decade ago, Congress recognized the influential role of the Scottish community in our country by making April 6, 1997, National Tartan Day. April 6 was chosen because it commemorates the signing of the Declaration of Arbroath, which asserted Scotland’s sovereignty over English territorial claims and influenced our own Declaration of Independence.

Therefore, Madam Speaker, I want to take this moment to thank the originators of this bill for their leadership and want to reiterate my strong support for H. Res. 41. Our Scottish citizens have made a tremendous impact on the development of this Nation, and all of us are proud of them.

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

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

Let me just close by, first of all, thanking the gentleman from Illinois (Mr. DAVIS) for his words and especially thanking our colleague from North Carolina (Mr. McIntyre) for his great leadership on this legislation. I call your attention to the origins of the great game of golf in Scotland. As one who loves golf, and you mentioned golf jokes, I might just tell you that when I come in from playing golf and people ask me how I did, I just tell them unbelievable, and they can take it anyway they want to then. I think this is important legislation, and I will tell you why. There are very few countries that have as close ties as the United States and Scotland. We have mentioned many of those ties and many of that heritage here today. But until this day and until this legislation, those close ties between Scotland and the United States have not been recognized in any way by the United States House of Representatives. And so I urge my colleagues to support this very important resolution.

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize the many achievements and contributions that Scottish-American citizens have made to the United States. I have long touted the importance of immigration as a source of strength for our Nation, and I am grateful to see the Scottish-American immigrant population be recognized by this House resolution.

Scottish-Americans have made significant contributions to American society and have played an influential role in the history of our country. Not only was Alexander Hamilton, one of our founding fathers, a Scottish-American, but at least eleven U.S. Presidents were also of Scottish descent. Among the ranks of proud Scottish-Americans were almost half of the signers of the Declaration of Independence, and two of the first Supreme Court Justices. Andrew Carnegie, one of this country’s most successful entrepreneurs and philanthropists, came to this country as a poor Scottish immigrant.

To honor the contributions of Scottish immigrants, it is appropriate that Congress recognize April 6 as “National Tartan Day.” The recognition by Congress that immigrants of all backgrounds contribute immeasurably to our success as a nation is a sentiment to which I could not more strongly agree.

Madam Speaker, I am pleased to recognize the achievements of the Scottish-American community. On behalf of this body, I express my support for establishing April 6 as “National Tartan Day” and congratulate the Scottish-American community. On behalf of this body, I express my support for establishing April 6 as “National Tartan Day” and congratulate the Scottish-American community on their numerous contributions to our Nation.

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

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and agree to the resolution, H. Res. 41.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING CONTRIBUTIONS OF UNITED STATES MARINE CORPS ON 60TH ANNIVERSARY OF BATTLE OF IWO JIMA

Mr. KLINE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 119) recognizing the contributions of the United States Marine Corps and other units of the United States Armed Forces on the occasion of the 60th anniversary of the Battle of Iwo Jima during World War II.

The Clerk read as follows:

H. Res. 119

Whereas 2005 marks the 60th anniversary of the Battle of Iwo Jima, in which the United States Marine Corps and other units of the United States Armed Forces assaulted and captured the island of Iwo Jima during World War II;
 Whereas the United States success in capturing Iwo Jima was a crucial victory that provided a location for necessary airbases to eventually win World War II in the Pacific theater, and

 Whereas, in recognition of the particularly hazardous battlefield conditions experienced by the Marines and other members of the United States Armed Forces on Iwo Jima, Commander in Chief of the Pacific Fleet, Fleet Admiral Chester W. Nimitz stated that "Among the men who fought on Iwo Jima, uncommon valor was a common virtue."; and

 Whereas more than 70,000 Marines participated in the Battle of Iwo Jima, of whom 17,372 were wounded and 5,931 Marines made the ultimate sacrifice, giving their lives to secure the cause of freedom and the United States victory in the battle: Now, therefore, be it

 Resolved, That the House of Representatives—

 (1) recognizes the 60th anniversary of the Battle of Iwo Jima; and

 (2) recognizes and commends the members of the United States Marine Corps and all other members of the United States Armed Forces who participated in the Battle of Iwo Jima for their sacrifice and contribution, with particular honor given to those members of the Armed Forces who gave their lives in defense of freedom during the Battle of Iwo Jima.

 The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. KLINE) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

 The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

 GENERAL LEAVE

 Mr. KLINE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

 There was no objection.

 Mr. KLINE. Madam Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. ISSA), the original sponsor of House Resolution 119.

 Mr. ISSA. Madam Speaker, today is a day on which we are reminded of how much we owe to the men and women of the Marine Corps who 60 years ago took an island in the Pacific at great personal cost of life and limb beyond that which we today could even begin to imagine. Of the 70,000 Marines who participated in the invasion of Iwo Jima, one in four were wounded, some 17,000. Of them, nearly 6,000 lost their lives. The invasion began on February 19. By February 23, we had declared that we had taken the island. But that was the beginning, not the end, of Iwo Jima. It continued for 31 more days. It was not until March 25 that the island was truly safe from foreign fighters. That battle, one of the longest for an island in the Pacific, has led to countless stories, many movies, each glorifying what was one of the toughest battles of the war. Now, 60 years later, we are prepared to honor once again this unique sacrifice.

 If not for the taking of Iwo Jima, the war could have gone on for months or even a year longer. If not for the taking of Iwo Jima, it was very clear that the Marines would have had to fight island after island around it for much longer. The Japanese knew this, and they defended this small island as their last hope of retaining their position in the Pacific.

 I appreciate the Speaker taking this up today. I appreciate, most importantly, Members of Congress supporting H. Res. 119 to remind the men and women, the last of this generation who are still with us, that we appreciate their sacrifices of World War II and particularly to my Marines at Camp Pendleton in my district who are today deployed primarily in Iraq and serving our country once again at great risk of life.

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

 During World War II, the island of Iwo Jima was strategically located. It contained three airstrips which had been used to stage kamikaze attacks on American ships. The island was home to three airstrips which had been used to stage kamikaze attacks. Allied generals believed that, if captured, the kamikazes would have to operate from Okinawa and Kyushu while at the same time providing American fighter pilots airstrips close enough to Japan to escort B-29s during missions on the mainland.

 Iwo Jima became the first native Japanese soil invaded by Americans in World War II, with approximately 60,000 Americans and 20,000 Japanese participating in the battle. On February 19, 1945, U.S. Marines landed on Iwo Jima at 8:59 a.m., after 10 weeks of bombing from carrier-based planes and medium bombers. A total force of 70,000 Marines went for the invasion against a force of 27,000 Japanese. What followed was some of the most vicious fighting of the entire war. On an island barely 8 square miles in size, the Japanese forces constructed over 800 pillboxes and 3 miles of tunnels. The volcanic ash on the island severely complicated landings.

 On February 23, 1945, Mike Strank, Harlon Block, Franklin Sousley, Ira Hayes, Rene Gagnon and John Bradley raised an American flag atop Mount Suribachi. The raising of this flag was forever captured by photographer Joe Rosenthal and, today, it stands immortalized less than 2 miles away from this Capitol.

 Approximately one-third of all Marines killed in action in World War II were killed at Iwo Jima, making Iwo Jima the battle with the highest number of casualties in Marine Corps history with 7,000 killed and 13,000 wounded. Twenty-seven Congressional Medals of Honor were awarded in the battle, more than were awarded to Marines and Navy in any other battle in our country's history. After the capture of Iwo Jima, more than 30,000 American airmen's lives were saved when more than 2,400 disabled B-29 bombers were able to make emergency landings at the Iwo Jima airfield after making bombing flights over Japan.

 In 1968 the island was returned to Japan, and remains of Marines from the Third, Fourth and Fifth Divisions have been brought back to the U.S. for burial. Today, Madam Speaker, we remember these young men and women who fought for their country and made the world safe for their children.

 Madam Speaker, I commend my colleagues on this resolution.

 Madam Speaker, I reserve the balance of my time.

 Mr. KLINE. Madam Speaker, I am very pleased to yield to the distinguished gentleman from California (Mr. CALVIERE).

 Mr. CALVIERE. Madam Speaker, I thank the gentleman for yielding me time.

 Madam Speaker, I also stand in support of House Resolution 119. My father served as a pilot of a landing craft during the Battle of Iwo Jima. It is an honor and a pleasure to recognize the sacrifice and contributions of the United States Marine Corps and other services on the occasion of the 60th anniversary of the Battle of Iwo Jima.

 If not for the taking of Iwo Jima some time ago back in my district when we dedicated the Medal of Honor Memorial at the Riverside National Cemetery. His name is Bob Bush, and he received the Congressional Medal of Honor for his service as a medical corpsman with the 2nd Battalion, 5th Marines, on May 2, 1945. His citation reads like a scene from a John Wayne movie, but it is all true:

 Unmaneuverably braving the fury of artillery, mortar, and machine-gun fire from strongly entrenched hostile positions, Bush constantly and unhesitatingly moved from one casualty to another to attend the wounded falling under the enemy's murderous barrages. As the attack passed over a ridge top, Bush was advancing to administer blood plasma to a Marine officer lying wounded on the skyline when the Japanese launched a savage counterattack. In this perilously exposed position, he repeatedly maintained the flow of life-giving plasma. With the bottle held high in one hand, Bush drew his pistol with the other and fired into the enemy's ranks until his ammunition was expended. Quickly seizing his discarded cartridge, he trained his fire on the Japanese charging pointblank over the hill, accounting for six of the enemy despite his own serious wounds and the loss of one eye suffered during his desperate battle in defense of the helpless man. With the tide of battle forever being turned, he calmly disregarded his own critical condition to complete his mission, valiantly refusing medical treatment for himself.
until his officer patient had been evacuated, and collapsing only after attempting to walk back to the battle aid station.”

Madam Speaker, his humility is typical of those who braved the sands of Iwo Jima and proudly support this resolution offered by my good friend from California.

Mr. BUTTERFIELD. Madam Speaker, I yield such time as she may concede to the gentlewoman from Guam (Ms. BORDELLO).

Ms. BORDELLO. Madam Speaker, I rise in support of H. Res. 119, recognizing the many contributions of the United States Marine Corps and other U.S. Armed Forces on the occasion of the 60th anniversary of the Battle of Iwo Jima. I want to thank the gentleman from California (Mr. ISSA) for introducing this important resolution.

Iwo Jima stands out as one of the defining moments in the Battle of the Pacific and is part of the defining moments in the history of the United States Marine Corps. The Marines fought in World War II for over 3½ years, yet in the span of just 1 month in Iwo Jima, they suffered nearly one-third of their total deaths. This heroic sacrifice ensured the freedom and liberty that we enjoy today.

The people of Guam have a special understanding of the kind of valor and heroism demonstrated by the U.S. Marine Corps during the Battle of the Pacific in World War II, for it was the Marines who led the charge in the liberation of our own island from the Japanese occupation. The Marines, fighting in defense of freedom, brought hope to the Chamorro people of Guam in a time of great oppression and fear. Last year, I joined nearly 50 Marines who took part in the liberation of Guam in laying a wreath at the Arlington National Cemetery to honor their great sacrifice and courage on behalf of our grateful people.

I will be joining the gentleman from Illinois (Mr. EVANS) and the gentleman from California (Mr. ISSA) on a trip to Iwo Jima to pay tribute to the U.S. Marines for this, the 60th anniversary of the Battle of Iwo Jima. The gentleman from Illinois (Mr. EVANS) is not able to make it to the floor to speak on this resolution as he is currently in a veterans hearing in the Senate, but I do know that he, too, is very supportive, and will include his statement for the RECORD.

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

Madam Speaker, today we recognize the contributions of the United States Marine Corps, an organization which I was proud to serve for 25 years in active duty. We also honor every member of the United States Armed Forces on this the 60th anniversary of the Battle of Iwo Jima.

Sixty years ago, U.S. Marines invaded the small Pacific island of Iwo Jima. Most Americans associate this event with the powerful Pulitzer Prize-winning image of the Marines raising a flag above Mount Suribachi. What many Americans may not realize, however, is that the emblematic photo, which has become a symbol of American bravery and victory, does not capture the first flag-raising at Iwo Jima that day.

Two different groups of heroes planted American flags at Iwo Jima on Mount Suribachi on that day in February of 1945, and the achievement of both groups provided and continues to provide inspiration to defenders of freedom everywhere.

The sole survivor from either flag-raising group is Minnesota’s own Charles Lindberg. On that seminal day in February of 1945, five fellow Marines reached the base of Mount Suribachi after several days of fighting and thousands of casualties. The next morning the battalion commander, Colonel Chandler Johnson, sent them to the summit with an American flag, and orders, “If you get to the top, raise it.” And raise it they did. The flag raised by Corporal Lindberg and his fellow Marines provided an immediately recognizable inspiration and became an inspiration to all who saw it. In describing the reaction to their flag raising, Corporal Lindberg states, “Boy, then the island came alive down below. The troops started to cheer, the ships’ whistles went off. It was quite a proud moment.”

Perhaps sensing the significance of the moment, a commander below ordered a second group to raise a larger, more stable flag in its place. Four hours after the first flag-raising, Associated Press photographer Joe Rosenthal captured the image of the second flag-raising, which is now recognized throughout the world. The second raising, and the photograph which captured it, complemented the efforts of Corporal Lindberg and his fellow Marines and enabled Americans at home, as well as the world, to share the same symbol of bravery and victory with the victorious Americans on Iwo Jima.

Both of these groups deserve our gratitude, as do all the men and women who served on Iwo Jima and elsewhere during World War II. The symbol of the flag over Iwo Jima reflects the enduring triumph of freedom and democracy, the very things for which our men and women in uniform continue to fight today.

We have much to learn from the tenacity and courage of the brave heroes of World War II, and I am grateful for this opportunity to recognize their efforts today.

And to you, Corporal Charles Lindberg, from one Marine to another, I extend the personal recognition of the House of Representatives in admiration and gratitude for your courage, bravery, and valor. Semper Fi.

Madam Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.
Honor—more than in any other battle in history—13 of them posthumously.

Madam Speaker, the bravery demonstrated on Iwo Jima has become the standard to which all Marines now aspire when in combat. The battle has come to define a Corps with a rich tradition and colorful history. It underlies the Marine Corps core values of honor, courage and commitment.

Madam Speaker, I rise in strong support of this resolution.

Mr. BACA. Madam Speaker, I rise today to pay tribute to the American soldiers who fought bravely and triumphantly in one of the most iconic battles in our Nation’s history.

Sixty years ago, thousands of men left their homes and families to fight for our security, liberty, and democracy. They fought, not because they had to, but because they chose to—choosing to confront an enemy they could not see, in a place they did not know.

Over 450 Navy ships unloaded 75,000 American soldiers onto the tiny Pacific island of Iwo Jima and faced a blistering assault from an entrenched and virtually invisible Japanese army.

Despite the massive geographical advantage of the Japanese and the loss of almost 2,500 soldiers on the first day alone, our soldiers marched fearlessly forward to meet their hidden enemy. After 36 days, victory was in hand but not before 7,000 Americans and 20,000 Japanese were killed.

This image of victory over adversity is ingrained in our history through the symbolic, yet evocative image of six American service men planting a salvaged American flag on top of Mount Suribachi in Iwo Jima.

Though the battle lasted twice as long as expected, the commitment of our men and women in uniform to the ideals of freedom and peace never wavered. Their steadfast belief in themselves and our Nation remains a beacon of selflessness and sacrifice for all Americans.

For those who still defend our country and those who fight for the principles upon which this Nation was founded, the men and women of Iwo Jima provide an opportunity for hope. Their actions will forever stir our hearts and rouse our belief in the human spirit. It is because of this that we will always be thankful to the soldiers of Iwo Jima.

Mr. ISSA. Madam Speaker, as 2005 marks the sixty year since the battle of Iwo Jima, it is appropriate that the House take this opportunity to recognize the sacrifice of the Marines who fought and died in that great battle.

Winning the battle of Iwo Jima was among the most significant victories of the U.S. Marines during World War II. In the Pacific, Iwo Jima provided a salient air base from which Japanese commanders understood the strategic importance of defending the island, it was protected by more than six hundred blockhouses, pillboxes and gun positions. For the Japanese, Allied control of Iwo Jima meant allowing the enemy a base from which to attack the Japanese mainland, an outcome that they were committed to preventing at all cost. After more than six months of Allied aerial bombardment of the island, on D-Day, February 19, 1945, U.S. Marines invaded Iwo Jima, raising the first American flag on Mount Suribachi 4 days later. Despite raising the flag on February 23, the bloody fighting continued for 31 more days until the last pocket of resistance was eliminated on March 25.

More than 70,000 Marines participated in the invasion of Iwo Jima. Before the battle ended 17,372 Marines were wounded and 5,931 made the ultimate sacrifice in defense of their country. In second place among the Allied victory, Fleet Admiral Chester W. Nimitz said, “Among the men who fought at Iwo Jima, uncommon valor was a common virtue.” Our Nation owes each of the men who fought and died at Iwo Jima its deepest gratitude.

Madam Speaker, I am proud to represent the fine Marines of Marine Corps Camp Pendleton. I am privileged to serve these exceptional Americans every day and to have the opportunity to continuously witness their selfless service and constant devotion to our nation. In 3 days Members of this body will travel to Iwo Jima to participate in the formal commemoration of the battle and of the example of courage and determination set by those who fought there, which Marines today strive ever to follow. As we gather in that solemn place to reflect on the immense sacrifices that made this resolution will have done its part to honor our Nation’s commitment to those Marines never to forget the value of their sacrifices. I urge the adoption of this resolution.

Mr. DREIER. Madam Speaker, I rise today in strong support of H. Res. 119, a bill to recognize the contributions of the United States Marine Corps and other units of the United States Armed Forces on the 60th Anniversary of the Battle of Iwo Jima. By capturing this isolated, eight square mile island in the Pacific, the men and women of our Armed Forces ensured victory in World War II. U.S. control of Iwo Jima removed the island as a staging ground for kamikaze attacks, ensured that B-29 bombers would continue to fly missions to mainland Japan and allowed U.S. planes traveling in the Pacific to use the island for emergency landings.

Despite facing 22,000 Japanese soldiers hidden in bunkers inside the hills of Iwo Jima, American soldiers successfully charged through miles of open space to capture control of the island within 36 days. Their sacrifices were many. Nearly one in three men were killed or wounded, making the Battle of Iwo Jima the source of one-third of all Marine deaths in World War II. In fact, three of the six men who famously raised the American flag over Mt. Suribachi died during the Battle. Yet Iwo Jima’s survivors often refused to acknowledge their heroic service, often citing the friends who died beside them as the only heroes of the battle.

Admiral Chester W. Nimitz commented in 1945 that “The picture personified the American spirit and I would be hard pressed to disown that picture.” The greatest middle-class generation of Americans. They created the greatest middle-class ever seen in the history of the world. Their domestic success ensured a great future for our Nation, their success abroad ensured life and liberty for millions around the world.

The great memory of Iwo Jima is best personified by the picture of six American soldiers raising our national flag amidst this great battle. The picture personified the American spirit in World War II, we struggled against a powerful opponent, but we persevered and did not succumb under the relentless pressure. In the end, when the Battle of World War II, solely through the sacrifice and great courage of our American Armed Forces. We owe them our appreciation and we owe it to them to keep the memory of their heroic actions alive for future generations of Americans.

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

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and agree to the resolution, H. Res. 119.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mrs. CAPITO. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 140 and ask for its immediate consideration.
Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to Rule XVII, declare that the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3) to authorize funds for highway programs, transportation safety programs, and transit programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours and 20 minutes, with two hours and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure, including a final period of 10 minutes following consideration of the bill for amendment, and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed and filed by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House of the Whole House on the state of the Union for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment shall be in order except those printed in part B of the report of the Committee on Rules or except pursuant to a subsequent order of the House. Each amendment in part B may be offered only in the order printed in the report, may be offered only by a Member designated by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution the Speaker may, pursuant to a subsequent order of the House, consider as adopted in the House of the Whole House on the state of the Union for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment shall be in order except those printed in part B of the report of the Committee on Rules or except pursuant to a subsequent order of the House. Each amendment in part B may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments in part B are waived. After disposition of the amendments in part B, the Committee shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. The gentleman from West Virginia (Ms. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, on Tuesday, the Committee on Rules met and granted a structured rule for H.R. 3, the Transportation Equity Act: A Legacy For Users, as requested by the Transportation and Infrastructure Committee, pursuant to the motion I offered to suspend the rules and consider the bill. This rule provides for 2 hours and 20 minutes of general debate. The rule incorporates title VIII, the Transportation Discretionary Spending Guarantee, into H.R. 3, and makes in order 10 amendments printed in part B of the Committee on Rules report.

Madam Speaker, I would like to note that this rule is the first of two rules that the Committee on Rules will be granting for H.R. 3. Several Members submitted amendments yesterday, and it is the intention of the Committee on Rules to continue its consideration of these amendments later this afternoon and provide for additional amendment debate.

Madam Speaker, the rule we have before us is a fair rule that I believe all Members should be able to support. By its own motion, the Committee of the Whole, by its own deadline, Congress must act to reauthorize federally funded surface transportation programs before the current extension runs out on May 31, 2005. As a former member of the House Committee on Transportation and Infrastructure, I can appreciate the incredible bipartisan effort that goes into writing this legislation. I would like to applaud the efforts of the gentleman from Alaska (Chairman YOUNG) and the ranking member, the gentleman from Minnesota (Mr. REICHERT), for bringing this legislation to the floor in an expedient and bipartisan manner. I look forward to the passage of this bill and hope that our colleagues in the other body will support it.

Madam Speaker, the highway bill is a vitally important investment in our Nation’s surface transportation system and fosters job growth across the country.

In fact, it is estimated that for every $1 billion spent in highway funding, 47,500 jobs are created, quite an amount.

This is very much a jobs bill for America, containing various new projects and improvements. The highway bill provides $234 billion in funding for vital programs that would impact citizens across the States, improving safety and accessibility. The legislation reauthorizes highway and motor carrier safety programs, it authorizes $3.2 billion for the National Highway Traffic Safety Administration, which carries out highway safety programs. It authorizes $2.9 billion for the Federal Motor Carrier Safety Administration, which regulates truck safety.

The highway bill authorizes $6 billion for a new competitive grant program to fund projects of regional or national significance aiming to improve the movement of goods and people to destinations beyond that immediate area. In my home State, the highway bill represents the strongest step forward ever made to replace U.S. Route 35, a two-lane basic death trap through West Virginia’s Mason and Putnam Counties. U.S. Route 35 is dominated by tractor trailer and tanker trucks traveling south from Interstate 64 in Charleston.

Far too often, the high volume of traffic swallows up local commuters, resulting in tragic motorist fatalities. With the passage of the highway bill, this high-volume highway appropriate to meet the demands will be built diverting traffic around dozens of residential neighborhoods.

Mr. Speaker, this is just one example from my home district. There are countless others from across the country. Mr. Speaker, I am a strong supporter of this legislation that provides for countless improvements to our Nation’s surface transportation system. The numerous projects and programs authorized by this bill will improve our highway systems and the ability of our constituents to travel from State to State.

To this end, I urge my colleagues to support the rule and the underlying bill.

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

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

(Ms. SLAUGHTER, asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I am supportive of this first rule. And I say that I am a bit concerned that it only makes in order 10 of the amendments. As explained by the gentlewoman from West Virginia (Ms. CAPITO) we will do the rest today. And I am fervently hoping that, since all of the amendments this morning are Republicans, that this afternoon we will do the Democratic amendments.

There is one bipartisan amendment, however, that is very important, we believe, and that is the one that is being brought up by the Members in the New Jersey delegation. The McColl Amendment that allows States to enact anti-corruption laws curbing the practice of pay-to-play contracting and not lose their Federal highway dollars. These laws are critical to help stop the threat of real and apparent corruption resulting from large political contributions from contractors to influence the awarding of public contracts.

Surely, we can help do that. Rules are currently operating under the sixth temporary extension of TEA-21, which was originally set to expire on September 30, 2003. I know that State and local transportation offices are finding it very difficult to agree on how to proceed with the upcoming extension. To this end, I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.
is to keep 75 percent of major roads in good condition.

And I want to share with you even a more startling statistic about my home town. More than half of the bridges in Rochester, New York are in substandard condition or are structurally deficient, and they are categorized by the Department of Transportation, which means they are potentially dangerous.

In fact, the bridges throughout my entire district of New York are in desperate need of repair. This presents a serious safety issue for all of us we be concerned about, because this problem is not unique to Rochester or western New York, but is well documented in many areas around the country.

And every day that we delay the implementation of the full highway reauthorization bill, we put Americans at risk when they travel these roadways and bridges. This is just unacceptable.

The Congress, considering H.R. 3, also known as TEA-21, would reauthorize the Federal highway, public transportation, highway safety and motor carrier safety programs for 6 years, from fiscal years 2004 through 2009.

The bill's funding represents 42 percent over the amount in the long-expired highway bill, and $4.5 billion higher than the level in the 2004 House-passed version of TEA-21.

How people and commerce move on our roadways is a concern for all Americans; it transcends party lines. And I want to thank the gentleman from Alaska (Chairman YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERTSTAR) and the gentleman from Oregon (Mr. DEFAZIO) for developing a bill that is truly a bipartisan product.

And I hope that other committees will follow their example.

This bill is not only a transportation infrastructure bill but also an economic infrastructure bill. Not only are we building roads with this legislation; we are creating jobs. And for every $1 billion invested in Federal highway and transit spending, 47,500 jobs are created or sustained. Transportation infrastructure generates up to a 6-to-1 net return on investment, and increased transportation investment also improves freight mobility. More than 67 percent of the Nation's freight moves on the highways, an annual value to the economy of more than $5 trillion, and there is no doubt that the economic impact of this transportation bill also touches our local communities.

In Niagara Falls, which I represent, we are advancing with the International Railway Station and Intermodal Transportation Center which will assist in revitalizing Main Street and enable United States officials to efficiently inspect the Amtrak passengers who cross the U.S.-Canadian border on the New York State Empire Corridor and Amtrak's Maple Leaf Service to Toronto. The project aims to reduce the chronic delays that burden our strong trade relationship with Canada.

With record levels of trade moved across the northern border, including the bridges in my district, we must invest in existing infrastructures to ensure the health of our economy, and I am pleased to see that TEA-LU provides $1.25 billion in funding for the Coordinated Border Infrastructure Program, which allocates funds to States for highway and airport projects that will improve the safe and efficient movement of people and goods across the border between the United States and Mexico, and the United States and Canada.

But beyond our borders, we need a reliable national transportation system to move products and services.

As the process moves forward, I encourage my colleagues to focus on meeting each State's need. An adequately funded transportation system is good for each State's economy and its quality of life. I look forward to voting for the underlying bill as the first step toward meeting the next generation of the country's needs.

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

Mrs. CAPITO. Mr. Speaker, it is my honor at this time to yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of our committee.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and want to begin by congratulating my good friend from West Virginia for her management of this rule and her stellar service on the Committee on Rules as one of our newest members, and also her commitment to deal with the very important nation needs that exist in her State. We know that that is going to be an important aspect to this legislation.

I want to speak for just a couple of minutes, and first, I want to praise my good friends, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERTSTAR) and the fact that we have been able to proceed in a bipartisan way in dealing with this very important issue. I see this as a very, very national question for us.

My first choice, my first choice would be to keep the Federal Government out of the issue of transportation and have the decision-making on this handled at the State and local level. I want to say, as I have the funding handled at the State and local level, I realize that we are not there. We have an interstate system, and we have to recognize that there are very important national priorities when it comes to transportation, that, in large part for me, relates to the issue of global trade.

We know that the United States of America is the single largest exporter and the single largest importer on the face of the earth. We have an $11 trillion economy. We know that there are all kinds of wonderfully innovative and creative new ideas and products that are emanating from the United States of America, and as we get ready to embrace--I hope we'll have success--of the Central American Free Trade Agreement, pready open that market so that we are able to sell U.S. goods into Latin America, as we ultimately get to Ronald Reagan's vision of a free, open market, we need to realize that, if we are going to remain the world's largest exporter and the world's largest importer, it is absolutely essential that we have an infrastructure that can handle that.

I happen to represent the southern California area, along with a great bipartisan delegation from southern California, and one of the things that we recognize is that we have the ports of Los Angeles and Long Beach, two of the busiest ports in the entire world. In fact, I like to describe southern California as the gateway to the Pacific Rim, Latin America. And as such, it is critical that products that are coming from West Virginia to New York, Ohio, and Texas, and other parts of the country that are headed to the Pacific Rim, it is absolutely essential that those products gain access to the ports of Long Beach and Los Angeles.

It is also very important that as we, I am happy to say, import from the Pacific Rim, allowing the single mother who has a hard time making ends meet, allowing her to have access to products that are available at Wal-Mart and Target and a wide range of other stores, we need to make sure that those products are able to get into the United States once they get to the ports of Long Beach and Los Angeles.

That is why I am very happy that, in this legislation, we deal with the important southern California infrastructure challenges that we have.

We have a big project in southern California known as the Alameda Corridor. The Alameda Corridor basically allows goods to get to and from those ports of Los Angeles and Long Beach by way of rail and truck traffic. And the original Alameda Corridor concept was a great one, which I strongly, enthusiastically endorsed. It allowed these products to move to downtown Los Angeles.

One of the big challenges is the fact that as we look at moving beyond downtown Los Angeles, there is a huge, heavily-populated area to the east of downtown. In fact, one of the fastest growing areas in the United States of America is what is known as the Inland Empire. I represent a small part of that. My colleagues, the gentlemen from California (Mr. LEWIS) and (Mr. BAREFOOT), and others, also the gentleman from California (Mr. CALVET), the San Bernardino Riverside, the gentlewoman from California (Mrs.
Mr. Speaker, this is a very, very key nexus of commerce. And job creation and economic growth are critical for us. We are very pleased that we have been able to see that into place following the implementation of President Bush’s tax reduction plan, as we have looked at our goal of again opening up new markets so that we can move goods outside of our borders into other countries around the world.

So we are on the right track. This legislation is absolutely essential. So I am strongly supporting this rule which makes in order 10 amendments, a bipartisan amendment. As my friend from Boston pointed out the other day, or last night, we have Republican amendments; we in the Committee on Rules are going to be meeting later today to allow for consideration of further amendments so that we will be able to continue to work through this process tomorrow and then, we hope, finish, and, with a very strong, bipartisan base, this measure to the other body so that we can get it to the President’s desk just as quickly as possible.

I again, Mr. Speaker, congratulate all of those who have been involved in this important process. I thank again my very good friend from West Virginia (Mrs. CAPITO) and my friend from Rochester, New York (Ms. SLAUGHTER), the distinguished ranking member of the Committee on Rules, for the leadership she has shown on this.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. McGovern).

Mr. Speaker, I would like to reiterate that this is the first rule for this bill. There will be further consideration of amendments later this afternoon and will continue into tomorrow with further consideration of additional amendments.

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

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

Mr. Speaker, I would like to reiterate that this is the first rule for this bill. There will be further consideration of amendments later this afternoon and will continue into tomorrow with further consideration of additional amendments.

Mr. Speaker, I rise today in support of H.R. 3, the Transportation Equity Act: A Legacy for Users.

TEA-21 extends Federal highway and transit programs, guaranteeing nearly $284 billion over the next 6 years. This funding will provide for Federal highway aid, mass transit, and road safety programs.

I am concerned, Mr. Speaker, that the Committee on Rules did not make a single Democratic amendment in order last night. I know that the committee will be meeting again on this issue, and I hope that we can have a more open and bipartisan process.

Mr. Speaker, we need to reauthorize this funding for the sake of our crumbling infrastructure. Our transportation network requires technological improvements. Our road and bridges are in dire need of upgrades and maintenance. Our drivers and passengers deserve the best safety programs.

The number of deficient highways and bridges in our country is staggering. Nearly 30 percent of highways are structurally deficient or functionally obsolete; 600,000 bridges are considered deficient by the Federal Highway Administration standards. In my home State of Massachusetts more than half of the bridges rank below standards.

Mr. Speaker, reauthorization of TEA-21 will provide repair and maintenance that our highways and bridges so desperately need. Our highways and bridges are severely damaged each year by increased truck sizes and weights, and I plan to introduce the Safe Highways and Infrastructure Preservation Act, better known as SHIPA.

My fund bill makes our highways safer and prolong the life of our roads and bridges by extending the common-sense limits we already have on the
I am concerned about an amendment made in order by the Committee on Rules last night that grants exemptions for the size and limits of longer combinations, LCVs. The amendment would grant an exemption from the LCV freeze for trucks hauling custom harvesters in Nebraska during the harvest season for wheat and soybeans. I can appreciate the needs and concerns of these farmers; but, Mr. Speaker, it sets a dangerous precedent, and I encourage my colleagues to vote against it.

The underlying bill also addresses the growing problem of traffic by proposing funding for alternative modes of transportation. It authorizes $52.3 billion for mass transit and public transportation programs. By strengthening public transportation, we are able to extend services to those who need it most like the elderly and the disabled.

Allowing funding for public transportation programs is just the first step. We need to find ways to encourage people to use public transportation and mass transit. Congress needs to expand our public transportation networks and increase ridership initiatives. The commuter benefit tax credit is one such initiative.

Currently, employers can offer $200 per month in pretax benefits for parking, but only $105 per month for transit or van pools. This inequity has created a financial incentive for employees to drive alone to work rather than utilize public transit for van pools. As a consequence, we have seen a decrease in ridership and corresponding increase in commuter rail and transit cars.

Today I have sent to all my colleagues in the House a Dear Colleague letter that illustrates the need to equalize the commuter tax benefit with the parking benefit. This letter summarizes the costly commuter rail fares of our Nation’s major transit systems, and I encourage all of my colleagues to review this information, and emphasize the importance of the commuter tax benefit during debate this week.

Along with creating incentives for people to use public transportation, we need to address the issue of traffic. I want to express my appreciation to the work of the chairman and the ranking member of the Committee on Transportation and Infrastructure for including in this bill several initiatives to reduce congestion. For example, H.R. 3 requires States to obligate a portion of their annual highway formulas to activities aimed at alleviating congestion. These initiatives will result in a reduction of automobile emissions and a corresponding increase in the efficiency of our highway system.

A significant amount of funding in H.R. 3 is dedicated to supporting transportation safety programs. Over $6 billion is authorized for programs carried out by the National Highway Traffic Safety Administration and the Federal Motor Carrier Safety Administration. This funding would provide for occupant protection grants, seatbelt incentive programs, motorcycle safety, driver fatigue, child booster seat initiatives, and alcohol impairment programs.

Another major problem that this bill targets is the transportation planning process. H.R. 3 consolidates the planning process for highways and public transportation projects for metropolitan areas, including the lead agency, the Transportation Department, to conduct reviews, set deadlines for public comment on projects, and resolve disputes among agencies.

The reauthorization of transportation funding needs to happen, Mr. Speaker. Reauthorization is not only necessary for our infrastructure, but also essential to our economic growth, international competitiveness, quality of life, and national security. Our transportation infrastructure is aging, and the only way to keep up with the growing demand is to reauthorize our transportation systems and to make sure this bill gets completed and to the desk of the President in this Congress.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time. Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to reiterate the importance and congratulate not only my colleague, the gentleman from New York (Ms. SLAUGHTER), but the chairman of this committee, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for their terrific efforts in seeing this bill brought to the floor; and I look forward to its swift passage.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to. A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. McHUGH). Pursuant to the House Resolution 140 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3.

The Chair designates the gentleman from New York (Mr. FOSSIELA) as chairman of the Committee of the Whole, and the gentleman from Illinois (Mr. KIRK) to assume the chair temporarily.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 2 hours and 20 minutes, with 2 hours and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure, including a final period of 10 minutes following consideration of the bill for amendment, and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

At this time, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 1 hour, and the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 5 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I want to express my appreciation to the gentlewoman from New York (Ms. SLAUGHTER), but, Mr. Speaker, I yield myself such time as I may consume.

Mr. YOUNG of Alaska was asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, today I rise on an amendment in support of the Transportation Equity Act: A Legacy For Users, also known as TEA-LU.

I have been chairman of the Committee on Transportation and Infrastructure for the last 4 years. These 4 years have convinced me that we face a crisis in this country because of our inadequate, crumbling, and congested highways. We are not taking the steps today to ensure the ability to move people and freight tomorrow. Continuing to underfund and undermaintain our highways and transit systems ensures more traffic fatalities and reduces economic opportunity for our citizens.

Congestion of our highways causes over $67 billion and probably higher than that because very frankly the cost of gasoline has gone up. It costs the average driver about $2,400 a year and more than a week and a half spent in traffic, actually more days than they usually set for vacations.

I introduced H.R. 3, TEA-LU, on February 9, 2005, along with my colleague, the gentleman from Minnesota (Mr. OBERSTAR), our ranking minority member, as well as our subcommittee chairman, the gentleman from Wisconsin (Mr. PETRINI), and another subcommittee ranking minority member, the gentleman from Oregon (Mr. DEFAZIO).

We were joined by 71 other committee members who sponsor this legislation.

H.R. 3 is substantially the same bill as H.R. 3550, which passed the House last year and which we conferenced with the Senate and, unfortunately, were unable to come to a decision. I am disappointed that the conference was not successful because of inaction of
the other body. However, I am committed to getting H.R. 3 passed before our current extension expires.

The Department of Transportation and the highway, transit, highway safety, and motor carriers programs of DOT are all covered under the extension until May 31, 2005. After that, DOT can no longer reimburse the States for the funds that the States are obligated to expend for highway, transit, and other programs covered by this legislation. My goal is to complete work on this legislation and send the bill to the President for signature before the end of May.

H.R. 3 will provide a funding level of $284 billion, in guaranteed funding over 6 years for Federal highways and transit programs, as well as highway safety and motor carrier safety programs. Fortunately, we have been able to increase the funding under H.R. 3 over last year’s bill, and H.R. 3 represents a 42 percent increase in funding over TEA-LU. The increased funding levels in H.R. 3 are supported by the administration.

H.R. 3 provides a new emphasis and a new program to relieve congestion, maximize roadway capacity, and move traffic. H.R. 3 creates a new core program for the highway safety infrastructure improvements, a new high-risk rural roads safety program that promotes a number of new safety programs aimed at human factors that contribute to accidents.

H.R. 3 funds five programs designed to improve movement of freight, including funds for border infrastructure, intermodal connectors, projects of regional and national significance, and a new corridor infrastructure program.

The bill also provides funding for construction of dedicated truck lanes.

H.R. 3 continues our commitment to provide for public transportation both in urban and smaller rural areas where the need is great.

Mr. Chairman, most significantly, H.R. 3 will put Americans to work by creating the kind of jobs that support families and increase our tax base. It is much-needed legislation that will move our country toward a stronger economy.

Mr. Chairman, before I close, I want to take one moment to thank all the Members and staff who have worked so hard to produce this legislation.

The gentleman from Minnesota (Mr. Oberstar), our Democrat ranking member, has been one of the most ardent supporters of this legislation. His contributions to this bill have resulted in a much better bill.

The chairman of the Subcommittee on Highways, Transit and Pipelines, the gentleman from Wisconsin (Mr. Peterson), has been the real workhorse on this bill. He has taken his subcommittee across the country to investigate the infrastructure needs of the United States.

We have a new subcommittee Democrat ranking member, the gentleman from Oregon (Mr. DeFazio). He has begun his new term with energy and enthusiasm, and I want to thank him for his contribution.

We could not have found the increases in funding without the contributions of the gentleman from California (Mr. Thompson), chairman of the Committee on Ways and Means. He has been a strong and steadfast supporter.

The gentleman from Iowa (Mr. Nussle), chairman of the Committee on the Budget, has worked hard with me to accommodate the increases in authorizations needed to produce this legislation.

I want to thank the gentleman from Texas (Mr. DeLay), the majority leader, for his help in getting the bill scheduled so quickly in this session and for helping us find solutions to some very difficult problems.

Last, but not least, I want to thank the Speaker of the House for the countless hours he has put in to keep the process moving. Without his support, we would not be here today.

Also, at this time, I want to thank the hardworking staff of the Committee on Transportation and Infrastructure who have been here for many nights and weekends drafting this legislation. The subcommittee staff who have made this happen are Graham Hill, Jim Tymon, Joyce Rose, Derek Woolsey, Tony Edwards, Will Bland, Sharon Barkelo; Debbie Gephart and Patrick Mullane on the gentleman from Wisconsin’s (Mr. Peterson) staff.

In addition, my chief of staff, Lloyd Jones, and chief of counsel, Liz Megginson, Mark Zachares, Charles Ziegler, Fraser Verusio, as well as Debbie Callis and Kevin McCollaugh.

I want to thank the gentleman from Minnesota (Mr. Oberstar), who is not here, for the negotiations from Oregon (Mr. DeFazio) over there. They have worked well with us. They have worked very hard. We have worked out a bill I believe that is good. His chief of staff, David Heymsfield, and chief counsel, Ward McCarragher, as well as Kathy Zern, Art Chan, Ken House, Eric Vanschylde, Stephanie Manning, and Kathie Dedrick of the gentleman from Oregon’s (Mr. DeFazio) staff.

Last, but not least, I want to express my appreciation for the hard work of the legislative counsel and make sure the proposal ended up on paper and in proper form. Our appreciation goes to David Mendelsog, Curt Haensel, and Rosemary Gallagher.

This is a piece of legislation. Mr. Chairman, that is long overdue. It is important we pass this legislation so we can leave the legacy for users in the future.

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

Mr. DeFazio, Mr. Chairman, I yield myself such time as I may consume.

The chairman has done a good job of talking about the people who do the real work around here, which is the staff, with good direction from the Members, and the chairman of the committee and the subcommittee chairman and the direction that I and the gentleman from Minnesota (Mr. Oberstar) have attempted to provide in this bill.

This, I believe, may be the signature accomplishment of this Congress, as it goes to positive accomplishments for the economy of the United States and domestic programs.

The investment in this bill, investment of taxes, paid by the American people at the pump, we are not creating new deficit or debt here; we are spending their tax money in the way it was intended when it was collected from them when they tanked up their car or their commercial vehicle.

For every billion dollars in this bill of investment, of mitigating congestion, of repairing cracked bridges, of resurfacing highways, for every billion dollar, for every billion we spend, the President’s Department of Transportation estimates it creates about 47,000 jobs, not just direct good-wage construction jobs, but jobs that spill over to the contractors, the small businesses that subcontracts to the contractors, and the projects take place with the spending in those communities, with improvements in the movement of freight so trucks do not have to take lengthy detours, so the just-in-time delivery can happen, better for Amtrak, putting people to work in companies that are more competitive. All of that flows from this $284 billion investment.

In an ideal world, I would invest more and I believe that the chairman has a similar position on that, but we are constrained by current budget reality, and this is a good step to be taken by the House of Representatives; and hopefully, this will move the process out of limbo in the Senate. In the last Congress, we could have gotten this job done had the Senate followed the lead of the House. They did not. Hopefully, this time they will be more amenable to getting this bill done and getting it done long before the temporary extension expires at the end of May.

Our departments of transportation across the country need certainty. Many of them are restricted legislatively or constitutionally from obligating funds into projects or projects that will go more than 1 year because we are in this series of temporary extensions of the Transportation Efficiency Act as we move toward TEA-LU.

With the adoption of TEA-LU and the certainty that will come with that, we will see a whole lot of on-the-shelf, ready-to-go vital projects across America, that will put tens of thousands to work this next summer, move forward. But only if they get that certainty. It is estimated in the last year $2 billion of necessary spending, in investment in roads, bridges, highways, transit projects was foregone because of this
uncertainty. I mean, everyone knows we are going to make these investments, but at what level and over what period of time and with what constraints on the spending. So the States themselves need this.

In my own State, we have a tremendous problem with cracked bridges on Interstate 5, and it is interfering with international commerce and interstate commerce, and we want to move ahead; but we need the certainty of this legislation, the investment in this legislation.

I see that the ranking member of the full committee has come in.

Mr. Chairman, I reserve the balance of the time on this side since I believe we will probably hear from the other side of the aisle.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. PETRI), the subcommittee chairman, who has done an outstanding job. As I mentioned in my opening statement, he has been the real workhorse on this bill.

Mr. PETRI. Mr. Chairman, I would like to say that here we go again, another transportation reauthorization bill before the House of Representatives.

Every Member of this body knows that this bill is long overdue, and I want to assure my colleagues that we struggled mightily during the last Congress to get a long-term reauthorization bill in place, but came up a bit short.

There is some good news in that the guaranteed funding in this bill is a bit higher than the bill authorized last year, and it is in line with the President’s budget proposal. This $4 billion increase is largely due to the positive ethanol gas tax changes that were included in last year’s corporate tax bill.

That being said, however, the fact remains that many of the challenges we faced in the 108th Congress we continue to face today. The simple fact is that we do not have the resources needed to meet our Nation’s transportation needs, both infrastructure needs of our Nation as documented by the U.S. Department of Transportation, and the needs of the Members as communicated to our committee, representing needs of areas all across our Nation.

I believe that this is very shortsighted and that all of us, Republicans and Democrats, can and should support a strong infrastructure program that pays back so much in terms of economic development, international competitiveness, safety, mobility, and improved quality of life. A first-rate infrastructure is essential to a vibrant, growing economy; and in fact, we as a Nation are in danger of falling behind since, in real terms, our Federal investment in infrastructure is falling behind.

Our Governors, mayors, county executives, business leaders, labor and other groups all know this. The Chamber of Commerce has teamed up with a diverse group of State and local governments, business and labor groups under the Americans for Transportation Mobility coalition to highlight the importance of transportation investment to businesses and, in fact, to local communities as well.

Across this country, we have seen at the State and local level citizens voting in referenda to increase State sales taxes or issue bonds to devote more resources to transportation. They see on a daily basis how we are falling behind. Coinciding with the American Society of Civil Engineers issues its 2005 report card for America’s infrastructure. For transportation, the grade for roads is worsened from D+, already rather low, to D. Transit decreases from a C– to a D+.

Currently, we rely on the 18.3 cent gas tax, which has not been increased for over 10 years since 1995, and truck taxes to fuel highway and most transit spending at the Federal level. I am pleased that the bill before us takes steps to look at the next generation of financing for the building of roads and transit.

As cars become more fuel efficient or use alternative fuels or other environmentally beneficial fuels, all of which are, of course, good things that should be encouraged, we see less revenue coming in to the Highway Trust Fund. The gas tax is meant to be a surrogate for road usage and is the standard for the user-pay system of our Federal highway program, but I am afraid that we are using a 20th-century benchmark in the 21st century. H.R. 3 takes real concrete steps to move us toward modernizing and updating how we finance our Nation’s roads.

The bill before us does differ from H.R. 3550 in that we have made revisions relating to the donor State issue. The ‘scoping’ issue has been addressed. States such as Alaska have high p that, for the moment, priority projects are now once again covered under the Minimum Guarantee program, a major change from the bill last year, and other improvements have been made as well.

As it has been noted, this issue will continue to be addressed as we are in conference, and this is not the final resolution for this particular issue. This is my fifth transportation bill since joining this Committee on Transportation and Infrastructure, and this is always the most complicated issue to resolve.

While I wish the funding levels were higher, nevertheless every State will see an increase in its funding. The bill includes programs for safety: infrastructure safety on the road, work safety, motor carrier safety, and behavioral safety.

Harley Davidson is headquartered in my State, and we support provisions addressing motorcycle safety.

H.R. 3 will facilitate the movement of freight around our Nation, an important element of interstate commerce and a primary Federal interest in transportation. It will allow us to meet the needs of emerging trade corridors in the post-interstate construction era and help States meet the national significance yet overwhelm the financial capabilities of any one State.

We retain funding for transit at the traditional split and include programs to help States meet the mobility needs of both urban and rural communities and improve transportation services for the elderly and disabled.

Mr. Chairman, I thank my chairman for giving me the opportunity to address these issues.

Mr. DeFazio. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. Oberstar), the ranking member of the committee and a champion of all modes of transportation.

Mr. Oberstar. Mr. Chairman, I thank the gentleman, the ranking member of the Subcommitteee on Highways, Transit and Pipelines, for yielding me this time.

Here we are again, hopefully, to the Floor with what I fervently hope will not result in yet another extension of current law for our surface transportation program. That we do not have in place a 5-year or 6-year extension of this surface transportation program is certainly not attributable to the Members of this Committee on Transportation and Infrastructure. Both sides of the aisle have worked vigorously, Mr. Chairman, to craft a bill that meets the needs of America’s reliance upon our highway and transit systems to move people and goods efficiently and effectively in America.

The very first version of this bill was introduced in the fall of 2003, in October, the $375 billion, the investment that the Department of Transportation recommended to the Congress and to the administration that the Nation needed to invest over the next 6 years, following on TEA-21, to address the needs of pavement condition, congestion and safety across America. We took them at their word. Together, we crafted a bill that reflected the $375 billion investment, and together, we introduced that bill under the leadership of our chairman, the gentleman from Alaska. At the same time we introduced that bill, gasoline was selling at $1.31 a gallon. Today, it is well over $2.04 across the Nation. Oil will soon be selling at $60 a barrel, according to current analysts’ reports, and the price of gas will go higher. We are not getting any of the benefit of that increase in pricing here in America in our highway transit programs. The dollars are going overseas.

In an age in which we are so concerned about outsourcing of American jobs to low-wage countries, that one place that jobs are not outsourced is on our highway and transit program; the highway that is built in front of your
home, in your community, between communities, the transit systems that are built are built with American labor and American materials. We require American steel to go in the Federal highway program and into the transit program. We have strengthened the Buy American provision in this legislation and that have existed since 1982.

You know, you cannot build a highway in Shanghai and put it in place in Peoria. It’s put in place in America with American labor. Those are American jobs. We created 1,300,000 new net new jobs in TEA–21, and with a $375 billion investment over the next 6 years, we would create 2 million net new jobs and $291 billion of total related net new economic activity in America.

But we are not here debating that bill, because the economic gurus downtown at the White House said, oh no, that is way too much. They do not understand this comes out of the Highway Trust Fund. It is a pay-as-you-go system, where the drivers are paying for this system. It is the most successful initiative we have had, except for Social Security, in our whole government structure. Since 1956, the Highway Trust Fund invests your dollars with a dollar back at the pump, not a cent, not a term of law, over the scope and the percentage return on investment each State perceives it gets back from the Federal Highway Trust Fund. I hope that will be resolved today, and we can move on with the manager’s amendment and settle the issue and go to conference.

Our chairman, the gentleman from Alaska, has led us through political storms over this issue. He has been a steady hand at the helm, and I applaud his leadership and his firmness. I hope that we will resolve this matter expeditiously, and pass this amendment to the floor and then proceed to conference with the Senate.

This is a tight time frame. Current law expires the end of May. The Senate is not expected, the other body, forgive me, the Senate is not expected to take up their version of the bill until after the Easter recess. That would mean mid-April before we even get to conference. That leaves a month or so to negotiate all the differences in policy between the two bills. I certainly do not relish the prospect of the two of us coming back to the House floor sometime in May and saying, sorry, we cannot get there, we have to have another extension of current law.

We need to move this along. We need to move this along now. The Sand & Gravel Institute is reporting 43 percent unemployment among their membership because States are not letting long-term contracts. The Concrete Pavement Association, the Asphalt Pavement Association are all reporting unemployment levels in excess of 40 percent among their members because States are not letting long-term contracts. We can settle that by getting this bill through the House, through conference, and to the President for his signature. That would cost by $284 billion, that will mean a significant advancement in the cause of transportation, in jobs, in economic vitality and productivity in America.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the gentleman from Minnesota. He has been a real ally in this legislation, and he knows how well we work together and how important to this Nation it is to pass this bill. This is a team effort within a committee that has been very, very bipartisan over the period of time that I have served on it, for the last, actually, 12 years, and even before that. This committee has a record of that, and he has continued that. I think it is crucially important for those watching this on television to know that there are committees that do work hand-in-hand with the President, both of this Nation, and for that, I thank the gentleman.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. Mica).

Mr. MICA. Mr. Chairman, I thank the gentleman from Alaska for yielding me this time and for the opportunity to address probably one of the most important pieces of legislation to be considered by this Congress, and that is our Federal policy in projects for funding transportation throughout our Nation.

Mr. Chairman, back in the 1950s, I believe it was in 1954, President Eisenhower sent Richard Nixon to Lake George, New York, for the National Governors Conference. Vice President Nixon proposed to the governors basically a $1 trillion interstate program, and that was when the Federal budget was somewhere in the $80 billion range. I wish that we were here today talking about a $1 trillion funding project to improve the infrastructure of our Nation.

If we look across the country, it certainly could be justified. Just in my district in Florida, from Orlando to Jacksonville, we probably have $4 billion or $5 billion in immediate project needs, and that just scratches the surface. I know traffic congestion is a problem across the Nation.

I compliment the chairman. He has had to deal with the White House, he has had to deal with varied interests. I compliment the ranking member. He has also had to deal with the fiscal constraints that we see ourselves under at this time and try to come up with a reasonable solution to funding our Nation’s highway. So thank everyone for getting us to this stage.

Now, I have not made up my mind whether I will vote for or against the final transportation and highway funding formula that we see. I say I have not made up my mind. I do support the proposal as it is brought forth here in the House today. I support it because it represents a $48.6 billion increase. That is a 27 percent increase over TEA–21, its predecessor authorizing legislation. It supports this legislation at that level because the House passed a $275 billion bill, and this represents $284 billion additional spending that has been agreed upon by the White House and other participants, and also a $29 billion, almost $300 billion with contract authority piece of legislation, which is more than what we had last year. In fact, it is $9 billion more for highway funds over what we voted on last year in the House of Representatives.

However, and here is a caveat, I still am not certain whether this is fair for
Florida as a donor State, a donor State which in committee we heard that Florida received, for every dollar that it sent into the trust fund some years ago, 58 cents in return.

We have gone to 79 cents. We are now somewhat over 86 cents, that is, for every dollar we send here, we get back 86 cents. I do not know today, I do not know at this hour, and I do not when we pass the final bill what our net rate of return is. That is what I will have my eye on the ball for.

And I think that is what all of the donor States ask for. And we do not ask for anything that we are not entitled to. In fact, we would very much like to have 95 cents come back as a minimum. We will probably not get that. But all we ask for is fairness in this process.

I know at this time, and I have not seen all of the details of the manager's amendment, that there will be carved out projects of national significance; and I think that is fair.

But what we ask for is fairness, fairness to Florida, fairness to Illinois, fairness to Alaska, fairness to all of the States in the Union, and all of those who will benefit by this bill.

So I urge you to try to support this bill. We had to sort of hold our nose and vote for the previous bill which was not as good as this piece of legislation that comes before us today.

But we, the donor States, working with a gentleman from Texas (Mr. DeLAY) and others from across the Nation that are also donors to this fund, want to see fairness in the final bill. So it is in everyone's interest that we move this bill now forward to conference committee.

So I urge my colleagues to look very closely at the provisions of the manager's amendment and how it affects each of their individual States. I urge you to support this legislation and that we pass this bill and move it on to conference.

Mr. DeFAZIO. Mr. Chairman, I yield myself 30 seconds. I have worked closely with my colleague from Florida and always enjoy working with him. I would be happy to go for a trillion dollars in this bill. And I think we could spend that money wisely and make the country more competitive. I can guarantee him, if we could get to a trillion dollars, we could get him back 99 cents or maybe even a dollar on a dollar.

So I urge that as we move through the process we can increase the amount of money, which will allow us to accommodate States like Florida and others who need investments just like everyone else in this country.

Mr. DeFAZIO. I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of TAPAN. The gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. Oberstar), our ranking member, have done a remarkable job. It is a credit to their leadership that we are unified in our desire to pass such a major piece of legislation.

No bill in the Congress that I know of considered this year will do more to positively affect the quality of life of every single American than this surface transportation reauthorization.

This is the key bill. I know I am not alone in wishing that we had more funds to make investments to meet the ever-growing need. After decades of investments to meet an expanding Nation in a growing population, the United States transportation system is unmatched anywhere else in the world. A vital transportation sector is a major reason for our Nation's high productivity and mobility.

But we cannot accept stagnation. Without continuing to grow the program, we will fall further behind. New Jersey has some of the oldest infrastructure in the Nation, Mr. Chairman. This bill will do wonders for helping rebuild decrepit bridges and bringing commercial and commuter corridors into the 21st century.

My home State has over 1,100 people per square mile going every which way. Without increases to meet our mass transportation needs included in this legislation, we will have to macadamize our living rooms to reduce congestion on our roads.

There is one provision I am disappointed is missing from the legislation. The gentlemen from New Jersey (Mr. MENZENBERG) and Colorado (Mr. HASTERT) have joined with me in crafting a bipartisan amendment to address an important clean-government issue found not only in New Jersey but across our Nation. Throughout the country, special interests are in the process of enacting pay-to-play restrictions to address the threat of real and apparent corruption resulting from large political contributions from contractors to influence the awarding of public contracts.

Unfortunately in an interpretation of the Federal law, the Federal Highway Administration is withholding Federal aid highway dollars from States which choose to clean up corruption. The Pascrell amendment would clarify the law so that the rights of States are very clear.

Our amendment allows States to enact anticorruption laws curbing the practice of pay-to-play contracting without losing their Federal aid. Federal precedent is clear on our point as well. Section 441(C) of the Federal Election Campaign Laws that prohibits campaign contributions for government contracts in the Federal law, in the 1990s the SEC enacted a pay-to-play ban, prohibiting contributions by bond traders. That has been upheld by the Federal courts.

I would urge the Rules Committee to protect our simple bipartisan amendment within its second rule tomorrow.

I congratulate the chairman and ranking member on advancing this legislation. As the process moves forward, we must work together to fight for a better bill, a bill which will create needed middle-class jobs.

I thank the gentleman for yielding the time.

Mr. YOUNG of Alaska. Mr. Chairman, I ask unanimous consent to allow the Committee on Ways and Means to use their allotted time at this point.

I also ask unanimous consent that I yield my time to the gentleman from Wisconsin (Mr. PETRI) to control until I return. I have to go to another meeting.

The Acting CHAIRMAN (Mr. CARTER).

In response to the gentleman's first request, the Chair will advise that the chair is able to manage the sequence in which the committees use their time as a matter of recognition.

In response to the gentleman's second request, the Chair will recognize the members of the committee who are filling the roles of the ranking minority member under the governing special order of business.

The Acting CHAIRMAN. The members of the Committee on Ways and Means, the gentleman from Florida (Mr. FOLEY) and the gentleman from California (Mr. THOMPSON) each control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I yield myself such time as I may consume.

On behalf of the Committee on Ways and Means, I rise in support of the tax provisions that will finance H.R. 3, the Transportation Equity Act: A Legacy for Users.

H.R. 3 extends the Highway Trust Fund expenditure authority for highway projects through fiscal year 2007. This bill addresses the need to upgrade our Nation's highways and infrastructure, to improve driver safety and reduce congestion.

The American highway system is a critical component of our economic growth in terms of job creation and the movement of goods. Unless we act, funding for the Highway Trust Fund will be cut off after May 31, 2005.

Last year the House and Senate did not complete negotiations on the 6-year reauthorization of the Federal highways programs.

This left Congress with no choice but to extend the authorization on a short-term basis, which is never an ideal solution. H.R. 3 would provide $281 billion of funding for the Federal highways programs through fiscal year 2009, the same amount proposed in the administration's budget, and $5 billion more than the House approved last year.

It is my hope that the House and the Senate will reach agreement on a reauthorization bill this year so that critical transportation needs can be addressed.

The tax provisions before us today do not affect the expenditure authority of the Highway Trust Fund through fiscal year 2009. They reauthorize transfers from the Highway Trust Fund.

I would urge the Rules Committee to protect our simple bipartisan amendment within its second rule tomorrow.

I congratulate the chairman and ranking member on advancing this legislation. As the process moves forward, we must work together to fight for a better bill, a bill which will create needed middle-class jobs.

I thank the gentleman for yielding the time.
Trust Fund to the Aquatic Resource Trust Fund to account for fuel taxes collected from motor boat use, but it does not extend the general fund retention of motorboat fuel taxes. The administration supports the $284 billion funding level.

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

Mr. THOMPSON of California. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

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

I am pleased to rise in support of the bill. I think the Committee on Ways and Means is moving forward in a way that is reasonable with this. I personally am very pleased that the basic overall structural integrity of the bill has been maintained. It is a good bipartisan framework that builds on ISTEA. It has something for virtually every community in America.

I am particularly pleased that there is language in the bill that deals with small starts. I have had experience in my community with a street car development that is much less expensive; it is quick to build. It goes back and helps us reinvigorate the neighborhoods that were originally built around street cars decades, sometimes a century, ago. We have over 20 communities around the country that are interested in their opportunity to build a street car. The bill contains almost $1 billion over the next 5 years in projects that are termed "small start," between $25 million and $75 million. It provides for an expedited process separate from the more expensive, more complex, more cumbersome new-starts provision.

I look forward to working with members on the committee to refine and move this forward. I hope we will have strong support from both sides of the aisle in conference to make sure that this is something that survives and is further enhanced.

And before I finish on the small-starts point, I would like to express deep appreciation to Joyce Rose and to Ken House for making it possible for this language to be there and to be as effective as it is.

I did want to make one brief reference to the donor-donee that my friend from Florida was talking about, that they are off by 85, 86 percent. I have some sympathy for that. But as I pointed out on this floor, the big donor-donee disparity is not between a few States that win or lose, it is between the metropolitan areas across the country that are systematically shortchanged from the allocation of transportation money. It may be that part of that is because the way that the structures go with the MPO and the flow of Federal dollars, that metropolitan areas have only a say over 6 percent of the funding flow. I see my friend from southern California. There is over a $1 billion net outflow from southern California in the metropolitan areas to deal with its transportation needs. There are significant cities in Florida that get less than 60 and 70 percent on the dollar. I see my friend from Dallas here. Her metropolitan area gets only 75 cents on the dollar. Of the 276 metropolitan areas, the vast majority of them are shortchanged, and in most instances, it is far more than the level that we are talking about between the donor and donee States.

This is something that Congress is going to have to spend some time focusing on. How do we guarantee that the needs of our metropolitan areas, where the vast majority of our population live, are met? Whether you are in a red State, a blue State, south, east, north or west, people live in these metropolitan areas; and in community after community after community, they are shortchanged. We have people come to the Floor supporting this excellent bill. I join them. And I am pleased that people are concerned to reduce the problems of congestion, of air pollution, of an inability to move freight in this country. But where is the air pollution, the congestion, the problems with freight? It is in the metropolitan areas. And unless we spend the money where there are never going to improve the air quality, we are never going to be able to reduce the congestion that is strangling our communities. We are having a situation where it takes less time for freight to move from Portland, Oregon, or from Long Beach/LA to Chicago than it takes to move that freight through Chicago. Longer than it took to get there in the first place.

Mr. Chairman, there is no more important environment or economic development legislation before this Congress. I like the direction that we are moving. I hope that we maintain the balance, the structure, a bipartisan effort to meet the needs of all America's communities. I hope that we are going to be looking towards the future, however, to make sure that we not only maintain that structure but we look for ways to get the money where it is most needed.

Mr. PETRI. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. GARY G. MILLER), a valued member of the committee.

Mr. GARY G. MILLER of California. Mr. Chairman, this bill has been a long time coming. I would like to commend Chairwoman YOUNG and Ranking Member OBERSTAR for their work together on this bill. It is amazing how two individuals from different parties can get together and share a common cause, and they have to better our transportation system within our Nation.

I would also like to commend Chairwoman OBERSTAR's staff, they have been very
accessible trying to accomplish this bill, and Subcommittee Chairman PETRI. I understand your passion, and I share that with you, but I have watched you work in recent years and your motivation towards providing a better transportation system for this country.

When this country was founded, we had basically two main areas of oversight. That was to ensure interstate commerce, and protect and defend our border. Now, it ensures interstate commerce. It is definitely not the amount of money a lot of us would like to see it be. Chairman YOUNG, I know, fought very hard, and we all know what a kind and gentle man he is and an easy man to get along with, but he put that aside and was willing to be forceful, he is a forceful man by nature, and to really fight for what we believe is right and that is more money for our States.

California, as the previous speaker said, is probably the largest donor State in this Nation. Unless you go to California and you drive the freeways and you understand what working people go through, what truckers go through, then we face the Alameda Corridor East which deals directly with the ports of Long Beach and Los Angeles, when that was funded originally in the mid-nineties, we funded 100 percent of the improvements from the commerce, but there was nothing done from commerce all the way through LA County, San Bernardino County, Riverside County and Orange County. The impact is incredible, and it is growing daily. How many people do you know that cannot afford to live within the communities within which they work so they have to buy in an area that is outside of their working areas, we see in California, and they spend hours each day driving back and forth to work, and it is getting worse. Unless we invest in the roads and support the maximum amount of dollars we can through a bill. I would like to commend our leadership, Subcommittee Chairman PETRI. I really appreciate everything he has done. The staff that are here in the room. They have always been accommodating and willing to listen to our needs, and they have always done what they can to help us. Chairman YOUNG has gone out of his way to be understanding, cooperative and basically provide the resources that we need to better the people's lives in California. I am proud to be a part of this committee and be a part of this bill. I strongly support an "aye" vote.

Mr. DEFAZIO. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), a member of this committee, and a leader on transportation issues.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me commend the leadership of this committee and that of the Highway Subcommittee for all of the hard work and bipartisan work that has gotten us to this point today. Today, this committee is sending a message to the American people that investment in the Nation's transportation system is our number one priority.

I do not have to tell you that the clock is working against the infrastructure of our country, my State and particularly my district. The longer we wait from the full bill, the more costly it becomes to adequately address the Nation's crumbling infrastructure. Our Nation's transportation system is the backbone of our economy and way of life, and we cannot afford to shortchange either one of those.

Late last year, the Texas Section of Civil Engineers released its 2004 infrastructure report card in which the State's infrastructure received a dismal cumulative assessment of below average. The Texas Transportation Commission can fund less than 40 percent of the worthy road and highway projects. Twelve of the State's 48,000 bridges are structurally deficient. Seventeen are in my district. Congestion is on the rise in urban areas, and deterioration of air quality poses an even greater risk to the health of our constituents, particularly seniors and children.

I have one amendment that was accepted but there is another one that is still in question where we really need to address congestion, urban congestion. Our constituents have spoken, and we must act. It is imperative that we commit ourselves to working together to passing a final bill today, or tomorrow, that addresses our Nation's antiquated infrastructure. It creates badly needed good-paying jobs which we need to give attention to. It addresses our congestion and poor air quality, expands inclusion of minority and women-owned businesses in Federal transportation contracts and makes donor highway funding equity close to a reality. We must get this bill through conference and to the President's desk as soon as we can.

I thank both of the leaderships, majority and minority. I support this bill and hope that we can move it along rapidly.

Mr. PETRI. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. MARIO DIAZ-BALART), a hardworking member of our committee.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, first, I would like to thank Chairman YOUNG for visiting Miami last week. We are facing, I believe, the most important issue at this point, as the gentleman from Alaska knows, Mr. Chairman, is also facing $100 million bill by the Florida Department of Transportation for the Miami Intermodal Center, Earlington Heights connector to be used as part of the non-Federal match towards other transit corridors in Miami-Dade County. I also want to thank the gentleman from Wisconsin for his interest, and I understand that he is also interested in even maybe going to Miami to look at that specific issue.

This provision, which would guarantee the release of the $100 million from the Florida Department of Transportation, requires legislative language that I have been working on with the gentleman from Wisconsin, Chairman YOUNG and their talented staffs, I understand that negotiations are continuing on this issue and will continue to be worked on in conference after the gentleman from Wisconsin has had an opportunity to visit Miami in early April.

As the gentleman knows, the $100 million from Florida DOT will only be
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released if such language is included. This provision has strong bipartisan support among South Florida Members. Again, while this provision is not in the bill today, it is my understanding, Mr. Chairman, that we are continuing to work on it as the process continues.

Mr. PETRI. Mr. Chairman, I have met with the gentleman from Florida (Mr. MARIO DIAZ-BALART) and spoken with him several times on the issue of legislation that would allow $100 million from the Florida Department of Transportation for the MIC to be used as part of the non-Federal match for other transit corridors. He has expressed his strong commitment to this language. I will be traveling to Miami soon to see the project firsthand. We will continue to work on this issue during conference. I look forward to the chance to visit Miami and better understand the project and the need for this language.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman.

Mr. DeFAZIO. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. Cummings).

Mr. CUMMINGS. I thank the gentleman for yielding time.

Mr. Chairman, I want to thank our ranking member and chairman for all of their hard work and the chairman and the ranking member of the subcommittee. This bill has indeed been a long time coming. We all know that $283.9 billion is a lot of money but certainly not enough, but the fact is that this is a continuing process.

Also, I want to express my sincere appreciation to our ranking member and our chairman and their staffs for working with me and my staff to include language in the floor manager’s amendment that will expand research on critical issues in hazardous materials transportation. The hazardous materials TEA-LU Title authorizes hazardous materials transportation to “protect against the risks to life, property and the environment that are inherent in the transportation of hazardous materials.” TEA-LU’s Research Title must set a research agenda that will support the accomplishment of these objectives.

In its Special Report 283, the Transportation Research Board found that perhaps the most notable gap in America’s highway safety portfolio is the safety and security of hazardous materials transportation is the lack of research that is cost-cutting and multi-modal in application.

My provisions amend TEA-LU’s Research Title to require the administrator of a newly created Pipeline and Hazardous Materials Safety Administration to research nine crosscutting issues in hazardous materials transportation not adequately addressed by existing mode-specific research programs.

Mr. Chairman, there are more than 1 billion shipments per day in the United States of hazardous materials. Between 14,000 and 18,000 unintended releases of hazardous materials occur during transportation annually. Between 1994 and 2003, these incidents resulted in 210 fatalities.

In addition, the majority of these incidents occurred in my district in Baltimore, in South Carolina, Texas, and South Dakota have dramatically reminded us of the danger that hazardous materials shipment can pose. In response to these findings, I introduced the Hazardous Materials Cooperative Research Act of 2005, which would establish an ongoing cooperative research program for hazardous materials transportation.

While not creating this permanent hazardous materials cooperative research program, the provisions included in today’s bill respond to the Transportation Research Board’s report by requiring research on cross-cutting topics recommended for further study. In addition, the Secretary will be required to report on the need to establish a permanent cooperative research program for hazardous materials.

I again thank the committee’s leaders and their staff for working with me to begin to close a hazardous materials research program that is truly comprehensive and multi-modal in scope. I urge my colleagues to support this bill.

Mr. PETRI. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. Shuster), a member of the committee.

Mr. SHUSTER. Mr. Chairman, I rise today in support of H.R. 3. It has been a long time coming. I want to commend the gentleman from Alaska (Chairman Young) and the ranking member, the gentleman from Minnesota (Mr. Oberstar), as well as the subcommittee chairman, the gentleman from Wisconsin (Mr. Petri), and the ranking member, the gentleman from Oregon (Mr. DeFazio), for their efforts on behalf of our Nation’s transportation system.

As a Pennsylvanian who represents a broad geographic region, I know the issue of transportation is critical to all of our constituents. I am very pleased that the legislation before us today includes many initiatives to combat congestion on our Nation’s highways and further relieve bottlenecks on our roads.

H.R. 3 contains innovative real-time and intelligent transportation initiatives that allow States to monitor and improve traffic flow and enhance safety. Building on these innovative programs, I also encourage support of an amendment that will be offered by my colleague, the gentleman from Minnesota (Mr. Kennedy), to create voluntary toll or fast lanes. Drivers who chose to use these fast lanes will be charged electronically, eliminating the ‘toll booth’ backups and congestion. It will allow for our States to collect the funds necessary to increase the capacity on our highways.

Congestion is a tremendous drag on our economy today, and it needs to be addressed.

One concern, Mr. Chairman, I do have with this bill is the rate of return States will receive under this measure. I support the wise practice in surface transportation reauthorization to take into account that some regions are saddled with greater needs than others and need a larger rate of return to maintain our national transportation system.

The home State of Pennsylvania is unique in that we have more miles of State highway to maintain than all of New England and New York combined. Additionally, the Commonwealth ranks third in the amount of through truck traffic that neither originates nor terminates in the State. Pennsylvania receives little benefit from such commerce traveling through our State, yet States such as Florida, which is able to get its goods to the large Northeastern markets and benefit from the buffers from the constant pounding and damage caused by this through traffic.

As we move forward to conference, I would encourage my colleagues to continue returning funds to States based on need so that we continue to have a safe and efficient national highway system.

Lastly, Mr. Chairman, I want to take a minute to address an issue that has become of increasing concern to me and many of my fellow Pennsylvanians on the committee.

In recent weeks, the Governor of our State has continued to flex funds designated for highway projects to bail out the Pittsburgh and Philadelphia transit systems to the tune of $412 million, which is roughly one-third of what Pennsylvania will receive from the Federal Government in funding next year.

Mr. Chairman, transferring funds set aside by the Congress for highway projects to bail out troubled transit systems is wrong. The transit system in Pittsburgh and Philadelphia has continually had problems meeting its financial responsibility, and it is out of the pockets of rural Pennsylvanians that the funding shortfalls are met.

Critical highway projects in our region are put in jeopardy when highway moneys are transferred to transit. Our highway system weaves a thread of viable travel throughout our State and between our urban areas. Quite simply, you cannot travel from Pittsburgh to Philadelphia without going through rural central Pennsylvania.

To this end, I am pleased that included in the bill is language directing the Government Accountability Office to review this transfer authority and how it is being used. I want to thank my colleagues, the gentleman from Pennsylvania (Mr. Gerlach) and the gentleman from Pennsylvania (Mr. DeFazio), for their support on our effort on this issue.

It is critical that Congress address this issue and examine the possible
Mr. MATHESON. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Chairman, I think this H.R. 3 legislation is a good illustration of the old phrase that politics is the art of compromise. We have heard a lot of people talk about things that they like in this bill. You will also here a lot of speakers talk about things they wish were also included in this bill. I certainly have that list myself.

But committee on Transportation and Infrastructure has a great tradition of coming together in this House, and that tradition has been maintained again today. I commend the leadership on both sides of the aisle for their efforts to work together in the context of the potential investment in basic infrastructure in this country.

This has always been an important issue for this country, but in some respects it is becoming more important now as we emerge into an ever-increasingly competitive global economy.

I talk about that with my constituents back home, and sometimes they do not think what investment in a road out in Utah has to do with being competitive in a global economy. Then we talk about what it takes to move products around this country and the fact that other countries around the world are so aggressive in investing in their transportation infrastructure to make their economies more efficient.

This is good economic policy for our country. It is good investment. In the short run it is good for our economy, it creates a number of good jobs, but in the long run what it does is it develops an infrastructure that gives our economy greater efficiency, greater ability to compete, greater ability for us to succeed.

Now, every Congressmen can tell you a story about what is in this bill that is important to their district. That is our job. This is the people's House. We represent a congressional district, and we need to advocate for the interests of that congressional district.

The major transportation route between Salt Lake City, Utah, and Denver, Colorado, is primarily a two-lane highway called Highway 6 in Utah, subject to many fatalities, one of the most dangerous stretches of road in this country. I am pleased that in this legislation it will be designated as a high-priority corridor. That is in our interests, to make sure we invest in that, because in addition to having an efficient economy, investment in infrastructure creates more safety on our highways. That is the other good aspect of this job.

Mr. Chairman, I commend the leadership of the committee for this outstanding effort. Mr. PETRI. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. PETRI), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Alaska (Chairman YOUNG), and my colleagues on the Committee on Transportation and Infrastructure for their continued hard work to bring H.R. 3 to the floor. This bipartisan legislation invests in America's roadways and transportation infrastructure, bringing jobs and investment to every corner of our country.

This legislation is good news to the people of the Eighth Congressional District of North Carolina. My district includes the two urban centers of Charlotte and Fayetteville, as well as large rural areas. Obviously, these diverse segments of North Carolina require different types of transportation services to help in fighting congestion.

In 2002, I worked to launch the Comprehensive Economic Development Strategy Process in the eighth district. As part of this process, the CEDS commissioned and received a report outlining some of the region's economic strengths and weaknesses. The report was approved by the Economic Development Administration.

One of the weaknesses cited was there were several areas of need regarding transportation infrastructure. Accelerating the construction of our transportation projects was particularly highlighted as one of the most likely places where improvements would produce increased economic development and more jobs. Without easy access to areas of commerce and transport, potential for investment and increased economic development is hindered.

The legislation before this House today contains funding for many of the established CEDS goals and will jump-start my district's direct efforts to revitalize and support the region's economy.

Increasing the number of interstate miles, especially accelerating the construction of I-73/74, I-85 through Cabarrus County and increasing the multilane connections to interstate highways is vitally important.

Upgrading many of the existing roads to multilane highways is the highest standards is another top priority. This will serve to not only increase the probability of companies investing in eighth district communities, but will also improve public safety through providing safer roads.

In the Charlotte metropolitan area, a substantial population growth is severely taxing existing infrastructure.

Through the widening of existing highways and increasing investment in alternative modes of transportation, we will work to decrease congestion, pollution levels, and urban sprawl. This will positively impact quality-of-life issues and economic opportunities for those who live in the city of Charlotte and all of our North Carolina and Southeastern region.

Mr. Chairman, I am pleased to support this legislation today, and I urge my colleagues to vote in favor of H.R. 3.

Mr. DEFAZIO. Mr. Chairman, I yield 5 minutes to the gentleman from California (Ms. MILLENDER-MCDONALD), an outstanding member of the committee.

Ms. MILLENDER-MCDONALD. Mr. Chairman, finally one of the most important bills, if not the most important bill, has come to this floor; and I would like to thank the gentleman from Alaska (Chairman YOUNG) and the ranking member of the committee, Mr. OBERSTAR, for their continued leadership in drafting a principled and balanced transportation bill, and also the subcommittee Chair, the gentleman from Wisconsin (Mr. PETRI), and the gentleman from Oregon (Mr. DEFAZIO), for their steadfast commitment to our Nation's transportation system.

As a senior member on the Committee on Transportation and Infrastructure, representing Los Angeles County, the most congested and impacted county in the Nation, it has been my privilege and my pleasure to work with all of them.

It has been the priority of our committee to meet the many transportation needs of our cities, our States and our businesses, both large and small, that rely on our transportation system. Governors and local government alike are crying out for relief from the congestion that chokes our highways and slows down our economy.

Our country needs more public transportation services to help in fighting congestion. We need more new transit buses and greater investment in rail systems so that the single-occupant automobile is not the only way to get to work. From coast to coast, our great Nation needs this bill. Our communities, our businesses, and our constituents all need this bill. Traffic congestion costs American motorists some $675.5 billion a year in added time and fuel costs. Americans spend an additional 4.5 billion hours a year stuck in traffic.

This bill addresses the immediate needs of our communities, and our communities have favored low and clear: they want congestion relief. We have been asked to do more with less at $284 billion, but we have drafted an innovative bill that maximizes our resources to address our most glaring transportation needs.

I want to again thank this committee and especially the ranking member, the gentleman from Oregon.
This is a bill that we need. We must have this bill. I ask my colleagues to vote in support of TEA–LU. This is the most important bill we will see this year.

Mr. PETRI. Mr. Chairman, I yield 3 minutes to the Resident Commissioner of the Commonwealth of Puerto Rico (Mr. FORTÚNÓ) for 3 minutes.

Mr. FORTÚNÓ. Mr. Chairman, I would like to thank the gentleman from Alaska (Chairman DON YOUNG) and the gentleman from Minnesota (Ranking Member OBERSTAR), as well as the gentleman from Wisconsin (Mr. PETRI), the chairman of the subcommittee, and the gentleman from Oregon (Ranking Member Mr. DeFAZIO) for their leadership in moving this legislation so quickly through this Congress.

As the name implies, TEA–LU is a bequest of the highest degree to our Nation. TEA–LU will have a positive impact on the Nation’s economy throughout the creation of millions of new jobs in the transportation sector and other related industries. It will bring the highway and transit systems to a higher level as we continue to travel into the 21st century.

In my district, TEA–LU means an injection of infrastructure monies needed to integrate our transportation systems and alleviate problems of traffic congestion and road safety, while spurring economic development on the island. TEA–LU means moving Puerto Rico to a new level of transportation based on an integrated transportation system. Tren Urbano, the bus system, trolleys, and our ferries will all integrate to promote public transportation, reducing the problem of traffic congestion.

For Puerto Rico, TEA–LU means the completion of an important highway project that will become one of the only two highways crossing Puerto Rico from north to south. It means the completion of the highway system that will cover the perimeter of the island. It also means promoting economic development across the board. It means giving access to towns and rural communities that, without the funding available in TEA–LU, would remain isolated. It means losing less lives to traffic accidents. It means moving Puerto Rico forward at a faster pace.

On behalf of the 4 million U.S. citizens in Puerto Rico whom I have the great honor of representing, I thank again the gentleman from Alaska (Chairman DON YOUNG) and my colleagues on the Committee on Transportation and Infrastructure for this great legacy.

Mr. DeFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BISHOP), a member of the committee.

Mr. BISHOP of New York. Mr. Chairman, I am pleased that Congress is again considering reauthorization of the transportation bill. Americans have waited too long and watched our roads and transit systems further deteriorate as Congress and the President stalemate at the expense of travelers and commuters.

Transportation spending is a win-win proposition. It creates jobs and improves safety and efficiency on our roads. While passage of this bill will go some way toward improving our infrastructure, I, along with most of the members of our community, would have hoped for a larger bill that better reflects the Nation’s need for transportation funding.

Real economic stimulus comes from real investment. And by increasing funding to a more appropriate level approaching $375 billion, the amount that the Committee on Transportation and Infrastructure could certainly use this type of boost.

This bill is first and foremost a jobs bill, and I would urge swift consideration of this legislation so that we do not deny tens of thousands of workers in New York and elsewhere nationwide good jobs. We especially need this boost in New York. The New York metropolitan area has some of the worst traffic in the country, despite a mass transit system that carries one-third of our Nation’s transit riders.

I would also like to stress the importance of ensuring that the minimum guarantee formula stays at 90.5 percent. The current system of reallocation would direct funding to the areas of the country where it is needed the most. It would be unwise to punish States with aging infrastructure and inefficient mass transit systems by cutting off their funding. There is simply no way to reach a 95 percent minimum guarantee in a $284 billion bill.

I would also like to thank my colleagues from upstate New York (Mr. COBLE), for his amendment allowing a secure port after Amo Houghton, a former colleague and a true gentleman.

I would like to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Minnesota (Ranking Member OBERSTAR) for bringing this important bill to the House. They and their staffs have provided the best bill possible, given the circumstances, to move our transportation system forward.

Mr. PETRI. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE), a valued member of our committee.

Mr. COBLE. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time.

Let me start. Mr. Chairman, by using three components: vehicular congestion infrastructure that continues to deteriorate daily, and, of course, each is directly involved with highway safety.
As my colleagues know, Mr. Chairman, I have been an avid supporter of H.R. 3, and I am pleased that this bill is able to be considered on the House Floor today. As both a member of the prior conference committee and a cosponsor of reauthorization bills during the last Congress, I realize that members and staff, Democrats and Republicans alike, have worked tirelessly and relentlessly to produce today’s best product possible for Floor consideration and deliberation.

At a time when we have much work to do to address our Nation’s critical infrastructure and, as I said, which is currently in dire need of upgrade and repair, this legislation is also a jobs bill and is vitally a jobs creator.

Mr. Chairman, I want to thank the gentleman from Alaska (Chairman YOUNG); the subcommittee chairman, the gentleman from Wisconsin (Mr. PETRI); our Majority Leader, our Ranking Member on the Committee on Transportation and Infrastructure, for their openness and demonstrated leadership regarding measurable progress on the donor funding situation. As a longtime supporter of the SHARE coalition, I fully realize that this remains a sensitive issue that has historically yielded divisiveness, but I am confident that this issue can be resolved appropriately.

Finally, Mr. Chairman, the highway and transit reauthorization bill is long overdue, and we must not lose sight of the big picture regarding the critical importance this legislation offers. As my constituents in North Carolina, as well as the State Infrastructure planners from across the country remind me on a regular basis, we must get a suitable transportation bill passed by both bodies expeditiously, and I look forward to remaining actively involved in this process to ensure that all States receive the necessary funding and important policy initiatives H.R. 3 authorizes.

As I said at the outset, Mr. Chairman, in very strong support of the transportation bill and special support for something within it, and that is the drug impaired driving policy.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. LARSEN), my colleague, a member of the committee and a neighbor to the north.

Mr. LARSEN of Washington. Mr. Chairman, I rise today in support of H.R. 3, the Transportation Equity Act, A Legacy For Users.

While I support this bill, it is important to note that it barely scratches the surface of America’s transportation needs. Although someone claimed that the $284 billion is more than adequate, the funding in this bill is slightly more than an inflationary increase over TREA-21. We owe it to America’s economy to invest in our highway and transit infrastructure to help keep freight and people moving.

As this bill moves through the House, I hope that we can secure a funding level that meets the needs of our transportation systems and that helps provide job opportunities for more Americans.

Having said that, I want to thank the chairman of the committee, the chairman of the subcommittee and the ranking members of the committee and subcommittee for their work on this bill which will help the Pacific North-west with its border crossings, corridor, and congestion needs.

Specifically, TEA-LU doubles the funding for the Ferry Boat Discretionary program. The Puget Sound is home to the largest ferry system in the country. Washington State Ferries service 26 million passengers a year. That is more than Amtrak. These funds are vital to the Washington State Ferries’ efforts to serve and replace aging vessels and continue providing service to greatly underserved communities. I look forward to working with my colleagues in conference to increase these funds so that we can keep America’s ferry systems afloat for years to come.

In addition, the bill includes funding for projects of national and regional significance. The Alaskan Way Viaduct in Seattle, damaged by an earthquake in February 2001, is threatening to collapse and halt the movement of goods from ports in Washington State and locations all across the country. I hope that as we pass this bill out of the House, we can further improve this new and exciting program that targets projects with huge impacts on freight congestion.

In conclusion, I hope the final version of this legislation will continue to invest in our freight corridors and border crossings.

In Washington State and along the West Coast, we are seeing record levels of traffic congestion. Federal funds are necessary in order to keep our West Coast ports and border crossings flowing smoothly. It also funds research to develop field tests to be able to identify drug impaired drivers, which is a critical part of this.

The Drug Impaired Driving Research and Prevention Act is bipartisan legislation I introduced last year, along with my colleagues (Mr. PORTER), the gentleman from Michigan (Mr. LEVIN), the gentleman from Indiana (Mr. SOUDER), the gentleman from Illinois (Mr. COSTELLO), the gentleman from Ohio (Mr. LaFOURRTE), the gentleman from Minnesota (Mr. RAMSTAD) and the gentleman from Ohio (Mr. HONSON). It provides critical guidance and assistance to the States as they begin to address drug impaired driving.

It calls on the U.S. Secretary of Transportation to craft a model State drug impaired driving law. It also enhances the training of police officers and prosecutors to be able to detect, enforce and prosecute drug impaired driving.

This legislation, Mr. Chairman, will greatly improve traffic safety and will reduce traffic fatalities as we have seen with drunk driving laws. It is time to deal with these undetected dangers on our roads and highways before more danger occurs, before more damage occurs and before more lives are lost.

Thank you to the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Ranking Member OBERSTAR) for including it in this legislation, and I congratulate the gentleman from Wisconsin (Chairman PETRI) for sponsoring H.R. 3 to the Floor, again. I rise today, Mr. Chairman, in very strong support of the transportation bill and special support for something within it, and that is the drug impaired driving legislation. It is something that is very critical for our Nation’s future, along with having more roads and bridges and infrastructure.

It would probably surprise some of my colleagues to learn that for the most recent year for which we have data, almost 11 million Americans drove a car or a truck while under the influence of illegal drugs. Driving while under the influence of drugs, of course, caused thousands of accidents, fatalities, and property damage. Over the past decade, we have had a lot of success in getting at the problem of drunk driving. We successfully reduced the number of drunk drivers on the road by detecting and dealing with the issue. We have not done the same with regard to illegal drugs.

The nation’s users of illegal drugs have faced no similar effort. They continue to drive under the influence of drugs, including cocaine, methamphetamine, marijuana and other drugs that do impair your judgment and do create these accidents and fatalities.

A more effective public policy for detection and prosecution will not only involve traffic safety and create a deterrent, but it will also get those drivers off the road. They are already violating our laws; we need to get them off the road and get them into treatment.

Mr. DEFAZIO. Mr. Chairman, I yield 3 minutes to the gentleman from the District of Columbia (Ms. NORTON), a senior member of the committee.
Mr. PETRI. Mr. Chairman, I yield 30 seconds to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me time. I begin by thanking the leadership of this committee, which is a real model for bipartisan leadership. They know how to get the job done. I hope the Congress finally follows suit.

Mr. Chairman, I rise to conduct a colloquy with my friend on the other side. I urge the attention of the House to a transportation issue that affects every office of the Senate and the House and every Federal agency. Federal employees are the biggest users of the Metro subway and bus system, accounting for almost 50 percent of rush hour riders. Because Federal employees and the Federal presence itself are scattered throughout the region, the system is indispensable to the daily operations of the Federal Government. More than 300 Federal offices are served by Metro.

The Federal Government has encouraged ever greater use of Metro to help solve the congestion crisis on the roads of this region. Today, 150,000 military and civilian employees here get a Federal subsidy by using the system. Metro’s homeland security benefit to the government was dramatically demonstrated when it moved hundreds of thousands of employees on 9/11. However, the large investment of the Federal Government in helping to build this system is at high risk because of the post-9/11 era. I ask that the committee work with me and regional Members from Virginia and Maryland to find ways to help the region bear the burden of expanded Federal use of the system.

Mr. PETRI. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Wisconsin.

Mr. PETRI. Mr. Chairman, I would respond by saying we appreciate the gentlewoman bringing this to the attention of the chairman and myself. The chairman and I will continue to work with the gentlewoman on this issue as we continue to proceed to conference.

Ms. NORTON. Mr. Chairman, I thank the gentleman.

Mr. PETRI. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the gentlewoman for yielding me time. I want to commend the chairman; the subcommittee chairman; the ranking member, the gentleman from Minnesota (Mr. OBESTER), for their work on the environmental provisions in this bill to ensure that they could bring the best possible transportation bill to the floor.

The environmental provisions in this bill, especially those dealing with streamlining the National Historic Preservation Act, are some of the most important bill that original parts to the legislation. And I think the chairman deserves a great deal of credit for resisting the pressure to put in language weaker than what is in the bill before us.

Talking about streamlining, I know there will be those who oppose the House language in favor of the status quo. The problem with that is the status quo creates endless analyses and litigation roadblocks that reduce the purchasing power of the money collected from the gas tax. In other words, the status quo means fewer transportation projects.

I feel the need to point out that the Senate-passed bill advocates a number of natural-resource concepts that are not included in this context of a transportation bill because they are complex and best left to the full discussion by the committees of jurisdiction. For example, there is language integrating natural-resource requirements into transportation planning without defining what those requirements are.

Another example is the language that will require the use of native plants for use of erosion control and vegetative seeding, even if non-native plants would do a better job. Costs would escalate and erosion control will suffer.

The worst example of the Senate’s overreach is the language that creates a new fund that could be used for habitat, stream, and wetlands mitigation and give priority to the mitigation projects that restore and permit habitat for Federal- or State-listed endangered plants or animals. Needless to say, that is a big expense. Even those flowing through the DOT that are ESA-related, are best vetted through the committees with primary jurisdiction. There is no controlling what disastrous projects done under the guise of the ESA these dollars could fund.

I am working closely with Senator INHOFE and his committee to modernize and strengthen the ESA and would not want to mistakenly hinder those efforts by including the Senate-passed language in the highway bill. I thank the chairman for his fine work, and I look forward to working with him and the rest of the members of the committee to further this bill and help to improve it.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. COSTELLO), the next-most senior member on the committee.

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

Mr. Chairman, first let me say thank you for a job well done to the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBESTER), the gentleman from Wisconsin (Mr. PETRI), and the gentleman from Oregon (Mr. DEFAZIO) for their leadership in bringing this bill to the floor today. They have labored many hours over the last few months to get us to the point where we are and without their leadership, dedication, and persistence we would not have a bill on the floor today.

Our interstate system is almost 50 years old; 32 percent of our major roads are in poor or mediocre condition; 29 percent of our bridges are structurally deficient or functionally obsolete; and 36 percent of the Nation’s urban rail vehicles and maintenance facilities are in substandard or poor condition.

The bill before us today is essential, for it increases investment in our roads and bridges, allowing States and local communities to not only maintain but to improve them. Despite an uphill battle we are here today to do what I think is a good 6-year bill. While I would have preferred to see a bill that provided the $375 billion funding level passed by the committee last year, I support the bill before us today in hope that we can make it even better in conference.

H.R. 3 provides almost $284 billion over 6 years, which is about a 42 percent increase from the current spending levels, with highway funding receiving 47 percent more and the transit program receiving 51 percent more. I am pleased we have a section in the bill for projects of regional and national significance. These projects are extremely important to our Nation’s transportation system that otherwise could not be funded out of the normal State funding formula.

Finally, it is important that we pass this bill out of the House today and get it out of conference quickly. Each bill is a good investment in our infrastructure and the millions invested in the Federal highway and transit system creates 47,500 new jobs and $6.2 billion in economic activity. Further, transportation infrastructure generates up to a six to one net on return on our investment.

Mr. Chairman, this is a good bill before us today. I thank the leadership of the committee for bringing the bill to the floor, and I urge Members to vote ‘yes’ on passage.

Mr. PETRI. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. DENT), a member of the committee.

Mr. DENT. Mr. Chairman, I appreciate the opportunity to speak on this legislation, the Transportation Equity Act for America, otherwise known as TEA-LU. TEA-LU is an important piece of legislation. It is especially important to the citizens of the Commonwealth of Pennsylvania. It provides money for highways. It provides money for road maintenance. It provides money for road and highway congestion relief.

For the millions of Pennsylvanians who depend on the Commonwealth
roads for travel between work, school, home and business, this act provides the means to build better roadways and to ensure that existing thoroughfares and highways are safer, less congested, and properly maintained.

The funds are particularly important in a State like mine which has to maintain a much larger and older infrastructure than some others. The Department of Transportation in Pennsylvania maintains over 40,000 miles of highways. These are the critical resources to improve highways, and protect millions of U.S. jobs within Pennsylvania and its environs, the Commonwealth. I thought we all throughout my district has put ad

Members of the Pennsylvania delegation, myself included, all share in the conviction that highway improvements should be available to all people living in the Commonwealth. I thought we shared this goal with the Governor of my State. Recent actions by the Governor, however, have called into question this assumption.

On March 1, 2005, the Associated Press reported the Governor has decided to flex some $412 million of the approximately $1.2 billion in highway funds previously appropriated to the State. The Governor proposes to divert this money, about one-third of the total allocation, away from the highway system and over to the Southeast Pennsylvania Transportation Authority, or SEPTA, and the Port Authority of Allegheny County. These public transportation systems are drowning in a sea of debt partially of their own making, and they have been doing so for some time.

Given the foregoing, I applaud the inclusion of a provision which calls for the Government Accountability Office to determine the extent to which State government representatives, such as the Governor of my State, are appropriating large amounts of Federal highway dollars that are supposed to benefit the common good, diverting these highway funds to a particular mass transit project or projects to such a significant extent is simply unaccept...
Mr. Petri. Mr. Chairman, I reserve my time.

Mr. DeFazio. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Ms. Corrine Brown), a valuable member of the committee and colleague and senior member of the committee.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to thank the gentleman from Alaska (Chairman Young) and the gentleman from Wisconsin (Mr. Petri) and the gentleman from Minnesota (Ranking Member Oberstar) and the gentleman from Oregon (Mr. DeFazio) for their hard work in bringing this bill to the Floor. I do want to point out, it is 17 months late. America's transportation infrastructure is in need of significant additional funding, and we need to act fast, but knowing how much money we truly need to fund the Nation's transportation infrastructure, I hope that the other body will pass the original bill of $318 billion so that we can get the best bill possible in conference.

I appreciate the hard work and compromise involved in drafting this bill, but the final product is funding formula is unfair to many of the States who need transportation dollars. Transportation funding is a win-win for everyone involved. States get to improve transportation infrastructure; that creates economic development, puts people back to work and, most important, enhances safety and improves local communities.

Unfortunately, we are unable to add rail to this bill, but that does not mean that rail infrastructure is taken care of. We are underfunded, rail security and are now scrambling to protect our transit passengers. We are also ignoring and underfunding high speed rail which is one of the best ways to move citizens and improve congestion on our highways.

By far, the most important thing that this bill is missing is the funding for Amtrak. How do we write a comprehensive transportation bill that does not include passenger rail? Every civilized country in the world supports passenger rail but this country. Let me correct that, 66 percent of the American people support passenger rail.

It is just this Administration, along with Secretary Mineta, that is ignoring the needs of transportation, our friend, Secretary Mineta. We are spending $1 billion a week in Iraq; that is $4 billion a month, but this administration is zeroing out funding for Amtrak.

Our committee needs to take passenger rail seriously and fund Amtrak at the level it is needed to provide service to thousands of citizens every day. This bill is the first step in passing a real transportation funding bill that will meet the needs of the Nation's transportation and infrastructure and the citizens who need it, and I want to emphasize first step.

The Acting CHAIRMAN (Mr. Tom Davis of Virginia). The gentleman from Wisconsin (Mr. Petri) has 13½ minutes remaining. The gentleman from Oregon (Mr. DeFazio) has 12 minutes remaining.

Mr. PETRI. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. Brown), a valuable member of the committee.

Mr. BROWN of South Carolina. Mr. Chairman, I thank the gentleman from Alaska (Chairman Young) and the gentleman from Minnesota (Ranking Member Oberstar), the gentleman from Oregon (Ranking Member DeFazio) for bringing this bill to the floor. I appreciate their continued leadership and the efforts to provide the necessary funds to meet the transportation infrastructure needs of this great Nation.

This bill will provide funding for projects that have been in extension funding for too long. In order for our transit needs to be addressed across the country, this bill must be passed with haste and due diligence.

The South Carolina Department of Transportation will need nearly $2 billion in total funding to construct the I-73 corridor within South Carolina. Congress has previously identified this project as high priority corridor in the ISTEA legislation, and there is tremendous support for I-73 throughout the State. In fact, the entire South Carolina congressional delegation has insisted this project as one of its main transportation priorities in South Carolina.

We also know that there is strong support for the I-73/I-74 interstate system from the North Carolina delegation, as well as the States of West Virginia and Virginia.

The Grand Strand region is one of the fastest growing areas in South Carolina. Annually, more than 14 million visitors come to the Myrtle Beach coastal area. Yet, there is currently no interstate facility to serve this vital sector of the State's economy. The lack of a direct interstate link to other interstate routes near Florence creates serious traffic problems during the peak tourist season and safety concerns during times of hurricane evacuation. In fact, a study showed that it could take nearly 26 hours to evacuate the population given the current transportation infrastructure.

Without a doubt, the vitality of South Carolina's economy is directly related to the continued financial success of the tourist industry of the Grand Strand area. Inclusive of this vital highway as a Corridor of National Significance will greatly expedite the completion of this project and will benefit our districts and South Carolina by reducing congestion and providing a much-needed hurricane evacuation route, increasing the safety of motorists and improving the opportunity for needed economic development.

The I-73 corridor, Mr. Chairman, will improve the quality of life of many of my constituents as well as the millions of visitors who come to South Carolina.

Mr. DeFazio. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. Olver) who is the ranking member of the Committee on Appropriations Subcommittee on Transportation, Treasury, and Independent Agencies.

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

Mr. Chairman, I rise in strong support of this legislation, and I thank the gentleman from Alaska (Chairman Young) and the gentleman from Minnesota (Ranking Member Oberstar), as well as the gentleman from Wisconsin (Mr. Petri), the subcommittee chair, and the gentleman from Oregon (Mr. DeFazio), the ranking member, for their excellent work.

Mr. Chairman, this legislation is critical to meeting the country's transportation infrastructure needs, but it also addresses a very serious problem that many of us who represent rural areas face, and that problem is the virtually total absence of broadband services in rural areas.

There can be no question that the availability of high-speed Internet access and the capacity to access online services across the country to attract new employers with technology-oriented high-wage job opportunities.

The Rural Interstate Corridor Communications Study included in this legislation will examine how fiber optic cable and wireless technology can be deployed in rural areas to establish high-speed broadband service to spur economic development and to serve Intelligent Transportation Systems and homeland security applications.

This important feasibility study is a step towards increasing the access to affordable high-speed Internet services in rural areas. The goal of the study is...
to provide assistance in attracting technology-based companies and information-age jobs to those rural communities.

I applaud the gentleman from Alaska (Chairman YOUNG), the gentleman from Minnesota (Ranking Member OBERSTAR), and the whole committee for their foresight.

Mr. PETRI. Mr. Chairman, we reserve the balance of our time.

Mr. DEFAZIO. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the ranking Democrat on the full committee.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for the time.

I have been advised that the administration has again sent a statement of administration policy drawing a line, the familiar term is drawing a line in the sand, but in the context in which we are discussing I would say a line in the asphalt or a line in the concrete. I hope it is wet concrete, that ‘should the obligation or net authorization levels in the final bill exceed $283.9 billion, the President’s senior advisors would recommend he veto the bill.’

I am not quite clear who senior advisors are. We have not heard from the Secretary of Transportation. I thought he was a senior advisor. He has not said anything about this. He has not sent any message up here. Who are these shadowy figures? What is the $283.9 billion, no? Is this the baseline version, the discount version of transportation? So we just cannot squeak over 283.9.

That is a magical number picked out of thin air. There is no justification for this number. We can invest more. The Highway Trust Fund will support more. Do not take it on my word; I have only been doing this for 40 years, but do not take my word. Take the Congressional Budget Office. If TEA-LU provides $283.9 billion, the Highway Trust Fund balance will be $77.5 billion in 5 years. That is $7.5 billion in highway account balances and a $10 billion surplus in the transit account.

We are not being honest with the American public. We tell them: You buy the gas, you pay the tax, it goes into the trust, and we build the roads, we build the transit systems.

Now, last year, in the course of the campaign, a trucker in Missouri asked President Bush, ‘My family is involved in trucking here in Missouri, and I was wondering what you, as President, could do with Federal money to upgrade our highways? Our trucks are falling apart because our highways are falling apart.’

The President said, ‘Yes, I appreciate that. We are in the midst of a discussion on a highway bill. There will be a highway bill, and just want to make sure that the highway bill honors the Highway Trust Fund. The Highway Trust Fund is set up so that we use the money from the gasoline tax and not general revenues.’ He understands it, and I think it’s very important that we guard that aspect of trust, keep the trust of the ‘Trust Fund.’ He understands that, too.

Well, why not, Mr. President, tell your senior advisors to accept what the committee is doing, move ahead, let us get over this $283.9 billion? Let us get to $375 billion for rural America as both sides of the aisle in the House and the Senate have agreed last year and again this year that is where we need to go, not building a $17 billion surplus in the Highway Trust Fund.

We are failing to keep trust with the American people. That is what this is about. This is not a partisan issue. This is trust with the American people. That Highway Trust Fund is one of the most successful investments we have made, except for Social Security, in the history of this country. It is pay-as-you-go, keep faith with the American people. No other country has anything like it, and America is productive because our roadways are productive.

When we do not keep pace, when we allow congestion to suffocate movement of people and goods, then it costs America, UPS, for every 5-minute delay, costs them $40 million nationally.

We can fix that with the right investments that this committee has fashioned, and we need to move forward with a more robust bill.

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

I would just observe that this is a work in progress. As my colleague knows, in the last Congress, the line was $256, now it is $283.9. So it is a work in progress.

And it is a recommendation of the President’s advisors, it is not directly from the President. He has expressed a number of times his interest in working with us to help have a robust and affordable infrastructure investment here in our country, because we owe it to our children and to our economy to do that.

So I am hoping we can continue working on a tripartisan basis, as we have on our committee, but also with the administration and with the other body and their representatives as this process moves forward.

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

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

Mr. OBERSTAR. Mr. Chairman, I appreciate that hopeful note. We are creeping in the right direction, at least.

Mr. PETRI. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), a member of the committee.

Mr. OSBORNE. Mr. Chairman, I rise in strong support of H.R. 3. This bill is an investment in our economy. For every $1 billion invested in transportation, 47,000 jobs are created.

I appreciate the work of the chairman, the gentleman from Alaska (Mr. YOUNG), and our ranking member, the gentleman from Minnesota (Mr. OBERSTAR) and others.

One aspect of the bill I would like to call particular attention to, that I think is so important, has to do with America’s rural safety improvements. In rural America, TEA-LU provides $590 million for a new high-risk rural road safety improvement program that targets funding for safety improvements on rural two-lane roads. And the reason this so important is because reports indicate that nearly one-third of all fatal crashes each year are due to substandard road conditions and roadside hazards. Nearly 61 percent of all highway fatalities occur on rural roads. So this $590 million apportionment for rural road safety is critical, and I think it should save hundreds of lives each year.

Additionally, during later consideration of this bill, I will be offering an amendment that will enable the State of State legislative process, its length law for custom harvesters harvesting wheat, milo and soybeans. I hope this amendment will be included in the final bill.

So I feel this is a good bill. I am a new member of the committee, and I really appreciate the work that has gone into it, the bipartisan effort. TEA-LU’s passage is critical to our Nation’s economy, and I urge its adoption.

Mr. DEFAZIO. Mr. Chairman, I yield myself 1 minute.

If this is to close the debate, the important message to the American people is that this is an investment that will pave their way, smooth their way to work and on their errands, in taking their kids to school, and make the kids safer going to school. It will put their friends, their neighbors and themselves to work. It will improve the efficiency of the United States economy. And these are all jobs and all investments that will be made 100 percent American, here at home in the United States of America.

I believe it resolves a lot of problems with our economy. It will put a lot of folks to work. Real jobs for real people on needed projects, investing their tax dollars in the way they were intended when they paid that tax at the pump.

As the ranking member pointed out, it could be more. If we keep full faith with the American people, we should invest that money now and not hold it back to create illusory deficit offsets. It cannot be spent on anything else but transportation infrastructure.

This is a good bill today. Hopefully, it will be a better bill tomorrow and when we come back, before the end of May with the conference from the Senate.

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

Mr. PETRI. Mr. Chairman, I yield 3 minutes to the gentleman from East Tennessee (Mr. DUNCAN), a valued senior member of our committee.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Wisconsin for
yielding me this time, and I appreciate his recognition of my home area of East Tennessee. Native Tennesseans are more likely to tell you they are from East Tennessee or West Tennessee or Middle Tennessee than they are the State of Tennessee, and I am very proud of my state.

Mr. Chairman, I rise in strong support of this very important legislation which will improve our transportation infrastructure and create millions of jobs. Mr. Chairman, the gentleman from Alaska (Mr. Young), as subcommittee chairman, the gentleman from Wisconsin (Mr. Petri), as well as our ranking members, the gentleman from Minnesota (Mr. Oberstar) and the gentleman from Oregon (Mr. DeFazio), all good friends of mine, are to be commended for their great leadership on this bill.

Mr. Chairman, this is the biggest jobs bill that we will vote on in this Congress. Every day, when we are traveling, we see men and women working on our highways and mass transit systems. By increasing our investment in transportation and infrastructure, we are increasing our investment in American jobs. In fact, the U.S. Department of Transportation estimates that every additional $1 billion invested by the Federal Government in transportation creates over 47,000 new jobs.

While many of us would have liked to have seen a larger bill brought to the House Floor for consideration, this legislation will do so many great things. I also want to stress the importance of maintaining and improving our system of ground transportation in this country. No member of the Committee on Transportation and Infrastructure wants to pave over every inch of this country. However, if we are going to reduce congestion, improve safety and have a system where goods can be transported to market quickly and efficiently, we are going to have to make an investment and have to make improvements in our infrastructure. I believe the investment that this bill makes will help reduce congestion on our Nation’s highways. One of our leading national magazines said recently that “congestion costs the Nation about $67 billion a year. Americans waste 3.6 billion hours and 5.7 billion gallons of gas sitting in traffic, all at an average cost of $1.160 per commuter year.”

We also need to improve the safety of our roads so that we can save lives. Every 4 months, more deaths occur on our highways than have occurred in all aviation accidents since the Wright Brothers started flying over 100 years ago.

I know some people have expressed their concerns about increasing the funding for transportation and infrastructure. However, we are now spending billions of dollars on terrorism due to the actions of just 19 terrorists in 2001. I believe we should do everything we can to protect this country from terrorism, but I also believe you can go overboard on almost anything. The very respected National Journal publication has pointed out that we are thousands of times more likely to die in an automobile accident than by an act of terrorism.

We are currently spending billions and billions, hundreds of billions of dollars in other countries, through all kinds of foreign aid and activities. The funding contained in this bill comes from American highway users and should be spent here in this country. I do not have anything against helping other countries. However, I believe we can only continue to do this if we remain economically strong in this Nation. One of the keys to our economic growth in this country is to have a reliable system of transportation.

I am urging my colleagues to support this bill. If you believe in job growth, safer highways, economic stimulation, cleaner air, less congestion and a strong America, then you should support this bill. Mr. Chairman, this is a bill that helps the economy, it helps the environment, and it saves lives. I do not see how we could do any better than that.

Mr. DeFazio. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. Rogers).

Mr. Rogers of Kentucky. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise today in strong support of H.R. 3. This is a jobs bill, a security bill and, most importantly, a lifesaving bill.

Unlike his predecessor, Chairman Young has not had the luxury of a new highway legislation in this generation, ensuring interstate commerce means making sure that goods can move along our freeway and rail systems to provide the goods and services that we need in this nation. H.R. 3, The Transportation Equity Act: A Legacy for Users (TEA-21) will ensure that our transportation network continues to meet the demands of our nation’s burgeoning economy and growing population.

As it is, congestion is choking our roadways, bridges are in dire need of restructuring, and public transportation is failing to effectively meet the needs of America’s commuters. With a constrained budget in my home state of California, many of my constituents do not have enough money to fix potholes, let alone expand capacity to keep pace with our growing population. Passage of this important bill will sustain our nation’s economic growth and ensure our constituents are provided with the safest and most efficient transportation network possible.

GOODS MOVEMENT

One of the most important aspects of TEA-21 is its attention to the infrastructure deficiencies facing our nation’s freight corridors. Southern California serves as a vital conduit for exporting goods to the nation. Southern California is the largest gateway for trade in the country, with 25 percent of the nation’s exports and imports flowing through our seaports and airports. People throughout the United States and the world count on shipping freight to and receiving freight from the ports of Los Angeles and Long Beach. The combined ports of Los Angeles and Long Beach are ranked as the nation’s largest and the world’s third largest deep-sea ports. Freight deliveries from California to the rest of the nation are expected to double by 2020.

To handle this growth, we need at least 50 trains per day travel from the ports through Orange County’s Orangethorpe rail corridor, with rail traffic expected to increase to 135 trains per
day by the year 2020. While the importance of this corridor to our nation’s economy is indisputable, so too are the effects increased traffic congestion, noise, air pollution and delays in emergency-response time are just some of the negative side effects that accompany them. They also rob our local communities of dollars in the form of increased land values, and in some cases homes and businesses away from the region. Our local communities—highways, streets and railways—are essentially subsidizing the transport of our nation’s goods and services.

Projected rail delays will also prolong the delivery of vital goods and services to customers across the nation. With a staggering $802 billion worth of goods shipped from California to the rest of the country each year, we simply cannot afford to ignore this issue any longer. Ensuring that these goods are transported across the country in a timely manner all depends on a fluid transportation system. Given that all of this multi-modal activity supports the national economy, Southern California’s role must be recognized and supported at the national level.

ENVIRONMENTAL STREAMLINING

We must act to ensure that we have policies and regulations conducive to swift and unencumbered project delivery. As it is, many transportation projects are unnecessarily delayed because of excessive environmental requirements and administrative red tape. While I strongly believe that stewardship of the environment is critically important, I also believe that high-priority transportation projects must not be allowed to languish indefinitely in the federal environmental review process.

For this reason, I have submitted a proposal to allow states like California, which has a wealth of experience administering its own stringent environmental laws, the responsibility for compliance with the requirements of the National Environmental Policy Act. This would go a long way toward ensuring that transportation projects are approved in a timely manner. Moreover, I am confident that environmental protection would be maintained and even enhanced under what would be a more centralized and efficient system of implementing transportation projects. I look forward to working with the chairman and ranking member of the House Appropriations Committee to incorporate an environmental streamlining pilot project into TEA–LU.

The reauthorization of TEA–21 will provide communities across the nation with the money needed to effectively address their transportation needs. TEA–LU will provide California, along with America, with the funds to work to alleviate congestion on our roadways, enhance, and modernize our public transportation system, and repair and build upon an aging transportation infrastructure. As a member of the Transportation Committee, I look forward to working with my colleagues in Congress and the Bush Administration to pass TEA–LU and ensure that America is provided with the funds and resources needed to maintain and grow our vital transportation infrastructure.

Mr. OXLEY. Mr. Chairman, I stand in support of H.R. 3, the Transportation Equity Act: A Legacy for Users (TEA–21). In my congressional district, the rural highways that have served my constituents for years can no longer sustain the increased traffic levels they see every day. Many of these roads cannot meet the growing needs of the communities and economies that they serve.

Mr. CARNAHAN. Mr. Chairman, I rise today in strong support of H.R. 3, a bill to reauthorize our Nation’s highway programs. H.R. 3 is a significant piece of legislation for our Nation. Transportation needs have an impact on every aspect of our well-being. Inadequate roadway conditions cause crashes, cause congestion, drain money from the economy, and decrease the quality of life for people across the country.

Investing in transportation creates jobs, increases business productivity, makes the roads safer for our families, and keeps this country moving. We are now into our second year without reauthorization of the Nation’s transportation programs.

In my own State of Missouri, there is an average of over 1000 traffic fatalities each year. The delay in passing a bill to reauthorize our highway programs has meant missed opportunities to reduce these tragedies. Passage of H.R. 3 will allow Missouri and other states to move forward with projects to create better, safer transportation systems.

I would like to thank Chairman YOUNG and Ranking Member OBERSTAR for their leadership on this issue and for their efforts to pass a bill quickly. Their hard work will truly make a difference for transportation programs across the country.

Mr. YOUNG of Alaska. Mr. Chairman, I would like to insert into the RECORD an exchange of letters between myself and Chairman BARTON regarding H.R. 3.

Mr. YOUNG. Mr. Chairman, I stand in support of H.R. 3, the Transportation Equity Act: A Legacy for Users, which was ordered reported by the Committee on Transportation and Infrastructure on March 2, 2005. As you know, the Energy and Commerce Committee has jurisdiction over matters involving air quality planning and the air quality impact of transportation projects, the Congestion Mitigation Air Quality Program, provisions involving energy production, supply and storage and other matters contained within H.R. 3 as reported.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee’s right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 3. In addition, the Energy and Commerce Committee reserves its right to seek conferences on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation.

I request that you include this letter as part of the Committee’s Report on H.R. 3 and in the Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,  
JOE BARTON, Chairman.
Hon. JOE BARTON, Chairman, Committee on Energy and Commerce, Rayburn Building, House of Representatives, Washington, DC.

Dear Mr. Chairman,

Thank you for your letter of March 3, 2005 regarding H.R. 3, the Transportation Equity Act: A Legacy for Users. Your assistance in expediting consideration of the bill is very much appreciated.

I agree that there are certain provisions in the bill that are of jurisdictional interest to the Committee on Energy and Commerce and I agree that by foregoing a sequential referral, the Committee on Commerce is not wavering its jurisdiction. Be assured that I will support your request to be represented in the conference on those provisions in the jurisdiction of the Energy and Commerce Committee.

As you have requested, I will include this exchange of letters in the Committee report on the bill and in the Record when the bill is on the Floor. Thank you for your cooperation and your continued leadership and support in surface transportation matters.

Sincerely,

DON YOUNG, Chairman.

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, I rise today in strong support of H.R. 3, the "Transportation Equity Act: A Legacy for Users."

As a former member of the Pennsylvania State Senate, I know firsthand the importance of having strong federal, state and local partnerships. By working together, we are able to better meet our responsibilities, and H.R. 3 will undoubtedly continue in this tradition—facilitating increased levels of government and helping us achieve our shared goals of improving our Nation's infrastructure, increasing safety, strengthening the economy and creating jobs.

Investments in our highway and transit infrastructure are ultimately investments in our future. We know, for instance, that for every $1 billion invested in federal and highway and transit spending, 47,500 jobs are created. These investments stimulate economic activity by reducing time wasted in traffic, allowing businesses to move their goods to market more efficiently and safely.

Additionally, modern, safe public infrastructure promotes private investments—both commercial and residential—and contributes to the growing vitality of the region.

I am proud to represent one of the Nation's most vibrant regions, one that is comprised of suburban and urban communities. And, there is no doubt that H.R. 3 will improve the quality of life for Pennsylvanians—reducing residents' daily commute through much-needed roadway repaving, the repair and rehabilitation of intersections and the installation of hi-tech traffic-monitoring systems. It will also expand access to mass-transit alternatives such as regional rail and bus systems, like SEPTA, through improved park-and-ride facilities and other vital infrastructure.

By reducing roadway congestion, improving road safety, stimulating commerce and creating jobs, H.R. 3 will help southeastern Pennsylvania and the Nation continue to thrive.

My colleagues, H.R. 3 represents years of hard work, long discussions and tremendous compromise. I want to thank Chairman YOUNG and OBERSTAR for working together to create a bill worthy of such strong bipartisan support.

I also want to recognize the hard work of the Transportation Committee staff, in particular Art Chan, Ken House, Jennifer Esposito, Stephanie Manning and Eric Van Schyndel. You've made this process seamless, and I am tremendously grateful for your help and guidance.

As an honored member of the Transportation Committee I want to encourage all of my colleagues to join me in supporting passage of this legislation.

Mr. SAM JOHNSON of Texas. Mr. Chairman, the highway trust fund has been losing revenue due to widespread use of off-road untaxed diesel fuel as taxable on-road diesel. Estimates of the losses to the highway trust fund at $1 billion annually. Congress first addressed this fraud in 1994 by requiring the Internal Revenue Service (IRS) to mark untaxed diesel fuel. The IRS began to mark the untaxed diesel fuel with red dye and saw a dramatic improvement of 22.5 percent higher collections of diesel fuel taxes in the first twelve months.

Unfortunately, criminals have figured out ways to remove the red dye from the diesel fuel and profit from the tax evasion. The IRS has been exploring exciting new nanotechnologies that can be used in conjunction with the red dye to more effectively combat this fraudulent activity.

I am concerned that the IRS has not yet employed these new technologies to improve compliance and increase revenues to the highway trust fund. I am hopeful that before this legislation is sent to the President for his signature that we will be able to find a suitable legislative solution to this problem facing the highway trust fund and all taxpayers.

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

The Acting CHAIRMAN (Mr. TOM DAVIS of Virginia). All time for general debate, except for the final period contemplated in the rule has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 109–14, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of H.R. 3 as amended pursuant to House Resolution 140 is as follows:

H.R. 3

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

SECTION 1. SHORT TITLE. TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Transportation Equity Act: A Legacy for Users".

(b) SECRETARY Defined.—In this Act, the term "Secretary" means the Secretary of Transportation.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Part I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorization Programs

Sec. 1101. Authorizations of appropriations.
Sec. 1102. Obligation ceiling.
Sec. 1103. Apportionments.
Sec. 1104. Maintenance, repair and rehabilitation.
Sec. 1105. Project approval and oversight.
Sec. 1106. Use of excess funds.
Sec. 510. Development of transportation plan.

Sec. 511. Policy on historic sites.

Sec. 512. Transportation research and development program.

Sec. 513. Limitation on remedies for future actions of the United States.

Sec. 5201. Limitation on remedies for future actions of the United States.

Sec. 5202. Motor carrier efficiency study.

Sec. 5203. Transportation safety information and research.

Sec. 5204. Transportation and Regional Development.

Sec. 5205. Special permits and exclusions.

Sec. 5206. Authorization of appropriations.

Sec. 5207. Transportation research and development.

Sec. 5208. Determination of undeclared shipments of hazardous materials entering the United States.

Sec. 5209. Conforming amendments.

TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE

Sec. 8001. Policy.

TITLE I—FEDERAL- AID HIGHWAYS

Subtitle A—Authorization of Programs


(a) In general.—The sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):


(3) BRIDGE PROGRAM.—For the bridge program under section 201(c) of this title, $2,975,000,000 for fiscal year 2004, $3,802,176,000 for fiscal year 2005, $3,894,661,000 for fiscal year 2006, $4,094,528,000 for fiscal year 2007, and $4,196,891,000 for fiscal year 2008.

(4) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the highway safety improvement program under sections 130 and 152 of that title, $630,000,000 for fiscal year 2005, $645,000,000 for fiscal year 2006, $690,000,000 for fiscal year 2007, $680,000,000 for fiscal year 2008, and $685,000,000 for fiscal year 2009, such sums to be derived from the Highway Trust Fund. Ten percent of the amount appropriated for any fiscal year shall be available to carry out section 130 and ½ shall be available to carry out section 152.

(5) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title, $6,052,396,000 for fiscal year 2004, $6,203,614,000 for fiscal year 2005, $6,358,704,000 for fiscal year 2006, $6,575,672,000 for fiscal year 2007, $6,680,614,000 for fiscal year 2008, and $6,847,629,000 for fiscal year 2009.

(6) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title, $1,469,846,000 for fiscal year 2004, $1,506,592,000 for fiscal year 2005, $1,544,257,000 for fiscal year 2006, $1,582,863,000 for fiscal year 2007, $1,622,435,000 for fiscal year 2008, and $1,662,996,000 for fiscal year 2009.

(7) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM.—For the Appalachian development highway system program under section 1450 of title 23, United States Code, $460,000,000 for fiscal year 2004, $470,000,000 for each of fiscal years 2005 through 2009.

(8) RECREATIONAL TRAILS PROGRAM.—For the recreational trails program under section 206 of this title, $50,000,000 for fiscal year 2004, $70,000,000 for fiscal year 2005, $80,000,000 for fiscal year 2006, and $90,000,000 for fiscal year 2007, $100,000,000 for fiscal year 2008, and $110,000,000 for fiscal year 2009.

(9) FEDERAL LANDS HIGHWAYS.—For the coordinated border infrastructure improvement program under section 1301 of this title, $900,000,000 for fiscal year 2004, $600,000,000 for fiscal year 2005, $600,000,000 for fiscal year 2006, $600,000,000 for fiscal year 2007, $600,000,000 for fiscal year 2008, and $600,000,000 for fiscal year 2009.

(11) COORDINATED BORDER INFRASTRUCTURE IMPROVEMENT PROGRAM.—For the coordinated border infrastructure improvement program under section 1301 of this title, $1,100,000,000 for fiscal year 2005, $1,200,000,000 for fiscal year 2006, $200,000,000 for fiscal year 2007, $200,000,000 for fiscal year 2008, and $225,000,000 for fiscal year 2009.

(12) PROJ ECTS OF NATIONAL AND REGIONAL SIGNIFICANCE PROGRAM.—For the projects of national and regional significance program under section 1304 of this title, $1,480,000,000 for fiscal year 2005, $1,600,000,000 for fiscal year 2006, $2,100,000,000 for fiscal year 2007, $1,300,000,000 for fiscal year 2008, and $1,300,000,000 for fiscal year 2009.

(13) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For the construction of ferry boats and ferry terminal facilities under section 163 of title 23, United States Code, $30,000,000 for fiscal year 2004, $40,000,000 for fiscal year 2005, $55,000,000 for fiscal year 2006, $75,000,000 for fiscal year 2007, $75,000,000 for fiscal year 2008, and $75,000,000 for fiscal year 2009.

(14) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 163 of title 23, United States Code, $30,000,000 for fiscal year 2004, $40,000,000 for fiscal year 2005, $55,000,000 for fiscal year 2006, $75,000,000 for fiscal year 2007, $75,000,000 for fiscal year 2008, and $60,000,000 for fiscal year 2009.

(15) CONGESTION PRICING PILOT PROGRAM.—For the congestion pricing pilot program under section 163 of this title, $15,000,000 for fiscal year 2004, $15,000,000 for fiscal year 2005, $15,000,000 for fiscal year 2006, $15,000,000 for fiscal year 2007, and $15,000,000 for fiscal year 2008.

(16) DEPLOYMENT OF 511 TRAVELER INFORMATION PROGRAM.—For the deployment of 511 traveler information program under section 1204(c)(7) of this title, $15,000,000 for each of fiscal years 2005 through 2009.
(H) HIGH RISK RURAL ROAD SAFETY IMPROVEMENT PROGRAM.—For the high risk rural road safety improvement program under section 1403 of title 23, United States Code, $110,000,000 for fiscal year 2006, $120,000,000 for fiscal year 2007, $125,000,000 for fiscal year 2008, and $130,000,000 for fiscal year 2009.

(29) (30) AVIATION PROGRAM.—For highway use tax evasion projects under section 143 of title 23, United States Code, $7,000,000 for fiscal year 2005, $10,000,000 for fiscal year 2004, $30,000,000 for fiscal year 2008, and $130,000,000 for fiscal year 2009.

(2) PEDESTRIAN AND CYCLIST EQUIT.

(A) SAFE ROUTES TO SCHOOL PROGRAM.—For the safe routes to school program under section 1120(a) of this title, $150,000,000 for fiscal year 2006, $175,000,000 for fiscal year 2007, $175,000,000 for fiscal year 2008, and $200,000,000 for fiscal year 2009.

(B) NONMOTORIZED PILOT PROGRAM.—For the nonmotorized pilot program under section 1120(b) of this title, $25,000,000 for each of fiscal years 2006 through 2008.

(2) DEFINITIONS.—

(a) BUDGET PLANNING.—For budget planning, $165,000,000 for each of fiscal years 2005 through 2008 and $170,000,000 for fiscal year 2009.

(23) HWY FOR LIFE PROGRAM.—For the Highways for Life program under section 1124 of this title, $55,000,000 for fiscal year 2005 and $60,000,000 for each of fiscal years 2006 through 2009.

(2) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—For the Commonwealth of Puerto Rico highway program under section 1214(1) of the Transportation Equity Act for the 21st Century (112 Stat. 209), $115,000,000 for fiscal year 2004, $125,000,000 for fiscal year 2005, $130,000,000 for fiscal year 2006, $130,000,000 for fiscal year 2007, $140,000,000 for fiscal year 2008, and $140,000,000 for fiscal year 2009.

(2) ADVISORY COMMITTEE.—

(a) GENERAL RULE.—Notwithstanding any other provision of law but subject to subsections (g) and (h), the obligations for Federal-aid highway and highway safety construction programs shall not exceed:

(1) $33,643,000,000 for fiscal year 2004; $34,412,000,000 for fiscal year 2005; $36,500,000,000 for fiscal year 2006; $37,616,700,000 for fiscal year 2007; $38,876,400,000 for fiscal year 2008; and $40,231,500,000 for fiscal year 2009.

(b) RESERVES.—Each State shall annually maintain reserves equal to at least 10 percent of the amounts made available under sections (1) and (2) of this Act and section 401 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with paragraph (1) because a Federal court issues a final order in which the court finds that the requirement of paragraph (1), or the program established under paragraph (1), is unconstitutional.

SEC. 1106. OBSTRUCTION OF EXECUTIVE POWER.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of this Act but subject to subsections (g) and (h), the obligations for Federal-aid highway and highway safety construction programs shall not exceed:

(1) $33,643,000,000 for fiscal year 2004; $34,412,000,000 for fiscal year 2005; $36,500,000,000 for fiscal year 2006; $37,616,700,000 for fiscal year 2007; $38,876,400,000 for fiscal year 2008; and $40,231,500,000 for fiscal year 2009.

(b) DEFINITIONS.—

(1) GENERAL RULE.—Notwithstanding any other provision of law but subject to subsections (g) and (h), the obligations for Federal-aid highway and highway safety construction programs shall not exceed:

(1) $33,643,000,000 for fiscal year 2004; $34,412,000,000 for fiscal year 2005; $36,500,000,000 for fiscal year 2006; $37,616,700,000 for fiscal year 2007; $38,876,400,000 for fiscal year 2008; and $40,231,500,000 for fiscal year 2009.

(c) DISQUALIFICATION.—Each State shall annually maintain reserves equal to at least 10 percent of the amounts made available under sections (1) and (2) of this Act and section 401 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with paragraph (1) because a Federal court issues a final order in which the court finds that the requirement of paragraph (1), or the program established under paragraph (1), is unconstitutional.

SEC. 1107. OBSTRUCTION OF EXECUTIVE POWER.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of this Act but subject to subsections (g) and (h), the obligations for Federal-aid highway and highway safety construction programs shall not exceed:

(1) $33,643,000,000 for fiscal year 2004; $34,412,000,000 for fiscal year 2005; $36,500,000,000 for fiscal year 2006; $37,616,700,000 for fiscal year 2007; $38,876,400,000 for fiscal year 2008; and $40,231,500,000 for fiscal year 2009.

(b) RESERVES.—Each State shall annually maintain reserves equal to at least 10 percent of the amounts made available under sections (1) and (2) of this Act and section 401 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with paragraph (1) because a Federal court issues a final order in which the court finds that the requirement of paragraph (1), or the program established under paragraph (1), is unconstitutional.

SEC. 1108. OBSTRUCTION OF EXECUTIVE POWER.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of this Act but subject to subsections (g) and (h), the obligations for Federal-aid highway and highway safety construction programs shall not exceed:

(1) $33,643,000,000 for fiscal year 2004; $34,412,000,000 for fiscal year 2005; $36,500,000,000 for fiscal year 2006; $37,616,700,000 for fiscal year 2007; $38,876,400,000 for fiscal year 2008; and $40,231,500,000 for fiscal year 2009.

(b) DEFINITIONS.—

...
the distribution of obligation authority under subsection (c) for each of fiscal years 2004 through 2009, the Secretary shall distribute to the States any funds (1) that are authorized to be appropriated for Federal-aid highway programs and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal years due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (c)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(h) INCREASE IN OBLIGATION LIMIT.—Limitations on obligations imposed by subsection (a) for a fiscal year shall be increased by an amount equal to the amount determined pursuant to section 251(b)(1)(B)(ii)(f)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(B)(i)), to be appropriated by paragraph (1) for such fiscal year. Such increase shall be distributed in accordance with this section.

(i) LIMITATIONS ON OBLIGATIONS FOR ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of law, the total amount of all obligations under section 104(a) of title 23, United States Code, shall not exceed—

(1) $390,000,000 for fiscal year 2004;
(2) $395,000,000 for fiscal year 2005;
(3) $399,000,000 for fiscal year 2006;
(4) $395,000,000 for fiscal year 2007;
(5) $395,000,000 for fiscal year 2008; and
(6) $400,000,000 for fiscal year 2009.

SEC. 1103. APPOINTMENTS.

(a) ADMINISTRATIVE EXPENSES.—Section 104(a) of title 23, United States Code, is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated for Department of Transportation administrative expenses, the Highway Trust Fund (other than the Mass Transit Account) for purposes described in paragraph (2) $390,000,000 for fiscal year 2004, $395,000,000 for fiscal year 2005, $399,000,000 for fiscal year 2006, $395,000,000 for fiscal year 2007, $395,000,000 for fiscal year 2008, and $400,000,000 for fiscal year 2009.

(2) USE OF FUNDS.—The amounts authorized to be appropriated by paragraph (1) are authorized for the following purposes:

(A) To administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2.

(B) To make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Development Commission for administrative activities associated with the Appalachian development highway system.

(c) PROJECT COSTS.—The Secretary shall develop minimum standards for estimating project costs and shall periodically evaluate the States’ practices for estimating project costs, awarding contracts, and reducing project costs.

(d) RESPONSIBILITY OF THE STATES.—The States are responsible for determining that sub-recipients of Federal funds under this title have sufficient accounting controls to properly manage such Federal funds. The Secretary shall periodically review the States’ monitoring of sub-recipients.

(e) PROJECT DELIVERY.—The Secretary shall perform annual reviews that address elements of the State transportation department’s financial management systems that affect project delivery, pursuant to subsection (d).

(f) REPORT TO THE SECRETARY.—In each fiscal year beginning on October 1, the Secretary shall report to the Congress a report, and also make such report available to the public in a user-friendly format via the Internet.

(g) CONFORMING AMENDMENTS.—Section 104 of this title is amended—

(1) in subsection (f)(1)—

(A) by striking “, after making the deduction authorized by subsection (a) of this section,”; and

(B) by striking “remaining”; and

(2) in subsection (i) by striking “deducted” and inserting “authorized to be appropriated”.

(h) PUERTO RICO HIGHWAY PROGRAM.—Section 124(f) of the Transportation Equity Act for the 21st Century (112 Stat. 209; 117 Stat. 1114; 118 Stat. 1149) is amended—

(1) in paragraph (1) by striking “1101(a)(15) for each of fiscal years 1998 through 2005” and inserting “1101(a)(23) for each of fiscal years 2004 through 2009”;

(2) in paragraph (2) by striking “1101(a)(15) of this Act” and inserting “1101(a)(24) of the Transportation Equity Act: A Legacy for Users”.

SEC. 1104. MINIMUM GUARANTEE.

To be supplied.

SEC. 1105. PRODUCT APPROVAL AND OVERSIGHT.

Section 104(j) of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) OVERSIGHT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish an oversight program to monitor the effective and efficient use of funds authorized to carry out this title. At a minimum, the program shall be responsive to all areas related to financial integrity and project delivery.

"(2) FINANCIAL INTEGRITY.—

"(A) FINANCIAL MANAGEMENT SYSTEMS.—The Secretary shall perform annual reviews that address elements of the State transportation department’s financial management systems that affect project delivery, pursuant to subsection (d).

"(B) PROJECT COSTS.—The Secretary shall develop minimum standards for estimating project costs and shall periodically evaluate the States’ practices for estimating project costs, awarding contracts, and reducing project costs.

"(C) RESPONSIBILITY OF THE STATES.—The States are responsible for determining that sub-recipients of Federal funds under this title have sufficient accounting controls to properly manage such Federal funds. The Secretary shall periodically review the States’ monitoring of sub-recipients.

"(D) PROJECT DELIVERY.—The Secretary shall perform annual reviews that address elements of the States’ financial management systems that affect project delivery, pursuant to subsection (d).

SEC. 1106. USE OF EXCESS FUNDS.

Section 106 of title 23, United States Code, is further amended by adding at the end the following:

"(k) USE OF EXCESS FUNDS.—

"(1) AUDITS.—A State may audit projects funded with amounts apportioned under sections 104 and 105 to determine whether any amounts obligated for a project are excess funds.

"(2) PLANS FOR USE OF EXCESS FUNDS.—If a State determines, after conducting an audit under paragraph (1), that any funds are excess funds, the State may develop a plan for obligating the funds for the design and construction of one or more projects.

"(3) CERTIFICATION TO THE SECRETARY.—A State that has developed a plan under paragraph (2) shall transmit to the Secretary a certification that the State has conducted an audit under paragraph (1) and developed the plan in accordance with paragraph (2).

"(4) IMPLEMENTATION OF PLANS.—After transmitting a certification to the Secretary with respect to a plan under paragraph (3), the State may carry out the plan.

"(5) APPlicABILITY OF REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided by subsection (B), excess funds used to carry out a project under this section shall be subject to the requirements of this title that are applicable to the program under which the project is carried out.

"(B) STIP ALLOCATIONS.—Section 133(d) shall not apply to excess funds used to carry out a project under this section, unless such funds are apportioned from amounts apportioned under title I(b)(3).

"(6) EXCESS FUNDS DEFINED.—In this section, the term ‘excess funds’ means funds obligated for projects that remain available for the project after the project has been completed or canceled.”.
SEC. 1107. TEMPORARY TRAFFIC CONTROL DEVICES. 

(a) STANDARDS.—Section 109(e) of title 23, United States Code, is amended—

(1) by striking “(e) No funds” and inserting the following:

“(e) INSTALLATION OF SAFETY DEVICES.—

(1) INTERSTATE AND HIGHWAY GRADE CROSSINGS AND DRAWBRIDGES.—No funds; and

(2) by adding at the end the following:—

(2) TEMPORARY TRAFFIC CONTROL DEVICES.—No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper temporary traffic control devices to improve safety in work zones will be installed and maintained during construction, utility, and maintenance operations on that portion of the highway with respect to which such expenditures may be made. Installation and maintenance of the devices shall be in accordance with the Manual on Uniform Traffic Control Devices.

(b) LISTING OF CONTRACTS.—Section 112 of such title is amended—

(1) by striking subsection (f); and

(2) by redesignating paragraph (g) as subparagraph (f).

SEC. 1108. REVENUE ALIGNED BUDGET AUTHORITY. 

(a) ALLOCATION.—Section 1108(a)(1) of title 23, United States Code, is amended—

(1) by striking “2009” and inserting “2006”;

(2) by inserting after “such fiscal year” the following: and the succeeding fiscal year; and

(b) REDUCTION.—Section 1108(a)(2) of such title is amended—

(1) by striking “2009” and inserting “2006”;

(2) by striking “October 1 of the succeeding” and inserting “October 15 of such”; and

(3) by inserting after “Account” the following: and the succeeding fiscal year; and

(c) GENERAL DISTRIBUTION.—Section 1108(b)(1)(A) of such title is amended by striking “Transportation Act: A Legacy for Users”.

(d) TECHNICAL AMENDMENT.—Section 1108(b)(1)(B) of title 23, United States Code, is amended by striking “for” the second place it appears.
the Internal Revenue Service shall provide reports to the Secretary on the status of the Internal Revenue Service projects funded under this section related to the excise summary terminal actuating system, the pipeline and barge registration system, and the heavy vehicle use tax electronic database.

SEC. 1112. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM.

(a) APPORTIONMENT.—The Secretary shall apportion funds made available by section 110(a)(7) of this Act for fiscal years 2004 through 2009 among the States based on the latest available cost to complete the Appalachian development highway system under section 14501 title 40, United States Code. (b) FEDERAL SHARE.—Funds made available by section 110(a)(7) of this Act for the Appalachian development highway system shall be apportioned for obligation in the manner proposed by each State as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this section shall be determined in accordance with such section 14501 of title 40, United States Code, and such funds shall be available to construct highways and access roads under such section and shall remain available until expended.

(c) USE OF TOLL CREDITS.—Section 120(j)(1) of title 23, United States Code is amended by inserting "highway highway grants made available under section 14501 at the discretion of the Secretary; except that $25,000,000 shall be available only for projects for the construction, development, or improvement of a bridge described in subsection (1), and except as provided in subparagraph (E)," after "section 125."

SEC. 1113. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) IN GENERAL.—Subchapter 1 of chapter 1 of title 23, United States Code, is amended by adding at the end the following: "§165. Construction of ferry boats and ferry terminal facilities.

"(a) IN GENERAL.—The Secretary shall carry out a program for construction of ferry boats and ferry facilities in accordance with section 144(i) of title 23, United States Code.

"(b) FEDERAL SHARE.—The Federal share payable for construction of ferry boats and ferry terminal facilities under this section shall be 80 percent of the cost thereof.

"(c) AVAILABILITY OF AMOUNTS.—Amounts made available to carry out this section shall remain available until expended.

"(d) SET-ASIDE FOR PROJECTS ON N.H.S.—

"(1) IN GENERAL.—Of the amounts authorized to be appropriated to carry out the bridge program under this paragraph for each of the fiscal years 2004 through 2009, all but $100,000,000 shall be apportioned as provided in section 125(c), and except as provided in paragraph (e), shall be available at the discretion of the Secretary; except that $25,000,000 shall be available only for projects for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska.

"(ii) SCORING.—The scoring applied in this subparagraph shall not be counted for purposes of the reduction set forth in the fourth sentence of subsection (e).

"(f) OFF-SYSTEM BRIDGES.—Section 124(g)(3) of such title is amended by striking "2004," and inserting "2005," through "bridge the structure.

"(3) ELIGIBILITY.—The funds made available under this section shall be obligated for the construction, development, or improvement of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska.

"(1) BRIDGE REPLACEMENT OR REHABILITATION.—(A) BRIDGE REPLACEMENT OR REHABILITATION.—Except as provided in section 114(b) of such title, the Secretary shall use such funds to carry out the bridge program authorized under section 1212(i) of the Transportation Equity Act for the 21st Century (23 U.S.C. 196–197) is amended by redesigning subparagraphs (D) and (E) as paragraphs (2) and (3), respectively, and moving such paragraphs 2 ems to the left.

"(2) LIMITATION.—The amendments made by this provision shall not apply to, or have any effect with respect to, funds made available under section 118 of title 23, United States Code, before the date of enactment of this provision.

"(3) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2005.

SEC. 1115. HIGHWAY BRIDGE.

(a) SCOUR COUNTERMEASURES.—Section 144(d) of title 23, United States Code, is amended to read as follows: "§144. Bridge and pavement projects.

"(c) OFF-SYSTEM BRIDGES.—Section 124(g)(3) of such title is amended by striking "2004," and inserting "2005," through "bridge the structure.

"(1) BRIDGE REPLACEMENT OR REHABILITATION.—(A) BRIDGE REPLACEMENT OR REHABILITATION.—Except as provided in section 114(b) of such title, the Secretary shall use such funds to carry out the bridge program authorized under section 1212(i) of the Transportation Equity Act for the 21st Century (23 U.S.C. 196–197) is amended by redesigning subparagraphs (D) and (E) as paragraphs (2) and (3), respectively, and moving such paragraphs 2 ems to the left.

"(2) LIMITATION.—The amendments made by this provision shall not apply to, or have any effect with respect to, funds made available under section 118 of title 23, United States Code, before the date of enactment of this provision.

"(3) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2005.

SEC. 1116. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PROGRAM.


"(1) BRIDGE REPLACEMENT OR REHABILITATION.—(A) BRIDGE REPLACEMENT OR REHABILITATION.—Except as provided in section 114(b) of such title, the Secretary shall use such funds to carry out the bridge program authorized under section 1212(i) of the Transportation Equity Act for the 21st Century (23 U.S.C. 196–197) is amended by redesigning subparagraphs (D) and (E) as paragraphs (2) and (3), respectively, and moving such paragraphs 2 ems to the left.

"(2) LIMITATION.—The amendments made by this provision shall not apply to, or have any effect with respect to, funds made available under section 118 of title 23, United States Code, before the date of enactment of this provision.

"(3) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2005.

SEC. 1115. HIGHWAY BRIDGE.

(a) SCOUR COUNTERMEASURES.—Section 144(d) of title 23, United States Code, is amended to read as follows: "§144. Bridge and pavement projects.

"(c) OFF-SYSTEM BRIDGES.—Section 124(g)(3) of such title is amended by striking "2004," and inserting "2005," through "bridge the structure.

"(1) BRIDGE REPLACEMENT OR REHABILITATION.—(A) BRIDGE REPLACEMENT OR REHABILITATION.—Except as provided in section 114(b) of such title, the Secretary shall use such funds to carry out the bridge program authorized under section 1212(i) of the Transportation Equity Act for the 21st Century (23 U.S.C. 196–197) is amended by redesigning subparagraphs (D) and (E) as paragraphs (2) and (3), respectively, and moving such paragraphs 2 ems to the left.
projects and activities carried out with such funds shall be determined in accordance with section 129(b) of title 23, United States Code."

(e) PLANNING ACTIVITIES PILOT PROGRAM.—
   (1) IN GENERAL.—The Secretary shall establish a pilot program using funds set aside under paragraph (4) to support planning and public participation activities related to highway and public transportation projects.

   (2) EXCLUSION OF ACTIVITIES.—Activities eligible to be carried out under the pilot program may include the following:
      (A) Improving data collection and analysis to improve freight movement, intermodal connections, and transportation access and efficiency for all users, including children, older individuals, individuals with disabilities, low-income individuals, and minority communities.
      (B) Supporting public participation by holding public meetings using an interactive workshop format facilitated by design or planning experts (or both) to consider public input at the initial stages of project development and during other phases of a project.
      (C) Developing innovative planning or design visualization and simulation tools to improve the evaluation of alternatives and their impacts and to enhance public participation in the transportation planning process.
      (D) Enhancing coordination among transportation, workforce development, human service, economic development, and other agencies to strengthen access to job training services, daycare centers, health care facilities, schools, universities, and residential areas, including the use of integrated planning and service delivery, especially for transit dependent and low-income individuals.
      (E) Contracting with nonprofit organizations, universities, and local agencies to deliver community-oriented transportation plans and projects, including public outreach, context sensitive design, transit-oriented development, multimodal corridor investments, commuter benefits deployment, and brownfield redevelopment.
      (F) Measuring and reporting on the annual performance of the transportation system (or parts of) relative to State or locally-established criteria.
      (i) maintenance and operating costs of the transportation system, vehicle miles traveled, peak-period travel times, transportation choices, and mode shares;
      (ii) location of housing units, jobs, medical facilities, and commercial centers to transit;
      (iii) improvements directed to low-income families and older individuals;
      (iv) transportation-related pollution emissions into the air and water;
      (v) land consumption; and
      (vi) other locally-significant factors.

   (G) Improving regional travel and emissions modeling to examine factors not currently considered such as travel and land use impacts of transportation alternatives, types of vehicles owned and used by households, time-of-day of travel and linkage of trips to each other throughout the day, effects of urban design and pedestrian and bicycle environment on travel behavior, and impacts of alternatives on the distribution of benefits and burdens among various groups.

   (3) FEDERAL SHARE.—Notwithstanding subsection (e)(2), the Federal share of the cost of activities carried out under the pilot program shall be 100 percent.

   (4) SET ASIDE.—The Secretary shall make available $1,500,000 of the amounts made available under section 1205 for each fiscal years 2005 through 2009 to carry out the pilot program under this subsection."
“(C) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT AP-
PROVAL.—The Secretary may allocate pre-approval planning and environmental compliance costs to be covered by Federal share of the cost of a project described under subsection (d)(2) (other than subparagraph (I)) in accord-
ance with subsection (f), limited to costs incurred in the current fiscal year or less than 18 months prior to project ap-
proval.”.

(f) ENCOURAGEMENT OF USE OF YOUTH CON-
SERVATION OR SERVICE CORPS.—The Secretary shall encourage Indian tribes to enter into con-
tracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails under section 206 of title 21, United States Code.

SEC. 119. FEDERAL LANDS HIGHWAYS.

(a) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—Section 202(d)(2) of title 21, United States Code, is amended to read as follows:

“(2) by redesigning subparagraph (A) as sub-
paragraph (D) and inserting after subparagraph (A) the following:

“(D) FUNDING.—An Indian tribal government receiving funding under subparagraph (A) for a project shall have all powers that the Secretary of the Interior would have exercised in admin-
istering the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).”

(g) POWERS.—An Indian tribal government receiving funding under subparagraph (A) for a project shall have all powers that the Secretary of the Interior would have exercised in admin-
istering the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).”

(h) DISPUTE RESOLUTION.—In the event of a disagreement between the Secretary of Trans-
portation and the Secretary of the Interior and an Indian tribe over whether a particular function, duty, or power may be lawfully transferred under the Indian Self-Determination and Edu-
cation Assistance Act (25 U.S.C. 450 et seq.), the Indian tribe shall have the right to pursue all alternative dispute resolutions and appeal procedures authorized by such Act, including regulations issued to carry out such Act.”.

(i) ALASKA NATIVE ROAD INVENTORY.—Sec-
tion 202(d)(2) of such title is amended by adding at the end the following:

“(E) ALASKA NATIVE ROAD INVENTORY.—

“(i) IN GENERAL.—For fiscal year 2001 and each fiscal year thereafter, the Secretary shall make a national inventory of the mileage of roads subject to all requirements governing Federal, State, and local debts for individual Indian reservations that are not otherwise subject to those functions and duties that inherently cannot be lawfully transferred under the Indian Self-
Determination and Education Assistance Act (25 U.S.C. 450 et seq.).”

SEC. 1120. CONSERVATION MEASURES.

(a) REFUSE ROADS.—Section 204(h)(4)(i) of title 21, United States Code, is amended—

(1) by striking “and” at the end of subpara-
graph (B);

(2) by redesigning subparagraph (C) as sub-
paragraph (D) and inserting after subparagraph (B) the following:

“(D) MANUAL.—The Secretary shall develop a best practices manual to support State efforts to reduce wildlife vehicle collisions.”

(b) WILDLIFE VEHICLE COLLISION REDUCTION STUDY.—The Secretary shall conduct a study of methods to reduce collisions between motor vehicles and wildlife (in this subsection referred to as "wildlife vehicle collisions").

(1) CONTENTS.—The study shall include an assessment of the causes and impacts of wildlife vehicle collisions and solutions and best practices for reducing such collisions.

(2) METHODS FOR CONDUCTING THE STUDY.—In carrying out the study, the Secretary shall—

(i) conduct a thorough literature review; and

(ii) consult with appropriate experts in the field of wildlife vehicle collisions.

SEC. 1121. ALASKA NATIVE VILLAGE TRANSPORTATION PROGRAM.

(1) ESTABLISHMENT.—Not later than 3 months after the date of enactment of this Act, the Sec-
retary, in coordination with the Alaska Federation of Natives, shall establish an Alaska Native Village trans-
portation program to pay the costs of planning, design, construction, and maintenance of road and other surface transportation facilities identi-
fied by Alaska Native Villages.

(2) ALASKA NATIVE VILLAGE DEFINED.—In this subsection, the term "Alaska Native Village" has the same meaning such term has as used by the Bureau of Indian Affairs in administering the Indian reservation road program under section 202 of title 21, United States Code.
(B) Availability.—The manual shall be made available to States not later than 1 year after the date of transmission of the report under paragraph (4).

(C) Contents.—The manual shall include, at a minimum, the following:

(i) A list of best practices addressing wildlife vehicle collisions.

(ii) A list of information, technical, and funding resources for addressing wildlife vehicle collisions.

(iii) Recommendations for addressing wildlife vehicle collisions.

(iv) Guidance for developing a State action plan to address wildlife vehicle collisions.

(v) Upon the manual developed under paragraph (5), the Secretary shall develop a training course addressing wildlife vehicle collisions for transportation professionals.

SEC. 1121. PEDESTRIAN AND CYCLIST EQUITY.

(a) Safe Routes to School Program.—

(1) Establishment.—Subject to the requirements of this subsection, the Secretary shall establish and carry out a safe routes to school program for the benefit of children in primary and middle schools.

(2) Purpose.—The purposes of the program shall be—

(A) to enable and encourage children, including those with disabilities, to walk and bicycle to school;

(B) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and

(C) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

(3) Appointment of Funds.—

(A) In general.—The Secretary shall apportion funds under this subsection to project sponsors under subparagraphs (B) and (C), amounts made available to carry out this subsection for a fiscal year shall be apportioned among the States in the ratio that—

(i) the total student enrollment in primary and middle schools in each State bears to

(ii) the total student enrollment in primary and middle schools in all the States.

(B) Minimum Apportionment.—No State shall receive an apportionment under this subsection for a fiscal year of less than $2,000,000.

(C) Set-Aside.—Before apportioning amounts made available to carry out this subsection under this paragraph for a fiscal year, the Secretary shall set aside not more than 3 percent of such amounts for the administrative expenses of the Secretary under paragraph (3)(C).

(D) Determination of Student Enrollment.—Determination under this paragraph concerning student enrollments shall be made by the Secretary.

(4) Administration of Amounts.—Amounts apportioned to a State under this subsection shall be administered by the State’s department of transportation.

(5) Eligible Recipients.—Amounts apportioned to a State under this subsection shall be used by the State to provide financial assistance to State, local, and regional agencies, including nonprofit organizations, that demonstrate an ability to meet the requirements of this subsection.

(6) Eligible Projects and Activities.—

(A) Infrastructure-Related Projects.—

(i) In General.—Amounts apportioned to a State under this subsection may be used for the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.

(ii) Location of Projects.—Infrastructure-related projects under subparagraph (A) may be carried out on any public road or bicycle or pedestrian pathway or trail in the vicinity of schools.

(B) Noninfrastructure-Related Activities.—

(i) In General.—In addition to projects described in subparagraph (A), amounts apportioned to a State under this subsection may be used for noninfrastructure-related activities to encourage bicycling and walking to school, including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, and noninfrastructure-related activities promoting pedestrian safety, health, and environment, and funding for training, volunteers, and managers of safe routes to school programs.

(ii) Allocation.—Not less than 10 percent and not more than 30 percent of the amount apportioned to a State under this subsection for a fiscal year shall be used for noninfrastructure-related activities under this subparagraph.

(C) Safe Routes to School Coordinator.—Each State receiving an apportionment under this subsection for a fiscal year shall receive an apportionment under this subparagraph.

(D) Minimum Apportionment.—The Secretary shall set aside not more than 2 percent of such amounts for the administrative expenses under paragraph (3)(C).

(E) Determination of Student Enrollment.—The Secretary shall determine the student enrollment in primary and middle schools in each State in accordance with paragraph (4)(B).

(F) Set-Aside.—The Secretary shall set aside not more than 30 percent of the amount apportioned to a State under this subsection for administrative expenses under paragraph (3)(C).

(G) Funds Made Available to Carry Out Subsection.—Funds made available to carry out this subsection shall be subject to the requirements of section 1124; and

(H) Nonmotorized Transportation Pilot Program.—

(1) Establishment.—The Secretary shall establish and carry out a nonmotorized transportation pilot program to support infrastructure projects selected by the Secretary, a network of nonmotorized transportation infrastructure facilities in communities selected by the Secretary, and a demonstration of the changes necessary to support highway program financing and other relevant prior research.

(2) Functions.—The Commission shall—

(A) provide recommendations to the Congress and the Secretaries of Transportation, Commerce, and Agriculture on alternative revenue sources to support the Highway Trust Fund, including the findings, conclusions, and recommendations of a recent study by the Transportation Research Board of the National Academy of Sciences on alternative revenue sources that will adequately support highway program financing and other relevant prior research;

(B) develop recommendations to the Congress on alternative revenue sources to support the Highway Trust Fund, considering the findings, conclusions, and recommendations of a recent study by the Transportation Research Board of the National Academy of Sciences on alternative revenue sources to support the Highway Trust Fund, including the findings, conclusions, and recommendations of a recent study by the Transportation Research Board of the National Academy of Sciences on alternative revenue sources that will adequately support highway program financing and other relevant prior research; and

(C) determine the amount of funding necessary to support the federal-aid system under such chapter.

(3) Title.—The term ‘‘Nonmotorized Transportation Pilot Program’’ means a program to—

(A) establish and carry out a nonmotorized transportation pilot program to support transportation projects selected by the Secretary, a network of nonmotorized transportation infrastructure facilities in communities selected by the Secretary, and a demonstration of the changes necessary to support highway program financing and other relevant prior research;

(B) provide recommendations to the Congress and the Secretary of Transportation and the Secretary of the Treasury to ensure that their views concerning essential attributes of Highway Trust Fund revenue are appropriately considered and that any revenue sources that will adequately support highway program financing and other relevant prior research.

(4) Authorization.—In addition to funds made available to carry out this subsection, the Congress shall provide that the Federal share of the cost of a project carried out under this subsection may not exceed 90 percent, and such funds shall not be transferrable and shall remain available until expended.

(5) Statistical Information.—In carrying out the program, the Secretary shall develop statistical information on changes in motor vehicle, nonmotorized transportation, and public transportation usage in communities participating in the program and assess how such changes decrease congestion and energy usage, increase the frequency of biking and walking, and promote better health and a cleaner environment.

(6) Reports.—The Secretary shall transmit to Congress an interim report not later than September 30, 2007, and a final report not later than September 30, 2010, on the results of the program.

SEC. 1122. NATIONAL COMMISSIONS.

(a) National Commission on Future Revenue Sources to Support the Highway Trust Fund.—

(1) Establishment.—There is established a National Commission on Future Revenue Sources to Support the Highway Trust Fund to conduct—

(A) a study evaluating alternative short-term sources of revenue under this subsection to support the requirements of section 1124; and

(B) a study evaluating alternative long-term sources of revenue to support the Highway Trust Fund, considering the findings, conclusions, and recommendations of a recent study by the Transportation Research Board of the National Academy of Sciences on alternative revenue sources that will adequately support highway program financing and other relevant prior research.

(2) Functions.—The Commission shall—

(A) provide recommendations to the Congress and the Secretaries of Transportation, Commerce, and Agriculture on alternative revenue sources to support the Highway Trust Fund, including the findings, conclusions, and recommendations of a recent study by the Transportation Research Board of the National Academy of Sciences on alternative revenue sources that will adequately support highway program financing and other relevant prior research; and

(B) determine the amount of funding necessary to support the federal-aid system under such chapter.

(3) Title.—The term ‘‘National Commission on Future Revenue Sources to Support the Highway Trust Fund’’ means—

(A) a study evaluating alternative short-term sources of revenue under this subsection to support the requirements of section 1124; and

(B) a study evaluating alternative long-term sources of revenue to support the Highway Trust Fund, considering the findings, conclusions, and recommendations of a recent study by the Transportation Research Board of the National Academy of Sciences on alternative revenue sources that will adequately support highway program financing and other relevant prior research.
(E) make specific recommendations regarding actions that need to be taken to develop alternative revenue sources to support the Highway Trust Fund and when those actions must be taken.

(3) SPECIFIC MATTERS TO BE ADDRESSED.—The study under paragraph (1)(B) shall address specifically—

(A) the ability to generate sufficient revenues to meet anticipated long-term Federal surface transportation financing needs;

(B) the roles of the various levels of government and the private sector in meeting future surface transportation financing needs;

(C) administrative costs, including enforce- ment, to implement each option;

(D) potential tax payer privacy concerns;

(E) likely technological advances that could ease implementation of each option;

(F) the equity and economic efficiency of each option;

(G) the flexibility of different options to allow various pricing alternatives to be implemented; and

(H) potential compatibility issues with States tax mechanisms under each alternative.

(5) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 12 members appointed under paragraph (1)(B) shall consider and evaluate other related work that has been done by the Department of Transportation, the Department of Energy, the Transportation, and others. In developing recommendations under paragraph (2), the Commission shall consider—

(i) the ability to generate sufficient revenues to meet anticipated long-term Federal surface transportation financing needs;

(ii) two members shall be appointed by the Speaker of the House of Representatives;

(iii) three members shall be appointed by the majority leader of the Senate; and

(iv) one member shall be appointed by the minority leader of the Senate.

(B) APPOINTMENTS.—Members appointed under subparagraph (A) shall have experience in public finance, surface transportation program administration, organizations that use transportation facilities, academic research into related issues, or other activities that provide unique perspectives on current and future requirements for revenue sources and the support the Highway Trust Fund.

(C) TERMS.—Members shall be appointed for the life of the Commission.

(D) VACANCIES.—A vacancy on the Commission shall occur in the manner in which the original appointment was made.

(E) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem allowances, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

(G) STAFF.—

(A) IN GENERAL.—The Commission may engage the services of an appropriate organization, agency, or firm to conduct the studies under this subsection, but the Commission shall provide strategic guidance for the studies.

(B) DEPARTMENT OF TRANSPORTATION.—When the secretary of the Transportation, and the Commission shall conduct the studies under this subsection, the Commission shall provide recommendations and policy direction to that Bureau on the Commission in carrying out its duties under this subsection.

(C) COOPERATION.—The Secretary shall cooperate with the Commission in conducting the studies under this subsection, including providing the Commission with such nonconfiden- tial data and information as necessary for con- ducting the studies under paragraph (1)(B).

(D) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Secretary shall provide to the Commission, on a reimbursable basis, the administrative support and services necessary for the Commission to carry out its responsibilities under this subsection.

(E) REPORT AND RECOMMENDATIONS.—

(A) REVENU ACTIONS.—Not later than September 30, 2005, the Commission shall transmit to Congress a report on revenue actions that would support the recommendations under paragraph (1)(B).

(B) ALTERNATIVE LONG-TERM SOURCES OF REVENU.—Not later than September 30, 2006, the Commission shall transmit to Congress a report on alternative long-term sources of revenue to support the Highway Trust Fund, including recommendations to address the needs identified in the study.

(C) TERMINATION.—The Commission shall terminate on the 180th day following the date of transmittal of the report under paragraph (1)(B).

(D) COSTS.—The Commission shall deliver all records and papers of the Commission to the Archivist of the United States for deposit in the National Archives.

(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $1,500,000 for each of fiscal years 2005 and 2006 to carry out this subsection.

(F) POTENTIAL SYSTEM EXPANSION, UPGRADES, OR OTHER CHANGES.—The future of the Interstate System, based on a range of legisla- tive changes that must be made to assure that the Interstate System will continue to serve the nation’s economic vitality, national secu- rity, and general welfare. The Secretary of Transportation is directed to take appropriate actions to preserve and enhance the Interstate System to meet the needs of the 21st century in accordance with this title.”.

(c) NATIONAL COMMISSION ON FUTURE OF INTERSTATE HIGHWAY SYSTEM.—

(A) ESTABLISHMENT.—There is established a National Commission on the future of the Dwight D. Eisenhower National System of Inter- state and Defense Highways (in this subsection referred to as the “Interstate System”).

(B) FUNCTION.—The Commission shall—

(1) conduct a study of the current condition and future of the Interstate System to develop a conceptual plan with alternative approaches for the future of the Interstate System to assure that the Interstate System will continue to serve the needs of the Nation;

(2) assure that State transportation agency views are considered; and

(C) make specific recommendations regarding those design standards, Federal policies, and legislative changes that must be made to assure the national interests are served in meeting fu- ture Interstate System needs.

(D) SPECIFIC MATTERS TO BE ADDRESSED.—The Commission shall assure that the study under this subsection specifically addresses the fol- lowing:

(A) DEMOGRAPHICS.—Expected demographics and business uses that impact transportation.

(B) USAGE.—Expected system use and effects of changing vehicle types, fleet size and weights, and traffic volumes.

(C) NATURAL DISASTER.—Seismic and other vulnerabilities and their potential impacts.

(D) DESIGN STANDARDS.—Desirable design policies and standards for future improvements, safety, and operational enhancements:

(E) SYSTEM WIDE NEEDS.—Identification of both urban and rural needs.

(F) POTENTIAL SYSTEM EXPANSION, UPGRADES, OR OTHER CHANGES.—Deployment of advanced materials and intelligent technologies: critical multi-state rural corridors needing capacity, safety, and operational enhancements: urban and multi-state corridor additions: bypasses of major cities that ensure efficient long-haul trav- els: improvements to inter-modal linkages: strate- gies to enhance asset preservation; and imple- mentation strategies.

(G) COMMUNITY VALUES.—Consideration of al- ternative approaches to addressing or enhanc- ing community values in those neighborhoods adjacent to the Interstate System.

(H) ENVIRONMENTAL ISSUES.—Consideration of alternative approaches to addressing environ- mental concerns relative to recommended alter- natives.

(I) SYSTEM PERFORMANCE.—Evaluation and assessment of the current and future capabilities for conducting system-wide real-time perform- ance data collection and analysis, traffic moni- toring, system operations and management.

(J) ADDITIONAL STUDIES.—The requirements of this subsection do not authorize a study that could be conducted to other studies for the purposes of this subsection: and

(K) MEMBERSHIP.—
SEC. 1123. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION ACT OF 2004, PART V.

(1) General provisions.—The Secretary may not apportion funds under section 109(b) in any fiscal year unless, after the date of enactment of this Act, a law has been enacted that—

(A) increases the guaranteed rate of return pursuant to section 1, part 1 of title 23, United States Code, to 92 percent in fiscal year 2006, 93 percent in fiscal year 2007, 94 percent in fiscal year 2008, and 95 percent in fiscal year 2009; and

(B) requires that each State receive apportionments for such fiscal years that in the aggregate are at least equal to the greater of—

(1) the State’s minimum guaranteed rate of return required under paragraph (1); and

(2) the State’s prior fiscal year’s apportionment highway funds for programs referred to in subsection (b) of section 109(b) of title 23, United States Code, plus—

(1) two percent of amounts apportioned to the State under section 109(b) of title 23, United States Code; and

(3) 25 percent of each State’s apportionment under subsection (b) of section 109(b) of title 23, United States Code, increased by the percentage increase in the consumer price index for 12-month period ending June 30 in the calendar year in which the fiscal year begins.

(2) Applicability.—The withholding of apportionments under subsection (a) shall apply to the following programs:

(1) The National Highway System program under section 103(b) of title 23, United States Code.

(2) The high priority projects program under section 117 of such title.

(3) The Interstate maintenance program under section 119 of such title.

SEC. 1124. ROADWAY SAFETY.

(1) Roadway safety.—

(A) In general.—The Secretary shall enter into an agreement to assist in the activities of a national nonprofit organization that is dedicated solely to improving public road safety—

(i) for obtaining data pertaining to public road hazards and design features that affect or increase the severity of motor vehicle crashes;

(ii) by developing and carrying out a public awareness campaign to educate State and local transportation officials, public safety officials, and motorists regarding the extent to which public road hazards and design features are a factor in motor vehicle crashes; and

(iii) by promoting public road safety research and technology activities.

(B) Funding.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $500,000 for each of fiscal years 2005 through 2009 to carry out this subsection.

(2) Applicability of title 21.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(B) Bicycle and Pedestrian Safety Grants.—

(1) In general.—The Secretary shall make grants to a national, not-for-profit organization engaged in promoting bicycle and pedestrian safety—

(A) to operate a national bicycle and pedestrian clearinghouse; and

(B) to develop information and educational programs; and

(C) to disseminate techniques and strategies for improving bicycle and pedestrian safety.

(2) Calculation of amount.—The portion of a State’s apportionments for a fiscal year to be obligated for congestion relief activities under subsection (a) shall be determined by multiplying—

(A) the total of amounts apportioned to the State under each of paragraphs (1), (2), and (3) of section 104(b) of title 23, United States Code, by

(B) 80 percent; by

(C) the percentage of the State’s population residing in urbanized areas of the State with an average daily traffic count greater than 26,000 individuals.

(D) Calculation of amount.—The portion of a State’s apportionments for a fiscal year to be obligated for congestion relief activities under subsection (a) shall be determined by multiplying—

(A) the total of amounts apportioned to the State under each of paragraphs (1), (2), and (3) of section 104(b) of title 23, United States Code, by

(B) 80 percent; by

(C) the percentage of the State’s population residing in urbanized areas of the State with an average daily traffic count greater than 26,000 individuals.

(D) Calculation of amount.—The portion of a State’s apportionments for a fiscal year to be obligated for congestion relief activities under subsection (a) shall be determined by multiplying—

(A) the total of amounts apportioned to the State under each of paragraphs (1), (2), and (3) of section 104(b) of title 23, United States Code, by

(B) 80 percent; by

(C) the percentage of the State’s population residing in urbanized areas of the State with an average daily traffic count greater than 26,000 individuals.

(D) Calculation of amount.—The portion of a State’s apportionments for a fiscal year to be obligated for congestion relief activities under subsection (a) shall be determined by multiplying—

(A) the total of amounts apportioned to the State under each of paragraphs (1), (2), and (3) of section 104(b) of title 23, United States Code, by

(B) 80 percent; by

(C) the percentage of the State’s population residing in urbanized areas of the State with an average daily traffic count greater than 26,000 individuals.

(D) Calculation of amount.—The portion of a State’s apportionments for a fiscal year to be obligated for congestion relief activities under subsection (a) shall be determined by multiplying—

(A) the total of amounts apportioned to the State under each of paragraphs (1), (2), and (3) of section 104(b) of title 23, United States Code, by

(B) 80 percent; by

(C) the percentage of the State’s population residing in urbanized areas of the State with an average daily traffic count greater than 26,000 individuals.

(D) Calculation of amount.—The portion of a State’s apportionments for a fiscal year to be obligated for congestion relief activities under subsection (a) shall be determined by multiplying—

(A) the total of amounts apportioned to the State under each of paragraphs (1), (2), and (3) of section 104(b) of title 23, United States Code, by

(B) 80 percent; by

(C) the percentage of the State’s population residing in urbanized areas of the State with an average daily traffic count greater than 26,000 individuals.

(D) Calculation of amount.—The portion of a State’s apportionments for a fiscal year to be obligated for congestion relief activities under subsection (a) shall be determined by multiplying—

(A) the total of amounts apportioned to the State under each of paragraphs (1), (2), and (3) of section 104(b) of title 23, United States Code, by

(B) 80 percent; by

(C) the percentage of the State’s population residing in urbanized areas of the State with an average daily traffic count greater than 26,000 individuals.

(D) Calculation of amount.—The portion of a State’s apportionments for a fiscal year to be obligated for congestion relief activities under subsection (a) shall be determined by multiplying—

(A) the total of amounts apportioned to the State under each of paragraphs (1), (2), and (3) of section 104(b) of title 23, United States Code, by

(B) 80 percent; by

(C) the percentage of the State’s population residing in urbanized areas of the State with an average daily traffic count greater than 26,000 individuals.

(D) Calculation of amount.—The portion of a State’s apportionments for a fiscal year to be obligated for congestion relief activities under subsection (a) shall be determined by multiplying—

(A) the total of amounts apportioned to the State under each of paragraphs (1), (2), and (3) of section 104(b) of title 23, United States Code, by

(B) 80 percent; by

(C) the percentage of the State’s population residing in urbanized areas of the State with an average daily traffic count greater than 26,000 individuals.

(D) Calculation of amount.—The portion of a State’s apportionments for a fiscal year to be obligated for congestion relief activities under subsection (a) shall be determined by multiplying—

(A) the total of amounts apportioned to the State under each of paragraphs (1), (2), and (3) of section 104(b) of title 23, United States Code, by

(B) 80 percent; by

(C) the percentage of the State’s population residing in urbanized areas of the State with an average daily traffic count greater than 26,000 individuals.
under subsection (a) shall be allocated among the individual programs for which funds are apportioned under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4).

‘‘(a) DEFINITIONS.—(1) In GENERAL.—A State may transfer a portion of its apportionment under section 154 to any congestion relief activity. A State may apportion such transfers to any State highway system and to any metropolitan or urbanized area.

‘‘(b) LIMITATION.—Nothing in this subsection shall be construed as requiring a State to obligate proportional or equal amounts under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for any congestion relief activity under this section.

‘‘(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as construing a State to obligate proportional or equal amounts under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for any congestion relief activity under this section.

‘‘(d) LIMITATION.—Nothing in this subsection shall be construed as construing a State to obligate proportional or equal amounts under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for any congestion relief activity under this section.

‘‘(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as construing a State to obligate proportional or equal amounts under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for any congestion relief activity under this section.

‘‘(f) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with this section.

‘‘(g) TRANSFERS.—

‘‘(1) IN GENERAL.—A State may transfer a portion of its apportionment under section 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for any congestion relief activity. A State may apportion such transfers to any State highway system and to any metropolitan or urbanized area.

‘‘(2) LIMITATION.—The amount that a State may transfer under subsection (a) for any concession relief activity under this section may not reduce the amount the State may transfer in a fiscal year under this subsection.

‘‘(3) TREATMENT.—Amounts transferred by a State under this subsection for any concession relief activity under this section may not reduce the amount the State may transfer in a fiscal year under this subsection.

‘‘(h) DEFINITIONS.—In this section, the following definitions apply:

‘‘(1) CONGESTION RELIEF ACTIVITY.—The term ‘congestion relief activity’ includes any activity, program, or project that is determined by the Secretary to be an activity that addresses motor vehicle congestion.

‘‘(2) OPERATIONAL IMPROVEMENT.—Section 101(a)(10)(A)(ii) of this title stresses the importance of improving transportation systems management and operations. The term includes an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and programs designed to preserve capacity and improve the security, safety, and reliability of Federal-aid highways.

‘‘(B) INCLUDED ACTIVITIES AND IMPROVEMENTS.—(i) Maximizing efficient use of existing motor vehicle travel capacity through such means as reversible lanes, coordinated traffic signalization, and managed lanes or other lane management strategies.

‘‘(ii) Safeguarding the term does not include demand relief projects and activities that shift demand to non-peak hours or to other modes of transportation or that reduce the overall level of travel in areas that are already means as telecommuting, ridesharing, alternative work hour programs, and value pricing.

‘‘(iii) Maximizing efficient use of existing motor vehicle travel capacity through such means as reversible lanes, coordinated traffic signalization, and managed lanes or other lane management strategies.

‘‘(C) IN GENERAL.—The term ‘transportation systems management and operations’ includes an integrated program to optimize the performance of existing infrastructure and the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and programs designed to preserve capacity and improve the security, safety, and reliability of Federal-aid highways.

‘‘(D) INCLUDED ACTIVITIES AND IMPROVEMENTS.—(i) Improving traffic control, incident management (including integrated, interoperable, emergency communications equipment, road weather, weather management, traveler information, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.

‘‘(E) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—Subchapter I of chapter 1 of such title is further amended by adding at the end the following:

‘‘(1) In general.—The term ‘transportation systems management and operations’ includes an integrated program to optimize the performance of existing infrastructure and the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and programs designed to preserve capacity and improve the security, safety, and reliability of Federal-aid highways.

‘‘(2) INCLUDED ACTIVITIES AND IMPROVEMENTS.—(i) Improving traffic control, incident management (including integrated, interoperable, emergency communications equipment, road weather, weather management, traveler information, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.

‘‘(3) LIMITATION.—The term ‘transportation systems management and operations’ includes an integrated program to optimize the performance of existing infrastructure and the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and programs designed to preserve capacity and improve the security, safety, and reliability of Federal-aid highways.

‘‘(D) INCLUDED ACTIVITIES AND IMPROVEMENTS.—(i) Maximizing efficient use of existing motor vehicle travel capacity through such means as telecommuting, ridesharing, alternative work hour programs, and value pricing.

‘‘(ii) Safeguarding the term does not include demand relief projects and activities that shift demand to non-peak hours or to other modes of transportation or that reduce the overall level of travel in areas that are already means as telecommuting, ridesharing, alternative work hour programs, and value pricing.
private industry representatives, and other interested parties to improve regional collaboration and real-time information sharing between transportation system managers and operators, public and private emergency managers, and the general public to increase the security, safety, and reliability of Federal-aid highways.

(2) Issue, if necessary, new guidance or regulations to address the deployment of transportation system management and operations facilities, equipment, and services, including equipment procured in preparation for natural disasters and emergency incident management scenarios.

(f) INTELLIGENT TRANSPORTATION SYSTEM PROCUREMENT POLICY.—

(1) STUDY.—The Secretary shall—

(A) conduct a study of the current policies and practices for the procurement of intelligent transportation system facilities, equipment, and services; and

(B) develop a conceptual plan with alternative approaches for expediting and streamlining such procurements at the State level.

(2) CONCLUSION.—Based on the results of the study, the Secretary shall make recommendations in the report under paragraph (4) regarding procurement standards, including recommendations regarding any changes in Federal and State statutes, regulations, and policies necessary to ensure that national interests are served in meeting future intelligent transportation system needs.

(3) SPECIFIC MATTERS TO BE ADDRESSED.—The study under this subsection shall specifically address the following:

(A) CONTRACT PROVISIONS.—The current practices and policies relating to procurement of intelligent transportation system facilities, equipment, and services, including equipment procured in preparation for natural disasters and emergencies, system hardware, software, and software integration services.

(B) ADEQUACY OF NEED FOR POLICY REFORM.—The adequacy of current practices and policies to achieve the successful implementation of intelligent transportation system goals and the need for national policy reform to expedite and streamline procurements necessary to meet such goals.

(C) ALTERNATIVES.—The range of legislative, regulatory, and policy alternatives to address identified needs and goals, including funding needs.

(D) RECOMMENDATIONS.—Recommendations regarding procurement standards, including recommendations regarding any changes in Federal and State statutes, regulations, and policies necessary for expedited and streamlined procurements.

(4) REPORT AND RECOMMENDATIONS.—Not later than March 31, 2006, the Secretary shall transmit to the appropriate committees of Congress a final report that includes the results of the study conducted under this subsection and recommendations to address the needs identified in such study.

(5) AUTHORIZATION OF RULEMAKING PROCEEDING.—To the extent any recommendation made by the Secretary under this subsection may be implemented by regulation, the Secretary shall initiate the rulemaking proceeding to address such recommendation not later than the 90th day following the date of submission of the report under paragraph (4).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $1,000,000 in fiscal year 2005 to carry out this subsection.

(7) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of the study under this subsection (as defined in subsection (c)) shall be 80 percent and such funds shall remain available until expended.

SEC. 1203. REAL-TIME SYSTEM MANAGEMENT INFORMATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a real-time system management information program to provide, in all States, the capability to expedite and streamline transportation management operations, including monitoring, in real-time, the traffic and travel conditions of the Nation’s major highways and to share that information to improve the security of the surface transportation system, to address natural disasters, to improve the emergency monitoring and response to weather events and surface transportation incidents, and to facilitate national and regional highway traveler information.

(b) DATA EXCHANGE FORMATS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish data exchange formats based on recommendations of the steering committee established under subsection (b) to ensure that the data provided by highway and transit monitoring systems, including statewide incident reporting systems, can readily be exchanged, archived, and made available to other systems, facilitating nationwide availability of information.

(c) DATA EXCHANGE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish data exchange formats based on recommendations of the steering committee established under subsection (b) to ensure that the data provided by highway and transit monitoring systems, including statewide incident reporting systems, can readily be exchanged, archived, and made available to other systems, facilitating nationwide availability of information.

(d) REGIONAL INTELLIGENT TRANSPORTATION SYSTEM ARCHITECTURE.—

(1) ADDRESSEE INFORMATION NEEDS.—As State and local governments develop or update regional intelligent transportation system architectures, described in section 940.9 of title 23, Code of Federal Regulations, such governments shall explicitly address real-time highway and transit information needs and the systems needed to meet such needs, including addressing coverage, archiving, and other data management needs, and methods of exchanging or sharing data.

(2) DATA EXCHANGE.—Not later than Not later than 2 years after the date of enactment of this Act, the Secretary shall incorporate the data exchange formats established by the Secretary under subsection (c) to ensure that the data provided by highway and transit monitoring systems can readily be exchanged, archived, and made available to other systems.

(e) ELIGIBILITY.—Subject to project approval by the Secretary, a State may obligate funds apportioned under section 104(b)(1), 104(b)(2), and 104(b)(3) of title 23, United States Code, for activities related to the planning and deployment of real-time monitoring elements that advance the goals and purposes described in subsection (a).

(1) LIMITATION ON STATUTORY CONSTRUCTION.—The phrase "shall be construed as altering or otherwise affecting the application of the requirements of chapter 1 of title 23, United States Code—" shall be construed as altering or otherwise affecting the applicability of the requirements of chapter 1 of title 23, United States Code (including requirements relating to the eligibility of a project for assistance under the program, the location of the project, and the Federal-share payable on such project) consistent with the purposes described in subsection (c) to a State for a program under section 104(b) that are obligated by the State for activities and projects under this section.

SEC. 1204. EXPEDITED NATIONWIDE INTELLIGENT TRANSPORTATION SYSTEM DEPLOYMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a comprehensive program to accelerate the integration, interoperability, and deployment of intelligent transportation systems in order to improve the performance of the surface transportation system in metropolitan and rural areas.

(b) SELECTION OF MODEL PROJECTS.—Under the program, the Secretary shall make grants, through competitive solicitation, for projects that will serve as models to improve transportation efficiency, promote surface transportation safety (including pedestrian safety), increase traffic flow (including the flow of intermodal travel at ports of entry), reduce emissions of air pollutants, improve traveler information, and to encourage and facilitate partnerships to build on existing intelligent transportation system projects, and promote tourism.

(c) OTHER PROJECTS, PROGRAMS, AND ACTIVITIES.—Under the program, the Secretary may make grants for projects, programs, and activities in metropolitan and rural areas that—

(1) advance the goals and objectives outlined in the national intelligent transportation system program plan;

(2) promote cooperation among agencies, jurisdictions, and the private sector, as evidenced by signed memoranda of understanding that clearly define the responsibilities and relations of all parties to a partnership arrangement, including institutional relationships and financial agreements necessary to support deployment of intelligent transportation systems;

(3) encourage private sector involvement and financial commitment toward the maximum extent practicable through innovative financial arrangements, especially public-private partnerships, including arrangements that generate revenue to offset public investment costs;

(4) enhance fully integrated intelligent transportation system deployment;

(5) create technical capacity for effective operations and maintenance of such systems;

(6) improve safety, mobility, geographic and regional diversity, and economic development in development of such systems;

(7) advance deployment of the 511 traveler information program; and

(8) advance deployment of other national systems, including a statewide incident reporting system, wireless e-911 system, and road weather information system.

(d) ESTABLISHMENT OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated under section 110(a)(16) of this Act shall be available for obligation to carry out subsection (c)(7) in the manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of the projects carried out under subsection (c)(7) shall be 80 percent and such funds shall remain available until expended.

SEC. 1205. INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT PROGRAM.

(a) PURPOSE.—The purpose of this section is to ensure that a minimum of $2,500,000,000 of the
amounts authorized to be appropriated for the National Highway System, Interstate maintenance, surface transportation, and congestion mitigation and air quality improvement programs, fiscal year 2006 shall obligate a portion of the funds apportioned to the State under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for such fiscal year, calculated under subsection (b), for projects described in subsection (c) that support deployment of intelligent transportation systems in the State.

(b) CALCULATION OF AMOUNT.—The portion of a State’s apportionments to be obligated under subsection (a) for projects described in subsection (c) in a fiscal year shall be determined by multiplying $500,000,000 by the ratio that—

(1) the aggregate of amounts apportioned to the State for such fiscal year under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4); to

(2) the aggregate of amounts apportioned to all States for such fiscal year under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4).

(c) INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT PROJECTS.—Projects for which funds must be obligated under this section include the following:

(1) PERFORMANCE.—Establishment and implementation of operations systems and services that improve performance in the areas of traffic operations, emergency response to surface transportation infrastructure incidents, weather event response management by State and local authorities, surface transportation network and facility management, construction and work zone management, and traffic flow information.

(2) NETWORKS.—Conducting activities that support the creation of networks that link metropolitan and rural surface transportation systems into an integrated data network, capable of collecting, sharing, and archiving transportation system traffic condition and performance information.

(3) SAFETY.—Implementation of intelligent transportation system technologies that improve highway safety through linkages connecting the vehicle, its infrastructure, and information to the driver.

(4) OPERATION AND MANAGEMENT.—Provision of services to ensure the effective operation and management of intelligent transportation systems infrastructure, including costs associated with communications, utilities, rent, hardware, software, labor, administrative costs, training, and technical services.

(5) INTERAGENCY SUPPORT.—Provision of support for institutional relationships between transportation, police, emergency medical services, private emergency operators, freight operators, and shippers.

(6) PLANNING.—Conducting cross-jurisdictional planning and deployment of regional transportation systems operations and management approaches.

(d) OBLIGATION OF AMOUNTS.—

(1) IN GENERAL.—In complying with the requirements of this section, the amounts obligated by a State for projects under subsection (c) that support deployment of intelligent transportation systems before fiscal year 2006 that are described in subsection (a) shall be allocated among the individual programs for which funds are apportioned under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for such fiscal year.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as requiring a State to obligate proportional or equal amounts under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for any congestion relief activity under this section.

SEC. 1208. ENVIRONMENTAL REVIEW OF ACTIVITIES THAT SUPPORT DEPLOYMENT OF INTELLIGENT TRANSPORTATION SYSTEMS.

(a) CATEGORICAL EXCLUSIONS.—Not later than one year after the date of enactment of this Act, the Secretary shall initiate a rulemaking process to establish categorical exclusions for activities that support the deployment of intelligent transportation infrastructure and systems from the requirement that an environmental impact statement be prepared under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (42 U.S.C. 4321) in compliance with standards for categorical exclusions established by that Act.

(b) NATIONALWIDE PROGRAMMATIC AGREEMENT.—(1) DEVELOPMENT.—The Secretary shall develop a nationwide programmatic agreement governing the review of activities that support the deployment of intelligent transportation infrastructure and systems in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470i) and the regulations of the Advisory Council on Historic Preservation.

(2) CONSULTATION.—The Secretary shall develop the agreement under paragraph (1) in consultation with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act (26 U.S.C. 470i et seq.) and after soliciting the views of the public.

(c) INTELLIGENT TRANSPORTATION INFRASTRUCTURE AND SYSTEMS DEFINED.—In this section, the term “intelligent transportation infrastructure and systems” means intelligent transportation infrastructure and intelligent transportation systems, as such terms are defined in section 502(2) of title 23, United States Code.

SEC. 1209. STATE ASSUMPTION OF RESPONSIBILITIES FOR CERTAIN PROJECTS.

(a) ASSUMPTION OF SECRETARY’S RESPONSIBILITIES UNDER APPLICABLE FEDERAL LAWS.—

(1) PILOT PROGRAM.—The Secretary may establish a pilot program under which States may assume the responsibilities of the Secretary under any Federal laws subject to the requirements of this section.

(2) FIRST 3 FISCAL YEARS.—In the first 3 fiscal years following the date of enactment of this section, the Secretary may allow up to 5 States to participate in the pilot program.

(3) SCOPE OF PROGRAM.—Under the pilot program, the Secretary may assign, and a State may assume, any of the Secretary’s responsibilities (other than responsibilities relating to federally recognized Indian tribes) for environmental reviews, consultation, or decisionmaking under any Federal law, as such requirements apply to the following projects:

(A) Projects funded under section 104(h).

(B) Projects funded in accordance with section 502 of the Transportation Equity Act: A Legacy for Users.

(C) Projects as defined in section 101(a)(39) and section 502 of the Transportation Equity Act: A Legacy for Users.

(D) AGREEMENTS.—The Secretary shall enter into a memorandum of understanding with a State participating in the pilot program setting forth the responsibilities to be assigned under subsection (a)(2) and the terms and conditions under which the assignment is made.

(E) CERTIFICATION.—Before the Secretary enters into a memorandum of understanding with a State under paragraph (1), the Secretary shall certify that the State has in effect laws (including regulations) applicable to projects carried out and funded under this title and chapter 53 of title 23, United States Code, that authorize the State to carry out the responsibilities being assumed.

(F) MAXIMUM DURATION.—A memorandum of understanding under paragraph (1), the Secretary shall review and determine the maximum duration of no more than 3 years and may be renewed by mutual agreement on a periodic basis for periods of not more than 3 years.

(G) COMPLIANCE.—

(A) IN GENERAL.—Before entering into a memorandum of understanding under paragraph (1), the Secretary shall review and determine the compliance of the State with the memorandum of understanding.

(B) RENEWALS.—The Secretary shall take into account the performance of a State under the pilot program when considering renewal of a memorandum of understanding with the State under the program.

(H) SELECTION OF STATES FOR PILOT PROGRAM—

(1) APPLICATION.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains such information as the Secretary may require. At a minimum, an application shall include—

(A) a description of the projects or classes of projects for which the State has the capability to assume responsibilities under subsection (a)(2); and

(B) a certification that the State has the capability to assume such responsibilities.

(2) PUBLIC NOTICE.—Before entering into a memorandum of understanding allowing a State to participate in the pilot program, the Secretary shall—

(A) publish notice of the proposed agreement in the Federal Register; and

(B) provide an opportunity for public comment on the proposed agreement.

(3) SELECTION CRITERIA.—The Secretary may approve the application of a State to assume responsibilities under the program only if—

(A) the requirements under paragraph (2) have been met; and

(B) the Secretary determines that the State has the capability to assume the responsibilities.

(4) OTHER FEDERAL AGENCIES.—Before assigning to a State a responsibility of the Secretary that requires the Secretary to consult with another Federal agency, the Secretary shall consult with the head of that Federal agency.

(5) STATE DEFINED.—With respect to the recreational trails program, the term ‘State’ means the State agency designated by the Governor of the State in accordance with section 209(c)(1).

(6) PRESERVATION OF PUBLIC INTEREST CONSIDERATION.—Nothing in this section shall be
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construed to limit the requirements under any applicable law providing for the consideration and preservation of the public interest, including public participation and community values in transportation decisionmaking.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of such title is amended by adding at the end the following:

167. State assumption of responsibilities for certain programs and projects.

SEC. 1208. HOV FACILITIES.

(a) In General.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

§ 168. HOV facilities

(1) Authority of State agencies.—A State agency that has jurisdiction over the operation of a Direct Federal Facility may establish the occupancy requirements of vehicles operating on the facility.

(2) Occupancy Requirement.—Except as otherwise provided by this section, no fewer than 2 occupants per vehicle may be required for use of a HOV facility.

(b) Exceptions.—Notwithstanding the occupancy requirement in subsection (a)(2), the following exceptions shall apply with respect to a State agency operating a HOV facility:

(1) Motorcycles and bicycles.—(A) Subject to subparagraph (B), the State agency shall allow motorcycles and bicycles to use the HOV facility.

(B) Safety Program.—A State agency may restrict the use of the HOV facility by motorcycles or bicycles (or both) if the agency certifies to the Secretary that such use would create a safety hazard and the Secretary accepts the certification. The Secretary may accept a certification under this subparagraph only after the Secretary publishes notice of the certification in the Federal Register and provides an opportunity for public comment.

(2) Public Transportation Vehicles.—The State agency may allow public transportation vehicles to use the HOV facility if the agency—

(A) establishes requirements for clearly identifying the vehicles; and

(B) establishes procedures for enforcing the restrictions on the use of the facility by such vehicles.

(3) High Occupancy Toll Vehicles.—The State agency may allow vehicles not otherwise exempt pursuant to this subsection to use the HOV facility if the operators of such vehicles pay a toll charged by the agency for use of the facility and the agency—

(A) establishes a program that addresses the selection of vehicles under this paragraph; and

(B) establishes procedures for enforcing the restrictions on the use of the facility by such vehicles.

(4) Limiting or discontinuing the use of the facility by such vehicles has degraded the operation of the facility.

(2) Degraded Facility.—

(A) In general.—For purposes of paragraph (1), the operation of a HOV facility shall be considered to be degraded if vehicles operating on the facility maintain a minimum average operating speed of less than 90 percent of the time over a consecutive 6-month period during morning or evening peak hour periods.

(B) Minimum Average Operating Speed Defined.—In subparagraph (A), the term ‘minimum average operating speed’ means:

(i) not more than 10 miles per hour below the speed limit, in the case of a HOV facility with a speed limit of less than 50 miles per hour;

(ii) not more than 20 miles per hour below the speed limit, in the case of a HOV facility with a speed limit of 50 miles per hour or greater;

(iii) not more than 45 miles per hour, in the case of a HOV facility with a speed limit of 50 miles per hour or greater;

(iv) not more than 60 miles per hour, in the case of a HOV facility with a speed limit of 60 miles per hour or greater;

(v) not more than 75 miles per hour, in the case of a HOV facility with a speed limit of 75 miles per hour or greater.

(c) Certification of Low Emission and Energy-Efficient Vehicles.—Not later than 6 months after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall issue a final rule establishing requirements for certification of vehicles as low emission and energy-efficient vehicles for purposes of this section and requirements for the labeling of such vehicles.

(d) Chapter Analysis.—(1) PROGRAM EFFICIENCIES.—Section 102 of title 23, United States Code, as redesignated by subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(2) Chapter Analysis.—The analysis for subchapter I of chapter 1 of such title is amended by adding at the end the following:

168. HoV facilities.

(e) Technical Amendment.—Section 102(b)(5) of title 23, United States Code, as redesignated by subsection (b)(1) of this section, is amended by striking “10 years” and all that follows through “shall not exceed” and inserting “10 years or such longer period as the State requests and the Secretary determines to be reasonable after”.

SEC. 1209. CONGESTION PRICING PILOT PROGRAM

(a) Establishment.—Section 1012(b)(1) of the Interstate Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended to read as follows:

“(1) ESTABLISHMENT.—

(A) In general.—The Secretary may enter into cooperative agreements with State and local governments to carry out not more than 25 congestion pricing pilot projects.

(B) Projects carried out under paragraph (1) shall include each project approved under this subsection before the date of enactment of the Transportation Equity Act: A Legacy for Users and under which highway tolls are being collected as of such date of enactment.

(b) Low Income Driver.—Section 1012(b)(7) of such Act is amended to read as follows:

“(7) REDUCED TOLLS FOR LOW-INCOME DRIVERS.—Any congestion pricing pilot project carried out under this subsection that involves the collection of highway tolls shall include a program to permit low-income drivers to pay a reduced toll amount.

(c) Projects for Projects Not Involving Highway Tolls.—At the end of section 1012(b)(8) of such Act add the following:
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“(D) SET-ASIDE FOR PROJECTS NOT INVOLVING HIGHWAY TOLLS.—Of the amounts made available to carry out this subsection, $3,000,000 per fiscal year shall be available only for congestion pricing projects that do not involve highway tolls.”.

(d) CONFORMING AMENDMENTS.—Section 102(b) of such Act is amended—

(1) by inserting in the first sentence by striking “VALUE PRICING” and inserting “CONGESTION PRICING”;

(2) in paragraph (2), by striking “(2) Notwithstanding” and inserting “the following”:

(2) FEDERAL SHARE, ELIGIBLE COSTS.—Notwithstanding subsection (b), the Secretary shall—

(B) in the first sentence by striking “programs” and inserting “projects”; and

(C) in the second sentence by striking “program” and inserting “project”;

(3) in paragraph (3) by striking “(2) Revenues” and inserting the following:

(3) USE OF REVENUES.—Revenues;

(4) in paragraph (4), by striking “(4) Notwithstanding” and inserting “the following”:

(4) USE OF TOLLS ON INTERSTATE SYSTEM.—Notwithstanding;

(5) by striking “value pricing pilot program” and inserting “congestion pricing pilot project”;

(6) in paragraph (5), by striking “(5) The Secretary” and inserting the following:

(5) MONITORING.—The Secretary; and

(7) and inserting “projects” in the first and second place it appears and inserting “projects”;

and

(6) in paragraph (6) by striking “value pricing pilot program” and inserting “congestion pricing pilot project”.

SEC. 1210. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM ELIGIBILITY.

Section 14(b)(5) of title 23, United States Code, is amended by inserting “improve transportation systems management and operations, after “intersections”.”

SEC. 1211. SPECIAL RULES FOR STATE ASSUMPTION OF RESPONSIBILITIES.

(a) LIMITATIONS.—Section 167(a) of title 23, United States Code, as added by section 1207(a) of this Act, is amended by adding at the end the following:

“(3) LIMITATIONS.—

“(A) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State that assumes the responsibilities of the Secretary under this section shall be subject to the same procedural and substantive requirements as the Secretary and apply if the responsibilities were carried out by the Secretary. When a State assumes responsibilities for carrying out a Federal law under this section, the State assents to Federal jurisdiction and shall be solely responsible and solely liable for complying with and carrying out that law instead of the Secretary.

“(B) ASSUMPTION OF RESPONSIBILITIES.—Any responsibility of the Secretary not assumed by the State in a memorandum of understanding shall remain the responsibility of the Secretary.

“(C) POWERS OF OTHER AGENCIES.—Nothing in this section preempts or limits any power, jurisdiction, responsibility, or authority of an agency, other than the Department of Transportation, with respect to a project.”.

(b) ACCEPTANCE OF FEDERAL COURTS JURISDICTION; TERMINATION OF AGREEMENTS.—Section 101(b) of title 23, United States Code, as added by section 1207(a) of this Act, is amended by adding at the end the following:

“(5) ACCEPTANCE OF FEDERAL COURTS JURISDICTION.—In a memorandum of understanding with a State under this section shall include a provision under which the State consents to accept the jurisdiction of the Federal courts for the purposes of the memorandum and, enforcement of any responsibility of the Secretary that the State may assume under the memorandum.

“(6) TERMINATION OF AGREEMENTS.—A memorandum of understanding with a State under this section shall include a provision authorizing the Secretary to terminate the agreement if the Secretary determines an opportunity for a hearing, issues a finding that the State is not in compliance with the terms of the agreement.

(4) STATE SUBJECT TO FEDERAL LAWS.—Section 167 of title 23, United States Code, as added by section 1207(a) of this Act, is further amended by adding at the end the following:

“(f) STATE SUBJECT TO FEDERAL LAWS.—For purposes of assuming responsibilities of the Secretary under this section, a State agency entering into a memorandum of understanding into which a State assumes responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), this title, and any other provision of Federal law.”.

SEC. 1212. OPENING OF INTERSTATE RAMPS.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall open the ramp connecting Interstate Route 495 and Arena Drive in Prince George’s County, Maryland, for the purpose of allowing motor vehicles to travel in both east and west directions onto Arena Drive. Such ramp shall be open for 24 hours a day, every day during the calendar year.

(b) FULLY OPERATIONAL RAMP.—

(1) STUDY.—The Secretary shall conduct a study to determine the most appropriate method for opening the ramps providing motor vehicle access to Interstate Route 495 from Arena Drive.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as altering current traffic management protocols to the Arena Drive ramps during stadium events.

Subtitle C—Mobility and Efficiency

SEC. 1301. NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and implement a program to make allocations to States for highway construction projects in corridors of national significance to promote economic growth and development in areas underserved by existing highway infrastructure. The program provide in this section. A State must submit an application to the Secretary in order to receive an allocation under this section.

(b) ELIGIBILITY USES.

(1) PRIORITY.—In the selection process under this section, the Secretary shall give priority to projects in corridors that are a part of, or will be designated as part of, the Dwight D. Eisenhower National System of Interstate and Defense Highways after completion of the work described in the application received by the Secretary and to a project that will be completed within 5 years of the date of the allocation of funds for the project.

(2) SELECTING PROJECTS.—In making allocations under this section, the Secretary shall consider the following factors:

(A) The extent to which the corridor provides a link between 2 existing segments of the Interstate System.

(B) The extent to which the project will facilitate major multistate or regional mobility and economic growth and development in areas underserved by existing highway infrastructure.

(C) The extent to which commercial vehicle traffic in the corridor is

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (16 U.S.C. 4401 et seq.); and

(ii) is expected to increase.

(D) The extent to which international truck-borne commodities move through the corridor.

(E) The extent to which the project will make improvements to an existing segment of the Interstate System that will result in a decrease in congestion.

(F) The extent to which the project will facilitate economic growth and other travel time through a major freight corridor expected as a result of the project.

(G) The value of the corridor provided by commercial vehicle traffic in the corridor.

(h) STATE DEFINED.—In this section, the term “State” has the meaning such term has under section 101 of title 23, United States Code.

SEC. 1302. COORDINATED BORDER INFRASTRUCTURE PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary shall implement a coordinated border infrastructure program under which the Secretary shall distribute funds to border States to improve the safe movement of motor vehicles at or across the border between the United States and Canada and the border between the United States and Mexico.

(b) ELIGIBLE USES.—A State may use funds apportioned under this section only for—

(1) improvements in a border region to existing transportation and supporting infrastructure that facilitate cross-border motor vehicle and cargo movements;

(2) construction of highways and related safety and enforcement facilities in a border region that facilitate cross-border motor vehicle and cargo movements related to international trade;

(3) operational improvements in a border region, including improvements relating to electronic data interchange and use of telecommunication, to expedite cross border motor vehicle and cargo movement;

(4) modifications to regulatory procedures to expedite safe and efficient cross border motor vehicle and cargo movements; and

(i) the total number of incoming commercial tractor-trailer movements entering or leaving Canada and Mexico relating to expediting cross border motor vehicle and cargo movements;

(c) APPORTIONMENT OF FUNDS.—On October 1 of each fiscal year, the Secretary shall apportion among border States sums authorized to be appropriated to carry out this section for such fiscal year as follows:

(1) 20 percent in the ratio that—

(i) the total number of incoming commercial tractor-trailer movements entering or leaving Canada and Mexico relating to expediting cross border motor vehicle and cargo movements; and

(ii) the total number of incoming commercial tractor-trailer movements entering or leaving Canada and Mexico relating to expediting cross border motor vehicle and cargo movements.

(I) the total number of incoming commercial tractor-trailer movements entering or leaving Canada and Mexico relating to expediting cross border motor vehicle and cargo movements.
(2) 20 percent in the ratio that—
   (A) the total number of incoming personal motor vehicles and incoming buses that pass through land border ports of entry within the boundaries of a State, as determined by the Secretary, bears to
   (B) the total number of land border ports of entry within the boundaries of all the border States, as determined by the Secretary.
   (3) 25 percent in the ratio that—
   (A) the total weight of incoming cargo by commercial trucks that pass through land border ports of entry within the boundaries of a border State, as determined by the Secretary, bears to
   (B) the total number of land border ports of entry within the boundaries of all the border States, as determined by the Secretary.
(d) APPLICABILITY OF TITLE 23.— Funds made available under this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds may be obligated and used only for Federal-aid highway purposes within the boundaries of a State; bears to
   (B) the total number of such ports of entry within the boundaries of all the border States, as determined by the Secretary.
(e) DEFINITIONS.—In this section, the following definitions apply:
   (1) BORDER REGION.—The term `border region' means any portion of a border State with-in 20 miles of an international land border with Canada or Mexico.
   (2) BORDER STATE.—The term `border State' means any State that has an international land border with Canada or Mexico.
   (3) COMMERCIAL TRUCK.—The term `commercial truck' means a commercial motor vehicle as defined in section 13001(4) of chapter 3 of title 49, United States Code.
   (4) MOTOR VEHICLE.—The term `motor vehicle' has the meaning such term has in section 101(a) of title 23, United States Code.
   (5) `The Secretary' and `Secretary' means the Secretary of Transportation.
SEC. 1301. FREIGHT INTERMODAL CONNECTORS.
(a) IN GENERAL.—
   (1) ESTABLISHMENT.—The Secretary shall establish a program to provide grants to qualified entities for projects of national and regional significance.
   (2) CRITERIA FOR GRANTS.—The Secretary shall establish criteria for selecting among eligible projects for funding.
   (3) ELIGIBLE PROJECT COSTS.—The term `eligible project cost' means the cost of any project that—
   (A) is under development;
   (B) is funded by a State, or a combination of States, or other public or private sources; and
   (C) is necessary to improve the safe, secure, and efficient movement of people and goods.
   (4) APPLICABILITY OF TITLE 23.—The purposes of the program
   (A) to provide Federal-aid highway purposes within the boundaries of a State; bears to
   (B) the total number of ports of entry within the boundaries of all the border States, as determined by the Secretary.
(f) APPLICABILITY OF TITLE 23.— Funds made available under this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds may be obligated and used only for Federal-aid highway purposes within the boundaries of a State; bears to
   (B) the total number of such ports of entry within the boundaries of all the border States, as determined by the Secretary.
(e) DEFINITIONS.—In this section, the following definitions apply:
   (1) BORDER REGION.—The term `border region' means any portion of a border State with-in 20 miles of an international land border with Canada or Mexico.
   (2) BORDER STATE.—The term `border State' means any State that has an international land border with Canada or Mexico.
   (3) COMMERCIAL TRUCK.—The term `commercial truck' means a commercial motor vehicle as defined in section 13001(4) of chapter 3 of title 49, United States Code.
   (4) MOTOR VEHICLE.—The term `motor vehicle' has the meaning such term has in section 101(a) of title 23, United States Code.
   (5) `The Secretary' and `Secretary' means the Secretary of Transportation.
SEC. 1302. INVESTMENT CLASSIFICATION.
(a) IN GENERAL.—
   (1) ESTABLISHMENT.—The Secretary shall establish a program to provide grants to qualified entities for projects of national and regional significance.
   (2) CRITERIA FOR GRANTS.—The Secretary shall establish criteria for selecting among eligible projects for funding.
   (3) ELIGIBLE PROJECT COSTS.—The term `eligible project cost' means the cost of any project that—
   (A) is under development;
   (B) is funded by a State, or a combination of States, or other public or private sources; and
   (C) is necessary to improve the safe, secure, and efficient movement of people and goods.
   (4) APPLICABILITY OF TITLE 23.—The purposes of the program
   (A) to provide Federal-aid highway purposes within the boundaries of a State; bears to
   (B) the total number of ports of entry within the boundaries of all the border States, as determined by the Secretary.
(f) APPLICABILITY OF TITLE 23.— Funds made available under this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds may be obligated and used only for Federal-aid highway purposes within the boundaries of a State; bears to
   (B) the total number of ports of entry within the boundaries of all the border States, as determined by the Secretary.
(e) DEFINITIONS.—In this section, the following definitions apply:
   (1) BORDER REGION.—The term `border region' means any portion of a border State with-in 20 miles of an international land border with Canada or Mexico.
   (2) BORDER STATE.—The term `border State' means any State that has an international land border with Canada or Mexico.
   (3) COMMERCIAL TRUCK.—The term `commercial truck' means a commercial motor vehicle as defined in section 13001(4) of chapter 3 of title 49, United States Code.
   (4) MOTOR VEHICLE.—The term `motor vehicle' has the meaning such term has in section 101(a) of title 23, United States Code.
   (5) `The Secretary' and `Secretary' means the Secretary of Transportation.
SEC. 1304. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.
(a) FINDINGS.—Congress finds the following:
   (1) Under current law, surface transportation programs rely primarily on formula capital apportionments to States.
   (2) Despite a significant increase for surface transportation program funding in the Transportation Equity Act of the 21st Century, current levels of investment are insufficient to fund critical improvements to Federal-aid highway and other transportation infrastructure facilities that address critical national economic and transportation needs.
   (3) Critical high-cost transportation infra-
   structure facilities often include multiple levels of government, agencies, modes of transport-
   tion, and transportation programs that are not funded or fund- ed within existing surface transportation program categories.
   (4) Projects of national and regional signifi-
   cance have national and regional benefits, in-
   cluding improving economic productivity by fa-
   cilitating international trade, relieving conges-
   tion, and improving transpor-
   tation services by facil-
   itating passenger and freight movement.
   (5) The benefits of such projects described in paragraph (4) accrue to local areas, States, and the nation as a result of the project and improvements to projects on the national transportation system.
   (6) A program dedicated to constructing projects of national and regional significance is necessary to improve the safe, secure, and efficient movement of people and goods throughout the United States and improve the health and welfare of the Nation.
(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide grants to qualified entities for projects of national and regional significance.
(c) DEFINITIONS.—
   (1) ELIGIBLE PROJECTS.—The term `eligible project cost' means the cost of any project that—
   (A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering, and design work, and other preconstruction activities; and
   (B) construction, reconstruction, rehabilita-
   tion, and acquisition of real property (including land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.
   (2) ELIGIBLE PROJECT.—The term `eligible project' means any surface transportation project eligible for Federal assistance under title 23, United States Code.
   (3) QUALIFIED ENTITY.—The term `qualified entity' means a State as defined in section 101(a) of title 23, United States Code.
   (4) ELIGIBILITY.—To be eligible for assistance under this section, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—
   (1) $500,000,000; or
   (2) 75 percent of the amount of Federal high-
   way assistance funds apportioned for the most recently completed fiscal year to the State in which the project is located.
   (5) ELIGIBILITY.—The Secretary may approve a grant under this section for an eligible project that would otherwise not be eligible if the Secretary determines that the project
   (A) is based on the results of preliminary engi-
   neering;
   (B) is justified based on the project's ability—
   (i) to generate national economic benefits, in-
   cluding creating jobs, expanding business oppor-
   tunities, and impacting the gross domestic prod-
   uct;
   (ii) to reduce congestion, including impacts in the State, region, and Nation;
   (iii) to improve transportation safety, including reducing transportation accidents, injuries, and fatalities;
(iv) to otherwise enhance the national transportation system; and
(v) to garner support for non-Federal financial commitments and provide evidence of stable and dependable financing sources to construct, maintain, and operate the infrastructure facilities; and
(C) is supported by an acceptable degree of non-Federal financial commitments, including evidence of stable and dependable financing sources to construct, maintain, and operate the infrastructure facilities.

(3) SELECTION CONSIDERATIONS.—In selecting a project under this section, the Secretary shall consider the extent to which the project—
(A) is investment for encouraging non-Federal contributions to the project, including contributions from public-private partnerships;
(B) uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project;
(C) helps maintain or protect the environment.

(4) PRELIMINARY ENGINEERING.—In evaluating a project under paragraph (2)(A), the Secretary shall analyze and consider the results of preliminary engineering for the project.

(5) NON-FEDERAL FINANCIAL COMMITMENT.—

(A) EVALUATION OF PROJECT.—In evaluating a project under paragraph (2)(C), the Secretary shall require that—
(i) the proposed project plan provides for the availability of contingency amounts that the Secretary believes are reasonable to cover unanticipated cost increases; and
(ii) each proposed non-Federal source of capital and operating financing is stable, reliable, and available within the proposed project timetable.

(B) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of non-Federal financing under subparagraph (A), the Secretary shall consider—
(i) existing financial commitments;
(ii) whether each source to which financing sources are dedicated to the purposes proposed;
(iii) any debt obligation that exists or is proposed by the recipient for the proposed project; and
(iv) the extent to which the project has a non-Federal financial commitment that exceeds the required non-Federal share of the cost of the project.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall by regulation establish the maximum amount of Government financial assistance for the project, including a period extending beyond the period of an authorization; and

(7) PROJECT EVALUATION AND RATING.—A proposed project may advance from preliminary engineering to final design and construction only if the Secretary finds that the project meets the requirements of this subsection and there is a reasonable likelihood that the project will continue to meet such requirements. In making such findings, the Secretary shall evaluate and rate the projects based on the results of preliminary engineering, project justification, and the degree of non-Federal financial commitment, as required under this subsection.

(8) LETTER OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—

(1) LETTER OF INTENT.—

(A) IN GENERAL.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a project under this section, an amount from future available budget authority that is not more than the amount stipulated as the financial participation of the Secretary in the project.

(B) NOTIFICATION.—At least 60 days before issuing a letter under subparagraph (A) or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

(C) NOT AN OBLIGATION.—The issuance of a letter is not an obligation under sections 1108(c) and (d), 1501, and 1502(a) of title 31, United States Code, or an administrative commitment.

(D) OBLIGATION OR COMMITMENT.—An obligation or administrative commitment may be made only when contract authority is allocated to a project.

(2) FULL FUNDING GRANT AGREEMENT.—

(A) IN GENERAL.—A project financed under this subsection shall be carried out through a full funding grant agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under subsection (f)(2).

(B) TERMS.—The Secretary makes a full funding grant agreement with an applicant, the agreement shall—
(i) establish the terms of participation by the United States Government in a project under this section;
(ii) establish the maximum amount of Government financial assistance for the project; the maximum amount of Government financial assistance includes a commitment, contingent on amounts to be specified in law in advance for commitments under this subsection;
(iii) establish the maximum amount of Government financial assistance for the project, including a period extending beyond the period of an authorization; and
(iv) make timely and efficient management of the project easier according to the laws of the United States.

(C) AGREEMENT.—An agreement under this subsection shall be binding on all parties and shall be as provided in this section.

(D) EXTENSIVE COSTS.—Costs of efficiently carrying out a part of the project within a reasonable time are a cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(E) AMOUNTS.—The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent and full funding grants under this section, including a proportional amount of the grant of the United States Government in a project under this section, is deemed not to be an obligation under this subsection.

(F) REPORTS.—

(1) ANNUAL REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants under this section.

(2) RECOMMENDATIONS ON FUNDING.—The annual report under paragraph (1) shall include evaluations and ratings, as required under subsection (l). The report shall also include recommendations on projects that include a proposal on the allocation of amounts to be made available to finance grants under this section.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended and the Federal share of the cost of a project under this section shall be as provided in this section.

SEC. 1305. DEDICATED TRUCK LANES.

(a) IN GENERAL.—The Secretary shall establish and implement a pilot program to make allocations to States for the construction of projects that separate commercial truck traffic from other motor vehicle traffic. A State must submit an application to the Secretary in order to receive an allocation under this section.

(b) SELECTION PROCESS.—

(1) PRIORITY.—In the selection process under this section, the Secretary shall give priority to projects that provide additional capacity.

(2) SELECTION FACTORS.—In making allocations under this section, the Secretary shall consider the following factors:

(A) The extent to which the project will improve the safe and efficient movement of freight.

(B) The extent to which the project provides positive separation of commercial trucks from other motor vehicle traffic.

(C) The extent to which the project connects an intermodal freight facility or an international port of entry to the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(D) The extent to which the project will remove truck traffic from surface streets.

(E) The extent to which travel time is expected to be reduced as a result of the proposed project.

(F) The extent of leveraging of Federal funds provided to carry out this section, including—

(i) use of innovative financing;

(ii) public-private partnerships provided under other sections of this Act and title 23, United States Code; and
(iii) combination with other sources of Federal, State, local, or private funding.

(c) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be determined in accordance with section 120(b) of title 23, United States Code.

(d) APPLICABILITY OF TITLE 23.—Except as provided in subsection (d), funds made available by section 104(d) of such title are apportioned under this section but such funds shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(e) DEFINITIONS.—In this section the following definitions apply:

(1) COMMERCIAL TRUCK.—The term ‘‘commercial truck’’ means a self-propelled or towed vehicle used on highways in commerce principally to transport cargo if the vehicle has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater.

(2) STATE.—The term ‘‘State’’ has the meaning such term has under section 101 of title 23, United States Code.

SEC. 1206. TRUCK PARKING FACILITIES.

(a) ESTABLISHMENT.—In cooperation with appropriate State, regional, and local governments, the Secretary shall establish a program to address the shortage of long-term parking facilities available on the National Highway System.

(b) ALLOCATION OF FUNDS.—(1) The Secretary shall allocate funds made available to carry out this section among States, metropolitan planning organizations, and local governments.

(2) APPLICATIONS.—To be eligible for an allocation under this section, a State, metropolitan planning organization, or local government shall submit to the Secretary an application at such time and in such form and contain such information as the Secretary may require.

(3) ELIGIBLE PROJECTS.—Funds allocated under this subsection shall be used by the recipient for projects described in an application approved by the Secretary. Such projects shall serve the National Highway System and may include the following:

(A) Constructing safety rest areas, as defined in section 126(c) of title 23, United States Code, that include parking for commercial motor vehicles.

(B) Constructing commercial motor vehicle parking facilities adjacent to commercial truck stops and travel plazas.

(C) Opening existing facilities to commercial motor vehicles.

(D) Promoting the availability of publicly or privately provided commercial motor vehicle parking facilities in the National Highway System using intelligent transportation systems and other means.

(E) Constructing turnouts along the National Highway System for commercial motor vehicles.

(F) Making capital improvements to public commercial motor vehicle parking facilities currently closed on a seasonal basis to allow the facilities to be year-round.

(G) Improving the geometric design of intersections on the National Highway System to improve access to commercial motor vehicle parking facilities.

(4) PRIORITY.—In allocating funds made available to carry out this section, the Secretary shall give priority to applicants that—

(A) demonstrate a severe shortage of commercial motor vehicle parking capacity in the corridor to be addressed;

(B) have consulted with affected State and local governments, community groups, private providers of commercial motor vehicle parking, and motorist and trucking organizations; and

(C) demonstrate that their proposed projects are likely to have a positive effect on highway safety, traffic congestion, or air quality.

(c) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $5,000,000 for each of fiscal years 2008 through 2010.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall install ‘‘a report on the results of the pilot program.

(e) FEDERAL SHARE.—The Federal share of the cost of a project carried out using amounts made available under this section shall be determined in accordance with sections 120(b) and 120(c) of title 23, United States Code.

(f) APPORTIONMENT.—Funds allocated under this section shall be treated as projects on a Federal-aid system under chapter 1 of title 23, United States Code.

Title XII.—Highway Safety

Subtitle D.—Highway Safety

SEC. 1401. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) SAFETY IMPROVEMENT PROJECT DEFINED.—Section 101(a)(30) of title 23, United States Code, is amended by striking ‘‘installing fluorescent, yellow-green signs at pedestrian or bicycle crossings or school zones,’’ after ‘‘call boxes,’’.

(b) OPERATION LIFE-SAVER.—Section 104(d)(1) of such title is amended by striking ‘‘(b)(3) of this section’’ and inserting ‘‘section 130(f)’’; and by striking ‘‘$500,000’’ and inserting ‘‘$500,000’’.

(c) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—In general.—Section 104(d)(2) of such title is amended—

(1) by striking ‘‘$5,250,000’’ and inserting ‘‘$5,750,000 for each of fiscal years 2008 and 2009, $10,000,000 for each of fiscal years 2008 and 2009, and $15,000,000 for each of fiscal years 2008 and 2009’’; and

(B) in subparagraph (E)—

(i) by striking ‘‘Not less than $250,000 of such set-aside’’ and inserting ‘‘Of such set-aside, not less than $875,000 for each of fiscal years 2008 and 2009, $3,500,000 for each of fiscal years 2006 and 2007, and $7,500,000 for each of fiscal years 2008 and 2009’’; and

(ii) by striking ‘‘per fiscal year’’.

(2) DESIGNATION OF CORRIDORS.—Of the rail corridor described in section 120 of title 23, United States Code—

(A) the Northern New England High Speed Rail Corridor is expanded to include two train routes from Boston, Massachusetts, to Albany, New York, and from Springfield, Massachusetts, to New Haven, Connecticut; and

(B) the South Central Corridor is expanded to include the train route from Killeen, Texas, to Houston, Texas, via Bryan-College Station.

(d) FUNDING.—Section 130(e) of such title is amended—

(1) by striking ‘‘AT’’ and inserting the following—

‘‘(1) IN GENERAL.—‘‘AT’’; and

(2) by adding at the end the following—

‘‘(2) SPECIAL RULE.—If a State demonstrates to the satisfaction of the Secretary that the State has met all its needs for installation of protective devices at railway-highway crossings, the State may use funds made available by this subsection for other purposes by this section.’’.

(2) APPORTIONMENT.—Section 130(f) of such title is amended to read as follows—

‘‘(f) APPORTIONMENT.—

(1) FORMULA.—Fifty percent of the funds authorized to be appropriated under this section shall be apportioned to the States in accordance with the formula set forth in section 104(b)(3)(A), and 50 percent of such funds shall be apportioned to the States in the ratio that total public railway-highway crossings in each State bears to the total of such crossings in all States.’’
(5) APPORTIONMENT.—Section 152(d) of such title is amended to read as follows:

“(d) APPORTIONMENT.— 

(1) FORMULA.—Funds authorized to be appropriated to the State on that date under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 to the apportionment of the State under section 402 an amount equal to 3 percent of the funds apportioned to the State under such sections for fiscal year 2003; and

(4) in paragraph (5) (as so redesignated) —

(A) by striking “which is determined by multiplying” and inserting “which, for fiscal year 2005 and each fiscal year thereafter, is determined by multiplying”; and

(B) in subparagraph (B) by striking “such fiscal year” each place it appears and inserting “fiscal year 2003”; 

(2) by redesignating paragraphs (3) through (7) of paragraph (4) as paragraphs (4) through (8), respectively; and

(3) by inserting after paragraph (2) the following:

“(4) in paragraph (5) (as so redesignated) by striking Paragraph (3) and inserting “paragraph (4)”; 

(5) in paragraphs (4), (5), and (6) as so redesignated by striking “paragraph (1)” and inserting “paragraph (1), (2), or (3)”; and

(6) in paragraph (7) (as so redesignated) —

(A) by striking “The amount” and inserting “For fiscal year 2005 and each fiscal year thereafter, the amount”; and

(B) in subclauses (I) and (II) of clause (ii) by striking “the fiscal year” and inserting “fiscal year 2003”; 

(3) MINIMUM PENALTIES FOR CERTAIN REPEAT OFFENDERS.—Section 164(b) of title 23, United States Code, is amended —

(1) in paragraph (2) —

(A) in the paragraph heading by striking “FISCAL YEARS THEREAFTER” and inserting “FISCAL YEAR 2004” and

(B) by striking “and each October 1 thereafter.”

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(3) by inserting after paragraph (2) the following:

“(2) FISCAL YEAR 2005 AND THEREAFTER.—On October 1, 2004, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer from the funds apportioned to the State under such paragraphs for fiscal year 2003 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).”

(4) in paragraph (5) (as so redesignated) by striking “paragraph (3)” and inserting “paragraph (4);” 

(5) in paragraphs (4), (5), and (6) (as so redesignated) by striking “paragraph (1)” and inserting “paragraph (1), (2), or (3)”;

and

(6) in paragraph (7) (as so redesignated) —

(A) by striking “The amount” and inserting “For fiscal year 2005 and each fiscal year thereafter, the amount”; and

(B) in subclauses (I) and (II) of clause (ii) by striking “the fiscal year” and inserting “fiscal year 2003”; 

SEC. 1403. HIGH RISK RURAL ROAD SAFETY IMPROVEMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and implement a high risk rural road safety improvement program in accordance with this section.

(b) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State may obligate funds apportioned to it under this section only for construction and operation of improvement projects on high risk rural roads and only if the primary purpose of the project is to improve highway safety on a high risk rural road.

(2) IN GENERAL—A State may use funds apportioned to it under this section for any project approved by the Secretary under section 152 of title 23, United States Code, if the State certifies to the Secretary that it has no projects described in paragraph (1).

(c) STATE ALLOCATION SYSTEM.—Each State shall establish a State allocation system established by the Secretary under section 303 of title 23, United States Code, or a survey established pursuant to section 152(a) of such title.

(d) APPORTIONMENT OF FUNDS.—On October 1 of each fiscal year, the Secretary shall apportion among States sums authorized to be appropriated to carry out this section for such fiscal year as follows:

(1) 1⁄2 in the ratio that —

(A) each State’s public road lane mileage for rural minor collectors and rural local roads; bears to —

(B) the total public road lane mileage for rural minor collectors and rural local roads of all States.

(2) 1⁄2 in the ratio that —

(A) the population of areas other than urbanized areas in each State, as shown by the most recent Federal Government decennial census of population; bears to —

(B) the population of all areas other than urbanized areas in the United States, as shown by that census.

(3) 1⁄2 in the ratio that —

(A) the total vehicle miles traveled on public roads in each State; bears to —

(B) the total number of vehicle miles traveled on public roads in all States.

(e) APPLICABILITY OF TITLE 23.—

(1) FISCAL YEAR 2003 AND THEREAFTER.—

The Secretary shall make funds available to each State to assist in making improvements to reduce the number of highway crashes and crashes causing fatalities and incapacitating injuries, the number of persons killed and injured, the number of crashes involving vehicles with 11 or more passenger seats, the number of crashes involving large trucks, and the number of crashes involving vehicles with 11 or more passenger seats and large trucks.

(2) FISCAL YEARS THEREAFTER.—

The Secretary shall make funds available to each State to assist in making improvements to reduce the number of highway crashes and crashes causing fatalities and incapacitating injuries, the number of persons killed and injured, the number of crashes involving vehicles with 11 or more passenger seats, the number of crashes involving large trucks, and the number of crashes involving vehicles with 11 or more passenger seats and large trucks.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) HIGH RISK RURAL ROAD.—The term “high risk rural road” means any roadway functionally classified as a rural major or minor collector or a rural local road—

(A) on which the accident rate for fatalities and incapacitating injuries exceeds the statewide average for these functional classes of roadway; or

(B) which will likely have increases in traffic volumes that are likely to create an accident rate for fatalities and incapacitating injuries that exceeds the statewide average for these functional classes of roadway.

(2) STATE AND URBANIZED AREA.—The terms “State” and “urbanized area” have the meaning such terms have under section 101(a) of title 23, United States Code.

SEC. 1404. TERMINATION OF APPORTIONMENTS TO SAFETY PROGRAMS.

(a) USE OF SAFETY BELTS AND MOTORCYCLE HELMETS.—Section 153(h) of title 23, United States Code, is amended —

(1) in paragraph (2) —

(A) in the paragraph heading by striking “THEREAFTER,” and inserting “FISCAL YEARS 1999—2004,”

(B) by inserting “and ending before October 1, 2004,” after “September 30, 1994,”;

(2) by redesignating paragraphs (3) through (7) of paragraph (4) as paragraphs (4) through (8), respectively; and

(3) by inserting after paragraph (2) the following:

“(3) FISCAL YEAR 2005 AND THEREAFTER.—On October 1, 2004, and each October 1 thereafter, if a State does not have in effect a law described in subsection (a)(2), the Secretary shall transfer from the funds apportioned to the State on that date under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 to the apportionment of the State under section 402 an amount equal to 3 percent of the funds apportioned to the State under such subsections for fiscal year 2003; and

(4) in paragraph (5) (as so redesignated) —

(A) by striking “which is determined by multiplying” and inserting “which, for fiscal year 2005 and each fiscal year thereafter, is determined by multiplying”; and

(B) in subparagraph (B) by striking “such fiscal year” each place it appears and inserting “fiscal year 2003”; 

(2) by redesignating paragraphs (3) through (7) of paragraphs (4) through (8), respectively; and

(3) by inserting after paragraph (2) the following:

“(2) FISCAL YEAR 2005 AND THEREAFTER.—On October 1, 2004, and each October 1 thereafter, if a State does not have in effect a law described in subsection (a)(2), the Secretary shall transfer from the funds apportioned to the State on that date under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 to the apportionment of the State under section 402 an amount equal to 3 percent of the funds apportioned to the State under such subsections for fiscal year 2003; and

(4) in paragraph (5) (as so redesignated) —

(A) by striking “which is determined by multiplying” and inserting “which, for fiscal year 2005 and each fiscal year thereafter, is determined by multiplying”; and

(B) in subparagraph (B) by striking “such fiscal year” each place it appears and inserting “fiscal year 2003”; 

(2) by redesignating paragraphs (3) through (7) of paragraphs (4) through (8), respectively; and

(3) by inserting after paragraph (2) the following:

“(2) FISCAL YEAR 2005 AND THEREAFTER.—On October 1, 2004, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer from the funds apportioned to the State under such paragraphs for fiscal year 2003 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).”

(4) in paragraph (5) (as so redesignated) by striking “paragraph (3)” and inserting “paragraph (4);”

(5) in paragraphs (4), (5), and (6) (as so redesignated) by striking “paragraph (1)” and inserting “paragraph (1), (2), or (3);”

and

(6) in paragraph (7) (as so redesignated) —

(A) by striking “The amount” and inserting “For fiscal year 2005 and each fiscal year thereafter, the amount”; and

(B) in subclauses (I) and (II) of clause (ii) by striking “the fiscal year” and inserting “fiscal year 2003”;
SEC. 1405. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS.

Section 157(g)(1) of title 23, United States Code, is amended by striking “for fiscal year 2003” and inserting “for each of fiscal years 2003, 2004, and 2005.”

SEC. 1406. SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS.

(a) CODIFICATION OF PENALTY.—Section 183 of title 23, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following—

“‘(e) PENALTY.—

"(1) IN GENERAL.—On October 1, 2003, and October 1 of each fiscal year thereafter, if a State has not enforced a law requiring a person to submit to an analysis to determine if there is alcohol or other drug in the person’s blood or breath that would otherwise be covered during the previous year, the Secretary shall impose a penalty of $2,500 for each violation of the law described in subsection (a) committed by a person who is found guilty of a violation of subsection (a)."

(b) REMOVAL OF PENALTY.—Section 112(b)(3)(C) of title 23, United States Code, is amended to read as follows—

“(C) QUALIFIED PROJECTS.—A qualified project referred to in subparagraph (A) is a project under this chapter for which the Secretary permits the use of the percentage required to be deposited with the Secretary to be used for the purposes described in subparagraph (A) of paragraph (2).

SEC. 1407. REPEAT OFFENDERS FOR DRIVING A MOTOR VEHICLE IN A MANNER PROHIBITED BY LAW.

(a) RULEMAKING PROCEEDING.—The rulemaking proceeding shall include types of highway features that have been tested, evaluated, and found to be acceptable under such guidelines.

(b) PENALTY.—

(1) IN GENERAL.—The rulemaking proceeding shall cover those highway features that are covered by the guidelines referred to in subsection (a). The conditions to be considered by the Secretary in the rulemaking proceeding shall include types of highway features, cost-effectiveness, and practicality of replacement with highway features that have been found to be acceptable under such guidelines.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations regarding the conditions under which States when choosing to repair or replace damaged highway features described in subsection (a) will be required to repair or replace such features with highway features that have been tested, evaluated, and found to be acceptable as described in subsection (a).

Subtitle E—Construction and Contract Efficiencies

SEC. 1501. DESIGN-BUILD.

(a) QUALIFIED PROJECTS.—Section 112(b)(3)(C) of title 23, United States Code, is amended to read as follows—

“(C) QUALIFIED PROJECTS.—A qualified project referred to in subparagraph (A) is a project under this chapter for which the Secretary permits the use of the percentage required to be deposited with the Secretary to be used for the purposes described in subparagraph (A) of paragraph (2).

(b) EXPERIMENTAL PROCUREMENT.—Section 112(b)(3)(C) of such title is further amended—

(1) by redesigning subparagraph (D) as subparagraph (G); and

(2) by inserting after subparagraph (C) the following—

“(D) EXPERIMENTAL PROCUREMENT.—As part of any experimental program carried out under this section, the Secretary shall evaluate the use of procurement procedures under this paragraph where subjective evaluation criteria account for the majority of the selection determination.

“(E) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the authority to carry out any experimental program concerning design-build contracting that is being carried out by the Secretary on the date of enactment of this Act.

“(F) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to the Congress a report on the effectiveness of design-build contracting procedures in which the majority of the selection determination is based on subjective criteria in accordance with subparagraph (D).

SEC. 1502. WARRANTY HIGHWAY CONSTRUCTION PROJECT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and implement a pilot program designed to encourage States to incorporate warranties in the letting of contracts for highway construction projects.

(b) MAXIMUM NUMBER OF PROJECTS.—The Secretary may carry out more than 15 projects a year to be carried out under the pilot program.

(c) FEDERAL SHARE.—The Federal share of the costs of a project under the pilot program may not exceed 90 percent.

SEC. 1507. PRIVATE INVESTMENT STUDY.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a comprehen- sive study of private investment in surface transportation infrastructure.

(b) MATTERS TO BE EVALUATED.—Under the agreement, the National Academy of Sciences shall evaluate the advantages and disadvantages of private investment in surface transportation infrastructure and the impact of such investment on the ability of State and local authorities to use innovative financing, including—

(1) preconstruction funding requirements;

(2) integration of private investment in the transportation planning process;

(3) use of toll revenues by State and local authorities;
(A) use of toll credits by State and local authorities;
(B) requirements for debt financing instruments, reimbursable expenses, and conditions on payments;
(C) limitation on fees charged at federally funded fringe and corridor parking facilities;
(D) revenues needed to provide a reasonable rate of return to private investors;
(E) costs to users of facilities due to imposition of tolls;
(F) sale-in-lease-out arrangement of transportation assets;
(G) other matters as the Secretary considers appropriate.

(c) REPORT.—Under the agreement, the National Academy of Sciences shall submit to the Secretary a report on the results of the study by such date as the Secretary may require.

(2) TO CONGRESS.—Not later than January 1, 2007, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a copy of the report of the National Academy of Sciences, together with such recommendations as the Secretary considers appropriate.

SEC. 1504. HIGHWAYS FOR LIFE PILOT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish and implement a Federal-aid highway pilot program to be known as the "Highways for LIFE pilot program".

(2) PURPOSE.—The purpose of the pilot program shall be—

(a) to advance longer-lasting highway infrastructure technologies and practices to accomplish the fast construction of efficient and safe highways and bridges;
(b) to demonstrate and promote state-of-the-art technologies, elevated performance standards, and new business practices in the highway construction process that result in improved safety, faster construction, reduced congestion from construction, and improved quality and user satisfaction.

(b) PROJECTS.—

(1) APPLICATIONS.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that is in such form and includes such information as the Secretary requires. Each application shall contain a description of proposed projects to be carried by the State under the pilot program.

(2) PROJECT CRITERIA.—A project shall be eligible for assistance under the pilot program if the project—

(A) constructs, reconstructs, or rehabilitates a route of a Federal-aid highway eligible for assistance under chapter 1 of title 23, United States Code;
(B) uses innovative technologies, manufacturing processes, contracting, or contracting methods that improve safety, reduce congestion due to construction, and improve quality; and
(C) meets additional criteria as determined by the Secretary.

(3) PROJECT PROPOSAL.—A project proposal submitted under paragraph (1) shall contain—

(A) an identification and description of the projects to be delivered;
(B) a description of how the projects will result in improved safety, faster construction, reduced congestion due to construction, user satisfaction, and improved quality;
(C) a description of the innovative technologies, manufacturing processes, financing, and contracting methods that will be used for the project; and
(D) such other information as the Secretary may require.

(d) TECHNOLOGY PARTNERS.—

(1) IN GENERAL.—The Secretary may make grants or enter into cooperative agreements or other transactions to foster the development, improvement, and creation of innovative technologies and facilities to improve safety, enhance the speed of highway construction, and improve the quality and durability of highways.

(2) FEDERAL FUNDING.—The Federal share of the cost of an activity carried out under this subsection shall not exceed 80 percent.

(e) TECHNOLOGY TRANSFER AND INFORMATION DISSEMINATION.—

(1) IN GENERAL.—The Secretary shall conduct a Highways for LIFE technology transfer program.

(2) AVAILABILITY OF INFORMATION.—The Secretary shall ensure that the information and technology used, developed, or deployed under this subsection is made available to the transportation community and the public.

(f) STAKEHOLDER INPUT AND INVOLVEMENT.—

The Secretary shall establish a process for public and private input and for the development, implementation, and evaluation of the Highways for LIFE pilot program. The process may include participation by representatives of State departments of transportation and other interested persons.

(g) CONTRACT AUTHORITY.—Funds authorized to be appropriated to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(h) STATE DEFINED.—In this section, the term "State" means the meaning such term has under section 101(a) of title 23, United States Code.

Subtitle F—Finance


(3) TERMS AND LIMITATIONS.—Section 183(b) of such title is amended—

(A) in paragraph (2) by inserting “the lesser of” after “exceed”;

(B) in paragraph (2) by inserting “or the amount of the senior project obligations” after “costs”;

(C) in paragraph (3)(A)(i) by inserting “that also secure the senior project obligations” after “sources”; and

(D) in paragraph (4) by striking “marketable”;

(4) REPLACEMENT.—Section 183(c) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively.

(e) LINKS OF CREDIT.—

(1) TERMS AND LIMITATIONS.—Section 184(b) of such title is amended—

(A) in paragraph (3)—

(i) by striking the first comma; and

(ii) by striking “any debt service reserve fund, and any other available reserve” and inserting “but not including reasonably required financing reserves”; and

(B) in paragraph (4)—

(i) by striking “marketable”;

(ii) by striking the term “on which” and inserting “of execution of”;

(iii) by striking “is obligated” and inserting “agreement”; and

(C) in paragraph (5)(A)(i) by inserting “that also secure the senior project obligations” after “sources”;

(2) REPLACEMENT.—Section 184(c) of such title is amended—

(A) in paragraph (2)—

(i) by striking “scheduled”;

(ii) by striking “be scheduled to” after “shall”; and

(iii) by striking “be fully repaid, with interest, and entering “conclude, with full repayment of principal and interest,”;

(B) by striking paragraph (3);

(f) PROGRAM ADMINISTRATION.—Section 185 of such title is amended to read as follows:

"§189. State infrastructure bank program

(a) REQUIREMENT.—The Secretary shall establish a uniform system to service the Federal credit instrument made available under this chapter.

(b) FEES.—The Secretary may establish fees at a level to cover all or a portion of the costs to the Federal Government of servicing the Federal credit instrument.

(c) SERVICES.—The Secretary may identify a financial entity to assist the Secretary in servicing a Federal credit instrument. The services—

(1) shall act as the agent for the Secretary; and

(2) shall receive a servicing fee, subject to approval by the Secretary.

(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of one or more expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

(g) FUNDING.—Section 188 of such title is amended to read as follows:

"§188. Funding

(a) REQUIREMENT.—There are authorized to be appropriated from the Highway Trust Fund ($3,000,000,000 for each of fiscal years 2005 through 2009) to implement the provisions of this chapter.

(b) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may, for the administration of this subchapter, not more than $3,000,000 for each of fiscal years 2004 through 2009.

(c) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

(d) CONTRACT AUTHORITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this chapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

(2) AVAILABILITY.—Amounts authorized under this section for each fiscal year shall be available for the fiscal year.

(3) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 2005 through 2009, principal amounts of Federal credit instruments made available under this chapter shall be limited to $2,600,000,000.

SEC. 1602. STATE INFRASTRUCTURE BANKS.

(a) In general.—Section 189 of title 23, United States Code, is amended to read as follows:

"§189. State infrastructure bank program

(a) REQUIREMENT.—The Secretary may enter into a cooperative agreement with a State to establish a State infrastructure bank, and any other recipient of Federal assistance under section 5302 of title 49, United States Code.

(b) FORMS OF CREDIT ASSISTANCE.—The term ‘other forms of credit assistance’ includes any use of funds in an infrastructure bank—

(1) to provide credit enhancements;

(2) to serve as a capital reserve for bond or debt instrument financing;

(3) to subsidize interest rates;

(4) to insure or guarantee letters of credit and credit instruments against credit risk of loss;

(5) to finance purchase and lease agreements with respect to transit projects;

(6) to provide bond or debt financing instrument security; and

(7) to provide other forms of credit financing and methods of leveraging funds that are approved by the Secretary and that relate to the project with respect to which such assistance is being provided.

(c) STATE.—The term ‘State’ has the meaning such term has under section 5302 of title 49, United States Code.

(d) CAPITAL PROJECT.—The term ‘capital project’ has the meaning such term has under section 5302 of title 49, United States Code.

(e) OTHER FORMS OF CREDIT ASSISTANCE.—The term ‘other forms of credit assistance’ includes any use of funds in an infrastructure bank—

(f) ELIGIBLE PROJECTS.—Subject to the provisions of this section, the Secretary may enter into agreements with States for the establishment of State infrastructure banks for making loans and providing other forms of credit assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

(g) FUNDING.—

(1) HIGHWAY ACCOUNT.—Subject to subsection (i), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank, and any other recipient of Federal assistance under the provisions of this section, to deposit into the transit account of the bank not to exceed 10 percent of the funds made available to the State or any other recipient in each of fiscal years 2005 through 2009 for capital projects under each of such sections.

(2) TRANSIT ACCOUNT.—Subject to subsection (i), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank, and any other recipient of Federal assistance under the provisions of this section, to deposit into the transit account of the bank not to exceed 10 percent of the funds made available to the State or any other recipient in each of fiscal years 2005 through 2009 for capital projects under each of such sections.

(h) RAIL ACCOUNT.—Subject to subsection (i), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank, and any other recipient of Federal assistance under the provisions of this section, to deposit into the rail account of the bank not to exceed 10 percent of the funds made available to the State or any other recipient in each of fiscal years 2005 through 2009 for capital projects under each of such sections.

(i) CAPITAL GRANTS.—(A) HIGHWAY ACCOUNT.—Federal funds deposited into a highway account of a State infrastructure bank under this section shall constitute for purposes of this section a capitalization grant for the highway account of the bank.

(B) TRANSIT ACCOUNT.—Federal funds deposited into a transit account of a State infrastructure bank under paragraph (2) shall constitute for purposes of this section a capitalization grant for the transit account of the bank.

(C) RAIL ACCOUNT.—Federal funds deposited into a rail account of a State infrastructure bank under paragraph (3) shall constitute for purposes of this section a capitalization grant for the rail account of the bank.

(D) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—In this section, the term ‘urbanized area’ means an urbanized area as defined in section 5307 of title 49, United States Code.

(E) FEDERAL FUNDS DEPOSITED INTO INFRASTRUCTURE BANK ACCOUNTS.—In this section, the term ‘Federal funds deposited into an infrastructure bank account’ includes Federal funds deposited into a highway account, a transit account, or a rail account respectively as defined in this section.

(F) ELIGIBLE PROJECTS.—Subject to subsection (e), funds in an infrastructure bank established under this section may be used to provide other forms of credit assistance to public or private entities in an amount equal to all or a part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other form of credit assistance provided for the project may be subordinated to any other debt financing for the project.

(G) ELIGIBLE PROJECTS.—Subject to subsection (e), funds in an infrastructure bank established under this section may be used only to..."
provide assistance for projects eligible for assistance under this title and capital projects defined in section 5302 of title 49, and any other projects related to surface transportation that the Secretary determines to be appropriate.

"(g) INFRASTRUCTURE BANK REQUIREMENTS.—

In order to establish an infrastructure bank under this section, the State establishing the bank shall—

"(1) deposit in cash, at a minimum, into each account of the bank from non-Federal sources an amount equal to 25 percent of the amount of each credit or guarantee made to the bank and deposited into such account; except that, if the deposit is into the highway account of the bank and the non-Federal source amount is under section 120(b) that is less than 25 percent, the percentage to be deposited from non-Federal sources shall be the lower percentage of such grant;

"(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt, or has a sufficient level of bond or debt financial instruments as the Secretary may approve to earn and maintain the viability of the bank;

"(3) ensure that investment income derived from funds deposited to an account of the bank are credited to the account;

"(4) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

"(5) ensure that repayment of any loan from the bank will commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later;

"(6) ensure that the term for repaying any loan will not exceed 30 years after the date of the first payment on the loan; and

"(7) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year and such other reports as the Secretary may require under guidelines established under this section.

"(i) UNITED STATES NOT OBLIGATED.—The deposit of Federal funds into an infrastructure bank established under this section shall not be construed to constitute a loan or guarantee of funds on the part of the United States to any third party, nor shall any third party have any right against the United States for payment solely for the repayment of such funds.

"(i) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6593 of title 31, shall not apply to funds deposited into an infrastructure bank under this section.

"(k) PROGRAM ADMINISTRATION.—For each of fiscal years 2005 through 2009, a State may expend not exceeding 2 percent of the Federal funds contributed to an infrastructure bank established by the State under this section to pay the reasonable costs of administering the bank.

"(l) PREPARATORY AMENDMENTS.—

(I) SECTION 181.—Section 181 of such title is further amended—

"(A) by striking the section designator and heading and inserting the following:

"$818. Generally applicable provisions;"
(1) the State’s analysis under subsection (c)(3) is reasonable;
(2) the State plan for implementing tolls on the facility takes into account the interests of local, regional, and State agencies in the State that are directly affected by the tolls.
(b) APPlicability of Federal Law.—Section 189 of title 23, United States Code, as amended by section 1602(a) of this Act, is further amended by inserting after subsection (a) the following:

(3) in general.—The requirements of this title and title 23 that would otherwise apply to Federal-aid projects made available under such title and projects assisted with such funds shall not apply to Federal-aid projects made available under such title and projects assisted with such funds.

(c) Federal Share.—Section 117(c) of such title is amended by inserting “2009” in place of “2008” each place it appears.

(d) Allocation Percentages.—Section 117(b) of such title is amended by inserting “2009” in place of “2008” each place it appears.

(e) Availability of Obligation Limitation.—Section 117(g) of such title is amended by striking “Transportation Equity Act for the 21st Century” and inserting “Transportation Equity Act for the 21st Century: A Legacy for Users”.

(f) Federal-State Relationship.—Section 145(b) of such title is amended—

(1) by inserting after “described in” in the following:

(3) and inserting “High Priority Projects Program: A Legacy for Users”;

(2) in the table of contents preceding subsection (c), by striking “High Priority Projects Program” and inserting “High Priority Projects Program: A Legacy for Users”;

(3) in the heading of subsection (a), by inserting “High Priority Projects Program” before “A Legacy for Users”.

SEC. 1702. PROJECT AUTHORIZATIONS.

(1) SUBJECT TO subsection 2102 of title 23, United States Code, the amount listed for each priority project in the following table shall be available (from amounts made available under such title and title 49 that would otherwise apply to Federal-aid projects made available under such title and projects assisted with such funds) for each such project:

<table>
<thead>
<tr>
<th>Priority Project</th>
<th>Available Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Legacy for Users</td>
<td>$2.5 billion</td>
</tr>
<tr>
<td>A Legacy for Users</td>
<td>$3.0 billion</td>
</tr>
<tr>
<td>A Legacy for Users</td>
<td>$3.5 billion</td>
</tr>
<tr>
<td>A Legacy for Users</td>
<td>$4.0 billion</td>
</tr>
<tr>
<td>A Legacy for Users</td>
<td>$4.5 billion</td>
</tr>
<tr>
<td>A Legacy for Users</td>
<td>$5.0 billion</td>
</tr>
</tbody>
</table>

SEC. 1703. TRANSPORTATION ENDOWMENT FUND.

(A) APPlicability of Federal Law.—Section 189 of title 23, United States Code, as amended by section 1602(a) of this Act, is further amended by inserting after subsection (a) the following:

(3) in general.—The requirements of this title and title 23 that would otherwise apply to Federal-aid projects made available under such title and projects assisted with such funds shall not apply to Federal-aid projects made available under such title and projects assisted with such funds.
<table>
<thead>
<tr>
<th>No.</th>
<th>State</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>CA</td>
<td>Construct safe access to streets for bicyclists and pedestrians including crosswalks, sidewalks and traffic calming measures, Coronado</td>
<td>$500,000</td>
</tr>
<tr>
<td>2</td>
<td>CA</td>
<td>Develop and implement ITS master plan in Anaheim</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>3</td>
<td>TN</td>
<td>Improve circuitry on vehicle protection device installed at highway-RR crossing in Athens, TN</td>
<td>$59,000</td>
</tr>
<tr>
<td>4</td>
<td>CA</td>
<td>Build pedestrian bridge from Hiller Street to the Bay Trail, Belmont</td>
<td>$2,450,000</td>
</tr>
<tr>
<td>5</td>
<td>LA</td>
<td>Repurpose and expand National Museum of American History and National Air and Space Museum</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>6</td>
<td>IL</td>
<td>Land acquisition for the widening of Rt. 47 in Yorkville, IL</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>7</td>
<td>NE</td>
<td>Interstate 80 Interchange at Pflug Road, Sarpy County, Nebraska</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>8</td>
<td>TX</td>
<td>Construction of Segment 81 of Morrison Road for the City of Brownsville</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>9</td>
<td>IL</td>
<td>I-180/IL 55 Highway Interchange improvements at I-180</td>
<td>$1,600,000</td>
</tr>
<tr>
<td>10</td>
<td>IL</td>
<td>Preconstruction and Construction of IL 83 at IL 132</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>11</td>
<td>TN</td>
<td>Add third lane on US-27 (State Route 29) for truck-climbing lane and realignment of roadway at Wolf Creek Road to Old Us-27 north of Robbins</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>12</td>
<td>MI</td>
<td>Reconfiguration of US-31 Interchange from the Manistee Business Center to the City of Manistee</td>
<td>$750,000</td>
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<tr>
<td>13</td>
<td>AR</td>
<td>Bentonville, Arkansas— widen and improve I-54 and SH-102 Interchange</td>
<td>$1,420,000</td>
</tr>
<tr>
<td>14</td>
<td>WA</td>
<td>Improve Vehicle Efficiencies at At-Grade highway-railroad Crossings</td>
<td>$460,000</td>
</tr>
<tr>
<td>15</td>
<td>CA</td>
<td>Construct deep-lift asphalt on various roads throughout the district in Santa Barbara County</td>
<td>$3,500,000</td>
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<tr>
<td>16</td>
<td>OK</td>
<td>Improving the I-35 Interchange at Milepost 1 Near Thackerville</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>17</td>
<td>NJ</td>
<td>Laurel Avenue Bridge replacement in Holmdel Township</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>18</td>
<td>OH</td>
<td>Construct overpass over CSX Railroad on Columbia Road (State Route 252), Olmsted Falls</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>19</td>
<td>NY</td>
<td>Reconstruc and widen US-72 from south of State Route 175 to State Route 57, Shelby County</td>
<td>$1,000,000</td>
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<tr>
<td>20</td>
<td>NY</td>
<td>Construct roundabout at Oregon Road-Westbrook Dr-Red Mill Road in Town of Cortland</td>
<td>$475,000</td>
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<tr>
<td>21</td>
<td>IL</td>
<td>Construct Bike, Pedestrian Paths, Orland Hills</td>
<td>$400,000</td>
</tr>
<tr>
<td>22</td>
<td>PA</td>
<td>Add a new ramp to the I-79/I-76/376 interchange at PA-33</td>
<td>$1,150,000</td>
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<tr>
<td>23</td>
<td>IL</td>
<td>Construction of PR 133 to PR 33</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>24</td>
<td>TX</td>
<td>Extension of SH349 to US 87 Relief Route in Dawson County</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>25</td>
<td>IL</td>
<td>Park at Peoria, IL</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>26</td>
<td>TX</td>
<td>Construction of interchange on IH 35 South at Deutzt</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>27</td>
<td>MN</td>
<td>Construction and right-of-way acquisition for interchange at TH65 and TH242 in Blaine, MN</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>28</td>
<td>CA</td>
<td>Huntington Beach, Remove off-ramp on I-405 at Beach Blvd. Construct fourth lane on I-405 North, at the Beach Blvd interchange</td>
<td>$500,000</td>
</tr>
<tr>
<td>29</td>
<td>TN</td>
<td>Add transition on I-24 to Old Nolensville Road at Old Nolensville Road</td>
<td>$400,000</td>
</tr>
<tr>
<td>30</td>
<td>NY</td>
<td>Purchase Three Ferries and Establish System for Ferry Service from Rockaway Peninsula to Manhattan</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>31</td>
<td>IL</td>
<td>Reconstruction of Mockingbird Lane and Stratford St., Granite City</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>32</td>
<td>FL</td>
<td>Construction a multi-lane tunnel below the channel that links the Port of Miami on Dodge Island with I-95 on Watson Island and I-95 in downtown Miami</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>33</td>
<td>NC</td>
<td>Rehabilitation of West Baltimore Trail and Pedestrian Improvements along Associated Roadways</td>
<td>$900,000</td>
</tr>
<tr>
<td>34</td>
<td>TN</td>
<td>Removal and Reconstruction of Interstate Ramps—1-240, Memphis</td>
<td>$3,000,000</td>
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<tr>
<td>35</td>
<td>CA</td>
<td>Replace structurally unsafe Winters Bridge for vehicles, bicycles and pedestrians between Yolo and Solano Counties</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>36</td>
<td>IL</td>
<td>City of Aurora, Illinois Uplgrades to Broadway Street</td>
<td>$952,572</td>
</tr>
<tr>
<td>37</td>
<td>MN</td>
<td>Construction of Gitchi-Gami State Trail from Cascade River to Grand Marais</td>
<td>$900,000</td>
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<tr>
<td>38</td>
<td>HI</td>
<td>Develop master transportation plan for the New Orleans Regional Medical Center</td>
<td>$500,000</td>
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<tr>
<td>39</td>
<td>VA</td>
<td>Final Design and Construction for improvements at I-64 and City Line Road, Virginia Beach and Chesapeake</td>
<td>$1,000,000</td>
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<tr>
<td>40</td>
<td>MA</td>
<td>Replacement of Cross Street Bridge spanning flood prone Aberjona River, Winchester</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>41</td>
<td>NJ</td>
<td>Construction of and improvement to I-73, I-74, US 220 in Montgomery and Randolph Counties, NC</td>
<td>$11,000,000</td>
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<tr>
<td>42</td>
<td>IA</td>
<td>Access and enhancements to access Lake Belva Deer, Saguuden</td>
<td>$1,000,000</td>
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<tr>
<td>43</td>
<td>CA</td>
<td>Roadway surface improvements, street lighting, and storm drain improvements to South Center Street from Baughman Road to State Route 7886, Westmorland</td>
<td>$800,000</td>
</tr>
<tr>
<td>44</td>
<td>TX</td>
<td>Construct two connectors between SH 288 and Beltway 8</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>45</td>
<td>NY</td>
<td>Implement Central NY highway grade crossing and grade separation project</td>
<td>$2,000,000</td>
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<tr>
<td>46</td>
<td>CA</td>
<td>Douglas St. Improvements, El Segundo</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>47</td>
<td>CA</td>
<td>Reconstruction of Avenue of Massachusetts at College Avenue where it intersects with 101 and 110</td>
<td>$1,000,000</td>
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<tr>
<td>48</td>
<td>NY</td>
<td>Reconstruction of RT 5,8,12 (North South Arterial) Burrstone Rd, to Oriskany Circle, City of Utica</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>49</td>
<td>PA</td>
<td>Construction of the Montour Trail, Great Allegheny Passage</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>50</td>
<td>CA</td>
<td>Route I San Pedro Creek Bridge replacement in Pasadena</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>51</td>
<td>MI</td>
<td>South Lyon, 2nd St. between Warren and Haggadorn</td>
<td>$125,000</td>
</tr>
<tr>
<td>52</td>
<td>PA</td>
<td>Street improvements, Abington Township</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>53</td>
<td>IA</td>
<td>Study of a direct link to I-80, Pella</td>
<td>$500,000</td>
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<tr>
<td>54</td>
<td>TN</td>
<td>Nunez, TN Improving Vehicle Efficiencies at At-Grade highway-railroad crossings, Covina</td>
<td>$900,000</td>
</tr>
<tr>
<td>55</td>
<td>OR</td>
<td>Construct bike/pedestrian path, Powers</td>
<td>$440,000</td>
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<tr>
<td>56</td>
<td>IL</td>
<td>IL 5 to I-180—Phase 2 study and land acquisition</td>
<td>$2,000,000</td>
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<tr>
<td>57</td>
<td>FL</td>
<td>Construct a new bridge at Indian Street, Martin County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>58</td>
<td>CA</td>
<td>Improve sidewalks, upgrade lighting, and add landscaping in downtown Glenville</td>
<td>$500,000</td>
</tr>
<tr>
<td>59</td>
<td>CA</td>
<td>Continue planning and construction of the New Orleans Regional Planning Commission Mississippi River trail in St. John, Plaquemines St. Bernard and St. Charles parishes</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>60</td>
<td>MO</td>
<td>Road widening and curb and gutter improvements on Hwy 33 in Kearney</td>
<td>$3,000,000</td>
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<tr>
<td>61</td>
<td>TX</td>
<td>The SH164, Port Rd direct connectors allows traffic bypass several railroad switches &amp; traffic signals at, near intersection of SH164 and Port Rd</td>
<td>$13,200,000</td>
</tr>
<tr>
<td>62</td>
<td>UT</td>
<td>Reconstruct South Moore Cut-off Road in Emery County</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>63</td>
<td>PA</td>
<td>Improvements to exits along Interstate 81 in Franklin County, PA—Antrim Road</td>
<td>$8,200,000</td>
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<tr>
<td>64</td>
<td>OH</td>
<td>Management and Planning of the2108 north of Robbins</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>65</td>
<td>OH</td>
<td>Plan and construct the Southeast Arterial Connector highway at Delaware, Ohio</td>
<td>$5,000,000</td>
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<tr>
<td>66</td>
<td>TX</td>
<td>To construct transportation enhancements on a multi-faceted greenway in downtown Columbus on the Duck River</td>
<td>$8,000,000</td>
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<tr>
<td>67</td>
<td>RI</td>
<td>New Interchange constructed from I-195 to Tauton and Warren Avenue in East Providence</td>
<td>$5,800,000</td>
</tr>
<tr>
<td>68</td>
<td>NY</td>
<td>Town of Cheater reconstruction of Walton Lake Estates subdivision and related roads</td>
<td>$300,000</td>
</tr>
<tr>
<td>69</td>
<td>MI</td>
<td>Township of King Jr. Boulevard</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>70</td>
<td>NY</td>
<td>Town of Fishkill Old Glenham Road (aka Washington Ave) construction</td>
<td>$325,500</td>
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<tr>
<td>71</td>
<td>PA</td>
<td>U.S. Route 13 Corridor Reconstruction, Redevelopment and Beautification, Bucks County</td>
<td>$2,000,000</td>
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<tr>
<td>72</td>
<td>NY</td>
<td>Rochester &amp; Southern Highway-Rail Grade Crossing Bypass, Silver Springs, New York</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>73</td>
<td>OH</td>
<td>Upgrade streets in the City of Mansfield, OH</td>
<td>$1,000,000</td>
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<tr>
<td>74</td>
<td>MO</td>
<td>Construct 2 lanes on Chouteau Trafficway from MO 210 to I-35</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>75</td>
<td>AZ</td>
<td>US 60 to Gonzalez Pass</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
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<tr>
<td>76</td>
<td>LA</td>
<td>Interstate lighting system (I 10 and LA 93)</td>
<td>$300,000</td>
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<tr>
<td>77</td>
<td>LA</td>
<td>Reconstruct Highway 632 in Grassy</td>
<td>$6,000,000</td>
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<tr>
<td>78</td>
<td>WA</td>
<td>SR 704 Cross-Bay Bridge Loop Road to SR 7</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>79</td>
<td>NY</td>
<td>Village of Brewster Main Street and Route 6 related construction and improvements</td>
<td>$975,000</td>
</tr>
<tr>
<td>80</td>
<td>CT</td>
<td>Design and construction relocation of US 11 between Ridge Hill and Hempt Roads</td>
<td>$5,680,000</td>
</tr>
<tr>
<td>81</td>
<td>MA</td>
<td>Improve Route 42 (Main Street) in Sudbury</td>
<td>$500,000</td>
</tr>
<tr>
<td>82</td>
<td>NY</td>
<td>Construction of Route 59 Patalsky Interstate Parkway to Route 301</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>83</td>
<td>IL</td>
<td>Improve University Drive, Macomb</td>
<td>$300,000</td>
</tr>
<tr>
<td>84</td>
<td>CA</td>
<td>Adams Street Rehabilitation Project, Glendale</td>
<td>$300,000</td>
</tr>
<tr>
<td>85</td>
<td>KY</td>
<td>Construction of separate interchange for interchange 1-29 and I-25</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>86</td>
<td>GA</td>
<td>Construction of 100th St interchange on I 35-80, Urbandale</td>
<td>$1,000,000</td>
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<tr>
<td>87</td>
<td>MO</td>
<td>Lewis and Clark Expressway</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>88</td>
<td>PA</td>
<td>Massey St and I-76 (200th St) Improvement Project</td>
<td>$6,000,000</td>
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<tr>
<td>89</td>
<td>PA</td>
<td>Plan to reallocate traffic until North-South freeway-HWY 2</td>
<td>$5,000,000</td>
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<tr>
<td>90</td>
<td>CA</td>
<td>San Diego River Multistate Bicycle and Pedestrian Path</td>
<td>$500,000</td>
</tr>
<tr>
<td>91</td>
<td>PA</td>
<td>Construction of the Lafayette Street extension project in Montgomery, PA</td>
<td>$10,400,000</td>
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<tr>
<td>92</td>
<td>WA</td>
<td>Construct new ramps between I-295 and Route 2</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>93</td>
<td>PA</td>
<td>Construct S.R. 59 Wal-mart to River Betterment, Eaton Township, Wyoming County</td>
<td>$1,700,000</td>
</tr>
<tr>
<td>94</td>
<td>WV</td>
<td>Construct Shawnee Parkway</td>
<td>$1,000,000</td>
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<tr>
<td>95</td>
<td>FL</td>
<td>Improve pedestrian and bicycle sidewalks, lighting, and ADA ramp—Main Street, Canal Street, Miramar</td>
<td>$600,000</td>
</tr>
<tr>
<td>96</td>
<td>MN</td>
<td>Reconstruct CSAH 19 from CSAH 30 to CSAH 2, Moorron County</td>
<td>$200,000</td>
</tr>
<tr>
<td>97</td>
<td>TN</td>
<td>Develop trails, bike paths and recreational facilities on Bird Mountain, Morgan County for Cumberland Trail State Park</td>
<td>$250,000</td>
</tr>
<tr>
<td>98</td>
<td>MN</td>
<td>Lyndale Avenue Bridge, Richfield</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>99</td>
<td>MI</td>
<td>Provide a bypass around the Village of Almont during M-53 reconstruction which is contiguous with Macomb County</td>
<td>$100,000</td>
</tr>
<tr>
<td>100</td>
<td>NY</td>
<td>Grade separation improvements on the NYSR Route 5 (Northway)</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>101</td>
<td>NY</td>
<td>Village of Cold Spring Main Street and ancillary road and sidewalk improvements</td>
<td>$820,000</td>
</tr>
<tr>
<td>102</td>
<td>IL</td>
<td>West Ridge Nature Preserve, Chicago</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>103</td>
<td>TN</td>
<td>Widening Campbell Station Road in Knoxville, TN</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>104</td>
<td>TN</td>
<td>Widening State Route 1518 from camping area to interchange with US 19</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>105</td>
<td>MS</td>
<td>Widens State Highway 57 from I-10 through Vancleve</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>106</td>
<td>WA</td>
<td>Widen SR 527 from 2 lanes to 5 from Bothell to Mill Creek</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>107</td>
<td>OH</td>
<td>Construct proposed connection SR 207, SR 104, and US 23 in Ross County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>108</td>
<td>PA</td>
<td>Improvements to the upper, lower and new bridge over Thornberry River</td>
<td>$4,400,000</td>
</tr>
<tr>
<td>109</td>
<td>PA</td>
<td>York Road improvements from Horsham Road to Summit Avenue, Borough of Hatboro</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>110</td>
<td>OH</td>
<td>Intersection improvements at Highland and Bishop Roads in the City of Highland Heights, OH</td>
<td>$612,000</td>
</tr>
<tr>
<td>111</td>
<td>IL</td>
<td>Reconstruct Wisconsin State Highway 21 at I-94 interchange</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>112</td>
<td>MN</td>
<td>Safety improvements and intersection enhancements of TH 95 and TH 169, Princeton</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>113</td>
<td>NY</td>
<td>Wading River Bicycle and Pedestrian Project in Riverhead</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>114</td>
<td>FL</td>
<td>Widen County Line Road (CR 578) from Suncoast Parkway to US 17 to four lanes</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>115</td>
<td>IL</td>
<td>Improve Great River Road, Warsaw</td>
<td>$750,000</td>
</tr>
<tr>
<td>116</td>
<td>NY</td>
<td>Youngs, New York, Trolley Bus Acquisition</td>
<td>$300,000</td>
</tr>
<tr>
<td>117</td>
<td>FL</td>
<td>Construct East Central Regional Rail Trail in Volusia County, Florida</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>118</td>
<td>MO</td>
<td>Y Highway US 71 to MO 38, Cass County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>119</td>
<td>WY</td>
<td>WYO 29 Reconstruction</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>120</td>
<td>LA</td>
<td>Plan and construct bike/pedestrian crossings of Washington-Palmetto Canal in the vicinity of Xavier University, New Orleans</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>121</td>
<td>NC</td>
<td>Winston-Salem Northern Beltway, Eastern Section and Extension, NC</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>122</td>
<td>CA</td>
<td>Widens and Hazard Traffic Flow Improvements, City of California</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>123</td>
<td>MO</td>
<td>US 71 at Y Highway North and Southbound Ramps</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>124</td>
<td>CA</td>
<td>Will add landscape enhancements along the Ronald Reagan Freeway Route 118 for aesthetic purposes</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>125</td>
<td>CA</td>
<td>Widens US 29 Business Freeway Drive from South Scales St. to NC 14 in Rockingham County</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>126</td>
<td>CO</td>
<td>Widens and enhances motorization of State Highway 7, and Route 107, and increases exit access to I-25</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>127</td>
<td>KS</td>
<td>Resurfacing, grading, replacing guardrails &amp; adding shoulders to Highway 77 in Geary Cty, to accommodate expected traffic increase</td>
<td>$784,000</td>
</tr>
<tr>
<td>128</td>
<td>MO</td>
<td>Widen, curb and gutter improvements as part of Hwy 33 redevelopment project in Kearney</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>129</td>
<td>IL</td>
<td>Construct a streetscape along Moor avenue to Sheridan Road, Chicago</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>130</td>
<td>SC</td>
<td>Build extension of North Rhett Boulevard from Liberty Avenue to US 176 in SC</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>131</td>
<td>NY</td>
<td>Construct and upgrade intersection of Route 3 and Franklin Industrial Drive in Franklin</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>132</td>
<td>GA</td>
<td>Construct Waycross East Bypass from US 84 in Pierce County, Georgia to US 82 in Edgefield County, Georgia</td>
<td>$2,260,000</td>
</tr>
<tr>
<td>133</td>
<td>SC</td>
<td>Design and Construction of a transportation enhancement project at the Erie Canal Aqueduct in downtown Rochester</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>134</td>
<td>CA</td>
<td>Improvement of intersection at Balboa Blvd and San Fernando Rd</td>
<td>$500,000</td>
</tr>
<tr>
<td>135</td>
<td>TN</td>
<td>Improve Vehicle Efficiencies at highway At-Grade Railroad Crossing in Athens, TN</td>
<td>$99,000</td>
</tr>
<tr>
<td>136</td>
<td>WI</td>
<td>Develop pedestrian and bike connections that link to Hank Aaron State Trail in Milwaukee</td>
<td>$2,100,000</td>
</tr>
<tr>
<td>137</td>
<td>CO</td>
<td>Keystone Drive Road Improvements</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>138</td>
<td>GA</td>
<td>Pedestrian and streetscape improvements, Ellaville</td>
<td>$400,000</td>
</tr>
<tr>
<td>139</td>
<td>NY</td>
<td>Construct and improve pedestrian access on Main Street in Hempstead</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>140</td>
<td>IL</td>
<td>Preconstruction activities IL 336 from Macomb to Peoria</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>141</td>
<td>OH</td>
<td>Purchase of right-of-way for construction of pedestrian and bicycle improvements in the City of Aurora, OH</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>142</td>
<td>CA</td>
<td>Replacement of bridge on Harlem Avenue, The Village of River Forest</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>143</td>
<td>CA</td>
<td>State Route 86S and Ave 6 highway safety grade separation</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>144</td>
<td>IL</td>
<td>Construct Baseline Roadway Connector, Tri-City Regional Port District</td>
<td>$850,000</td>
</tr>
<tr>
<td>145</td>
<td>CA</td>
<td>Improve Route 1 between Brick Street Avenue and Baldwin Avenue, Norwalk, CT</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>146</td>
<td>CA</td>
<td>Central LA Trail Loop, bicycle and pedestrian, Ankeny to Woodward section</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>147</td>
<td>MI</td>
<td>Chippewa County, Upgrade Tilson Road between M-28 South to intersection of M-48 at Rudyard</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>148</td>
<td>WA</td>
<td>Coal Creek Parkway Bridge Replacement, Newcastle WA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>149</td>
<td>MN</td>
<td>Construct new bridges in the Mapleton Project, St Louis County</td>
<td>$750,000</td>
</tr>
<tr>
<td>150</td>
<td>TX</td>
<td>Construct passing lanes on Texas State Highway 16 in Atascosa County</td>
<td>$797,000</td>
</tr>
<tr>
<td>151</td>
<td>TX</td>
<td>Construct street and drainage improvements to road system in Encinal</td>
<td>$250,000</td>
</tr>
<tr>
<td>152</td>
<td>MN</td>
<td>Environmental assessment and right of way acquisition on US 22 and CSAH 24 Interchange, Cannon Falls, Goodhue County, MN</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>153</td>
<td>NY</td>
<td>Construction for Peace Bridge Redevelopment Project, Buffalo</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>154</td>
<td>MN</td>
<td>Construct recreational visitor center on the Mesabi Trail, City of Virginia</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>-------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>155</td>
<td>NE</td>
<td>Engineering, right-of-way and construction of the 23rd Street Viaduct in Fremont, Nebraska</td>
<td>$400,000</td>
</tr>
<tr>
<td>156</td>
<td>PA</td>
<td>Phare of Devil Track Road and Reservoir Road</td>
<td>$150,000</td>
</tr>
<tr>
<td>157</td>
<td>ME</td>
<td>Relocation of southbound on-ramp to I-95 at exit 184, Bangor</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>158</td>
<td>MA</td>
<td>MA Passive Access to Hospital Hill project in Northampton, MA</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>159</td>
<td>IN</td>
<td>IN Construction for 146th St. and I-69, Hamilton County, Indiana</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>160</td>
<td>MS</td>
<td>Design and Construct Completion of the Dekovenian Railway Line</td>
<td>$950,000</td>
</tr>
<tr>
<td>161</td>
<td>AK</td>
<td>False Pass Road construction from small boat harbor dock to town</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>162</td>
<td>IL</td>
<td>Improve North Illinois St and related roads, Bellesville</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>163</td>
<td>AR</td>
<td>Construction of I-49, Highway 71 in the neighborhood of Kingsbridge, NY</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>164</td>
<td>NE</td>
<td>Create I-149 Interchange Innovative Utah</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>165</td>
<td>GA</td>
<td>Extend the south Toccoa Bypass east of Toccoa to CR 311, four lanes for approximately 5.7 miles on new location</td>
<td>$2,900,000</td>
</tr>
<tr>
<td>166</td>
<td>TX</td>
<td>Construct SH 183 from SH 369 to Belt Line Road in Irving, Texas</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>167</td>
<td>CA</td>
<td>Design, engineering, ROW acquisition, &amp; construction of a parking facility improvements in the City of Wilkes-Barre</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>168</td>
<td>TN</td>
<td>Hawkins County, Tennessee SR-315 reconstruction</td>
<td>$500,000</td>
</tr>
<tr>
<td>169</td>
<td>WI</td>
<td>Reconstruct US Highway 41—STH 67 interchange (Dodge County, Wisconsin)</td>
<td>$650,000</td>
</tr>
<tr>
<td>170</td>
<td>MA</td>
<td>Reconstruct Route 24/Route 140 Interchange, replace bridge and ramp, widen and extend acceleration and deceleration lanes</td>
<td>$17,750,000</td>
</tr>
<tr>
<td>171</td>
<td>OR</td>
<td>Study landslides on U.S. Hwy 30 between Cascadia and Santiam Pass to develop long-term repair strategy</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>172</td>
<td>MS</td>
<td>Upgrade Alex Gates Road and Walnut Road in Quitman County, and roads in Falcon, Sledge and Lambert</td>
<td>$1,750,000</td>
</tr>
<tr>
<td>173</td>
<td>IL</td>
<td>Upgrades for Muller Road in the City of Washington, IL</td>
<td>$280,000</td>
</tr>
<tr>
<td>174</td>
<td>LA</td>
<td>Construction of Valleydale Road flyover, widening and improvements</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>175</td>
<td>MS</td>
<td>Upgrade roads in Beavergard (U. S. Hwy 51), Crystal Springs (U. S. Hwy 51 and I-55), and Hazelhurst (U. S. Hwy 51 and I-55), Copiah County</td>
<td>$14,250,000</td>
</tr>
<tr>
<td>176</td>
<td>NY</td>
<td>Westchester County, NY Rehabilitation of June Road Town of North Salem</td>
<td>$650,000</td>
</tr>
<tr>
<td>177</td>
<td>LA</td>
<td>Improvements to streetscape at Hollyweed Road in North Hollywood</td>
<td>$1,750,000</td>
</tr>
<tr>
<td>178</td>
<td>OH</td>
<td>Construct loop road along US 23 in City of Fostoria, Seneca County</td>
<td>$7,700,000</td>
</tr>
<tr>
<td>179</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition, &amp; construction of a parking facility improvements in the City of Wilkes-Barre</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>180</td>
<td>LA</td>
<td>Improve Ralph Darden Memorial Parkway between LA182 and Martin Luther King Road, St. Mary Parish</td>
<td>$250,000</td>
</tr>
<tr>
<td>181</td>
<td>CA</td>
<td>Reconstruct segments of Hollister Avenue between San Antonio Road and Route 154 in Santa Barbara County</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>182</td>
<td>NY</td>
<td>Reconstruction of Schenck Avenue from Jamaica Avenue to Flatlands Avenue, Brooklyn</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>183</td>
<td>CA</td>
<td>Construct Wadsworth Interchange over US 36 in Broomfield, PA</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>184</td>
<td>CA</td>
<td>Enhance Battery Park Bikeway, Perimeter, New York City</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>185</td>
<td>FL</td>
<td>I-95 Interchange in the City of Boca Raton</td>
<td>$14,250,000</td>
</tr>
<tr>
<td>186</td>
<td>WI</td>
<td>Construct Long Valley Bypass, WI</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>187</td>
<td>MI</td>
<td>Alpena County, Resurface 3.31 miles of Hamilton and Wessel Roads</td>
<td>$640,000</td>
</tr>
<tr>
<td>188</td>
<td>OH</td>
<td>Construct a 2.8 mile highway along Lamb Rd from Mills Ave. to Valley view Ave. in the City of Whittier, CA</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>189</td>
<td>TX</td>
<td>Hidalgo County Loop</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>190</td>
<td>ME</td>
<td>Improvements to Route 108 to enhance access to business park, Rumford</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>191</td>
<td>NY</td>
<td>Installation of new turning lane from Mohans Ave onto eastbound Route 202, &amp; addition of new striped crosswalk</td>
<td>$375,000</td>
</tr>
<tr>
<td>192</td>
<td>NY</td>
<td>Rockland County Hudson River Greenway Trail Project construction</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>193</td>
<td>TX</td>
<td>Construct a segment of FM 110 in San Marcos</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>194</td>
<td>TX</td>
<td>Big Spring, TX Construction of the Big Spring Relever Route</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>195</td>
<td>NY</td>
<td>Improvements to Intermodal Transportation Facility and Construction of Waterfront Esplanade at Fort Totten</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>196</td>
<td>CA</td>
<td>Reconstruction and repair between 60th St. and State Route 111 in North Hollywood, CA</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>197</td>
<td>ND</td>
<td>Bismarck/Mandan Liberty Memorial Bridge over the Missouri River</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>198</td>
<td>WI</td>
<td>City of Glendale, WI, Develop and rehabilitate exit ramps on I-43, and improvements at West Silver Spring Dr. and North Port Washington Rd</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>199</td>
<td>CA</td>
<td>Construction of Lake Ridge Project, Cedar Ave, TX</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>200</td>
<td>NY</td>
<td>Install Improvements for Pedestrian Safety in the vicinity of PS 277</td>
<td>$250,000</td>
</tr>
<tr>
<td>201</td>
<td>WI</td>
<td>Resurface Ush 8 between CTH C and Monico</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>202</td>
<td>PA</td>
<td>South Phila, Access Rd. Design and construction of port access road from South Phila Port and intermodal facilities, Philadelphia</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>203</td>
<td>NY</td>
<td>Implement ITS system and apparatus to enhance citywide truck route system on Broadway to Irwin Ave between 232 to 231 in the neighborhood of Kingsbridge, NY</td>
<td>$100,000</td>
</tr>
<tr>
<td>204</td>
<td>PA</td>
<td>SR 219 Purchase of Right of Way and completion of four lane extension from the Town of Somerset to the Maryland border</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>205</td>
<td>WI</td>
<td>Expand US 41 between Oconto and Peshtigo, Wisconsin (Oconto and Marinette Counties, Wisconsin)</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>206</td>
<td>IA</td>
<td>Study for NE Beltway, Polk Co</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>207</td>
<td>NY</td>
<td>This project involves a full reconstruction of all the streets in Long Island City surrounding 11th Street</td>
<td>$3,400,000</td>
</tr>
<tr>
<td>208</td>
<td>CA</td>
<td>Upgrade and widen SR85 to I-10 (Midpoint)</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>209</td>
<td>CA</td>
<td>Upgrade Dog Pen Road and Galilee Road in Holmes County, and roads in Cruger, Pickets, and Goodman</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>210</td>
<td>GA</td>
<td>U.S. 19/SR92 median work from Ellis RD to West Taylor ST, Griffin</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>211</td>
<td>MS</td>
<td>Upgrade roads at Coahoma Community College, and roads in Coahoma and Jonestown, Coahoma County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>212</td>
<td>IN</td>
<td>Construction of Dixson Road from Roland Avenue to Judson Road in Kokomo, Indiana</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>213</td>
<td>CA</td>
<td>Construction of Cross Valley Connector between I-5 and SR 14</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>214</td>
<td>MA</td>
<td>State Street Corridor Redevelopment Project includes street resurfacing, pedestrian walkway improvements and ornate lighting from Main Street to St. Michael’s Cemetery, Springfield</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>215</td>
<td>MI</td>
<td>Resurfacing of Stephenson Freeway, Detroit, Michigan</td>
<td>$30,000</td>
</tr>
<tr>
<td>216</td>
<td>GA</td>
<td>Soundwall construction on the 210 Freeway, Pasadena</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>217</td>
<td>GA</td>
<td>Streetscape-Ashburn</td>
<td>$250,000</td>
</tr>
<tr>
<td>218</td>
<td>NY</td>
<td>Design, Study and Construct Ferry Terminal Facilities at Floyd Bennett Field</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>219</td>
<td>CA</td>
<td>Incomplete Improvement of Bay Bridge (SR541)</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>220</td>
<td>TX</td>
<td>Design and construct streetscape improvements to enhance pedestrian access, pedestrian access to bus services and facilities</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>221</td>
<td>IL</td>
<td>IL Design improvements, The Village of Berkeley</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>222</td>
<td>GA</td>
<td>Upgrade sidewalks and lights at the Oakridge Islamic Center</td>
<td>$600,000</td>
</tr>
<tr>
<td>223</td>
<td>PA</td>
<td>Upgrades to Bedford Road 220 at the entrance of the Bedford Business Park to Belden Ridge intersection</td>
<td>$2,100,000</td>
</tr>
<tr>
<td>224</td>
<td>MI</td>
<td>Widen Baldwin Road from Morgan to Waldon in Orion Township</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
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<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>228</td>
<td>FL</td>
<td>Construct Saxon Boulevard Extension, Volusia County, Florida</td>
<td>$2,100,000</td>
</tr>
<tr>
<td>229</td>
<td>CA</td>
<td>Contract for renewal and rehabilitation of Front and West Side Avenues in the City of Los Angeles, NY</td>
<td>$500,000</td>
</tr>
<tr>
<td>230</td>
<td>TN</td>
<td>Widen Interstate 240 from Interstate 55 to Interstate 40 West of Memphis, Shelby County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>231</td>
<td>NJ</td>
<td>Railway River Corridor Greenway Bicycle and Pedestrian Path, South Orange</td>
<td>$500,000</td>
</tr>
<tr>
<td>232</td>
<td>CT</td>
<td>Reconstruct Pearl Harbor Memorial Bridge, New Haven</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>233</td>
<td>PA</td>
<td>Development of Southeast Lancaster County Bicycle Trail</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>234</td>
<td>CA</td>
<td>Widen SR89 at existing mousehole two lane RR underpass</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>235</td>
<td>LA</td>
<td>Construct Mississippi River Trail and Bikepath, New Orleans</td>
<td>$500,000</td>
</tr>
<tr>
<td>236</td>
<td>NY</td>
<td>Utica Marsh-Reestablish Water Street</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>237</td>
<td>TN</td>
<td>Widen I-1 lane, improvements in Pine Bluff</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>238</td>
<td>WA</td>
<td>SR 9 &amp; 20th St. SE Intersection Reconstruction in Shokohom County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>239</td>
<td>OH</td>
<td>Streetscape and related safety improvements to US 20 in Painesville Township, OH</td>
<td>$350,000</td>
</tr>
<tr>
<td>240</td>
<td>FL</td>
<td>Design, construct intersection and other upgrades on CR 24 and 124 in York County, FL</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>241</td>
<td>CA</td>
<td>Historical Society, Issaquah Valley Trolley Project</td>
<td>$250,000</td>
</tr>
<tr>
<td>242</td>
<td>IL</td>
<td>Construct new bridge on Illinois Prairie Path over East Branch River in Milton Township, IL</td>
<td>$300,000</td>
</tr>
<tr>
<td>243</td>
<td>TN</td>
<td>Plan and construct improvements, Livingston public square</td>
<td>$50,000</td>
</tr>
<tr>
<td>244</td>
<td>IA</td>
<td>Construction on US 62 from Dawson to Alabama Line</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>245</td>
<td>IA</td>
<td>Construct I-74 Bridge in Bettendorf, IA</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>246</td>
<td>OH</td>
<td>Operations and management improvements, including ITS technologies, on U.S. Highway 101 in Santa Barbara County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>247</td>
<td>OH</td>
<td>Plan and construct new interchange on Interstate 71 at Big Walnut Road in Delaware County, Ohio</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>248</td>
<td>PA</td>
<td>Design and construct access to intermodal facility in York County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>249</td>
<td>WA</td>
<td>Complete preliminary engineering and environmental analysis for SR14 through Camas and Washougal</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>250</td>
<td>UT</td>
<td>Construct Bingham Junction Boulevard in Midvale City</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>251</td>
<td>MD</td>
<td>Construct Centreville, MD spur of Queen Anne's County Cross Island Trail, Centreville to US Route 301</td>
<td>$382,000</td>
</tr>
<tr>
<td>252</td>
<td>MN</td>
<td>Polk, Pennington, Marshall County 10-Ton Corridor in Northwestern Minnesota</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>253</td>
<td>CA</td>
<td>Quincy-Oroville Highway Rehabilitation in Plumas County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>254</td>
<td>CA</td>
<td>Construct Coyote Creek Trail Project from Story Road to Montague Expressway in San Jose</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>255</td>
<td>TX</td>
<td>Construct Depression of Belt Line Road at I-35E Intermodal Transportation Project in Carrollton, TX</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>256</td>
<td>CA</td>
<td>Construct Anniston Eastern Bypass from Golden Springs Road to US Highway 70</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>257</td>
<td>NY</td>
<td>Construct transportation enhancements on greenway along East River waterfront between East River Park (ERP) and Brooklyn Bridge, and reconstruct South entrance to ERP, in Manhattan</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>258</td>
<td>NE</td>
<td>Construction of I-80-Cherry Avenue Interchange and East Bypass, Kearney, Nebraska</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>259</td>
<td>MN</td>
<td>Design, engineering, ROW acquisition and construction for the French Rapids Bridge, City of Brainerd</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>260</td>
<td>CA</td>
<td>Escondido, CA Construction of Bear Valley Parkway, East Valley Parkway</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>261</td>
<td>AR</td>
<td>Junction Bridge—rehabilitation &amp; conversion from rail to pedestrian use</td>
<td>$800,000</td>
</tr>
<tr>
<td>262</td>
<td>WA</td>
<td>Port of Tacoma Rd.—Construct a second left turn lane for traffic from westbound Pac. Hwy E. to Port of Tacoma Rd. and I-5</td>
<td>$500,000</td>
</tr>
<tr>
<td>263</td>
<td>NY</td>
<td>Realign Union Valley Road in Town of Carmel</td>
<td>$330,000</td>
</tr>
<tr>
<td>264</td>
<td>MO</td>
<td>Roadway improvements to U.S. 67 in St. Francois County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>265</td>
<td>FL</td>
<td>Homestead, FL Widening of SW 328 from SW 137 Ave to 152 Ave</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>266</td>
<td>TX</td>
<td>Recruit 4-793B, southern terminus of ramps, Long Beach</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>267</td>
<td>GA</td>
<td>SR 4 widen from Milledgeville Road to Government Street, Richmond County</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>268</td>
<td>TN</td>
<td>Develop trails, bike paths and recreational facilities on Western Slope of Black Mountain, Cumberland County for Cumberland Trail State Park.</td>
<td>$250,000</td>
</tr>
<tr>
<td>269</td>
<td>NJ</td>
<td>Routes 1 &amp; 9 Scocaurus Road to Broad Avenue in Hudson and Bergen Counties</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>270</td>
<td>MA</td>
<td>Massachusetts Avenue Reconstruction, Boston</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>271</td>
<td>NY</td>
<td>Improve Ashburn Ave. from the Saw Mill River Parkway to the waterfront, Yonkers</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>272</td>
<td>MN</td>
<td>Trail extension to Mesabi Trail, City of Aurora</td>
<td>$294,745</td>
</tr>
<tr>
<td>273</td>
<td>LA</td>
<td>I-10 Street exit ramp to include relocation and upgrade of US 90 interchange to include portions of fornt Street, and or Ann Street, and to include expansion of Contraband Bayou Bridge</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>274</td>
<td>MI</td>
<td>Van Buren, Belleville Road widen to 5 lanes between Tyler and Ecorse</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>275</td>
<td>IA</td>
<td>Widening University Blvd, Clive</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>276</td>
<td>WI</td>
<td>Complete Waimea Bypass</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>277</td>
<td>IL</td>
<td>Widening two blocks of Poplar St from Park Ave to 13th Street, Williamson County</td>
<td>$480,000</td>
</tr>
<tr>
<td>278</td>
<td>CA</td>
<td>Widening the highway and reconstructing off ramps on Huy 101 between Steele Lane and Windsor, CA to reduce traffic and promote carpool</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>279</td>
<td>WA</td>
<td>Grant Falls Alternate in Grant County</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>280</td>
<td>NY</td>
<td>Construction and rehabilitation of North Queens Avenue and Grand Avenue in the Village of Lindenhurst, NY</td>
<td>$680,000</td>
</tr>
<tr>
<td>281</td>
<td>SC</td>
<td>Extension &amp; Expansion of Louer Richland Roads Phase 1</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>282</td>
<td>OR</td>
<td>Kuebler Boulevard improvements, Salem</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>283</td>
<td>NC</td>
<td>Upgrade US 1 in Rockingham</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>284</td>
<td>CA</td>
<td>Implement Southwest San Fernando Valley Road and Safety Improvements</td>
<td>$2,300,000</td>
</tr>
<tr>
<td>285</td>
<td>VA</td>
<td>Upgrade DOT crossing #4676528 to constant warning time devices</td>
<td>$210,800</td>
</tr>
<tr>
<td>286</td>
<td>TX</td>
<td>Construct new location highway &amp; interchanges on Inner Loop, from Global Reach to Loop 351 including the Global Reach ext., El Paso</td>
<td>$26,000,000</td>
</tr>
<tr>
<td>287</td>
<td>CA</td>
<td>Rehabilitation, repair, and/or reconstruction of deficient two-lane roads that connect to Interstate 5, SR 180, SR 41 and SR 99 countyside, Fresno County</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>288</td>
<td>OH</td>
<td>Relocate SR 149 from 26th Street to Trough Run in Bellevue</td>
<td>$650,000</td>
</tr>
<tr>
<td>289</td>
<td>WA</td>
<td>Auburn, Washington—M Street SE rehabilitation between 29th Street SE and 37th Street SE</td>
<td>$500,000</td>
</tr>
<tr>
<td>290</td>
<td>KY</td>
<td>Replace bridge over Stoner Creek, 2 Miles East of US 27 Junction, Bourbon County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>291</td>
<td>NM</td>
<td>Development of Paseo del Volcan corridor located in Sandoval County from Iris Road to U.S. Highway 550</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>292</td>
<td>OH</td>
<td>Stan Hueyt Hall and Gardens to restore, expand, construct, and improve pedestrian paths and bike trail system</td>
<td>$180,000</td>
</tr>
<tr>
<td>293</td>
<td>MS</td>
<td>Construct bicycle path, Pocahontas</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>294</td>
<td>LA</td>
<td>Construction of Route 206 Chester Township, NJ</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>295</td>
<td>IL</td>
<td>For IDOT to conduct Phase II engineering for reconstruction of 139th St-US 6-IL 7 in Will and Cook Counties</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>296</td>
<td>IL</td>
<td>For Will County to begin Phase II engineering and preconstruction activities for a high level bridge linking Caton Farm Road with Bruce Road at Wolf Road</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>297</td>
<td>CA</td>
<td>Study of Thomas Bridge to meet future cargo and passenger traffic needs of the ports of Long Beach and Los Angeles</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>298</td>
<td>TX</td>
<td>US377 Hood Co., TX—From US377 east of Granbury to the new location of FM 4</td>
<td>$1,000,000</td>
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<tr>
<td>299</td>
<td>IL</td>
<td>Construct Citywide bicycle path network, city of Elgin</td>
<td>$250,000</td>
</tr>
<tr>
<td>300</td>
<td>NJ</td>
<td>Widening Routes I and 9, Production Way to East Lincoln Avenue, Union County</td>
<td>$500,000</td>
</tr>
<tr>
<td>301</td>
<td>PA</td>
<td>Design, construct and upgrade interchange of US 15 and US 30 in Adams County</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
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<tr>
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<tr>
<td>303</td>
<td>OH</td>
<td>State Route 3 Improvements in Northern Summit County</td>
<td>$3,000,000</td>
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<tr>
<td>304</td>
<td>NC</td>
<td>I-77 NC/US 70 West State Line to Raleigh</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>305</td>
<td>IN</td>
<td>Widening road (along Poplar Road, Sixth Street, and West Shafer Drive) to 3-lane street with sidewalks and improvements to existing bridge—White County/Monticello, Indiana</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>306</td>
<td>OH</td>
<td>Widening Pleasant Valley Beagle Road (Rte 27), Parma and Middleburg Heights</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>307</td>
<td>MI</td>
<td>Rehabilitation of I-85 Whitner Bridge-Amherst and Nashburg Bridges, Amherst</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>308</td>
<td>CA</td>
<td>Streetscape improvements at East 14th St-Mission Blvd in Alameda County</td>
<td>$750,000</td>
</tr>
<tr>
<td>309</td>
<td>NY</td>
<td>Construct W. 79th St Rotunda, New York City</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>310</td>
<td>TX</td>
<td>Acquire Kelly Parkway Corridor Right-of-way through San Antonio</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>311</td>
<td>NY</td>
<td>Construct new route from Rte 421 in Franklin County to Rte 18 in Genesee County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>312</td>
<td>PA</td>
<td>Construct safety and capacity improvements to Route 309 and Old Packhouse Road</td>
<td>$250,000</td>
</tr>
<tr>
<td>313</td>
<td>OR</td>
<td>Delta Ponds Bike/Pedestrian Path</td>
<td>$2,880,000</td>
</tr>
<tr>
<td>314</td>
<td>CA</td>
<td>Hollydale, CA Route 1 Young Circle Safety Improvement</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>315</td>
<td>MI</td>
<td>Hebron, Lakeview Road, Graveling 3.2 km of County Road</td>
<td>$43,900</td>
</tr>
<tr>
<td>316</td>
<td>PA</td>
<td>Improve access to Airport Connector from PA 283 to the terminals of the Airport Connector at State Route 230 and adjacent access roads</td>
<td>$500,000</td>
</tr>
<tr>
<td>317</td>
<td>CA</td>
<td>Construct one additional all purpose lane in each direction on I 465 and provide additional capital improvements from SR 72 through the LA County line</td>
<td>$1,210,000</td>
</tr>
<tr>
<td>318</td>
<td>IL</td>
<td>Improve Roads and Bridges, Cook County</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>319</td>
<td>CA</td>
<td>Improve traffic safety, including streetlights, from Queen to Barclay to Los Angeles River to Riverside in Elysian Valley, Los Angeles</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>320</td>
<td>MI</td>
<td>Construction and improvements to Western Avenue and associated streets between Third Street and Terrace Street in Muskegon</td>
<td>$2,300,000</td>
</tr>
<tr>
<td>321</td>
<td>IL</td>
<td>Construct Red Station Parkway Extension to IL Rt 3, Carbondale</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>322</td>
<td>MI</td>
<td>Construction of Patton Island Bridge Corridor</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>323</td>
<td>MI</td>
<td>Highland, Clyde Road from Hickory Ridge to Stratton</td>
<td>$125,000</td>
</tr>
<tr>
<td>324</td>
<td>MI</td>
<td>Alperg County, Repaving a portion of H-58 between Sullivan Creek towards Little Beaver Road</td>
<td>$1,600,900</td>
</tr>
<tr>
<td>325</td>
<td>TX</td>
<td>Improvements to US 183 in Gonzales County</td>
<td>$500,000</td>
</tr>
<tr>
<td>326</td>
<td>FL</td>
<td>Construct a raised landscaped median on Alabama Ave between Court Ave and Weeden Ave in Tallahassee</td>
<td>$600,000</td>
</tr>
<tr>
<td>327</td>
<td>MN</td>
<td>Right of way acquisition for TH23 Paynesville Bypass</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>328</td>
<td>CA</td>
<td>Construct bicycle and pedestrian trail, Simi Valley</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>329</td>
<td>CO</td>
<td>For construction and architectural improvements of Wadsworth Bypass (SH121) Burlington Northern Railroad and Grandview Grade Separation</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>330</td>
<td>KS</td>
<td>Construction of 4-lane improvement on K-18 in Riley County, Kansas</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>331</td>
<td>NJ</td>
<td>Replace Rockaway Road Bridge, Randolph Township, New Jersey</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>332</td>
<td>FL</td>
<td>Construction of paved road over existing upscaled roadway on SE 144th Ave from SR 100 to US 301, distance of 1.3 miles</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>333</td>
<td>FL</td>
<td>Construct I-4 Frontage Rd, Volusia County, Florida</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>334</td>
<td>MD</td>
<td>Construction of Fringe and Corridor Parking Facility at intersection of Clinton Street and Keith Avenue in Baltimore</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>335</td>
<td>OH</td>
<td>Purchase of Right of Way for transportation enhancement activities in Bainbridge Township, OH</td>
<td>$1,440,000</td>
</tr>
<tr>
<td>336</td>
<td>NJ</td>
<td>Roseau Boulevard Parking adjacent to highway 322 Corridor in Glassboro Township</td>
<td>$1,000,566</td>
</tr>
<tr>
<td>337</td>
<td>CA</td>
<td>Construct interchange on US 50 at Empire Ranch Road in Polson</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>338</td>
<td>FL</td>
<td>Bicycle and Pedestrian Improvements in the Town of Windermere, Florida</td>
<td>$300,000</td>
</tr>
<tr>
<td>339</td>
<td>TX</td>
<td>ACTG, plan and construct a bicycle and pedestrian trail, Sanger</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>340</td>
<td>CA</td>
<td>Santa Anita Avenue Corridor Improvement project, Arcadia, California</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>341</td>
<td>CA</td>
<td>Shoreline protection and drainage mitigation for Neskow village roads</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>342</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition, &amp; construction of a connector road between Pennsylvania Rt. 93 &amp; Pennsylvania Turnpike Corridor Improvement Project to connect Throop &amp; West Orange</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>343</td>
<td>NJ</td>
<td>Bergen County, NJ—On Route 17, address congestion, safety, drainage, maintenance, signing, access, pedestrian circulation and transit access</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>344</td>
<td>PA</td>
<td>Road widening, construct bike path, lighting, and safety improvements on road leading to Hansen Dam Recreation Area, Los Angeles</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>345</td>
<td>TX</td>
<td>Construct additional 2 lanes to Loop 335 in Amarillo from 3 miles West of Western street to .5 miles West of Broadway</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>346</td>
<td>NY</td>
<td>Reconect a bridge crossing Maxwell Creek in the Town of Sodus, NY</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>347</td>
<td>NJ</td>
<td>Safety and operation improvements on Route 73 in Berlin, Voorhees and Evesham</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>348</td>
<td>NJ</td>
<td>Study new preliminary engineering designs for a viaduct on State Route 475 and I-78, City of Whitehall, Jr.</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>349</td>
<td>VA</td>
<td>Construction of Route 17-Dominion Boulevard, Chesapeake, VA</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>350</td>
<td>CA</td>
<td>Installation of proper lighting standards to illuminate inbound and outbound ramps of I 10 and portions of HWY 95</td>
<td>$200,000</td>
</tr>
<tr>
<td>351</td>
<td>IN</td>
<td>Cyntheann Rd, Interchange and Corridor Improvements, Town of Fishers, Indiana</td>
<td>$500,000</td>
</tr>
<tr>
<td>352</td>
<td>ME</td>
<td>Plan and construct North-South Accessways, to improve access to I-79 to St. John Valley, including Presque Isle Bypass and other improvements</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>353</td>
<td>TN</td>
<td>Plan and construct a bicycle and pedestrian trail, LaVergne</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>354</td>
<td>TX</td>
<td>Build Arkansas Street Grade Separation in Laredo</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>355</td>
<td>TX</td>
<td>Construct new left turn lane at State Route 19 and Telstar East Road</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>356</td>
<td>TX</td>
<td>Meadow Drive Extension—North Tonawanda, New York</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>357</td>
<td>CA</td>
<td>Reconstruct I-880 &amp; Coleman Avenue Interchange &amp; implement other I-880 Corridor operational improvements in Santa Clara County</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>358</td>
<td>OR</td>
<td>Improve Millican, West Rutland and neighboring areas</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>359</td>
<td>CA</td>
<td>Metropolitan Washington, D.C. Regional Transportation Coordination Program</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>360</td>
<td>NY</td>
<td>Brooks Landing Transportation Improvements and Enhancement project, Rochester</td>
<td>$500,000</td>
</tr>
<tr>
<td>361</td>
<td>CA</td>
<td>Construct CR 358 Coles Mill Road Bridge over Scotland Run, Gloucester County</td>
<td>$500,000</td>
</tr>
<tr>
<td>362</td>
<td>TX</td>
<td>Construct discontinuous two-way frontage roads on IH 30 in Texarkana, TX</td>
<td>$5,000,000</td>
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<tr>
<td>363</td>
<td>TX</td>
<td>Regional bicycle routes on existing highways in Austin, TX</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>364</td>
<td>TN</td>
<td>Construct Interchange at I-65 and 109th Avenue, Crown Point</td>
<td>$7,454,219</td>
</tr>
<tr>
<td>365</td>
<td>GA</td>
<td>Intersection improvement at Harris Drive in SR 42</td>
<td>$600,000</td>
</tr>
<tr>
<td>366</td>
<td>CA</td>
<td>Design, engineering and construction of a corridor improvement project, The central Orange County, CA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>367</td>
<td>NY</td>
<td>Rehabilitate a historic transportation-related warehouse on the Erie Canal in the Town of Lyons, NY</td>
<td>$600,000</td>
</tr>
<tr>
<td>368</td>
<td>NY</td>
<td>Relocating Miller Highway W 9th-72 St. Manhattan under future expansion of Riverside Park; demolishing existing elevated road over park</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>369</td>
<td>MI</td>
<td>Allard Road under the CN Railroad Grade Separation</td>
<td>$4,450,000</td>
</tr>
<tr>
<td>370</td>
<td>CA</td>
<td>Design, engineering, ROW acquisition &amp; construction of streetscaping enhancements, paving, lighting, safety improvements, parking &amp; roadway redesign in Larksville Borough, Luzerne County</td>
<td>$200,000</td>
</tr>
</tbody>
</table>
## HIGH PRIORITY PROJECTS—Continued

<table>
<thead>
<tr>
<th>No.</th>
<th>State</th>
<th>Project Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>373</td>
<td>AR</td>
<td>Northeast Arkansas Connector (relocation of Highway 236)</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>374</td>
<td>AR</td>
<td>Reconnaissance Route 618 from Avenel to Ship Bottom, Arkansas</td>
<td>$3,588,000</td>
</tr>
<tr>
<td>375</td>
<td>NY</td>
<td>Renovation of Metropolitan Avenue center islands</td>
<td>$1,700,000</td>
</tr>
<tr>
<td>376</td>
<td>PA</td>
<td>Rt 69 Millennium Park Interchange, construct new interchange on Rt 69 to provide access to new Lawrence County Industrial Park</td>
<td>$800,000</td>
</tr>
<tr>
<td>377</td>
<td>AR</td>
<td>Redevelopment, Arkansas Highway 35 in west city</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>378</td>
<td>PA</td>
<td>Purchase of right-of-way, utilities and construction for Northern Access to Altoona from Interstate 99, Blair County, PA</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>379</td>
<td>CA</td>
<td>Construct Class I bike and pedestrian path from San Luis Obispo to Avila Beach</td>
<td>$400,000</td>
</tr>
<tr>
<td>380</td>
<td>MN</td>
<td>Reconstructure CSAH 51 from south county line to TH 73, Moose Lake</td>
<td>$336,000</td>
</tr>
<tr>
<td>381</td>
<td>NV</td>
<td>Improving Lone Pine Canyon Road</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>382</td>
<td>MI</td>
<td>Construct Road Improvements to North Henry St. from Vermont Ave. to Wilder Rd. Bay City</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>383</td>
<td>TX</td>
<td>Reconstruct I-35E Trinity River Bridge, Dallas</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>384</td>
<td>NV</td>
<td>To replace the Indian Creek Dam in the city of Henderson</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>385</td>
<td>NJ</td>
<td>Completion of Hudson River FrontWalkway through Stevens Institute in Hoboken</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>386</td>
<td>NC</td>
<td>Construct US 74 Bypass, Shelby, NC</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>387</td>
<td>WA</td>
<td>Tukwila Urban Access Improvement Project—address necessary improvements to Southcenter Parkway in Tukwila to closethompson</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>388</td>
<td>CA</td>
<td>Construction of a traffic signal at the intersection of Independence Avenue and Sherman Way</td>
<td>$125,000</td>
</tr>
<tr>
<td>389</td>
<td>NH</td>
<td>Design and construction of intersection of Rte 101A and Rte 13 in Milford</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>390</td>
<td>NJ</td>
<td>Construct Rte 30—Pomona Road Intersection Improvements, Atlantic County</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>391</td>
<td>CA</td>
<td>I-10 and Indian Ave Interchange, Palm Springs, CA</td>
<td>$2,750,000</td>
</tr>
<tr>
<td>392</td>
<td>NY</td>
<td>Reconstruction of street, sidewalks and curbs outside of Museum of Modern Art (MOMA)</td>
<td>$500,000</td>
</tr>
<tr>
<td>393</td>
<td>KY</td>
<td>Right of way for and construction of Pennyrile Parkway Extension from 41A S. to I-24</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>394</td>
<td>TN</td>
<td>Sevier County, Tennessee SR-66 widening</td>
<td>$1,750,000</td>
</tr>
<tr>
<td>395</td>
<td>TX</td>
<td>Plan and construct interchange improvements, I-63 at Highland Road</td>
<td>$500,000</td>
</tr>
<tr>
<td>396</td>
<td>IA</td>
<td>Reconstruction of NW Madrid Dr, Polk Co</td>
<td>$500,000</td>
</tr>
<tr>
<td>397</td>
<td>NH</td>
<td>Relocation and Reconstruction of intersection at Route 103 and North Street in Claremont</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>398</td>
<td>IL</td>
<td>To construct a new 2-lane road extending 1630 feet north from intersection with University Park Drive, Edwardsville</td>
<td>$350,000</td>
</tr>
<tr>
<td>399</td>
<td>NY</td>
<td>Tourists’ highlands reconstruction on Long John Road</td>
<td>$225,000</td>
</tr>
<tr>
<td>400</td>
<td>AK</td>
<td>Unalaska, AK Construction of AMHW ferry terminal including approach, staging, and upland improvements</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>401</td>
<td>PA</td>
<td>Design and construct interchanges and related improvements to 123 Exit A</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>402</td>
<td>OH</td>
<td>U.S. 101 Improvements, Bandon</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>403</td>
<td>MI</td>
<td>Northwestern Highway Extension projects in Oakland County</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>404</td>
<td>PA</td>
<td>PA Route 61 safety improvements, Leesport Borough and Ontelaunce and Muhlenburg Townships</td>
<td>$2,616,000</td>
</tr>
<tr>
<td>405</td>
<td>OH</td>
<td>Improve Rt 62 (Main and Town Streets) Bridges over Scioto River, Columbus</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>406</td>
<td>AK</td>
<td>Planning, design, and construction of a bridge joining the Island of Graciosa to the Community of Ketchikan</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>407</td>
<td>CA</td>
<td>Tustin Property at 14 from Wasco to Oceano, California</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>408</td>
<td>TX</td>
<td>Construct Mission Trails Project Packages 4 &amp; 5 in San Antonio</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>409</td>
<td>MS</td>
<td>Upgrade Roads in Carthage, Leake County</td>
<td>$200,000</td>
</tr>
<tr>
<td>410</td>
<td>MI</td>
<td>Construct access road at intersection of Doerr Road and Schell Street to Develop 65-Acre of Municipal Tract of Industrial Land, Village of Cass City, Tuscola County</td>
<td>$26,000</td>
</tr>
<tr>
<td>411</td>
<td>MI</td>
<td>Upgrade roads in Humphreys County Districts 1 and 5 and Isola</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>412</td>
<td>IN</td>
<td>126th Street Project, Town of Fishers, Indiana</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>413</td>
<td>HI</td>
<td>Construct Puuanako Street</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>414</td>
<td>AZ</td>
<td>Burro Creek section between Wikieup and the Santa Maria River</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>415</td>
<td>PA</td>
<td>Conduct Environmental Impact Statement study for Parkwak West corridor</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>416</td>
<td>SC</td>
<td>Build Railroad Avenue Extension in Berkeley County, SC—SCDOT</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>417</td>
<td>MD</td>
<td>Construct a visitors center and related roads serving Ft. McHenry</td>
<td>$4,700,000</td>
</tr>
<tr>
<td>418</td>
<td>MN</td>
<td>Construct section of Greasewood Road between West St and County Road, Madison, Minnesota</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>419</td>
<td>MI</td>
<td>Design, Right-of-Way and Construction of the I-96 Chicago Drive (Balboa Street) Interchange Modification, Michigan</td>
<td>$21,400,000</td>
</tr>
<tr>
<td>420</td>
<td>CA</td>
<td>Bolsom Blvd. Transportation Enhancements, City of Rancho Cordova</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>421</td>
<td>TN</td>
<td>Improve streetscape and pavement repair, Monroe County, TN</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>422</td>
<td>TX</td>
<td>Highway roads in Mathis</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>423</td>
<td>WV</td>
<td>Construct New River Parkway</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>424</td>
<td>NY</td>
<td>Construct sidewalk and improvements on Broadway in the Town of Cortland</td>
<td>$330,000</td>
</tr>
<tr>
<td>425</td>
<td>PA</td>
<td>Erie, PA Power Avenue Bridge Replacement, Asbury Road Improvement Project</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>426</td>
<td>TX</td>
<td>Liberty Street Construction in Victoria, Virginia</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>427</td>
<td>CA</td>
<td>Implement streetscape project on Central Avenue from 103rd Street to Watts/103rd Street Station, Watts</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>428</td>
<td>MA</td>
<td>Realignments and construction of a section of Route 32 in Palmer to the Ware town line</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>429</td>
<td>CA</td>
<td>Seismic retrofit of the Golden Gate Bridge</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>430</td>
<td>CA</td>
<td>Upgrade and extend Commerce Avenue, City of Concord</td>
<td>$1,750,000</td>
</tr>
<tr>
<td>431</td>
<td>LA</td>
<td>Somerville Roadway Improvements</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>432</td>
<td>LA</td>
<td>Replace Almonaster Bridge, New Orleans</td>
<td>$500,000</td>
</tr>
<tr>
<td>433</td>
<td>IN</td>
<td>Upgrade Traffic Signals Phase III in the City of Muncie, Indiana</td>
<td>$640,000</td>
</tr>
<tr>
<td>434</td>
<td>FL</td>
<td>Shars Farm Bridge replacement in Marion County</td>
<td>$800,000</td>
</tr>
<tr>
<td>435</td>
<td>IA</td>
<td>US 34 Missouri River bridge relocation and replacement</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>436</td>
<td>NY</td>
<td>Village of Highland Falls repaving and sidewalk construction of Oak Avenue</td>
<td>$150,000</td>
</tr>
<tr>
<td>437</td>
<td>MN</td>
<td>Interchange Reconstruction at CSAHA and US99</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>438</td>
<td>NE</td>
<td>Design, right-of-way and construction of rail-grade separations throughout Nebraska as identified by Nebraska Dept. of Roads</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>439</td>
<td>MO</td>
<td>Redesign &amp; Reconstruction of the I-270 Dorsett Road Interchange Complex in the City of Maryland Heights</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>440</td>
<td>SC</td>
<td>Build Railroad Extension between U.S. 176 and U.S. 70, Summerville, SC</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>441</td>
<td>IN</td>
<td>Improve 100 South, Porter County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>442</td>
<td>NY</td>
<td>Improve safety measures at the railroad grade crossings on the West Short River Line, Rockland County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>443</td>
<td>NJ</td>
<td>Street Improvements and Traffic Signal Replacement in Union City Central Business District</td>
<td>$800,000</td>
</tr>
<tr>
<td>444</td>
<td>IL</td>
<td>Strengthen the project to replace the bridge in Danville, Illinois</td>
<td>$350,000</td>
</tr>
<tr>
<td>445</td>
<td>AK</td>
<td>Westside development Willowsport-Ple Bays Road</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>446</td>
<td>NV</td>
<td>Construct Interstate 15—Las Vegas Beltway Interchange</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>447</td>
<td>NY</td>
<td>Palisades Trailway Phase 2—Rockland County, New York</td>
<td>$200,000</td>
</tr>
<tr>
<td>448</td>
<td>PA</td>
<td>Replace Lehigh Valley Road Bridge in Jeannette, PA</td>
<td>$500,000</td>
</tr>
<tr>
<td>449</td>
<td>CA</td>
<td>Conduct project design and environmental analysis of Heritage Bridge on Heritage Road linking Chula Vista to Otay Mesa</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>451</td>
<td>MA</td>
<td>Assabet River National Wildlife Refuge, MA, Design and Construction of parking areas</td>
<td>$500,000</td>
</tr>
<tr>
<td>452</td>
<td>NY</td>
<td>Renewable Street Main Street, Lewistown</td>
<td>$900,000</td>
</tr>
<tr>
<td>453</td>
<td>MA</td>
<td>Study and analysis of Lowell Westford St.-Wood St. Route Bridge Corridor, Lowell</td>
<td>$600,000</td>
</tr>
<tr>
<td>454</td>
<td>OR</td>
<td>Highway 20, Lincoln County</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>455</td>
<td>MN</td>
<td>Construction of 8th Street North: Stevens C.R. 120 to T.H. 15 in St. Cloud, MN</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>456</td>
<td>MS</td>
<td>Construction of a pedestrian bridge along S. San Antonio Street in San Antonio, TX</td>
<td>$145,000</td>
</tr>
<tr>
<td>457</td>
<td>OH</td>
<td>Construction of new Bike and Walking Path from West 210 to Metroparks Fairview Park</td>
<td>$450,000</td>
</tr>
<tr>
<td>458</td>
<td>NY</td>
<td>Improve Bronx River Greenway 180th St Park Link to Bronx Park</td>
<td>$800,000</td>
</tr>
<tr>
<td>459</td>
<td>MN</td>
<td>City of East Grand Forks bike trail 13th St SE extension</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>460</td>
<td>UT</td>
<td>Improvements to Clark Park Off-Ramps in Salt Lake City, UT</td>
<td>$5,750,000</td>
</tr>
<tr>
<td>461</td>
<td>NJ</td>
<td>Construct Garden State Parkway Grade Separation, Cape May County</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>462</td>
<td>VA</td>
<td>High Knob Horse Trails—construction of horse trail systems and associated facilities in High Knob area of Jefferson National Forest</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>463</td>
<td>TN</td>
<td>Plan to construct a bicycle and pedestrian trail in Tennessee</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>464</td>
<td>UT</td>
<td>Provo, Utah Westside Connector project</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>465</td>
<td>CA</td>
<td>I-5 Santa Clarita-Los Angeles Gateway Improvement Project</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>466</td>
<td>NY</td>
<td>Project will revitalize staircases as streets due to steep grade of terrain in areas which they are located, the Bronx</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>467</td>
<td>TX</td>
<td>Construct and rehabilitate pedestrian walkways along the Main Street Corridor to improve transit-related accessibility</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>468</td>
<td>MD</td>
<td>Reconstruct East North Avenue (US Route 1) in Baltimore</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>469</td>
<td>CT</td>
<td>Reconstruct of Lakeville Center bike trail to improve pedestrian and vehicle safety at the intersection of Routes 41 and 44</td>
<td>$850,000</td>
</tr>
<tr>
<td>470</td>
<td>NY</td>
<td>Construction of 5th Avenue Bridge in Brooklyn, NY</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>471</td>
<td>OH</td>
<td>San Gabriel Blvd Rehabilitation Project—Mission Rd to Broadway, San Gabriel</td>
<td>$300,000</td>
</tr>
<tr>
<td>472</td>
<td>NC</td>
<td>To plan, design, and construct the 10th Street Connector Project in Greenville, NC</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>473</td>
<td>OH</td>
<td>To widen Western Reserve Road from SR 7 to Hitchcock Road, Mahoning Co</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>474</td>
<td>OH</td>
<td>Rehabilitation of Richfield Rd at Richfield Rd in Richfield, OH</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>475</td>
<td>FL</td>
<td>U.S. Highway 19 Bayside Segment</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>476</td>
<td>MI</td>
<td>Arenac County, Upright Maple Ridge Road from Briggs Road east to M-65</td>
<td>$1,646,000</td>
</tr>
<tr>
<td>477</td>
<td>NY</td>
<td>Village of Highland Falls repaving and sidewalks construction of Mears Ave</td>
<td>$225,000</td>
</tr>
<tr>
<td>478</td>
<td>CA</td>
<td>Village of La Verne sidewalk improvements on Green St., Pine St., and Wood Ave.</td>
<td>$250,000</td>
</tr>
<tr>
<td>479</td>
<td>CA</td>
<td>Widen Firestone Bl and between Ryerson Bl and Stewart and Gray Road in Downey</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>480</td>
<td>CA</td>
<td>Construct Air Cargo Access Road to Oakland International Airport</td>
<td>$900,000</td>
</tr>
<tr>
<td>481</td>
<td>MD</td>
<td>Peer review study of conflicts between road system and light rail operations in Linthicum, MD</td>
<td>$700,000</td>
</tr>
<tr>
<td>482</td>
<td>CA</td>
<td>Resurfacing and widen Jac-Art Road as part of the Bakersfield County Development Authority project</td>
<td>$500,000</td>
</tr>
<tr>
<td>483</td>
<td>VA</td>
<td>Construction of Virginia Blue Ridge Trail in Ashburn, VA</td>
<td>$300,000</td>
</tr>
<tr>
<td>484</td>
<td>FL</td>
<td>Implement NE 5th Street/Sistrunk Boulevard Streetscape and Enhancement Project, City of Ft. Lauderdale</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>485</td>
<td>CA</td>
<td>Widen Lakewood Blvd between Telegraph Rd and 5th St in Downey</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>486</td>
<td>CA</td>
<td>Widen Motor Street thoroughfare in St. Louis to improve accessibility to South City Diaconal District</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>487</td>
<td>CA</td>
<td>Construction of Gitchi-Gami State Trail, Lutsen Phase, CR 42 to Lutsen store</td>
<td>$500,000</td>
</tr>
<tr>
<td>488</td>
<td>PA</td>
<td>Widen SR 309 through the Borough of Cooperstown to create left-turn lanes and complete the RT. 399 Corridor Improvement Project</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>489</td>
<td>CA</td>
<td>Pacifica-Monterey Bay Peninsula Grade Separation—Preliminary Engineering Feasibility, South Pasadena</td>
<td>$300,000</td>
</tr>
<tr>
<td>490</td>
<td>OH</td>
<td>Intermodal Bikeway, Independence</td>
<td>$500,000</td>
</tr>
<tr>
<td>491</td>
<td>MO</td>
<td>Widen shoulder and resurface US 136 and replace 2 deficient bridges between Rock Port and Bethany, Missouri</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>492</td>
<td>FL</td>
<td>S.R.41 (U.S.301) Improvement Project—Ellenton to Parrish, Florida</td>
<td>$800,000</td>
</tr>
<tr>
<td>493</td>
<td>GA</td>
<td>Bike and pedestrian paths and other transportation enhancements at Georgia Veterans Memorial Park</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>494</td>
<td>AK</td>
<td>Citywide pavement rehabilitation in City of North Pole</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>495</td>
<td>GA</td>
<td>Replace and upgrade sidewalks, Glenwood, GA</td>
<td>$50,000</td>
</tr>
<tr>
<td>496</td>
<td>NY</td>
<td>Bruckner Blvd along Bronx River Ave, Story Ave to Soundview Park Greenway</td>
<td>$1,600,000</td>
</tr>
<tr>
<td>497</td>
<td>OH</td>
<td>Widening 133 from Springfield to SR 142 in Clinton County, OH</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>498</td>
<td>CA</td>
<td>Mariposa County, CA Imprope 16 roads, bridge and one bike path</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>499</td>
<td>LA</td>
<td>Upgrade highway-rail crosings at Madison Street, City of Gretna</td>
<td>$200,000</td>
</tr>
<tr>
<td>500</td>
<td>PA</td>
<td>Two-lane Extension of Bristol Road, Bucks County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>501</td>
<td>TN</td>
<td>Wide Smokey Bl from Athens to Tellico Plains, Tennessee</td>
<td>$1,578,000</td>
</tr>
<tr>
<td>502</td>
<td>MI</td>
<td>Osseo County, Reconstrct Bissone Road from Lorenz Road to Chambers Road</td>
<td>$322,500</td>
</tr>
<tr>
<td>503</td>
<td>TX</td>
<td>Development of one-story 300-vehicle parking facility</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>504</td>
<td>WA</td>
<td>Design and construct improved I-82 interchange ramps at Broadmoor Blvd., Pasco, WA</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>505</td>
<td>KY</td>
<td>East-West Highway National Heritage Corridor to Lexington, KY</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>506</td>
<td>MI</td>
<td>M-6 Paul Henry Freeway trail design and construction</td>
<td>$2,780,000</td>
</tr>
<tr>
<td>507</td>
<td>CT</td>
<td>Reconstruction and conversion of Union Station in North Canaan to establish a transportation museum</td>
<td>$1,705,000</td>
</tr>
<tr>
<td>508</td>
<td>OR</td>
<td>Construct passing lanes on U.S. 196, Josephine County</td>
<td>$1,107,000</td>
</tr>
<tr>
<td>509</td>
<td>CA</td>
<td>Scenic preservation and run-off mitigation in the Santa Monica Mountain National Recreation Area near PCH and US101</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
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<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>529</td>
<td>GA</td>
<td>Upgrade Safety of Bicycle and Pedestrian Access to Public Schools, Dekalb County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>530</td>
<td>OH</td>
<td>Construction of Safety and Reliability Improvements in Verwood, OH</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>531</td>
<td>WI</td>
<td>Reconstruct US 45 in Antigo</td>
<td>$2,020,000</td>
</tr>
<tr>
<td>532</td>
<td>WA</td>
<td>SR 2/Main Street/Old Owen Road Intersection in Monroe</td>
<td>$480,000</td>
</tr>
<tr>
<td>533</td>
<td>GA</td>
<td>Install landscaping and upgrading traffic signs on Full Line Parkway, Reynolds</td>
<td>$330,000</td>
</tr>
<tr>
<td>534</td>
<td>KY</td>
<td>Reconstruct 1 on I-650 with added lanes from SR 250 to SR 253</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>535</td>
<td>NY</td>
<td>Conduct NYS 5 construction study</td>
<td>$80,000</td>
</tr>
<tr>
<td>536</td>
<td>PA</td>
<td>Wide lanes, add left turn lanes and update &amp; install traffic signals at SR399, SR 400 interchange in North Whitehall Township</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>537</td>
<td>KY</td>
<td>Recreational trail access, Boyd County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>538</td>
<td>TX</td>
<td>Widen US 271 from a 2-lane facility to a 4-lane divided facility from Paris, TX to Pattonville, TX</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>539</td>
<td>TN</td>
<td>Carter County, Tennessee SR-362 reconstruction</td>
<td>$500,000</td>
</tr>
<tr>
<td>540</td>
<td>CA</td>
<td>Construct OH River Trail, South, Cleburne Township</td>
<td>$150,000</td>
</tr>
<tr>
<td>541</td>
<td>MI</td>
<td>Delta County, CR 415 from US 2 and US 41 in Rapid River to County Road 446 at Butternut River/Business Loop</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>542</td>
<td>FL</td>
<td>Fund design phase for widening US 41 north of Dunnelon to four lanes</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>543</td>
<td>NY</td>
<td>Construction of Elizabeth Connector in Carter County, Tennessee</td>
<td>$300,000</td>
</tr>
<tr>
<td>544</td>
<td>NJ</td>
<td>Newark Waterfront Pedestrian and Bicycle Access project</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>545</td>
<td>ME</td>
<td>Plan and construct Levenson/Auburn Downtown Connector</td>
<td>$5,800,000</td>
</tr>
<tr>
<td>546</td>
<td>OH</td>
<td>Conduct Miami St along SR Route 53 safety enhancement project to improve access to railroad crossing</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>547</td>
<td>AK</td>
<td>Planning, design, and construction of Juneau access roads in Juneau, Alaska</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>548</td>
<td>TN</td>
<td>Construction of an interchange/intersection in the City of Cleveland along I-75</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>549</td>
<td>FL</td>
<td>Construct Flagler Avenue Improvements, City of Key West, Florida</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>550</td>
<td>CA</td>
<td>Rehabilitate street surface of Cedros Avenue between Burbank Blvd. and Magnolia Blvd</td>
<td>$43,000</td>
</tr>
<tr>
<td>551</td>
<td>VA</td>
<td>Engineering and Right of Way to widen Route 221 in Forest, Virginia</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>552</td>
<td>NY</td>
<td>Install Improvements for pedestrian safety in the vicinity of PS 200</td>
<td>$250,000</td>
</tr>
<tr>
<td>553</td>
<td>TX</td>
<td>SH46 grade separation over Red Bluff Rd</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>554</td>
<td>TN</td>
<td>construction of park access road and adjacent trails at the Athens Regional Park in Athens, TN</td>
<td>$300,000</td>
</tr>
<tr>
<td>555</td>
<td>CA</td>
<td>Stair Road Improvements to I-405 at 21st St.</td>
<td>$2,455,000</td>
</tr>
<tr>
<td>556</td>
<td>CA</td>
<td>Streetscape-Dawson</td>
<td>$200,000</td>
</tr>
<tr>
<td>557</td>
<td>SC</td>
<td>Build Carolina Bay Parkway Segment from SC44 to US 17 in Myrtle Beach, SC</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>558</td>
<td>CA</td>
<td>US 411 US 41 SR 7 from Barnessville to SR 3, Georgia</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>559</td>
<td>CA</td>
<td>Reconstruct and widen State Route 221 in North Bayoula</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>560</td>
<td>FL</td>
<td>Acquisition, engineering, and construction of West Avenue Connector Bridge, City of Miami Beach, FL</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>561</td>
<td>ME</td>
<td>Safety Enhancements on Routes 11, 6, and 16 for Piscataquis County Industrial Development</td>
<td>$400,000</td>
</tr>
<tr>
<td>562</td>
<td>IL</td>
<td>Study, design, and construction of a designated truck route through the City of Monticello</td>
<td>$1,132,000</td>
</tr>
<tr>
<td>563</td>
<td>CA</td>
<td>Improvement of intersection at Aviation Blvd. and Rosecrans Ave., to reduce congestion</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>564</td>
<td>WI</td>
<td>Preliminary engineering for upgrading I-94 between Illinois State Line and Mitchell Interchange in SE Wisconsin</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>565</td>
<td>MI</td>
<td>Cogshall Road Crossing Improvement and Life Safety Access Project in Holly, MI</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>566</td>
<td>MI</td>
<td>Ontonagon County, Improve FDR Forest Hwy 16 from M-38 to Houghton County Line</td>
<td>$500,000</td>
</tr>
<tr>
<td>567</td>
<td>MI</td>
<td>Forest Street Improvements, Brigham City, UT</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>568</td>
<td>NC</td>
<td>140 Union Cross Road Interchange in Forsyth County, NC</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>569</td>
<td>NJ</td>
<td>Construct Sea Isle Boulevard Reconstruction from Garden State Parkway to Lidiums Thoroughfare, Cape May County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>570</td>
<td>CA</td>
<td>I-5 HOV Improvements from Route 134 to Route 170</td>
<td>$500,000</td>
</tr>
<tr>
<td>571</td>
<td>NY</td>
<td>Reconfiguration of intersection and redesign of traffic signal timing at Hoagane Ave and Lakeview St</td>
<td>$475,000</td>
</tr>
<tr>
<td>572</td>
<td>CA</td>
<td>Shoal Creek Pedestrian Bridge (San Diego)</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>573</td>
<td>CA</td>
<td>Streetscape-Cordele</td>
<td>$250,000</td>
</tr>
<tr>
<td>574</td>
<td>CA</td>
<td>Construct I-605 Interchange Capacity Improvements in Irwindale</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>575</td>
<td>CA</td>
<td>Construction of intersection at Saticoy and I-101</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>576</td>
<td>NE</td>
<td>Design, right-of-way and construction of Nebraska Highway 35 between Norfolk and South Sioux City</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>577</td>
<td>MO</td>
<td>Complete impact study for North Oak Highway corridor redevelopment</td>
<td>$500,000</td>
</tr>
<tr>
<td>578</td>
<td>MA</td>
<td>Design and construct the 1.5 mile East Longmeadow Redstone rail Trail bike path</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>579</td>
<td>CA</td>
<td>Improvements on bicycle and pedestrian routes</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>580</td>
<td>CA</td>
<td>Tuolumne, Stanislaus and Merced Counties Upgrade existing county highway, SR 25</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>581</td>
<td>FL</td>
<td>U.S. 19 Continuous right turn lanes in Pasco County</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>582</td>
<td>NJ</td>
<td>Union Boulevard Revitalization and Streetscape Enhancements, Teterboro</td>
<td>$500,000</td>
</tr>
<tr>
<td>583</td>
<td>FL</td>
<td>Improvement of the Village of Westchester</td>
<td>$1,700,000</td>
</tr>
<tr>
<td>584</td>
<td>IN</td>
<td>Recon 45th Avenue from Colfax Street to Grant Street, Lake County</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>585</td>
<td>IN</td>
<td>Construct Grade Separation Underpass on Main Street in Mishawaka, Indiana</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>586</td>
<td>UT</td>
<td>Construct two-lane divided highway from the Atkinville Interchange to the new replacement airport access road in St. George</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>587</td>
<td>CA</td>
<td>Diamond Bar On-Off Ramp at Lemon Ave on SR-60</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>588</td>
<td>NY</td>
<td>Harlem Hospital Parking Garage</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>589</td>
<td>MA</td>
<td>Downtown revitalization for Pleasant Street, Malden</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>590</td>
<td>CA</td>
<td>Install Improvements for Pedestrian Safety in the vicinity of Pradera, Park Tikawa, Yukawa, Ward, Tikawa, Park</td>
<td>$200,000</td>
</tr>
<tr>
<td>591</td>
<td>KY</td>
<td>Emergency vehicle preemption system at traffic signals, Smithtown</td>
<td>$500,000</td>
</tr>
<tr>
<td>592</td>
<td>CA</td>
<td>Recon construct interchange for south-bound traffic entering I-80 from Central Avenue, City of Richmond</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>593</td>
<td>KY</td>
<td>Reconstruct KY 393, Oldham County, Kentucky</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>594</td>
<td>CA</td>
<td>Reduce Orange County Congestion Program</td>
<td>$250,000</td>
</tr>
<tr>
<td>595</td>
<td>CA</td>
<td>Street Closure at Chevy Chase Drive, Glendale</td>
<td>$800,000</td>
</tr>
<tr>
<td>596</td>
<td>PA</td>
<td>Allegheny City Urban Runoff Mitigation-eliminate urban highway runoff and the discharge of culverted streams into municipal combined sewers</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>597</td>
<td>SC</td>
<td>Construction of Brigg-Pearson-Deer Creek Connector</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>598</td>
<td>NM</td>
<td>Construct an interchange on I-25 to provide access to Mesa del Sol in Albuquerque</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>599</td>
<td>OR</td>
<td>Short Haul Intermodal Pilot Project, Eugene</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>600</td>
<td>VA</td>
<td>Rivermont Ave. (Lynchburg) Bridge improvements</td>
<td>$1,700,000</td>
</tr>
<tr>
<td>601</td>
<td>CA</td>
<td>Construct new interchange: I-93 between 93 and Route 128 ramps to the north, Halibut</td>
<td>$500,000</td>
</tr>
<tr>
<td>602</td>
<td>OH</td>
<td>Construct Waverly, Ohio South Connector from US 23 to SR 104 to SR 220</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>603</td>
<td>VA</td>
<td>Craig County, Virginia SR-362 reconstruction</td>
<td>$500,000</td>
</tr>
<tr>
<td>604</td>
<td>CA</td>
<td>Upgrade Safety of Bicycle and Pedestrian Access to Public Schools, Del Mar</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>605</td>
<td>AS</td>
<td>Village road improvements for Ta'u, Oju, and Olosega-Sili counties in Manu'a district</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>606</td>
<td>PR</td>
<td>Construction of 4 lane connector serving PR 9922, PR 9399 and PR 183</td>
<td>$1,950,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
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<td>---------------------</td>
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</tr>
<tr>
<td>607</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition &amp; construction of streetcapping enhancements, paving, lighting, safety improvements, parking, garage &amp; roadway realign in Downtown Borough, Philadelphia, PA</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>608</td>
<td>OK</td>
<td>SH-33, Widen SH-33 from the Cimarron River East to US-177, Payne County, OK</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>609</td>
<td>TX</td>
<td>Washington Boulevard Improvements in Beaumont, Texas</td>
<td>$2,600,000</td>
</tr>
<tr>
<td>610</td>
<td>FL</td>
<td>Widen Midway Road from South 25th Street to U.S. 1 in St. Lucie County, Florida</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>611</td>
<td>CA</td>
<td>Embankment reattachment for California Highways 101 &amp; 395 in New York City</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>612</td>
<td>TX</td>
<td>LA Construct Kansas-Garrett Connector and I-20 Interchange Improvements</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>613</td>
<td>PA</td>
<td>Construct the SR 1050 Connector between PA 309 and the Pennsylvania Turnpike Northeast Extension in Montgomery County, PA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>614</td>
<td>OK</td>
<td>Recruit the Interstate 44 interchange</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>615</td>
<td>NY</td>
<td>Roadway improvements to Woodbury Rd at intersection with Suyss-Woodbury Rd</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>616</td>
<td>RI</td>
<td>Construct a handicapped accessible trail platform at Kettle Pond Visitor Center Administrative Facility</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>617</td>
<td>CA</td>
<td>Grade Separation at I-5 and Hesperia Blvd, San Bernardino</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>618</td>
<td>IN</td>
<td>Widen Old Meridian Street from 2 to 4 lanes, Carmel, Indiana</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>619</td>
<td>WI</td>
<td>Widen Old Meridian Street from 2 to 4 lanes, Carmel, Indiana</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>620</td>
<td>WI</td>
<td>Construct a bicycle/pedestrian path, City of Portage</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>621</td>
<td>VA</td>
<td>VA Widen Route 17 in Stafford, VA</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>622</td>
<td>VA</td>
<td>Widen Route 620 in Bergton, Virginia</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>623</td>
<td>IL</td>
<td>Construction of 2 North/South Blvds. and 2 East/West Blvds. in the vicinity of Northern Illinois University</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>624</td>
<td>CA</td>
<td>Begin construction of road from US-395 west towards SR-14</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>625</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition &amp; construction of streetcapping enhancements, paving, lighting, safety improvements, parking, roadway realignment in Old Forge Borough, Lackawanna County, PA</td>
<td>$300,000</td>
</tr>
<tr>
<td>626</td>
<td>PA</td>
<td>Improvements to Amtrak Keystone Corridor grade crossings at Irishtown Rd., New Comer Rd., and a new bridge at Ethigychees Rd</td>
<td>$500,000</td>
</tr>
<tr>
<td>627</td>
<td>TN</td>
<td>Acquire and construct trackage and improvements along S. Chickamauga Creek in Chattanooga, TN</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>628</td>
<td>TX</td>
<td>Interchange improvements IH-30 at FM 157 (Collins Street) and Center Street</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>629</td>
<td>MO</td>
<td>Highway 350 Access Management Study from 1435 to 1470</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>630</td>
<td>TX</td>
<td>TX 60 W from US 83 to SH 107, Hidalgo County, Texas</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>631</td>
<td>IN</td>
<td>Resurface and widen Shelby County Indiana 400 North Phases IV and V</td>
<td>$500,000</td>
</tr>
<tr>
<td>632</td>
<td>IN</td>
<td>Widen US 31 at SR 62 in Knox County, IN</td>
<td>$9,500,000</td>
</tr>
<tr>
<td>633</td>
<td>GA</td>
<td>GA Widen US 17 SR 25 from Yacht Drive to Harry Driggers Boulevard, Glynn County, Georgia</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>634</td>
<td>NY</td>
<td>NY Widen US 25 from US 421 North to KY 876, Madison County, KY</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>635</td>
<td>GA</td>
<td>GA Widen US 280/SR 30 from east of Flint River to SR 300 Connector west of Cordele</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>636</td>
<td>MS</td>
<td>MS Upgrade roads in Gunnison, Mound Bayou, Beulah, Benoit, and Shaw, Bolivar County, MS</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>637</td>
<td>NY</td>
<td>Construct and enhance Fillmore Avenue and traffic down-grade and infrastructure improvements to Humboldt Parkway, Buffalo</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>638</td>
<td>NJ</td>
<td>Construct Route 46 &amp; Main Street intersection in Lodi, NJ</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>639</td>
<td>MN</td>
<td>Phase III construction of Trunk Highway 610-10, Minnesota</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>640</td>
<td>NM</td>
<td>NM AB 252-CM 1710, Mammoth Cave National Park, Kentucky</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>641</td>
<td>FL</td>
<td>F55b US 41 Traffic Improvements—Road surface, road access, curb, gutter, and right of way, Miami Gardens</td>
<td>$900,000</td>
</tr>
<tr>
<td>642</td>
<td>TX</td>
<td>FM 1637 from FM 3051 to FM 185, Waco</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>643</td>
<td>NY</td>
<td>Green Cove Station—Improvements to railroad facilities used by Jacksonville, Florida Tramway</td>
<td>$100,000</td>
</tr>
<tr>
<td>644</td>
<td>NY</td>
<td>South Essex Street Bridge Pedestrian Access Improvements, Orange</td>
<td>$578,000</td>
</tr>
<tr>
<td>645</td>
<td>TX</td>
<td>TX FM 3391 (East Runfro St.) from I-33W to CR 602, Barleben</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>646</td>
<td>WI</td>
<td>Replace Wisconsin Street Bridge (STH 44) in Oshkosh, Wisconsin</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>647</td>
<td>GA</td>
<td>GA Widen US 280/SR 30 from east of Flint River to SR 300 Connector west of Cordele</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>648</td>
<td>GA</td>
<td>GA Widen SR 62 in Knox County, TN</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>649</td>
<td>GA</td>
<td>GA Widen US 17 SR 25 from Yacht Drive to Harry Driggers Boulevard, Glynn County, Georgia</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>650</td>
<td>KY</td>
<td>KY Widen US 25 from US 421 North to KY 876, Madison County, KY</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>651</td>
<td>NY</td>
<td>NY NS58 improvement near the service facility located at trailhead of Virginia Creeper Trail</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>652</td>
<td>NY</td>
<td>NY Replace Wisconsin Street Bridge (STH 44) in Oshkosh, Wisconsin</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>653</td>
<td>TX</td>
<td>TX Drainage Study and Engineering for US 83 in Starr County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>654</td>
<td>TN</td>
<td>Build a bridge across Big Indian Creek, Perry</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>655</td>
<td>MI</td>
<td>MI Carpenter Road Reconstruction—700 feet South of Textile Road to I-94, Washtenaw County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>656</td>
<td>CA</td>
<td>CA Widen SR 62 in Knox County, TN</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>657</td>
<td>TX</td>
<td>Widen West Georgia Road from Neely Ferry Road to Fork Shoals Road</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>658</td>
<td>TX</td>
<td>Construct Phase II of City of Kilgore SH-201</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>659</td>
<td>MN</td>
<td>Interchange improvements at I-94 and CSAH 19 and at CSAH 37 in the city of Albertville, MN</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>660</td>
<td>CA</td>
<td>Construction of bypass between KY 55 and US 68 at Lebanon in Daviess County, KY</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>661</td>
<td>NY</td>
<td>NY Peruville Road. Creating overpass to address intersection safety issue</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>662</td>
<td>OR</td>
<td>OR Add a southbound lane to section of I-5 through Portland, OR between Delta Park and Lombard</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>663</td>
<td>MN</td>
<td>MN 10th Street Bridge Expansion in St. Cloud, MN</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>664</td>
<td>VA</td>
<td>VA Intermodal Access Improvements to the Peninsula at Bay Port Blvd, Lake County, VA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>665</td>
<td>TX</td>
<td>TX Nolana Loop from FM 1426 to FM 88, Hidalgo County, TX</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>666</td>
<td>OH</td>
<td>OH Perry Park Road Improvements and Pedestrian Trail Expansion at Cali Road in the Village of Perry, OH</td>
<td>$67,000</td>
</tr>
<tr>
<td>667</td>
<td>NY</td>
<td>NY Implement Regional Transportation of Southern Nevada FAST system</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>668</td>
<td>NY</td>
<td>NY Broadway Greenway 232 to the vicinity of W. Broadway Greenway</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>669</td>
<td>PA</td>
<td>PA Construction of turn lanes, increase curve radius at the intersection of SR 3041 and Industrial Park Road, Somerset, PA</td>
<td>$435,000</td>
</tr>
<tr>
<td>670</td>
<td>FL</td>
<td>FL Planning and design for development of future highway connections to the Southeast Florida International Airport</td>
<td>$500,000</td>
</tr>
<tr>
<td>671</td>
<td>WI</td>
<td>WI Reconstruct and rebuild St. Croix River Crossing, connecting Wisconsin State Highway 64 in Houlton, Wisconsin to Minnesota State Highway 61, Burnett County, MN</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>672</td>
<td>MN</td>
<td>MN Conduct study for SR48 to SR386 Connector</td>
<td>$500,000</td>
</tr>
<tr>
<td>673</td>
<td>CA</td>
<td>CA Construction and managed lanes project on Interstate 80 (SR 157-158-159) at northbound SR 54 in the City of St. Louis, St. Louis County, CA</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>674</td>
<td>FL</td>
<td>FL Construction of a new bridge on SR 54 at SR 54 in the City of St. Petersburg, Pinellas County, FL</td>
<td>$2,750,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>682</td>
<td>MA</td>
<td>Commonwealth Ave/Kenmore Sq. Roadway &amp; Pedestrian Improvements</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>683</td>
<td>MA</td>
<td>Pedestrian walkway and bike lanes on the Bay Ridge Island</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>684</td>
<td>PA</td>
<td>Restore Route 222 in Masataway and Richmond Townships, Berks County, PA</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>685</td>
<td>OH</td>
<td>Study and design of modifications to I-75 interchanges at M.L. King-Hopple, I-74, and Mitchell in Cincinnati</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>686</td>
<td>VA</td>
<td>Widen Route 10 to six lanes from Route 1 to Meadowville Road, Chesterfield</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>687</td>
<td>GA</td>
<td>Rehabilitation, add sidewalks, and add speed monitoring system, Athens, Georgia</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>688</td>
<td>WI</td>
<td>Widen Van Wyck Ave from 223rd street including ramp modifications, Carson</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>689</td>
<td>WI</td>
<td>Construct STH 32 (Claude Allouez) bridge in DePere, Wisconsin (Brown County, Wisconsin)</td>
<td>$200,000</td>
</tr>
<tr>
<td>690</td>
<td>NY</td>
<td>Construction of drainage improvements and aesthetic enhancements to Oak Beach Road in the Town of Babylon, NY</td>
<td>$43,000</td>
</tr>
<tr>
<td>691</td>
<td>WI</td>
<td>Construct an alternative connection to intersection of US 60-55, County highway, and allow movement through high school property</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>692</td>
<td>WA</td>
<td>East Marine View Drive Widening in Everett</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>693</td>
<td>IL</td>
<td>Install safety improvements at intersection of US 422 and SR 706 in Geauga County, OH</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>694</td>
<td>WV</td>
<td>Upgrade Route 16, Logan County</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>695</td>
<td>TX</td>
<td>Conduct Preliminary Engineering for Funnel Project on SH 114 from BS 114L to Dallas County Line and on SH 121 from SH 390 to Dal</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>696</td>
<td>NC</td>
<td>Install ITS on US97 Clayton County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>697</td>
<td>PA</td>
<td>Brighton Road Extension-add new street to N Shore roadway network to facilitate access to amphitheater</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>698</td>
<td>NJ</td>
<td>Broad Street Streetscape Project in Elizabeth to provide physical improvements and to enhance transportation flow and efficiency</td>
<td>$700,000</td>
</tr>
<tr>
<td>699</td>
<td>FL</td>
<td>Construct 4-lane highway around Jacksonville connecting US90 to Route 84</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>700</td>
<td>WA</td>
<td>510-507 Loop—Conduct engineering, design, and ROW acquisition for alternative route to two existing highways that bisect Yelm, WA</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>701</td>
<td>CA</td>
<td>Develop and implement traffic calming measures for traffic exiting the I-710 into Long Beach</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>702</td>
<td>CA</td>
<td>San Diego, CA Construction of the I-5 and SR-66 Connectors</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>703</td>
<td>IL</td>
<td>Upgrade Ridge Avenue, Evanston</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>704</td>
<td>SC</td>
<td>Widening and Improvements for Highway 901, York County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>705</td>
<td>IA</td>
<td>Widening and Reconstruction, I 235, Des Moines</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>706</td>
<td>CA</td>
<td>Bay Area Metropolitan Transportation Improvement District 123, Milpitas, CA</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>707</td>
<td>NC</td>
<td>Project to widen US 501 from NC 49 in Roxboro to the VA state line with part on new location</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>708</td>
<td>NY</td>
<td>City of New York, Dublin, NY</td>
<td>$640,000</td>
</tr>
<tr>
<td>709</td>
<td>CA</td>
<td>Construct bicycle and pedestrian bridge between Oyster Bay Regional Park and San Leonardo and Metropolitan Golf Course</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>710</td>
<td>TX</td>
<td>For construction of Seg 5 and 6 of SH 130 from 183 to Seguin, TX</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>711</td>
<td>NJ</td>
<td>Construct the Airport Circle Elimination at Tifton and Delilah Roads, Atlantic County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>712</td>
<td>KY</td>
<td>Construct North Somerset Bypass in Pulaski County from Nunn Parkway to KY 190</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>713</td>
<td>NV</td>
<td>Construct US Highway 95—Las Vegas Beltway Interchange</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>714</td>
<td>NY</td>
<td>Repair and repave the north side of the Mineola train station</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>715</td>
<td>IL</td>
<td>Rehabilitation of CH 29 and reconstruction of CH 8 at interchanges with Interstate 55 at Towanda and Lexington</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>716</td>
<td>CA</td>
<td>Construct Project Study Report for new Highway 99 interchange between SR 165 and Broadway Road, serving Turlock, CA</td>
<td>$500,000</td>
</tr>
<tr>
<td>717</td>
<td>PA</td>
<td>Construction of US-22 to I-79 Section of Southern Beltway, Pittsburgh, Pennsylvania</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>718</td>
<td>MN</td>
<td>Construction of new highway between the bridge over Partridge River on CR 565 in Hoyt Lakes to the intersection of CSAH 21 and 70, Hibbing</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>719</td>
<td>CA</td>
<td>State Route 1 improvements between Soquel and Rossmoor Blvd including merge lanes and the La Fonda overpass, Santa Cruz</td>
<td>$3,670,000</td>
</tr>
<tr>
<td>720</td>
<td>WA</td>
<td>The West Corridor Coalition in Washington state</td>
<td>$500,000</td>
</tr>
<tr>
<td>721</td>
<td>CA</td>
<td>Norwalk Corridor Transportation Improvement Project—Final Planning</td>
<td>$600,000</td>
</tr>
<tr>
<td>722</td>
<td>FL</td>
<td>West Relief Bridge Rehabilitation, Bay Harbor Islands</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>723</td>
<td>NE</td>
<td>Western Douglas County Trails Project, Nebraska</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>724</td>
<td>TN</td>
<td>Bristol, Tennessee highway-RR grade Crossing improvement—Hazelwood Street</td>
<td>$100,000</td>
</tr>
<tr>
<td>725</td>
<td>TX</td>
<td>Extension of Greens Street, intersection with Kolling Street and Belkridge</td>
<td>$460,000</td>
</tr>
<tr>
<td>726</td>
<td>CA</td>
<td>Grade Separation at Van Nuys and Chatsworth, Burbank</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>727</td>
<td>MA</td>
<td>Improve traffic signal operations, pavement markings &amp; regulatory signage, Milton-Boston City Line</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>728</td>
<td>NY</td>
<td>Port Jervis, NY downtown pedestrian mall and promenade</td>
<td>$500,000</td>
</tr>
<tr>
<td>729</td>
<td>MN</td>
<td>Construction of Sun Line Trail from north of Burnsville to the east side of New Hope</td>
<td>$455,000</td>
</tr>
<tr>
<td>730</td>
<td>WI</td>
<td>Construct traffic mitigation signals, signs, and other upgrades for Howard Ave, St. Francis</td>
<td>$400,000</td>
</tr>
<tr>
<td>731</td>
<td>NH</td>
<td>Reconstruction of NH 11 and NH 28 Intersection in Alton</td>
<td>$700,000</td>
</tr>
<tr>
<td>732</td>
<td>CA</td>
<td>Riverside Drive Improvements, Los Angeles</td>
<td>$400,000</td>
</tr>
<tr>
<td>733</td>
<td>CA</td>
<td>Upgrade CA SR 4 East from the vicinity of Loneridge Road to G Street, Contra Costa County</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>734</td>
<td>TX</td>
<td>Widen SH 24 from a 2-lane facility to a 4-lane divided facility from SH 19 to Cooper, TX</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>735</td>
<td>PA</td>
<td>Rail crossing signalization upgrade, Willow Street, Fleetwood, Berks</td>
<td>$325,400</td>
</tr>
<tr>
<td>736</td>
<td>SC</td>
<td>Widening and improvements for Highway 901, York County</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>737</td>
<td>SC</td>
<td>Construct Hub City Connector Passage (the 12.5 miles of bicycle-pedestrian improvements, I-95-98, part of state-wide Palmetto Trail Project</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>738</td>
<td>FL</td>
<td>Construct US 1/SR 100 Connector, Bunnell, Florida</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>739</td>
<td>MN</td>
<td>Construction of Gitchi-Gami State Trail from Gooseberry Falls State Park Trail Head parking lot to 2.3 miles east of Stateline Road</td>
<td>$700,000</td>
</tr>
<tr>
<td>740</td>
<td>CA</td>
<td>Design and environmental analysis for State Route 11 connecting State Route 90 to the new East Oatay Mesa Port of Entry, San Diego</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>741</td>
<td>NY</td>
<td>Improve North Fork Trail, Southold</td>
<td>$200,000</td>
</tr>
<tr>
<td>742</td>
<td>HI</td>
<td>Interstate Route HI 511 Repair, Airport Viaduct</td>
<td>$4,770,000</td>
</tr>
<tr>
<td>743</td>
<td>OH</td>
<td>Replace Grade Separation and Stairs at Southland and Sheldon Road, Mason</td>
<td>$750,000</td>
</tr>
<tr>
<td>744</td>
<td>WA</td>
<td>Widen I-5 through Lewis County</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>745</td>
<td>SC</td>
<td>Engineering design and construction of I-73 from the North Carolina State Line to I-85</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>746</td>
<td>OH</td>
<td>Planning and construction of a bicycle trail adjacent to the I-79 and SR 615 interchange in Lake County, OH</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>747</td>
<td>TX</td>
<td>Widening of Balcones Springs Expressway, W Hwy 159 to 78, San Antonio</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>748</td>
<td>IL</td>
<td>Construct Streetscape Project, Orland Hills</td>
<td>$400,000</td>
</tr>
<tr>
<td>749</td>
<td>IL</td>
<td>Widen of Lake Cook Road ITS in Deerfield, IL</td>
<td>$500,000</td>
</tr>
<tr>
<td>750</td>
<td>OH</td>
<td>Widen of Ohio Route 111 at the intersection with US 422 in Pickaway County</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>751</td>
<td>MI</td>
<td>Widen M-72 from US-31 easterly 7.2 miles to Old M-72</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>752</td>
<td>PA</td>
<td>Widen of Rt.22 and SR.26 in Huntington, Upgrades to the interchange at US RT 22 and SR26</td>
<td>$3,375,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>754</td>
<td>MN</td>
<td>Widening of US Highway 61 at Frontenac Station, MN</td>
<td>$800,000</td>
</tr>
<tr>
<td>755</td>
<td>MN</td>
<td>Construction and reconstruction, Frontenac Co</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>756</td>
<td>MA</td>
<td>Melnea Cass Blvd Reconstruction</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>757</td>
<td>NH</td>
<td>Improve Meredith Village Rotary</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>758</td>
<td>FL</td>
<td>Implement Blue Heron Boulevard streetscape improvements, City of Riviera Beach</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>759</td>
<td>NY</td>
<td>Install improvements to pedestrian safety in Pedestrian Safety of PS 158</td>
<td>$250,000</td>
</tr>
<tr>
<td>760</td>
<td>WI</td>
<td>Reconstruct STH 181 between Florist Ave and North Milwaukee Line</td>
<td>$4,300,000</td>
</tr>
<tr>
<td>761</td>
<td>LA</td>
<td>Replace the Prospect Street Bridge (LA 3097), Houma</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>762</td>
<td>GA</td>
<td>Streetscape improvements along LaVista Road in the Northlake business district of Dekalb County, Georgia</td>
<td>$200,000</td>
</tr>
<tr>
<td>763</td>
<td>NY</td>
<td>Stormwater improvement, Dane County and future interchange</td>
<td>$290,000</td>
</tr>
<tr>
<td>764</td>
<td>FL</td>
<td>Construct US 1 Improvements, Cities of Holly Hill and Ormond Beach, Florida</td>
<td>$400,000</td>
</tr>
<tr>
<td>765</td>
<td>OH</td>
<td>Transportation enhancements to the downtown area of the Village of Chagrin Falls, OH</td>
<td>$700,000</td>
</tr>
<tr>
<td>766</td>
<td>PA</td>
<td>Pedestrian Walkway for the Town of Honeoye Falls</td>
<td>$800,000</td>
</tr>
<tr>
<td>767</td>
<td>WI</td>
<td>Restoration of Route 35 in Orange County, New Jersey</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>768</td>
<td>PA</td>
<td>Extension of Third Street from 83 to Chestnut Street, Harrisburg</td>
<td>$4,800,000</td>
</tr>
<tr>
<td>769</td>
<td>TX</td>
<td>Carlton road grade separation, Laredo, TX</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>770</td>
<td>NH</td>
<td>Construct connector roadway between SR 13 and Ferry Road in north New Hampshire</td>
<td>$250,000</td>
</tr>
<tr>
<td>771</td>
<td>TN</td>
<td>Construct new lighting on Veterans Memorial Bridge, Loudon County, Tennessee</td>
<td>$250,000</td>
</tr>
<tr>
<td>772</td>
<td>NY</td>
<td>roadway improvements on CR3 between Ruland Rd and I-495</td>
<td>$2,250,000</td>
</tr>
<tr>
<td>773</td>
<td>TN</td>
<td>Construct State Route 385 (North and East) around the city of Memphis</td>
<td>$1,350,000</td>
</tr>
<tr>
<td>774</td>
<td>NY</td>
<td>Greenwood, NY by-pass project</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>775</td>
<td>NY</td>
<td>Extend Everbrook Drive from SR 332 to Bethel Avenue in the City of Muscat, Indiana</td>
<td>$640,000</td>
</tr>
<tr>
<td>776</td>
<td>TN</td>
<td>Construct Proposed SR397 extension from SR96 West to US 411 North to Franklin Williamson County</td>
<td>$2,250,000</td>
</tr>
<tr>
<td>777</td>
<td>AK</td>
<td>Construct linking road from airport to port in Akutan</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>778</td>
<td>PA</td>
<td>Unincorporated to Brownsburg section of Pennsylvania Mon/Fayette Expressway</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>779</td>
<td>NY</td>
<td>Ashburton Avenue Reconstruction, Yonkers, New York</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>780</td>
<td>OR</td>
<td>Highway 22, Polk County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>781</td>
<td>FL</td>
<td>I-75 Widening and Improvements in Collier and Lee County, Florida</td>
<td>$45,000,000</td>
</tr>
<tr>
<td>782</td>
<td>PA</td>
<td>Phase Two (Beaver Run) of the Sullivan County Traffic System</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>783</td>
<td>IL</td>
<td>Design and construction of double-deck roadway system exiting FLL airport connecting Y.S. 1 and I-595</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>784</td>
<td>MI</td>
<td>Wayne, Reconect one quarter of a mile stretch of Lawrence and Toney Road</td>
<td>$125,000</td>
</tr>
<tr>
<td>785</td>
<td>GA</td>
<td>Construct the West Cleveland Bypass from US 129/US 11 near Hope Road extending west of Cleveland, on new and existing locations to SR 755</td>
<td>$2,900,000</td>
</tr>
<tr>
<td>786</td>
<td>IL</td>
<td>Eliminate Highway-Railway crossing over US 14 and realignment of US 14, Des Plaines</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>787</td>
<td>OR</td>
<td>Highway 22-Cascade Highway interchange improvements, Marion County</td>
<td>$500,000</td>
</tr>
<tr>
<td>788</td>
<td>VA</td>
<td>Widening Route 29 between Eaton Place and Route 123 in Fairfax City, VA</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>789</td>
<td>VA</td>
<td>Route 29 widening and restoration of Boyke Road to US 301, Prince George County, VA</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>790</td>
<td>IL</td>
<td>East Peoria, Illinois Technology Bld, upgrades</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>791</td>
<td>DC</td>
<td>Metro Branch Trail Construction</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>792</td>
<td>MA</td>
<td>Study and design I-93 / Mystic Ave. Interchange at Assembly Sq</td>
<td>$500,000</td>
</tr>
<tr>
<td>793</td>
<td>MA</td>
<td>Widening of US 691 from Naugatuck Valley to Colorado state border</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>794</td>
<td>FL</td>
<td>Construct access road to link Jacksonville International Airport to I-95</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>795</td>
<td>FL</td>
<td>Widening of SR 60 from 66th Avenue to I-95 in Indian River County, FL</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>796</td>
<td>GA</td>
<td>Widening of SR 133: Colquitt Co./Daughtery Co</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>797</td>
<td>PA</td>
<td>Rail Bridge Removal and intersection improvements, Cameron and Paxton Streets, Harrisburg</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>798</td>
<td>PA</td>
<td>Widening of SR 1001 Section 601 in Clinton County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>799</td>
<td>PA</td>
<td>Widening of Route 40 in Wharton Township, Fayette County, PA</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>800</td>
<td>NJ</td>
<td>Widening of Route 1 and intersection improvements in South Brunswick</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>801</td>
<td>PA</td>
<td>Construct PA 768 Wyalusing Bypass Bradford County, Pennsylvania</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>802</td>
<td>IL</td>
<td>Construct four lane extension of IL RT 29 from Rochester to Taylorville</td>
<td>$600,000</td>
</tr>
<tr>
<td>803</td>
<td>IL</td>
<td>Widening of Old Madison Road, St. Clair County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>804</td>
<td>NY</td>
<td>Construction of Bicycle Path and Pedestrian Trail in City of Dunkirk</td>
<td>$500,000</td>
</tr>
<tr>
<td>805</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition &amp; construction of a connector road between PA 115 &amp; Interstate 81 in Luzerne County</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>806</td>
<td>CA</td>
<td>Replace I-800 overpass at Davis St in San Leandro</td>
<td>$750,000</td>
</tr>
<tr>
<td>807</td>
<td>PA</td>
<td>DuBois-Jefferson County Airport Access Road Construction</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>808</td>
<td>PA</td>
<td>Strengthen the project to improve accessibility and safety for pedestrians Mount Vernon</td>
<td>$500,000</td>
</tr>
<tr>
<td>809</td>
<td>IL</td>
<td>Replacement of Fullerton Avenue Bridge and Pedestrian Walkway</td>
<td>$4,800,000</td>
</tr>
<tr>
<td>810</td>
<td>NH</td>
<td>Construct intersection at US 3 and Pembroke Hill Road in Pembroke</td>
<td>$700,000</td>
</tr>
<tr>
<td>811</td>
<td>FL</td>
<td>A new interchange with the Pinellas Causeway Extension and I-95</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>812</td>
<td>CT</td>
<td>Make Improvements to Grotto Bicycle and Pedestrian Trails and Facilities</td>
<td>$320,000</td>
</tr>
<tr>
<td>813</td>
<td>MN</td>
<td>TH86—Stillwater Bridge; cut-and-cover approach to river crossing</td>
<td>$500,000</td>
</tr>
<tr>
<td>814</td>
<td>NM</td>
<td>US 54 Reconstruction, Tularosa to Santa Rosa</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>815</td>
<td>VA</td>
<td>Daniel Boone Wilderness Trail Corridor—acquire site; design and construction of interpretive center, enhancement of trail corridor</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>816</td>
<td>MI</td>
<td>Widening of M-24 from two lanes to four lanes with a boulevard from I-69 to the county line</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>817</td>
<td>IN</td>
<td>Construct US 331 in Spencer and Dubois Counties in Indiana</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>818</td>
<td>TN</td>
<td>Construct overpass at Highway 321 and Highway 11 Loudon County, Tennessee</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>819</td>
<td>SD</td>
<td>Improve the SD Advanced Traveler Information System</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>820</td>
<td>NV</td>
<td>Construct I-15 Widening—US 95—I-515 Interchange to Apex Road</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>821</td>
<td>NY</td>
<td>Implement ITS system and apparatus to enhance citywide truck route system on Avenue P between Coney Island Avenue and Ocean Avenue in the 9th District of New York</td>
<td>$100,000</td>
</tr>
<tr>
<td>822</td>
<td>GA</td>
<td>Improve sidewalks, trails, lighting, and amenities in the Terry Park, and amenities in the Terry Park</td>
<td>$500,000</td>
</tr>
<tr>
<td>823</td>
<td>CA</td>
<td>Construct Inland Empire Transportation Management Center in Fontana to better regulate traffic and dispatch personnel to incidents</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>824</td>
<td>IL</td>
<td>Reconstruct Milwaukee Avenue, including Six Corners</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>825</td>
<td>TX</td>
<td>Improve and maintain benefits of Interstate corridor in the Houston area</td>
<td>$18,496,000</td>
</tr>
<tr>
<td>826</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition &amp; construction of a connector road between PA 115 &amp; Interstate 81 in Luzerne County</td>
<td>$250,000</td>
</tr>
<tr>
<td>827</td>
<td>AL</td>
<td>Pedestrian improvements for Homewood, AL</td>
<td>$300,000</td>
</tr>
<tr>
<td>828</td>
<td>TN</td>
<td>Plan and construct a bicycle and pedestrian trail, Gallatin</td>
<td>$650,000</td>
</tr>
<tr>
<td>829</td>
<td>MA</td>
<td>Conduct design, feasibility and environmental impact studies of proposal to relocate New Bedford/Fairhaven bridge</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>830</td>
<td>IA</td>
<td>Iowa City, IA Construction of arterial extension project connecting Coralville to west and south Iowa City</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>831</td>
<td>NJ</td>
<td>Rehabilitate Route 139 in Jersey Portage</td>
<td>$2,600,000</td>
</tr>
<tr>
<td>832</td>
<td>NJ</td>
<td>Route 605 extension to US-206</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>833</td>
<td>OH</td>
<td>Widen SR 170 Calcutta</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>834</td>
<td>IA</td>
<td>Widenning of Hwy 44, Grimes</td>
<td>$500,000</td>
</tr>
<tr>
<td>835</td>
<td>NC</td>
<td>Widenning of Highway 15 in Beaufort County, NC</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>836</td>
<td>MA</td>
<td>Design and construct intersection improvements at Memorial Park II on Roosevelt Ave from Bay St to Page Boulevard, Springfield</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>837</td>
<td>SC</td>
<td>Widenning of Frontage Road from U.S. 72 to U.S. 56, Laurens, SC</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>838</td>
<td>NY</td>
<td>M-261 from Route 66 to West Lake in the Town of Greece</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>839</td>
<td>NC</td>
<td>Widenning of Beckford Drive, City of Henderson</td>
<td>$960,000</td>
</tr>
<tr>
<td>840</td>
<td>NY</td>
<td>Realign of Clove Road and RT 298, access management improvements in Orange County</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>841</td>
<td>NY</td>
<td>City of Buffalo, NY, Street Surfacing Program—Brown Street</td>
<td>$52,000</td>
</tr>
<tr>
<td>842</td>
<td>FL</td>
<td>Pine Advanced Right-of-Way Acquisition along SR 52 in Pasco County, FL</td>
<td>$3,700,000</td>
</tr>
<tr>
<td>843</td>
<td>MA</td>
<td>Design, engineer, permit, and construct “Border to Boston Bikeway” rails-trails project, from Salisbury to Danvers</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>844</td>
<td>FL</td>
<td>Soutel Drive Road Enhancements, Jacksonville</td>
<td>$115,000</td>
</tr>
<tr>
<td>845</td>
<td>NJ</td>
<td>Bicycle facilities in West Deptford Township</td>
<td>$115,000</td>
</tr>
<tr>
<td>846</td>
<td>PA</td>
<td>Create a direct connection between State Route 29 and State Route 113</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>847</td>
<td>MA</td>
<td>Design and construction of the north and southbound ramps on Interstate 91 at Exit 19</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>848</td>
<td>IA</td>
<td>NW 70th Ave reconstruction, Johnston</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>849</td>
<td>NY</td>
<td>Town of Minisink South Plank Road</td>
<td>$275,000</td>
</tr>
<tr>
<td>850</td>
<td>VA</td>
<td>Town of St. Paul—restoration of historic Hillman House to serve as trail system information center and construction of stations on trails</td>
<td>$150,000</td>
</tr>
<tr>
<td>851</td>
<td>PA</td>
<td>Conduct environmental review and acquire right of way for preferred alternative to improve PA 1</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>852</td>
<td>FL</td>
<td>Acquire Right-of-Way for Ludlam Trail, Miami, Florida</td>
<td>$750,000</td>
</tr>
<tr>
<td>853</td>
<td>NY</td>
<td>Construct Safe Routes to Schools projects in New York City</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>854</td>
<td>CO</td>
<td>Construction of US 24—Tennessee Pass, Colorado</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>855</td>
<td>CA</td>
<td>Implement Riverside Avenue Railroad Bridge improvements, south of Interstate 10 in Rialto</td>
<td>$500,000</td>
</tr>
<tr>
<td>856</td>
<td>CA</td>
<td>Lemon Grove Avenue/East IMD Road Bridge Improvements</td>
<td>$450,000</td>
</tr>
<tr>
<td>857</td>
<td>IL</td>
<td>TL Traffic Signal Coordination at US 45 at IL 132 (Grand Avenue) and IL 132 at Rollins Road and US 45 at Rollins Road</td>
<td>$100,000</td>
</tr>
<tr>
<td>858</td>
<td>IA</td>
<td>US 63 improvement near Hampton, Iowa</td>
<td>$8,700,000</td>
</tr>
<tr>
<td>859</td>
<td>NY</td>
<td>Village of Unionville reconstruction of Main Street</td>
<td>$80,000</td>
</tr>
<tr>
<td>860</td>
<td>WA</td>
<td>Widenning from two lanes to four lanes SR 36 from Bellevue, TX to Sealy, TX</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>861</td>
<td>KY</td>
<td>Comprehensive Traffic Study for intersection of Main Street and Berea College Campus, Berea</td>
<td>$600,000</td>
</tr>
<tr>
<td>862</td>
<td>TN</td>
<td>Improve State Route 62 in Morgan County near US-27 in Warburg to Petit Lane from existing two lane highway to four lanes</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>863</td>
<td>IL</td>
<td>Construct West Corbin Overpass over Conrail 255, Bethalto</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>864</td>
<td>OR</td>
<td>Improvements for intersections heavily traveled through which include Beaverton Hillsdale Hwy Scholls Ferry and Olson, Beaverton</td>
<td>$250,000</td>
</tr>
<tr>
<td>865</td>
<td>FL</td>
<td>Improvements to I-75 in the City of Pembroke Pines, Florida</td>
<td>$9,750,000</td>
</tr>
<tr>
<td>866</td>
<td>CA</td>
<td>Plan design, engineering and construction of Naval Air Station, North Island access tunnel on SR 76-222 corridor, San Diego</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>867</td>
<td>CA</td>
<td>Construct road from Mace Blvd in Yolo County to federally supported Pacific Flyway wildlife area</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>868</td>
<td>PA</td>
<td>Construction of ramps on I-95 and US 322, widening of streets and intersections</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>869</td>
<td>NY</td>
<td>Construct and restore pedestrian and residential roadways in downtown business district in Rockville Centre</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>870</td>
<td>LA</td>
<td>Plan, design and construct Pointe Claire Expressway in Baton Rouge Parish</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>871</td>
<td>MA</td>
<td>Construction of East Milton Parking Deck over Interstate/RT 91</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>872</td>
<td>PA</td>
<td>Reconstruction of I-176 in Camra and Robeson Townships, Berks County</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>873</td>
<td>MA</td>
<td>Resealing of Masonic Boulevard in Prager</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>874</td>
<td>OH</td>
<td>Construct Ohio River Trail from Downtown Cincinnati, Ohio to Salem Road</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>875</td>
<td>PA</td>
<td>Realignment and reconstruction of SR650 interchange with US22-30 and reconstruct adjacent Tenisdale-Bayer intersection</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>876</td>
<td>NY</td>
<td>Construction and rehabilitation of East and East John Streets in the Village of Lindenhurst, NY</td>
<td>$930,000</td>
</tr>
<tr>
<td>877</td>
<td>NY</td>
<td>Construct Northern State Parkway and Long Pond Road Roundabout improvements to Marcus Avenue and Long Pond Road and associated Park and Ride</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>878</td>
<td>PA</td>
<td>Deployment of an Intelligent Transportation System along I-767 Pa Tpke NE Exit9/10 and I-767 Schuylkill Expressway in Montgomery County</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>879</td>
<td>NY</td>
<td>Install Improvements for Pedestrian Safety in the vicinity of PS 153</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>880</td>
<td>TX</td>
<td>Build 36th Street Extension in San Antonio</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>881</td>
<td>CA</td>
<td>North Atlantic Pedestrian Bridge, Monterey Park</td>
<td>$600,000</td>
</tr>
<tr>
<td>882</td>
<td>CA</td>
<td>Reconstruct Eastern Ave from Muller St to Watcher St in Bell Gardens</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>883</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition &amp; construction of streetcoping enhancements, parking &amp; roadway redesign in West Pittston, Luzerne County</td>
<td>$200,000</td>
</tr>
<tr>
<td>884</td>
<td>CA</td>
<td>Design Traffic Flow Improvements Azusa and Amar, City of West Covina</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>885</td>
<td>MI</td>
<td>Reconstruction of Nine Mile Road in Eastpointe</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>886</td>
<td>WI</td>
<td>Redmond, WA City-wide ITS</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>887</td>
<td>IL</td>
<td>Reconstruction and realignment of Baseline Rd, Montgomery, IL</td>
<td>$2,080,000</td>
</tr>
<tr>
<td>888</td>
<td>NY</td>
<td>Transportation Enhancements to support Development of Erie Canal in Niagara and Orleans Counties</td>
<td>$750,000</td>
</tr>
<tr>
<td>889</td>
<td>CO</td>
<td>US 160, East of Wolf Creek Pass</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>890</td>
<td>NY</td>
<td>Design, engineering and construction at J-93 The Junction Interchange, Amsterdam, Teencksbury and Wilmington</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>891</td>
<td>CA</td>
<td>Rosemead Boulevard/Hwy 19 Renovation Project, Pico Rivera</td>
<td>$100,000</td>
</tr>
<tr>
<td>892</td>
<td>PA</td>
<td>Intersection improvements at PA Route 209 and Water Company Road, construction of a bridge and access enhancements to Nature and Arts Center, Upper Paxon Township</td>
<td>$500,000</td>
</tr>
<tr>
<td>893</td>
<td>TX</td>
<td>Improvements to FM 3979 in Calhoun County</td>
<td>$500,000</td>
</tr>
<tr>
<td>894</td>
<td>HI</td>
<td>Interstate Route H1 guard rail and shoulder improvements, Waikoloa Bridge to Airport Interchange, Honolulu</td>
<td>$3,800,000</td>
</tr>
<tr>
<td>895</td>
<td>MI</td>
<td>M-168 Reconstruction in the village of Elberta</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>896</td>
<td>CA</td>
<td>Coloma Road at Fullerton Road Intersection Improvements</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>897</td>
<td>WI</td>
<td>Design and construct youngstown Expressway Improvements, Youngstown</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>898</td>
<td>MO</td>
<td>Reconstruct Interstate 44 and Highway 39 Interchange</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>899</td>
<td>WA</td>
<td>Complete final Columbia River crossing Environmental Impact Statement for SR35 in Klickitat County</td>
<td>$800,000</td>
</tr>
<tr>
<td>900</td>
<td>KY</td>
<td>Reconstruct US 127 at Bellows Road, Mercer County</td>
<td>$600,000</td>
</tr>
<tr>
<td>901</td>
<td>WA</td>
<td>Rosedale and Pedestrian Improvements on 160th Avenue N.E. and Dallas Street</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>902</td>
<td>FL</td>
<td>Six lane expansion of State Road 20 (A1A) from Interstate 95 east to Amelia Island</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>903</td>
<td>MI</td>
<td>Widen and reconstruct Tienken Road in Rochester Hills from Livernois to Sheldon</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
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</tr>
<tr>
<td>904</td>
<td>NV</td>
<td>Design and Construct 1-580 Meadowood Complex Improvements, Washoe County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>905</td>
<td>TX</td>
<td>Design of Chester reconstruction of 13 independent roadway projects</td>
<td>$200,000</td>
</tr>
<tr>
<td>906</td>
<td>NV</td>
<td>Implement ITS system and apparatus to enhance citywide truck route system at 9th Street and 3rd Avenue intersection in Kings County</td>
<td>$100,000</td>
</tr>
<tr>
<td>907</td>
<td>TX</td>
<td>Construction of highway infrastructure to provide flood protection for Nueces County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>908</td>
<td>TX</td>
<td>Widening State Rte 90, Hendry County</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>909</td>
<td>NE</td>
<td>Construction of the Columbus, Nebraska North Arterial Road</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>910</td>
<td>KY</td>
<td>Extension of Newtown Pike from West Main Street to South Limestone Street, Lexington</td>
<td>$16,500,000</td>
</tr>
<tr>
<td>911</td>
<td>OH</td>
<td>Road construction and related improvements in the Village of Gates Mills, OH</td>
<td>$300,000</td>
</tr>
<tr>
<td>912</td>
<td>IL</td>
<td>Widening and Reconstruction of I-29 from I-90 to I-94</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>913</td>
<td>IL</td>
<td>Road upgrades for the Village of Oreauana, IL</td>
<td>$804,000</td>
</tr>
<tr>
<td>914</td>
<td>ID</td>
<td>Widen Amity Road from Chestnut Street to Robinson Road in Nampa, Idaho</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>915</td>
<td>WA</td>
<td>Widen FM 60 (University Drive) from SH 60 to FM 156, College Station</td>
<td>$3,900,000</td>
</tr>
<tr>
<td>916</td>
<td>ID</td>
<td>Widening Cederacrest Road from Payette County line to Station 37</td>
<td>$3,150,000</td>
</tr>
<tr>
<td>917</td>
<td>CA</td>
<td>Widen Avenue 416 in Dinuba California</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>918</td>
<td>MA</td>
<td>Design and construction of streetscape improvements on Main and Maywood Streets, Worcester</td>
<td>$600,000</td>
</tr>
<tr>
<td>919</td>
<td>TX</td>
<td>Extend Munro Street from Demaree Ln to Gellhorn Drive</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>920</td>
<td>MN</td>
<td>City of Moorhead SE Main GSI, 34th St. and 144 Interchange and Moorhead Comprehensive Safety Program</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>921</td>
<td>AL</td>
<td>Widen and safety improvements to SR-216 between SR-215 and I-59, I-25</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>922</td>
<td>WA</td>
<td>Improve 13.5 mile section of Klickitat bicycle and pedestrian trail between Lytle and Klickitat</td>
<td>$250,000</td>
</tr>
<tr>
<td>923</td>
<td>IL</td>
<td>Improve safety of culvert replacement on 350th Rd between 460th St and Hwy 29 in Grandview Township, Edgar County, IL</td>
<td>$320,000</td>
</tr>
<tr>
<td>924</td>
<td>NY</td>
<td>Kingston, improve uptown streets</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>925</td>
<td>CA</td>
<td>Replace Blair Creek Bridge over the Little Lehigh Creek, just west of the Maple Grove Bridge, in Longswamp Township, Berks County</td>
<td>$1,600,000</td>
</tr>
<tr>
<td>926</td>
<td>CA</td>
<td>Replace highway connecting State Route 78/86 and State Route 111, Brawley</td>
<td>$9,500,000</td>
</tr>
<tr>
<td>927</td>
<td>GA</td>
<td>Widen and improvements on Colerain Road in St. Marys, Georgia</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>928</td>
<td>MD</td>
<td>Implement Pedestrian and Roadway Improvements Contained in the Druid Hill Park Neighborhood Access Program in Baltimore</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>929</td>
<td>AZ</td>
<td>Kabba Wash project between I-40 and Wickenup</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>930</td>
<td>ME</td>
<td>Route 2 Improvements from Bethel to Gilead</td>
<td>$500,000</td>
</tr>
<tr>
<td>931</td>
<td>FL</td>
<td>Widen and Improvements for I-75 in Collier and Lee County</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>932</td>
<td>TX</td>
<td>Widen 349 Daviec and Martin County</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>933</td>
<td>WI</td>
<td>Widen Wisconsin State Highway 64 between Houlton and New Richmond</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>934</td>
<td>IN</td>
<td>Widen Wheeling Avenue from Centennial to McAllard Road in the City of Muncie, Indiana</td>
<td>$960,000</td>
</tr>
<tr>
<td>935</td>
<td>MN</td>
<td>Construct a bike trail along the north side of IH 71 to the Voyagers National Park Visitor Center on Black Bay of Rainy Lake</td>
<td>$540,000</td>
</tr>
<tr>
<td>936</td>
<td>FL</td>
<td>Construct pedestrian underpass and safety improvements at SR A1A and Castillo Drive, City of St. Augustine</td>
<td>$1,600,000</td>
</tr>
<tr>
<td>937</td>
<td>CA</td>
<td>Rehabilitate street surfaces in Sherman Oaks</td>
<td>$124,000</td>
</tr>
<tr>
<td>938</td>
<td>CA</td>
<td>Repair and realignment of Brahma Dr. and Winnetka Ave</td>
<td>$200,000</td>
</tr>
<tr>
<td>939</td>
<td>CA</td>
<td>Restore Millburn along the West Branch of the Balchaban River</td>
<td>$750,000</td>
</tr>
<tr>
<td>940</td>
<td>AL</td>
<td>I-20 widening and safety improvements in St. Clair County</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>941</td>
<td>TN</td>
<td>Plan and construct Rutherford County visitor's center/transportation information hub</td>
<td>$500,000</td>
</tr>
<tr>
<td>942</td>
<td>UT</td>
<td>Streetscape a two-lane road and add turning lanes at key intersections on Santa Clara Drive in Santa Clara</td>
<td>$51,000</td>
</tr>
<tr>
<td>943</td>
<td>CA</td>
<td>US 101 Operational Improvements, San Jose</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>944</td>
<td>IL</td>
<td>Upgrade traffic signal system on 87th Street, Chicago</td>
<td>$500,000</td>
</tr>
<tr>
<td>945</td>
<td>LA</td>
<td>Water Well Road Gateway Corridor (LA 478)—Design, Right of Way, and Construction of 3.5 miles from I-49 to LA 1</td>
<td>$5,650,000</td>
</tr>
<tr>
<td>946</td>
<td>CO</td>
<td>East 104th and US55 Intersection: Study, design and construction of needed improvements to intersection</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>947</td>
<td>FL</td>
<td>Widen East coast Florida Drive to US 1 in St. Lucie</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>948</td>
<td>ID</td>
<td>Widen US-95 in Idaho from Jct. SH-1 to Canadian Border</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>949</td>
<td>IL</td>
<td>Engineering of the Willow Creek Trail Extension from Rock Cut State Park to the Long Prairie Trail</td>
<td>$200,000</td>
</tr>
<tr>
<td>950</td>
<td>CA</td>
<td>Widen Interstate 80 overpass at Dogwood Road, Imperial County</td>
<td>$2,122,500</td>
</tr>
<tr>
<td>951</td>
<td>CA</td>
<td>Improve bridge 547-6 on SR 437 over the San Joaquin River that crosses the ocean and environmental analysis of a new bridge over the same river</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>952</td>
<td>ID</td>
<td>Widen US-95 from Worley to Mica Creek, Idaho</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>953</td>
<td>CA</td>
<td>Complete the 2 segments of US-127 from Ithaca to St. Johns to a limited access freeway</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>954</td>
<td>CA</td>
<td>Construct a new interchange where I-15 meets Cajon Pass Road in Corona, CA</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>955</td>
<td>OH</td>
<td>Construct interchange at CR 80 on I-77 near Dover</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>956</td>
<td>TX</td>
<td>Widen US 67, widening from Nolan River to West Buffalo Creek, Cleburne</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>957</td>
<td>NC</td>
<td>Widen and improve I 85 through Cabarrus County from US 29—49 to 29—601</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>958</td>
<td>CA</td>
<td>US58 from Bakersfield to Fayetteville</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>959</td>
<td>GA</td>
<td>Construct and Improve Westside Parkway, Northern Section, in Fulton County</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>960</td>
<td>NY</td>
<td>City of Peekskill, NY Street Resurfacing Program, Hudson Avenue</td>
<td>$130,000</td>
</tr>
<tr>
<td>961</td>
<td>CA</td>
<td>Construction of CA 101 Auxiliary Lanes, Mursh Rd, to Santa Clara County Line</td>
<td>$2,250,000</td>
</tr>
<tr>
<td>962</td>
<td>NY</td>
<td>For the acquisition of ferry boats and ferry terminal facilities and operation of ferry service from Rockland County-Yorkers-Manhattan</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>963</td>
<td>IL</td>
<td>For engineering, right-of-way acquisition and reconstruction of two existing lanes on Arsenal Road from Baseline Rd to RT 53</td>
<td>$1,750,000</td>
</tr>
<tr>
<td>964</td>
<td>NY</td>
<td>For the Scanton City Redevelopment Authority to design, engineer, acquire ROW &amp; construct streetcaping enhancements, paving, lighting &amp; safety improvements, parking &amp; roadway redesign</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>965</td>
<td>FL</td>
<td>Construct landscaped sidewalks, bus lanes, pedestrian/bicycle paths, vehicular lan, City of Plantation</td>
<td>$1,536,041</td>
</tr>
<tr>
<td>966</td>
<td>NY</td>
<td>Improve Route 17—Access Control, Elmira to Chemung</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>967</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition &amp; construction of streetscape improvements, paving, lighting, safety improvements, parking &amp; roadway redesign in Plymouth Borough, Luzerne County</td>
<td>$220,000</td>
</tr>
<tr>
<td>968</td>
<td>ID</td>
<td>Improve SH-75 from Timmerman to Ketchum</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>969</td>
<td>OR</td>
<td>Improve U.S. 97 from Modoc Point to Alpoma</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>970</td>
<td>NC</td>
<td>Construct an interchange between Route 64 and Interstate 95</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>971</td>
<td>TX</td>
<td>Improvements to FM 676 in Alton</td>
<td>$500,000</td>
</tr>
<tr>
<td>972</td>
<td>MA</td>
<td>Reconstruction of Goddard Memorial Drive from State Route 9 to Airport Drive, Worcester</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
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</tr>
<tr>
<td>977</td>
<td>FL</td>
<td>Widening of SW 320 Street (Moore Drive) from Flagler Avenue to SW 187 Avenue</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>978</td>
<td>CA</td>
<td>Implement Van Nuys Road and Safety Improvements</td>
<td>$500,000</td>
</tr>
<tr>
<td>979</td>
<td>TX</td>
<td>Widen US 69 from approximately 2 miles east of US 69 to intersection with US 69</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>980</td>
<td>NC</td>
<td>Widening of US 401 from Wake County to Louisa County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>981</td>
<td>PA</td>
<td>CUPSS, Pennsylvania, Urban Maglev Demonstration Test Project</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>982</td>
<td>TX</td>
<td>Widening US 287 Bypass at Ennis from two to four lanes</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>983</td>
<td>WI</td>
<td>Reconstruction of Tappan Street Town of Newark, Delaware</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>984</td>
<td>IL</td>
<td>Widening US 23 from KY 4 to US 67 in Crawford County and Lincoln County</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>985</td>
<td>MN</td>
<td>Right of way acquisition for Mississippi River Bridge connecting I-94 and US 69</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>986</td>
<td>MO</td>
<td>Rehabilitate Highway 53 between Chippeola Falls and New Auburn</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>987</td>
<td>IL</td>
<td>Widen US 87 from 2-miles west of US 87 to 11 miles east of US 87</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>988</td>
<td>MO</td>
<td>Widen US 27 from KY 4 to US 67 in Crawford County and Lincoln County</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>989</td>
<td>NE</td>
<td>Rehabilitate existing bridge and construct new bridge on Michigan Street</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>990</td>
<td>ME</td>
<td>Replacement of the Route 201-A “covered” bridge, Norridgewock</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>991</td>
<td>AR</td>
<td>Widening of US 278 from VA 192 to US 217 South of Washington</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>992</td>
<td>MO</td>
<td>Widen the Route 412 corridor from I-70 to the City of Independence</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>993</td>
<td>HI</td>
<td>Construct access road for Kahului Airport</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>994</td>
<td>FL</td>
<td>Improve Highway-Railroad Crossings, Gablesburg</td>
<td>$750,000</td>
</tr>
<tr>
<td>995</td>
<td>MN</td>
<td>Salk Rapids Bridge and Roadway Replacement in Salk Rapids, MN</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>996</td>
<td>CA</td>
<td>Widen State Route 100 from 100 feet east of US 101 to 2 miles east of US 101</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>997</td>
<td>CA</td>
<td>Widen State Route 98, including storm drain developments, from Klocke Road to State Route 111, Calexico</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>998</td>
<td>CA</td>
<td>Widen State Route 98 from Route 111 to State Route 7, Calexico</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>999</td>
<td>GA</td>
<td>Construction of bypass around town of Hiram, from SR 92 to US 278, Paulding County, Georgia</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1000</td>
<td>TX</td>
<td>Construction of the interchanges at I-20 and I-20 for JBS Parkway</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1001</td>
<td>TN</td>
<td>Widen State Route 46 between Airport Road and the Shandon Rest Stop in San Luis Obispo County</td>
<td>$33,461,000</td>
</tr>
<tr>
<td>1002</td>
<td>TN</td>
<td>Widen State Route 4 (US-78) from Mississippi State Line to Getwell Road (SR-176) in Memphis, Shelby County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1003</td>
<td>MO</td>
<td>Baraga County, Reconstruction of county primary road on Bayshore Drive from Haanpaa Road northerly 1.7 miles to Whirligig Road</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>1004</td>
<td>NY</td>
<td>Town of Warwick, NY walking and biking trail</td>
<td>$50,000</td>
</tr>
<tr>
<td>1005</td>
<td>AK</td>
<td>Bridge over Fish Creek in Matanuska-Susitna Borough</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1006</td>
<td>GA</td>
<td>GA 800 and McGinnis Ferry Road Interchange, Forsyth County, GA</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1007</td>
<td>TX</td>
<td>Improvements for Mid-Century Improvements for Mid-Century</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1008</td>
<td>NY</td>
<td>Reconfigure road through FDR VA Hospital to provide access to Battery Place in Town of Cortlandt</td>
<td>$395,000</td>
</tr>
<tr>
<td>1009</td>
<td>CA</td>
<td>Widen State Route 262, replace two railroad overpass structures, and rebuild on and off ramps between SR 262 and Kato Rd in Fremont</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1010</td>
<td>TN</td>
<td>Widen State Route 194 in Robertson County and construction of a new bridge connecting the town of Linden to State Routes 382 (Douglas Road) and 392 in Crossville</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>1011</td>
<td>FL</td>
<td>Widen State Road 208 in Lake County, Florida</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
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</tr>
<tr>
<td>1054</td>
<td>AZ</td>
<td>Widen SR 95 through Lake Havasu City</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1055</td>
<td>WI</td>
<td>Widen 85 from SR 47 to Conover</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1056</td>
<td>CT</td>
<td>Construct New arterial roadway from Boston North to proposed new Lake Success Business Park in Bridgport, CT</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>1057</td>
<td>MI</td>
<td>M-13 Washington Avenue Streetscape Project. Phase II of High Priority Project 192 in PL 105-550, City of Saginaw</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1058</td>
<td>TX</td>
<td>Improvements to FM 716 in Duvall County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1059</td>
<td>PA</td>
<td>Towner Road Pedestrian Bridge - Subdivision Improvements</td>
<td>$300,000</td>
</tr>
<tr>
<td>1060</td>
<td>PA</td>
<td>Cresset Valley Drive Revitalization project involving scenic enhancements &amp; pedestrian safety improvements from Lincoln Drive to Navajo Street</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>1061</td>
<td>NC</td>
<td>Transportation Improvements at Piedmont Triad Research Park, Winston-Salem, NC</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1062</td>
<td>MO</td>
<td>608-676 Portion of I-55 E from I-80E to I-77 - (2.5 mi)</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1063</td>
<td>NY</td>
<td>Construct Millennium Parkway in the Towns of Dunkirk and Sheridan</td>
<td>$10,500,000</td>
</tr>
<tr>
<td>1064</td>
<td>AZ</td>
<td>Construct the Rio Salado Parkway to connect I-10 and Loop 202 freeway to 7th Street in downtown Phoenix</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>1065</td>
<td>VA</td>
<td>Improving Vehicle Efficiencies at a Grade-Gate Highway Crossing in Lenor City, TN</td>
<td>$104,000,000</td>
</tr>
<tr>
<td>1066</td>
<td>NJ</td>
<td>Remodel of Monmouth County bridges W-7, W-8, and W-9</td>
<td>$2,100,000</td>
</tr>
<tr>
<td>1067</td>
<td>OK</td>
<td>US-54, Widen US-54 from North of Optimus Northeast to Kansas Line, Oklahoma, OK</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1068</td>
<td>FL</td>
<td>Widen Palm Coast Parkway and 1-95 interchange and overpass, Flagler County, Florida</td>
<td>$2,900,000</td>
</tr>
<tr>
<td>1069</td>
<td>FL</td>
<td>Delray Beach Federal Highway pedestrian improvements SE 4th Street to NE 4th Street</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1070</td>
<td>WI</td>
<td>Expand Highway 10 between Marshfield and Stevens Point</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1071</td>
<td>NY</td>
<td>Install Improvements for Pedestrian Safety in the vicinity of IS 72/PS 69</td>
<td>$250,000</td>
</tr>
<tr>
<td>1072</td>
<td>TN</td>
<td>Upgrade roads for Slack Water Port facility and industrial park Lake County</td>
<td>$1,875,000</td>
</tr>
<tr>
<td>1073</td>
<td>AK</td>
<td>Emergency evacuation road at Point Hope in North Slope Borough</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1074</td>
<td>MI</td>
<td>Construct railroad grade separation on M-48 (Fort Street) North of Van Horn Road, Benton</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1075</td>
<td>IL</td>
<td>Land acquisition, engineering, and construction for the initial 2-lane segments of the Corridor between IL31 to IL25 and other segments of the Corridor as appropriate</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1076</td>
<td>PA</td>
<td>網頁交通流量研究，為哥本哈根橋的擴建及改善做準備工作</td>
<td>$480,000</td>
</tr>
<tr>
<td>1077</td>
<td>KS</td>
<td>Construction of a four-lane access controlled improvement for 4 miles on US-54/400 in Pratt County</td>
<td>$10,600,000</td>
</tr>
<tr>
<td>1078</td>
<td>IN</td>
<td>Upgrade rail crossing at 3rd Avenue, St. John</td>
<td>$200,000</td>
</tr>
<tr>
<td>1079</td>
<td>WI</td>
<td>Widen 710 in 2 lanes from County A to County B</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>1080</td>
<td>GA</td>
<td>Widen SR 234/Gillinville Road from Eight Mile Road to Lockett Station, Dougherty County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1081</td>
<td>CA</td>
<td>Widen SR 12 to four lanes through Jamieson Canyon (between I-80 and SR 29) for safety concerns and economic growth</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1082</td>
<td>GA</td>
<td>Improve intersection on SR 233/Balboa Road to CR 515/Cumberland Drive (including bridges) in Columbia County</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1083</td>
<td>IN</td>
<td>Study Traffic on Monroe By-Pass from Center Avenue to McGregor Road in the City of Muncie and Delaware County, Indiana</td>
<td>$120,000</td>
</tr>
<tr>
<td>1084</td>
<td>FL</td>
<td>Construct US 17-92 improvements, Maitland, Florida</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1085</td>
<td>CA</td>
<td>Widen South Main St.-Soda Bay Rd. between CR 400A (mile marker 0.0-mile marker and 0.7) and CR 502 (mile marker 0.0 and 0.9)</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1086</td>
<td>VA</td>
<td>Replacement of the 635 Bridge in Orange County, VA</td>
<td>$500,000</td>
</tr>
<tr>
<td>1087</td>
<td>TX</td>
<td>Construct Loop 20 in Laredo</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>1088</td>
<td>IA</td>
<td>Construct SE Connector/MLK Pkwy, Des Moines</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>1089</td>
<td>IA</td>
<td>Modernization and Design of Greenway Road Improvements and Site Improvements</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>1090</td>
<td>TX</td>
<td>Widen SH 317 from two lanes to four lane divided highway</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1091</td>
<td>TX</td>
<td>Widen SH 205 from two lanes to a six lane urban divided highway from North of SH 66 to proposed SH 276</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1092</td>
<td>CA</td>
<td>Widen Santa Maria River Road on US 101 between Santa Barbara County and San Luis Obispo County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1093</td>
<td>CA</td>
<td>Widen San Fernando Road North, including streetscape projects, Simi Valley</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1094</td>
<td>PA</td>
<td>Central Susquehanna Valley Transportation Project US 15: $5 million for the final design</td>
<td>$4,100,000</td>
</tr>
<tr>
<td>1095</td>
<td>NJ</td>
<td>Construct Rt 49 Cohansky River Bridge Replacement, Cumberland County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1096</td>
<td>ME</td>
<td>Construction and snowmobile safety accommodations for Route 116 Bridge, Medway</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1097</td>
<td>NJ</td>
<td>Construct pedestrian trail and bridge in Kearneysville in Plainfield</td>
<td>$700,000</td>
</tr>
<tr>
<td>1098</td>
<td>IL</td>
<td>Coralville, IA Implementation of final phase of Safety Improvements Project from 12th Ave to 22nd Ave</td>
<td>$900,000</td>
</tr>
<tr>
<td>1099</td>
<td>IL</td>
<td>Expand and improve Illinois Route 65 on Route 65/432</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>1100</td>
<td>NY</td>
<td>Build Route 15, Pennsylvania to Presque Isle</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>1101</td>
<td>ID</td>
<td>1-880-210 intersection realignment, Boundary County, Idaho</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1102</td>
<td>MN</td>
<td>Construct 3 segments of Cayuga Lakes Trails, Crow Wing County</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>1103</td>
<td>WA</td>
<td>Improve I-5 interchange at 134th Street in Clark County</td>
<td>$11,350,000</td>
</tr>
<tr>
<td>1104</td>
<td>GA</td>
<td>Construct Pedestrian Safety Improvements on Buford Hwy (SR-13), DeKalb County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1105</td>
<td>DC</td>
<td>114th Bridge, Rehabilitation of structures as well as new ramps to provide traffic at Navy Yard, Southeast Federal Ctr., and Gateway Government Ctr.</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>1106</td>
<td>MO</td>
<td>Improve U.S. 36 to divided four lane expressway from Macon to Route 24</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>1107</td>
<td>VA</td>
<td>Mill Road Slip Ramp</td>
<td>$500,000</td>
</tr>
<tr>
<td>1108</td>
<td>NC</td>
<td>Construct sidewalks and curbs on Tate Avenue in Village of Buchanan</td>
<td>$375,000</td>
</tr>
<tr>
<td>1109</td>
<td>MI</td>
<td>Delta County, Widen, pulverize, improve drainage at County Rd 497 from US 2 at Nahma Junction southerly 4.75 miles to the village of Nahma</td>
<td>$575,000</td>
</tr>
<tr>
<td>1110</td>
<td>UT</td>
<td>Construction of 200 North Street highway-rail graded crossing separation, Kaysville, Utah</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1111</td>
<td>FL</td>
<td>Kennedy Blvd. Reconstruction, Batavia</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1112</td>
<td>VA</td>
<td>Improvements to public roadways within the campus boundaries of the Virginia Biotechnology Park, Richmond, VA</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1113</td>
<td>VA</td>
<td>Install Transporation Critical Incident Mobile Data Collection Device in Charlottesville</td>
<td>$400,000</td>
</tr>
<tr>
<td>1114</td>
<td>NY</td>
<td>ITHaca, Design and construct pedestrian and bicycle path</td>
<td>$544,000</td>
</tr>
<tr>
<td>1115</td>
<td>AZ</td>
<td>Navajo Mountain Road on the Navajo Nation</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1116</td>
<td>PA</td>
<td>Expansion of existing PA Turnpike ITS System</td>
<td>$4,100,000</td>
</tr>
<tr>
<td>1117</td>
<td>TX</td>
<td>Construction of ferryboat for Port of Aransas</td>
<td>$400,000</td>
</tr>
<tr>
<td>1118</td>
<td>NY</td>
<td>Project will rehabilitate and reopen historic High Bridge, which crosses the Harlem River between Manhattan and the Bronx</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>1128</td>
<td>MO</td>
<td>Hanley Road from I-64 to south of State Route 100, St. Louis County</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1129</td>
<td>TN</td>
<td>Expand SR-167 from Troy Avenue to County Road 31, Enterprise, AL</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1130</td>
<td>MN</td>
<td>Construction of primary and secondary access roadways to the Duluth Air National Guard Base, City of Duluth</td>
<td>$4,250,000</td>
</tr>
<tr>
<td>1131</td>
<td>CT</td>
<td>Construct high-speed rail crossing to bike and pedestrian trails—Enfield, CT</td>
<td>$2,300,000</td>
</tr>
<tr>
<td>1132</td>
<td>TX</td>
<td>Expansion of Port Rd at Northbound Frontage Rd of SH146 east to intersection with Cruise Terminal Rd to 6-lane section</td>
<td>$7,340,000</td>
</tr>
<tr>
<td>1133</td>
<td>TN</td>
<td>Construct Western Bypass from Zinc Plant Road to Dotsonville Road, Montgomery County</td>
<td>$3,400,000</td>
</tr>
<tr>
<td>1134</td>
<td>CA</td>
<td>Improvements to SR-67, Mapleview to Dye Road (San Diego)</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1135</td>
<td>TN</td>
<td>Plan and construct a bicycle and pedestrian trail, Springfield</td>
<td>$250,000</td>
</tr>
<tr>
<td>1136</td>
<td>MO</td>
<td>Expand Daniel McCulla Parkway, Springfield</td>
<td>$2,200,000</td>
</tr>
<tr>
<td>1137</td>
<td>NY</td>
<td>Rehabilitate the Pines Bridge Road and Lake Avenue and Ryder Road, in Ossining, Yorktown, and New Castle</td>
<td>$2,765,000</td>
</tr>
<tr>
<td>1138</td>
<td>CA</td>
<td>Construct Valley Boulevard Drainage Improvements, El Monte</td>
<td>$750,000</td>
</tr>
<tr>
<td>1139</td>
<td>TN</td>
<td>Unicoi County Streetscape and Intersection Improvements</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1140</td>
<td>NY</td>
<td>Short Close Road Rail Overpass, Haverstraw</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1141</td>
<td>FL</td>
<td>Construct Atlantic Boulevard Improvements, Key West, Florida</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1142</td>
<td>CA</td>
<td>Implement intelligent management &amp; logistics measures to improve freight movement, Gateway Cities</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1143</td>
<td>WI</td>
<td>Expand USH 45 between CTH G and Winchester, Winnebago County, WI</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1144</td>
<td>NY</td>
<td>Implement ITS system and apparatus to enhance cityside truck route system on LIE Eastbound Service Road at 74th Street to Caldwell Ave, Grand Ave from 69th Street to Flushing Ave, and Elliot Ave from 6</td>
<td>$100,000</td>
</tr>
<tr>
<td>1145</td>
<td>IA</td>
<td>Construct IA-32 Arterial from US 20 in Dubuque Co, IA to US 61 and US 151</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>1146</td>
<td>HI</td>
<td>Kapolei Transportation Improvements, Island of Oahu</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1147</td>
<td>MA</td>
<td>Quincy Avenue Bridge Replacement</td>
<td>$900,000</td>
</tr>
<tr>
<td>1148</td>
<td>CA</td>
<td>Los Angeles Regional Diesel Emissions Reduction Program For Engine Retrofit, Gateway Cities</td>
<td>$500,000</td>
</tr>
<tr>
<td>1149</td>
<td>IL</td>
<td>Reconstruction of Wood Dale and Irving Park roads in DuPage County, IL</td>
<td>$12,300,000</td>
</tr>
<tr>
<td>1150</td>
<td>GA</td>
<td>Social Circle bypass completion, from Stanford Road to SR 11, Social Circle</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1151</td>
<td>GA</td>
<td>Streetscape Project to install sidewalks and bicycle trails, Gray</td>
<td>$500,000</td>
</tr>
<tr>
<td>1152</td>
<td>MO</td>
<td>Reconstruction of the Tucker Street Bridge in the City of St. Louis</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>1153</td>
<td>PA</td>
<td>Bethlehem Pike improvements from Valley Green Road to South of Gordon Lane, Springfield Township</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1154</td>
<td>CA</td>
<td>Construct I-15-575 HOV Improvement, Cobb County, Georgia</td>
<td>$600,000</td>
</tr>
<tr>
<td>1155</td>
<td>IL</td>
<td>Construct multi-use pedestrian path between Oakton St. and Dempster St., Skokie</td>
<td>$250,000</td>
</tr>
<tr>
<td>1156</td>
<td>AZ</td>
<td>Construct link from Twin Peaks Road to I-10 and Linda Vista Blvd. including bridge over Santa Cruz River and overpass of Union Pacific Rail Road</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1157</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition, construction of streetscape enhancements, paving, lighting, safety improvements, parking &amp; roadway redesign in Newport Township, Luzerne County</td>
<td>$200,000</td>
</tr>
<tr>
<td>1158</td>
<td>VA</td>
<td>Fries Train Station and Trail—restoration of former train station for use as visitors center and construction of trail along New River</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1159</td>
<td>PA</td>
<td>Construction SR 3024, Middle Creek Bridge II, South Canaan, Wayne County</td>
<td>$700,000</td>
</tr>
<tr>
<td>1160</td>
<td>WI</td>
<td>Expand USH 141 between STH 32 and STH 64 (Oconto and Marinette Counties, Wisconsin)</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1161</td>
<td>IL</td>
<td>Development of a coordinated trail system, parking and trail systems in Dixon, IL</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>1162</td>
<td>PA</td>
<td>Installation of comprehensive signage system across 1700 acres of urban parks in Pittsburgh</td>
<td>$900,000</td>
</tr>
<tr>
<td>1163</td>
<td>GA</td>
<td>Expand USH 75-Woody Hill Road-Atlanta, GA</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1164</td>
<td>NJ</td>
<td>Bridge replacement and SR31 widening over the Raritan Valley Line in Glen Gardner, Hampton, Hunterdon County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1165</td>
<td>CA</td>
<td>Fresno County, CA Widen Friant Road to four lanes with class II bicycle lanes</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1166</td>
<td>IL</td>
<td>Development of a coordinated trail system, parking and trail systems in Dixon, IL</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>1167</td>
<td>PA</td>
<td>Reconstruction and improvements of University Avenue and the extension of the ARTWalk project, Rochester</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1168</td>
<td>IL</td>
<td>Reconstruction and improvements of USH Route 11 in Berlin</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1169</td>
<td>CA</td>
<td>Route 6 Resurfacing from Manship Borough in Richwood Township to the Village of Mainburg in Sullivan Township</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1170</td>
<td>WA</td>
<td>SR 167—Right of way acquisition for a new freeway connecting SR 509 to SR 161</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1171</td>
<td>PA</td>
<td>I-76, Pennsylvania</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1172</td>
<td>NY</td>
<td>Planning and Construction of Port Drum Connector Rd</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1173</td>
<td>CA</td>
<td>Study and construct highway alternatives between Orange and Riverside Counties, directed by RCTC, working with local transp. authorities, and guided by the current MIS</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>1174</td>
<td>PA</td>
<td>Bridge replacement and SR31 widening over the Raritan Valley Line in Glen Gardner, Hampton, Hunterdon County</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>1175</td>
<td>MO</td>
<td>Study for Highway 160 &amp; Kansas Expressway Corridor</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1176</td>
<td>FL</td>
<td>Route 9B from US 1 to Route 9A (I-295) to the Duval county line</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1177</td>
<td>PA</td>
<td>Design, constr. widening of PA 94 from York-Adams County line to Elm Street in Hanover, PA</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1178</td>
<td>WA</td>
<td>Improvement of intersection at Burbank Blvd. and Woodley Ave</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1179</td>
<td>NY</td>
<td>I-41 Corridor Improvements in Syracuse, NY</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1180</td>
<td>WA</td>
<td>Perform final interchange design and property acquisition at Folsom Way where it crosses SR 129, that enhances safety and passenger and freight mobility and reduces congestion</td>
<td>$1,050,000</td>
</tr>
<tr>
<td>1181</td>
<td>WA</td>
<td>Roosevelt Extension at Urban Avenue to Cameron Way in Mount Vernon</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1182</td>
<td>NJ</td>
<td>Hazlet Street reconstruction, Passaic County</td>
<td>$2,250,000</td>
</tr>
<tr>
<td>1183</td>
<td>FL</td>
<td>Improvements to Eller Drive including right-of-way acquisition and construction of return loop connector</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1184</td>
<td>MO</td>
<td>Study Highway 37-69 Entire Corridor</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1185</td>
<td>TX</td>
<td>The District-Tyler Outer Loop 49 Construction</td>
<td>$5,880,000</td>
</tr>
<tr>
<td>1186</td>
<td>PA</td>
<td>Tidal Schuykill Riverfront project consists of an eight mile bike and pedestrian recreation trail from Locust Street to Historic Bartram’s Gardens</td>
<td>$1,680,000</td>
</tr>
<tr>
<td>1187</td>
<td>NY</td>
<td>Parkway extension of a trail to South County, NY</td>
<td>$900,000</td>
</tr>
<tr>
<td>1188</td>
<td>MO</td>
<td>Construction of a bike and pedestrian path along the Mississippi River</td>
<td>$800,000</td>
</tr>
<tr>
<td>1189</td>
<td>NY</td>
<td>Construct I-287, I-89, Route 202 Interchange</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1190</td>
<td>NY</td>
<td>Design and construction of Fulton Street from Clinton Avenue to Bedford Avenue in Brooklyn, New York</td>
<td>$5,600,000</td>
</tr>
<tr>
<td>1191</td>
<td>NY</td>
<td>Recreation of Crispus Attucks Trade Corridor for congestion and safety improvements</td>
<td>$500,000</td>
</tr>
<tr>
<td>1192</td>
<td>MO</td>
<td>Renovations and Enhancements on the Bicycle Pedestrian Facility on the Old Chain of Rocks Bridge spanning the Mississippi River</td>
<td>$800,000</td>
</tr>
<tr>
<td>1193</td>
<td>CT</td>
<td>Construct Shoreline Transportation Enhancement Projects, Guilford, Branford, East Haven</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1194</td>
<td>NJ</td>
<td>Highways improvements in Lawrenceville</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1195</td>
<td>OH</td>
<td>Construct SR 104 into a 4 lane facility with a turning lane in Ross County</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1196</td>
<td>MO</td>
<td>Construct 2 lanes on Hwy 45 from Hwy 9 to Gradon Road in Platte County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
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</tr>
<tr>
<td>1201</td>
<td>MS</td>
<td>Plan and Construct Highway 45 Bypass in Columbus</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1202</td>
<td>PA</td>
<td>Reconstruct and improve bridge on I-480 on the east side of 180th Avenue and Chester Counties</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1203</td>
<td>FL</td>
<td>Construct SR 20 connection to SR 100 via CR 309-C, Putnam County, Florida</td>
<td>$4,300,000</td>
</tr>
<tr>
<td>1204</td>
<td>OH</td>
<td>Road and related pedestrian improvements at SR 283 in the Village of Grand River, OH</td>
<td>$100,000</td>
</tr>
<tr>
<td>1205</td>
<td>NY</td>
<td>Road project to improve commercial access in the Town of Wantagh and St. Albans and the Village of Rosedale, Lake, Saratoga County, New York</td>
<td>$8,150,000</td>
</tr>
<tr>
<td>1206</td>
<td>NY</td>
<td>Replace structurally deficient bridge over the Pocantico River, the Village of Pleasantville</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1207</td>
<td>IL</td>
<td>Complete Heavy Truck Loop for DuQuoin Industrial Park</td>
<td>$625,000</td>
</tr>
<tr>
<td>1208</td>
<td>OH</td>
<td>Construct and dualization of US 53</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>1209</td>
<td>GA</td>
<td>Streetscape-Quinn</td>
<td>$200,000</td>
</tr>
<tr>
<td>1210</td>
<td>NY</td>
<td>Town of New Windsor T electrolyte &amp; Station Roads Reconstruction and area Improvements</td>
<td>$715,000</td>
</tr>
<tr>
<td>1211</td>
<td>TX</td>
<td>Hike and bike trail will tie into the Gellhorn Dr. project providing an improved multi-modal transportation facility</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1212</td>
<td>WA</td>
<td>Implement ITS and congestion Mitigation Project on I-294 and I-90</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1213</td>
<td>OH</td>
<td>Springfield, OH Relocation of North Street</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1214</td>
<td>KS</td>
<td>Replacement or rehabilitation of the Amelia Earhart US-59 Bridge in Atchison County, Kansas</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1215</td>
<td>AL</td>
<td>Pedestrian Improvements for Morris, AL</td>
<td>$100,000</td>
</tr>
<tr>
<td>1216</td>
<td>NJ</td>
<td>North Avenue-Route 1 Elizabeth Pedestrian and Bicycle Project</td>
<td>$75,000</td>
</tr>
<tr>
<td>1217</td>
<td>TN</td>
<td>Plan and construct a bicycle and pedestrian trail, Lewisburg</td>
<td>$100,000</td>
</tr>
<tr>
<td>1218</td>
<td>NY</td>
<td>NYSDOT Route 55 turning lane at Gardner Hollow Road</td>
<td>$400,000</td>
</tr>
<tr>
<td>1219</td>
<td>CA</td>
<td>Construct and improve intersections in Niota, Tennessee</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1220</td>
<td>CA</td>
<td>Complete Monterey Bay Sanctuary Scenic Trail between Monterey and Santa Cruz counties</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1221</td>
<td>CA</td>
<td>Conduct studies, if necessary, and construct the High Line Trail Project, New York City</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1222</td>
<td>KY</td>
<td>Construct and improve intersections in Morgan County</td>
<td>$625,000</td>
</tr>
<tr>
<td>1223</td>
<td>CA</td>
<td>Implement Intelligent Transportation System in Baltimore</td>
<td>$500,000</td>
</tr>
<tr>
<td>1224</td>
<td>OH</td>
<td>Improve the Rosecrans Ave and Alondra Blvd bridges over the San Gabriel River in Bellflower</td>
<td>$50,000</td>
</tr>
<tr>
<td>1225</td>
<td>OH</td>
<td>Springfield, OH Relocation of North Street</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1226</td>
<td>CA</td>
<td>Upgrade and reconstruct I-880 Vasco Road Interchange, City of Livermore</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1227</td>
<td>CA</td>
<td>Construction of SR 209 and CR 345 in Guernsey County</td>
<td>$800,000</td>
</tr>
<tr>
<td>1228</td>
<td>NY</td>
<td>NY State of NY Village of Kiryas Joel sidewalk project</td>
<td>$750,000</td>
</tr>
<tr>
<td>1229</td>
<td>CA</td>
<td>Implement Independent National Historic Park scenic enhancement and pedestrian walkway improvement project in conjunction with the park’s Executive Mansion Exhibit</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>1230</td>
<td>CA</td>
<td>Replace Bridge and Approaches on Searcy School Road over Beaver Creek, Anderson County</td>
<td>$875,000</td>
</tr>
<tr>
<td>1231</td>
<td>NY</td>
<td>Route 22 Sustainable Corridor Plan</td>
<td>$5,750,000</td>
</tr>
<tr>
<td>1232</td>
<td>NY</td>
<td>Conduct studies, if necessary, and construct the High Line Trail Project, New York City</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1233</td>
<td>NY</td>
<td>Replace left lane turn signals at intersection signal modifications at SR 271 and Columbus Blvd</td>
<td>$1,750,000</td>
</tr>
<tr>
<td>1234</td>
<td>OH</td>
<td>Interstate 5-Base Line Road Interchange Project, Rancho Cucamonga, California</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1235</td>
<td>SC</td>
<td>Build Interchange at US 17 and Bowman Road in Mount Pleasant, SC</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1236</td>
<td>CA</td>
<td>Improve Hospital Road Bridge between CR99 and CR101, Patchogue</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1237</td>
<td>NY</td>
<td>Construct Martin Luther King Blvd.—Industrial Rd. Connector</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1238</td>
<td>MI</td>
<td>I-96 Beck, Wixom Road Interchange, design, ROW, and construction</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1239</td>
<td>OH</td>
<td>Improve the SR 5 intersection at SR 209 and SR 37 in Morgan County</td>
<td>$625,000</td>
</tr>
<tr>
<td>1240</td>
<td>CA</td>
<td>Historic preservation of a city bus station in downtown Eastman</td>
<td>$134,971</td>
</tr>
<tr>
<td>1241</td>
<td>TX</td>
<td>Construction of internal roads at Port of Brownsville to make roads safer with less wear and tear</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1242</td>
<td>NY</td>
<td>NYSDOT Route 55 turning lane at Gardner Hollow Road</td>
<td>$400,000</td>
</tr>
<tr>
<td>1243</td>
<td>CA</td>
<td>Plan and construct a pedestrian bridge over state highway</td>
<td>$100,000</td>
</tr>
<tr>
<td>1244</td>
<td>TX</td>
<td>Reconstruct Danieldale Rd from I-35E to Houston School Rd in Lancaster</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1245</td>
<td>CT</td>
<td>Relocation of Edmond Road in Newton and construction of additional turning lanes at Route 6 and Commerce and Edmond Roads</td>
<td>$600,000</td>
</tr>
<tr>
<td>1246</td>
<td>OH</td>
<td>Construction of Route 18 and 10 in Portage County, OH</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1247</td>
<td>NJ</td>
<td>North Avenue-Route 1 Elizabeth Pedestrian and Bicycle Project</td>
<td>$75,000</td>
</tr>
<tr>
<td>1248</td>
<td>AL</td>
<td>Pedestrian Improvements for Morris, AL</td>
<td>$100,000</td>
</tr>
<tr>
<td>1249</td>
<td>NY</td>
<td>Preliminary design and environmental impact study for a collector-distributor road along I-85 from Westchester Ave, to Barlow Ave</td>
<td>$7,360,000</td>
</tr>
<tr>
<td>1250</td>
<td>NJ</td>
<td>Replacement of Signals at the Intersections of Centennial Ave @ Lincoln Ave and Walnut Ave @ Lincoln Ave, Cranford, NJ</td>
<td>$490,000</td>
</tr>
<tr>
<td>1251</td>
<td>KS</td>
<td>Replacemen or rehabilitation of the Amelia Earhart US-39 Bridge in Atchison County, Kansas</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1252</td>
<td>CA</td>
<td>Springfield, OH Relocation of North Street</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1253</td>
<td>KY</td>
<td>Reconstruct KY 89 from Irvine Bypass to 2000 Feet North of Estill County High School, Estill County</td>
<td>$750,000</td>
</tr>
<tr>
<td>1254</td>
<td>NY</td>
<td>Town of East Fishkill new construction Bypass road</td>
<td>$800,000</td>
</tr>
<tr>
<td>1255</td>
<td>CA</td>
<td>Establish new grade separation at Sunset Ave in Banning</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1256</td>
<td>CT</td>
<td>Construct and Widen Stamford Rail Underpass &amp; Road Realignment Project</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1257</td>
<td>TN</td>
<td>Hamblen County, Tennessee US11E (SR3) interchange improvements</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1258</td>
<td>MA</td>
<td>Intersection of I-193 and US 1 in Milford, NH</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1259</td>
<td>AZ</td>
<td>Bridge at 99th Ave and Glendale Ave</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1260</td>
<td>TX</td>
<td>Bike and bike trail will tie into the Gelhorn Dr. project providing an improved multi-modal transportation facility</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1261</td>
<td>OH</td>
<td>Jackson Township, Ohio—Hills and Dales Road widening</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1262</td>
<td>WI</td>
<td>Build a Connector (South Holland Road)</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1263</td>
<td>MN</td>
<td>Reconstruct I-94 White Bear Avenue (CSAH 65) Interchange in White Bear Lake</td>
<td>$500,000</td>
</tr>
<tr>
<td>1264</td>
<td>WI</td>
<td>Replace 17th Street Lift Bridge, Two Rivers, Wisconsin</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1265</td>
<td>MA</td>
<td>Route 116 and Bay Road Intersection Improvements—Amherst</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1266</td>
<td>IL</td>
<td>Improve intersections in Joilet, Will County, Illinois</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1267</td>
<td>TN</td>
<td>Construct and improves intersections in Niota, Tennessee</td>
<td>$100,000</td>
</tr>
<tr>
<td>1268</td>
<td>CA</td>
<td>Upgrade Bellflower intersections at Alondra Blvd and at Rosecrans Ave in Bellflower</td>
<td>$350,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
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</tr>
<tr>
<td>1275</td>
<td>NJ</td>
<td>Construct Riverbank Park Bike Trail, Kearny</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1276</td>
<td>NJ</td>
<td>Install US 52 in Fort Lee</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>1277</td>
<td>MD</td>
<td>Construction and dualization of MD 404 in Queen Anne, Talbot and Caroline Counties</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>1278</td>
<td>NY</td>
<td>Dutchess County, NY Replace County Bridge BIN 3358400 on DeGarmo Road CR43, Town of Poughkeepsie</td>
<td>$250,000</td>
</tr>
<tr>
<td>1279</td>
<td>IL</td>
<td>Upgrade connector road from IL Rt I-355 to IL Rt 3, St. Alphonse</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1280</td>
<td>MD</td>
<td>Reconstruction of Route 73 to 3 Valley Road Bridge</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>1281</td>
<td>MS</td>
<td>Upgrade roads in Attalla County District 4 (Roads 4211 and 4204), Kociuskgo, Ward 3 (U.S. Hwy 16), and Ethel (U.S. Hwy 12), Attalla County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1282</td>
<td>TX</td>
<td>Construction of streets in the White Heather area of Houston</td>
<td>$8,250,000</td>
</tr>
<tr>
<td>1283</td>
<td>MS</td>
<td>Upgrade State RT 92, 16 and 10, Madison County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1284</td>
<td>IA</td>
<td>Reconstruction of the Neal Smith Trail, bicycle and pedestrian, Polk Co</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1285</td>
<td>CA</td>
<td>Rehabilitate pavement on Azusa Avenue and San Gabriel Avenue in Azusa</td>
<td>$500,000</td>
</tr>
<tr>
<td>1286</td>
<td>CA</td>
<td>South Coast Corridor Coastal Corridor Transportation Initiative, Phase 3, El Segundo</td>
<td>$500,000</td>
</tr>
<tr>
<td>1287</td>
<td>MS</td>
<td>Upgrade roads in Terry, Edwards, Utica and Bolin, Hardin County</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>1288</td>
<td>FL</td>
<td>US 1 at I-10 from St. Lucie County line to south of 4th St in Indian River County, FL</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1289</td>
<td>MD</td>
<td>Expand Route 29 in Howard County</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1290</td>
<td>WA</td>
<td>Issaquah SE Bypass</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1291</td>
<td>NY</td>
<td>Town of Patterson Coach Road</td>
<td>$75,000</td>
</tr>
<tr>
<td>1292</td>
<td>MD</td>
<td>US 220 MD 53 North South Corridor</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1293</td>
<td>NJ</td>
<td>Improvements to Clove Road and Long Hill Road in Little Falls and Upper Mountain Ave. in Montclair</td>
<td>$7,250,000</td>
</tr>
<tr>
<td>1294</td>
<td>HI</td>
<td>Study of East Hawaii Alternate Road, Island of Hawaii</td>
<td>$200,000</td>
</tr>
<tr>
<td>1295</td>
<td>FL</td>
<td>Town of Southeast Ranches Urban Interchange</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1296</td>
<td>CA</td>
<td>Long Beach Intelligent Transportation System: Integrate functioning traffic management center that includes the port, transit, airport as well as the city's police and fire departments, Long Beach</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1297</td>
<td>CA</td>
<td>Ahmad Expressway Improvements between Branham Lane and Blossom Road, San Jose</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1298</td>
<td>AR</td>
<td>Construct and rehabilitate University of Arkansas Technology Corridor Enhancement Project</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>1299</td>
<td>CO</td>
<td>US 550, New Mexico State Line to Durango</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1300</td>
<td>TX</td>
<td>Construct bicycle and pedestrian trails in Houston's historic Third Ward</td>
<td>$750,000</td>
</tr>
<tr>
<td>1301</td>
<td>IL</td>
<td>Village of Cold Spring Lake Road and están project, Lake County</td>
<td>$250,000</td>
</tr>
<tr>
<td>1302</td>
<td>NY</td>
<td>Village of Goshen Hatfield Lane reconstruction</td>
<td>$250,000</td>
</tr>
<tr>
<td>1303</td>
<td>SC</td>
<td>Plan and build Interstate 73 from NC line to Myrtle Beach, SC</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>1304</td>
<td>TX</td>
<td>IH-535 Bridge Reconstruction over Lake Lacyville</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1305</td>
<td>CA</td>
<td>Construct College Road Improvements, Key West, Florida</td>
<td>$500,000</td>
</tr>
<tr>
<td>1306</td>
<td>NY</td>
<td>West Harlem Waterfront-ferry, intermodal and street improvements</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>1307</td>
<td>CA</td>
<td>Construct sound barriers at the I-80/I-85 S.R. 54 Interchange, National City</td>
<td>$850,000</td>
</tr>
<tr>
<td>1308</td>
<td>NY</td>
<td>Road projects that develop Access to Port Byron and Erie Canal</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>1309</td>
<td>FL</td>
<td>West Palm Beach, Florida, Flagger Drive Reconstruction</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>1310</td>
<td>AL</td>
<td>Extension of I-59 westward from existing interchange to existing Tennessee River bridges at Decatur, AL</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1311</td>
<td>CT</td>
<td>Construct Farmington Canal Greenway enhancements, New Haven and Hamden</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1312</td>
<td>GA</td>
<td>Replace sidewalks, upgrade lighting, and install landscaping, Helena</td>
<td>$400,000</td>
</tr>
<tr>
<td>1313</td>
<td>IA</td>
<td>Upgrade US 30 Liberty Square in City of Clinton, Iowa</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1314</td>
<td>HI</td>
<td>Study of Waimanu Coast Emergency Access Road</td>
<td>$500,000</td>
</tr>
<tr>
<td>1315</td>
<td>NY</td>
<td>Westchester County, NY Rehabilitation of Lexingate Ave. Mt. Kisco</td>
<td>$500,000</td>
</tr>
<tr>
<td>1316</td>
<td>CA</td>
<td>Widcon and Improve County Line Road in Calimesa</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1317</td>
<td>OH</td>
<td>Construct tow road improvements on SR-166 near Bussmer Lake in Muskingum County</td>
<td>$600,000</td>
</tr>
<tr>
<td>1318</td>
<td>RI</td>
<td>Restore and Expand Maritime Heritage site in Bristol</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1319</td>
<td>OH</td>
<td>City of Green, Ohio, Lauby Road exit improvements</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1320</td>
<td>NJ</td>
<td>Construct Bicycle Path in Town of Bedford</td>
<td>$500,000</td>
</tr>
<tr>
<td>1321</td>
<td>CA</td>
<td>Construct Arterial Reconstruction and Improvement Program in CA</td>
<td>$500,000</td>
</tr>
<tr>
<td>1322</td>
<td>MT</td>
<td>Construction of S. 233 from Alzada to Ekalaka in Carter County</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>1323</td>
<td>IL</td>
<td>Improve Great River Road, Mercer County</td>
<td>$500,000</td>
</tr>
<tr>
<td>1324</td>
<td>FL</td>
<td>Normandy Blvd. &amp; Cassat Ave. Transportation Enhancements, Jacksonville</td>
<td>$500,000</td>
</tr>
<tr>
<td>1325</td>
<td>NC</td>
<td>Northampton, OH Appaloosa St. road widening, Southampton</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1326</td>
<td>MA</td>
<td>Design &amp; Build Cape Cod Bike Trail, with Shining Sea Bikeway, to link core with outer Cape communities &amp; heavily vis- ited national sites</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1327</td>
<td>TN</td>
<td>Plan and construct N. Tennessee Boulevard enhancements</td>
<td>$500,000</td>
</tr>
<tr>
<td>1328</td>
<td>KY</td>
<td>Quinn Road realignment, Clifton</td>
<td>$500,000</td>
</tr>
<tr>
<td>1329</td>
<td>MO</td>
<td>Reconnoiter Interstate 44 and Highway 65 Interchange</td>
<td>$16,300,000</td>
</tr>
<tr>
<td>1330</td>
<td>MN</td>
<td>Reconnoiter TH61 from Beaver Bay to Silver Bay, Construction of Gitchi-Gami Spur Trail between main trail and Silver Bay Marina along TH61 roadway segment</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>1331</td>
<td>KY</td>
<td>Reconnoiter KY359 in Edmonson County</td>
<td>$500,000</td>
</tr>
<tr>
<td>1332</td>
<td>LA</td>
<td>Construction of a merge lane at the intersection of I-10 and US 190</td>
<td>$500,000</td>
</tr>
<tr>
<td>1333</td>
<td>AL</td>
<td>Expand SR-210 (Ross Clark Circle) from US311 North to US311 South in Dothan, AL</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1334</td>
<td>MD</td>
<td>Construct interchange at MD Route 355 at Montrose and Randolph Roads in Montgomery County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1335</td>
<td>CA</td>
<td>Construct new interchange and related road improvements on US395 near Airport Blvd, Salinas</td>
<td>$3,570,000</td>
</tr>
<tr>
<td>1336</td>
<td>PA</td>
<td>CONYTHON the French Creek Parkway in Phoenizville, PA</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1337</td>
<td>MN</td>
<td>Capacity and safety improvements to TH 6, west of 306th St. to eastern city limits, Lindstrom</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>1338</td>
<td>VA</td>
<td>Eastern Seaboard Intermodal Transportation Applications Center (ESITAC) in Hampton Roads</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1339</td>
<td>IL</td>
<td>Construct underpass at intersection of Dames/Fullerton/Eston Avenues, Chicago</td>
<td>$5,350,000</td>
</tr>
<tr>
<td>1340</td>
<td>AR</td>
<td>Highway 165: Railroad Overpass</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1341</td>
<td>FL</td>
<td>Implement Snake Road (BIA Route 201) Widening and Improvements</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1342</td>
<td>CA</td>
<td>Construct Circular E. Yuma, California, Yuma County, CA</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1343</td>
<td>CA</td>
<td>Construct Quinipiac Linear Trail, Wallingford</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1344</td>
<td>KY</td>
<td>Construction of a bike and bike path from Riverbends Park, 22 Mile Road, to Stony Creek Park, 25 Mile Road in Shelby Township</td>
<td>$500,000</td>
</tr>
<tr>
<td>1345</td>
<td>IN</td>
<td>Reconnoiter Bost Road in Lakeville, Indiana</td>
<td>$500,000</td>
</tr>
<tr>
<td>1346</td>
<td>OR</td>
<td>Improvements to Bandon-Charleston State Scenic Tour on Randolph Road and North Bank Lane</td>
<td>$4,200,000</td>
</tr>
<tr>
<td>1347</td>
<td>VA</td>
<td>Conduct study of Route 460 Corridor, Virginia</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1348</td>
<td>WI</td>
<td>Construct Sparta Stanohe Road Bridge</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1349</td>
<td>NY</td>
<td>Reconnoiter NYS-County Road, Schoharie County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1350</td>
<td>OH</td>
<td>Construct additional lane to alleviate traffic congestion on US 40 in and adjacent to St. Clairsville</td>
<td>$800,000</td>
</tr>
<tr>
<td>1351</td>
<td>CO</td>
<td>CO 56th Avenue &amp; Quebec Street Improvements Phase I, Denver</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
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</tr>
<tr>
<td>1353</td>
<td>OH</td>
<td>Construct Front Bypass—Oregon, Ohio</td>
<td>$8,004,400</td>
</tr>
<tr>
<td>1354</td>
<td>OH</td>
<td>Conversion of Pens and Pattern Bridges</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>1355</td>
<td>CA</td>
<td>Coyote Creek Trail Project—Story Road to Montague Expressway</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1356</td>
<td>PA</td>
<td>Construct Cameron Street Bridge Northumberland County, Pennsylvania</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1357</td>
<td>OH</td>
<td>Construct upgrade of SR 16 to 4 lanes from SR 60 to SR 16 in Coshocton County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1358</td>
<td>OH</td>
<td>Median Groves, Guild Avenue urban road, design and construction</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1359</td>
<td>TN</td>
<td>Improvements to I-40 interchange at I-240 East of Memphis (Phase II)</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1360</td>
<td>WI</td>
<td>Casper Bypass: Reconstruct Old Yellowstone Hwy and 2nd St.</td>
<td>$5,800,000</td>
</tr>
<tr>
<td>1361</td>
<td>WI</td>
<td>Construct sidewalk and landscape improvements along town of Putnam Valley</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>1362</td>
<td>WI</td>
<td>Engineering and right of way acquisition for I-49 Corridor</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>1363</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition &amp; construction of streetscape enhancements, paving, lighting, safety improvements, parking &amp; roadway redesign in Edswardsburg Borough, Lifernee County</td>
<td>$260,000</td>
</tr>
<tr>
<td>1364</td>
<td>WI</td>
<td>Construct I-37/74 High Priority Corridor, Mercer Co</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>1365</td>
<td>WI</td>
<td>Improve Long and Short Beach Road, Southampton</td>
<td>$2,100,000</td>
</tr>
<tr>
<td>1366</td>
<td>CA</td>
<td>Modify I-880 &amp; Stevens Creek Boulevard Interchange to ease traffic congestion in San Jose</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1367</td>
<td>WI</td>
<td>Improve road and streetscape along Prospect Avenue in North Hempstead</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1368</td>
<td>CA</td>
<td>Palm Drive &amp; Interstate 10 interchange project</td>
<td>$2,750,000</td>
</tr>
<tr>
<td>1369</td>
<td>WI</td>
<td>Reconstruct TH 36 from expressway to freeway in North St. Paul</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1370</td>
<td>WI</td>
<td>Construct I-80 interchange improvements in Calumet Valley</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>1371</td>
<td>WI</td>
<td>Expand US 52 from Wilson, AL to Montgomery, AL</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1372</td>
<td>TX</td>
<td>Construction of high median, pedestrian walkways for City of South Padre Island</td>
<td>$500,000</td>
</tr>
<tr>
<td>1373</td>
<td>NY</td>
<td>Construct Rt. 12 intersection between Pamela Drive-River Road-Located in the Town of Chenango</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1374</td>
<td>WI</td>
<td>Construct Streetscape Project, Village of Robbins</td>
<td>$800,000</td>
</tr>
<tr>
<td>1375</td>
<td>WA</td>
<td>Effingan Parkway to Connect SR119 to SR30</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1376</td>
<td>MD</td>
<td>Construct Phase 2 of the Jones Falls Trail from Baltimore Penn Station to the Maryland Science Center on the Inner Harbor</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1377</td>
<td>CA</td>
<td>Construct Valley Business Park Access Road C, Bradford County</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>1378</td>
<td>LA</td>
<td>Improve by widening, realigning, &amp; resurfacing 3.2 miles of LA Hwy 820 btw LA Hwy 145 &amp; LA Hwy 821</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1379</td>
<td>WI</td>
<td>SR 518 improvements, Menomonee Falls</td>
<td>$500,000</td>
</tr>
<tr>
<td>1380</td>
<td>WI</td>
<td>Install Improvements for Pedestrian Safety in the vicinity of PS 124</td>
<td>$250,000</td>
</tr>
<tr>
<td>1381</td>
<td>VT</td>
<td>Construction and engineering for the Vermont Smugglers Notch Scenic Highway Corridor Southern Gateway and Notch Proper Facilities</td>
<td>$1,085,514</td>
</tr>
<tr>
<td>1382</td>
<td>OH</td>
<td>Planning and construction of recreational trails in Perry County</td>
<td>$900,000</td>
</tr>
<tr>
<td>1383</td>
<td>GA</td>
<td>Construction of the Truman Linear Park Trail-Phase II</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>1384</td>
<td>NJ</td>
<td>Pedestrian and bicycle facilities, and street lighting in Haddon Heights/Barrington</td>
<td>$750,000</td>
</tr>
<tr>
<td>1385</td>
<td>CA</td>
<td>Reconstruct interchange at I-10 and Riverside Avenue to improve traffic in Rialto</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1386</td>
<td>CA</td>
<td>Redevelop Bloomfield Avenue from Carson St. to north city limits in His Acres, on Gardens</td>
<td>$200,000</td>
</tr>
<tr>
<td>1387</td>
<td>SC</td>
<td>SC Construction of Wells Highway, Oconee County, South Carolina</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1388</td>
<td>CA</td>
<td>Reconstruct Paramount Bl. with medians and improve drainage from Artesia Bl. to Candlewood St. in Long Beach</td>
<td>$960,000</td>
</tr>
<tr>
<td>1389</td>
<td>IL</td>
<td>Reconversion of 5th Street Road (FAS 509)in Logan County</td>
<td>$952,570</td>
</tr>
<tr>
<td>1390</td>
<td>NY</td>
<td>Page Green—Phase III—Reconstruction of 2.6 miles, Town of Virgil, Cortland County</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>1391</td>
<td>MI</td>
<td>Gogebic County, Reconstruct Lake Road in Ironwood from Marquette Street to Airport Road</td>
<td>$805,000</td>
</tr>
<tr>
<td>1392</td>
<td>MI</td>
<td>Relocation and reconstruction of Rt MM from Rt 21 to Rt 30</td>
<td>$15,680,000</td>
</tr>
<tr>
<td>1393</td>
<td>WA</td>
<td>Replace three at-grade highway-railroad crossings with grade-separated crossings adjacent to Winnona State University</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1394</td>
<td>CA</td>
<td>Construct Traffic flow improvements Vincent and Lakes Drive, West Covina</td>
<td>$750,000</td>
</tr>
<tr>
<td>1395</td>
<td>MA</td>
<td>Construction of 6.25 mile multi-use project in Malden County</td>
<td>$400,000</td>
</tr>
<tr>
<td>1396</td>
<td>OH</td>
<td>Construct 1-40/Munoz Reconstruction in the City of Gallup</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>1397</td>
<td>TX</td>
<td>Reconstructs State Highway 120 between IH10 to IH61</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1398</td>
<td>CA</td>
<td>Reconstruct Long Beach Bl. with medians and improve drainage from Palm Ave. to Tweedy Bl. in Lynwood</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1399</td>
<td>CA</td>
<td>Expand sidewalk/pavement to serve low- and moderate-income neighborhoods in the City and County of San Diego</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1400</td>
<td>CA</td>
<td>Implement Kennedy Boulevard corridor improvements to improve safety in Tampa</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1401</td>
<td>MD</td>
<td>Construct Broadneck Peninsula Trail, Anne Arundel County, Maryland</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1402</td>
<td>MD</td>
<td>Relocation and reconstruction of I-695 MM from I-695 to I-95</td>
<td>$15,680,000</td>
</tr>
<tr>
<td>1403</td>
<td>WA</td>
<td>Replace three at-grade highway-railroad crossings with grade-separated crossings adjacent to Winnona State University</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1404</td>
<td>CA</td>
<td>Construct Traffic flow improvements Vincent and Lakes Drive, West Covina</td>
<td>$750,000</td>
</tr>
<tr>
<td>1405</td>
<td>CA</td>
<td>Construction of an interchange located at the intersection of future State Route 65 and Ferrari Ranch Road-Westwood in Placer County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1406</td>
<td>KS</td>
<td>Construct highway-rail grade separation from Douglas Avenue to 17th Street North in Wichita, KS</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1407</td>
<td>OH</td>
<td>Conduct Phase II of U.S. Route 68 bypass project in Urbana</td>
<td>$2,300,000</td>
</tr>
<tr>
<td>1408</td>
<td>GA</td>
<td>Construct sidewalks and install landscaping, Vienna</td>
<td>$500,000</td>
</tr>
<tr>
<td>1409</td>
<td>TX</td>
<td>Extension of FM 1427 in Penitas</td>
<td>$500,000</td>
</tr>
<tr>
<td>1410</td>
<td>MD</td>
<td>MD 124, Woodfield Road, from Midcountry Highway to Warfield Road</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1411</td>
<td>CA</td>
<td>Rio Vista Bridge Realignment Study &amp; Sign Safety Program</td>
<td>$700,000</td>
</tr>
<tr>
<td>1412</td>
<td>WI</td>
<td>Construct 1-40/Munoz Reconstruction in the City of Gallup</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>1413</td>
<td>CA</td>
<td>Construct 1-40/Munoz Reconstruction in the City of Gallup</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>1414</td>
<td>LA</td>
<td>Implement Pedestrian Safety in Queens County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1415</td>
<td>CA</td>
<td>Repair and improve Jericho Turnpike (NYS HWY 25) and construct streetscapes along the Turnpike in New Hyde Park</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1416</td>
<td>CA</td>
<td>SR 316/SR 20 interchange construction, Gennett, County</td>
<td>$500,000</td>
</tr>
<tr>
<td>1417</td>
<td>WA</td>
<td>Construct Pedestrian walkways and streetscape projects in the Village of Western Springs</td>
<td>$4,210,000</td>
</tr>
<tr>
<td>1418</td>
<td>WI</td>
<td>SR 518 corridor—Improvements to SR 518/509 interchanges and addition of eastbound travel lane on a portion of the corridor</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1419</td>
<td>CA</td>
<td>Development and construction of improvements to State Route 79 in the San Jacinto Valley</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>1420</td>
<td>CA</td>
<td>Construction of the roadway improvement project on North Napa Road in Ontario</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>1421</td>
<td>WI</td>
<td>Conduct preliminary engineering and EIS for Columbia River Crossing in WA and OR</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>1422</td>
<td>NC</td>
<td>Greensboro Signal System Replacement ITS Enhancement Project</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>1423</td>
<td>MN</td>
<td>Reconstruction of 1 mile of CR 107 from CSAH 2 to Highway 11 and 71, Koshiching County</td>
<td>$500,000</td>
</tr>
<tr>
<td>1424</td>
<td>OH</td>
<td>Phlox Bridge, Ohio, Madison Avenue widening</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1425</td>
<td>WI</td>
<td>Casper Bypass: Reconstruct Old Yellowstone Hwy and 2nd St.</td>
<td>$5,800,000</td>
</tr>
<tr>
<td>1426</td>
<td>WI</td>
<td>Construct right of way improvements from Third St. at James St. to L.A. Hwy, One at Broadway St. Acquire property at Third St. and Winn St</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
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<td>---------------------</td>
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</tr>
<tr>
<td>1438</td>
<td>PA</td>
<td>State Street Bridge Rehabilitation, Hamburg</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1439</td>
<td>OH</td>
<td>Construct Flats East Bypass Linking Front and Main Avenue</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1440</td>
<td>NY</td>
<td>Construct/reconstruct Lincoln Road: Commercial Street to Route 31F in the Town-Village of East Rochester</td>
<td>$900,000</td>
</tr>
<tr>
<td>1441</td>
<td>OH</td>
<td>Acquire land and construct Portage Bike and Hike Trail, Portage Co</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1442</td>
<td>NC</td>
<td>Completed development of Cary, NC pedestrian bike paths</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1443</td>
<td>CT</td>
<td>Complete overpass at I-95</td>
<td>$750,000</td>
</tr>
<tr>
<td>1444</td>
<td>NY</td>
<td>Safety improvements to Paris Avenue intersections and Meese Rd. and Easton St.—Ninimishlen Township, Ohio</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1445</td>
<td>CA</td>
<td>Alameda Corridor-East Construction Authority</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1446</td>
<td>WA</td>
<td>Construct a tunnel as part of the Bremerton Pedestrian-Bremerton Transportation Center Access Improvement project</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>1447</td>
<td>NC</td>
<td>Expand Derita Road</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1448</td>
<td>NJ</td>
<td>Hoboken Observer Highway Operational and Safety Improvements</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1449</td>
<td>MO</td>
<td>Recreating San Francisco To I-5 South From Fletcher Toward US 60, Bottoms</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>1450</td>
<td>NY</td>
<td>Construction of an access road, drainage improvements, and aesthetic enhancements adjacent to Ocean Parkway in the Town of Babylon, NY</td>
<td>$2,430,000</td>
</tr>
<tr>
<td>1451</td>
<td>TX</td>
<td>Construct highway improvements on E. Tidwell, Ley Rd, and E. Little York Rd</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>1452</td>
<td>AZ</td>
<td>Complete pedestrian and bicycle overpass at McDowell Rd &amp; 35th Avenue in Phoenix</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1453</td>
<td>TX</td>
<td>Reconstruct I-35 Trinity River Bridge, Dallas</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>1454</td>
<td>PA</td>
<td>Armstrong and Indiana Counties, Pennsylvania, U.S. 422 Improvements</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1455</td>
<td>TX</td>
<td>Bicycle and Pedestrian Trail Network in East Austin</td>
<td>$9,600,000</td>
</tr>
<tr>
<td>1456</td>
<td>IL</td>
<td>I-12, Austin</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1457</td>
<td>AL</td>
<td>I-65 Widening from U.S. 31 in Abilene (Exit 238) to AL 25 in Calera (Exit 228)</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>1458</td>
<td>NY</td>
<td>Improve Route 4 streetscape and replace waterlines, Town and Village of Fort Edward, Washington County</td>
<td>$4,350,000</td>
</tr>
<tr>
<td>1459</td>
<td>OH</td>
<td>Planning and construction on bike paths and trails as part of Phases HI-VI in Ashtabula Metroparks Western Reserve Greenway</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1460</td>
<td>CO</td>
<td>Construction of Powers Boulevard and Woodman Road interchange, Colorado Springs</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>1461</td>
<td>MN</td>
<td>Environmental review for TH8 upgrade, Forest Lake to Chicago City</td>
<td>$600,000</td>
</tr>
<tr>
<td>1462</td>
<td>FL</td>
<td>Construction of Enhanced Access Corridor, U.S. University Drive and State University Drive, College Park, GA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1463</td>
<td>MD</td>
<td>Historic Preservation and Traffic Improvements along Liberty Heights Ave. and in Druid Hill Park in Baltimore</td>
<td>$1,880,000</td>
</tr>
<tr>
<td>1464</td>
<td>NC</td>
<td>I-485 in Vancouer</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1465</td>
<td>PA</td>
<td>Design and construct interchange and related improvements at I-83 Exit 19</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1466</td>
<td>MA</td>
<td>Preserve and construct at I-395 from Bull Valley Road to I-17</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>1467</td>
<td>IL</td>
<td>Reconstruct Popps Ferry Road Bridge, Bixbi</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1468</td>
<td>IL</td>
<td>Reconstruct Lakeshore Drive Overpass over Wilson avenue, Chicago</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1469</td>
<td>AL</td>
<td>Pedestrian Improvements for Moody, AL</td>
<td>$700,000</td>
</tr>
<tr>
<td>1470</td>
<td>MO</td>
<td>Design and construct Caanal and Union Street Corridor improvements, LaSalle County</td>
<td>$800,000</td>
</tr>
<tr>
<td>1471</td>
<td>OH</td>
<td>Construct new two lane road to Sycamore Street in Gallia County</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>1472</td>
<td>AL</td>
<td>Construct interchange on Interstate 85 at Beehive Road in Auburn, AL</td>
<td>$500,000</td>
</tr>
<tr>
<td>1473</td>
<td>ME</td>
<td>Improvements to the Interconnecting Trail System for bike/pedestrian trails near Baxter State Park</td>
<td>$500,000</td>
</tr>
<tr>
<td>1474</td>
<td>IL</td>
<td>Route 26 for 88th Street—89th Avenue</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1475</td>
<td>WA</td>
<td>Restore and construct historic Naches Depot and Trail project</td>
<td>$500,000</td>
</tr>
<tr>
<td>1476</td>
<td>GA</td>
<td>3-R. 20 widening from I-575 to S.R. 369, Cherokee County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1477</td>
<td>IL</td>
<td>Road Construction and reconstruction in the Village of Hampshire: Kees Ave., Industrial Drive Overlay, and Mill Ave.</td>
<td>$2,300,000</td>
</tr>
<tr>
<td>1478</td>
<td>IL</td>
<td>Conduct study and design of Chicago North lakefront path expansion project</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1479</td>
<td>MS</td>
<td>I-59 interchange at US 84 and SR 15, Laurel</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1480</td>
<td>TX</td>
<td>Highway improvements from IH-35 to IH 35 from US 77 north of Waco to UI 77 south of Waco</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1481</td>
<td>MO</td>
<td>Scudder Road and I-170 interchange improvements, St. Louis County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1482</td>
<td>GA</td>
<td>Construct and Improve Cobb County Trails</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1483</td>
<td>MS</td>
<td>Extend SR 590 from US 11 to SR 29 near Ellisville</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>1484</td>
<td>IL</td>
<td>Improve intersection of I-270 and Morrison Road in the city of Monroe, Delaware County, Indiana</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1485</td>
<td>CO</td>
<td>Construction of McCaslin Boulevard US 36 Interchange in Superior</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1486</td>
<td>MA</td>
<td>Route 128 Improvements—Route 114 in Peabody to Route 62 in Danvers</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1487</td>
<td>TX</td>
<td>Lubbock, Texas Construction for Marsha Sharp Freeway main lanes between Chicago and Salem Avenues</td>
<td>$5,600,000</td>
</tr>
<tr>
<td>1488</td>
<td>MO</td>
<td>Sand and Mud mitigation in Landowski</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1489</td>
<td>NY</td>
<td>Paul Road—Fisher Road Improvements, Town of Chili, Monroe County</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1490</td>
<td>CA</td>
<td>Construct truck lane on Keystone Road from State Route 111 to Austin Road, Imperial County</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1491</td>
<td>MS</td>
<td>Construct East Metropolitan Corridor linking I-20 at Brandon to Hwy 25 at Flowood</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1492</td>
<td>LA</td>
<td>Leesville Bridge, Port Fourchon to Golden Meadow</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1493</td>
<td>CA</td>
<td>National Infantry Museum Transportation Network</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1494</td>
<td>AL</td>
<td>Interchange at I-65 and Limestone County Road 24 Constuction</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1495</td>
<td>MS</td>
<td>Construct East Metropolitan Corridor linking I-20 at Brandon to Hwy 25 at Flowood</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1496</td>
<td>TX</td>
<td>Reconfigure San Fernando Road from Fletcher Drive to I-5 Fwy, Los Angeles</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>1497</td>
<td>NY</td>
<td>Hoboken Observer Highway Operational and Safety Improvements</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1498</td>
<td>MO</td>
<td>Construct truck lane on Keystone Road from State Route 111 to Austin Road, Imperial County</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1499</td>
<td>CA</td>
<td>Acquire Land and Construct the Englewood interstate Connector in Sarasota County, Florida</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1500</td>
<td>NY</td>
<td>Elevated and construct drainage improvements on Beach Road, Canal Road, and Sea Breeze Road in Massapequa New York</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1501</td>
<td>TX</td>
<td>Design and construction streetscape improvements in Midtown, enhance pedestrian access</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1502</td>
<td>NY</td>
<td>Replace sidewalk along Route 9A in Hamlet of Montrose, Town of Cortlandt</td>
<td>$330,000</td>
</tr>
<tr>
<td>1503</td>
<td>NY</td>
<td>Construction and widening of I-487</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1504</td>
<td>GA</td>
<td>175 lanes from Aviation Boulevard to SR 54, Clayton County</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1505</td>
<td>VT</td>
<td>Construction and rehabilitation of the Cross Vermont Trail for the Cross Vermont Trail Association</td>
<td>$1,386,000</td>
</tr>
<tr>
<td>1506</td>
<td>NY</td>
<td>Construction of a new ramp from 9A Southbound to Taunton State Parkway Southbound, Westchester County</td>
<td>$1,775,000</td>
</tr>
<tr>
<td>1507</td>
<td>NY</td>
<td>Restorable motorcycle and bicycle traffic improvement on NY 347 in New York</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1508</td>
<td>MI</td>
<td>Construction of 5 lane concrete pavement with curb, gutter and sewer on Romeo Plank Road from M-59 to 21 Mile Road in Macomb Township</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
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<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>1507</td>
<td>NY</td>
<td>Enhance road and transportation facilities in the vicinity of the Brooklyn Children’s Museum</td>
<td>$50,000</td>
</tr>
<tr>
<td>1508</td>
<td>FL</td>
<td>Construct and expand US 191 in Hardin County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1509</td>
<td>CA</td>
<td>Construction of new roadway lighting on major transportation corridors in the Southeast San Fernando Valley</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1510</td>
<td>MO</td>
<td>Construct Interstate bridge at 8th Street, Pt. of Liberty Parkway Project</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>1511</td>
<td>CA</td>
<td>Freeway 180 Improvements</td>
<td>$8,900,000</td>
</tr>
<tr>
<td>1512</td>
<td>CA</td>
<td>Construct sidewalks and curbs on Valley Boulevard and Atwood Avenue in Lincoln</td>
<td>$650,000</td>
</tr>
<tr>
<td>1513</td>
<td>OR</td>
<td>Construction of road crossing in Claremore at Blue Star Drive and SH 60</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1514</td>
<td>IL</td>
<td>Improve U.S. Route 34 from Renovate to Kentville Road</td>
<td>$500,000</td>
</tr>
<tr>
<td>1515</td>
<td>IL</td>
<td>For Naperville Township to fund improvements to North Aurora Road</td>
<td>$200,000</td>
</tr>
<tr>
<td>1516</td>
<td>KY</td>
<td>Construct a single-lane interchange (SLI) under SR 50 in Lexington</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1517</td>
<td>TN</td>
<td>Construct Interpretive Visitor Center for the Cherokee Removal Memorial Park Trail of Tears site in Meigs County, TN</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1518</td>
<td>GA</td>
<td>Create a greenway trail along the Oconee River connecting parks, preserving historic sites, and promoting economic development</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1519</td>
<td>PA</td>
<td>Design, engineering, costs, right-of-way, lighting, safety improvements, parking &amp; roadway redesign in Dunmore Borough, Lackawanna County</td>
<td>$400,000</td>
</tr>
<tr>
<td>1520</td>
<td>PA</td>
<td>Add turn lane, modify signals and install pavement markings at intersection of PA422 and PA662 in Amity Township</td>
<td>$2,430,000</td>
</tr>
<tr>
<td>1521</td>
<td>WI</td>
<td>Construct bicycle/pedestrian path and facilities in the Central park area of Madison</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>1522</td>
<td>VA</td>
<td>Expand Route 15 25 in Culpeper, Virginia</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1523</td>
<td>WV</td>
<td>Fairmont Gateway Connector System to provide an improved highway link between downtown Fairmont and I-79 in the vicinity of Fairmont</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>1524</td>
<td>OR</td>
<td>Construct Barrier Streets in Eugene</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1525</td>
<td>FL</td>
<td>Four-laning SR 281 (Avalon Boulevard) in Santa Rosa County from Interstate 10 to north of CSX RR Bridge</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>1526</td>
<td>OR</td>
<td>Interstate 5 Interchange at City of Coburg</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>1527</td>
<td>IL</td>
<td>Construct a four lane connection between Rt. 13 and Rt. 45</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1528</td>
<td>MI</td>
<td>Plymouth, Hagerty Road from Plymouth Rd. to Schoolcraft Rd</td>
<td>$200,000</td>
</tr>
<tr>
<td>1529</td>
<td>TN</td>
<td>Provide street improvements and pavement repair, Greeneville</td>
<td>$525,000</td>
</tr>
<tr>
<td>1530</td>
<td>IA</td>
<td>Rebuild SR-10 Memorial Drive for bicycle and pedestrian safety, from Mountain Drive to Goldsmith Road, DeKalb County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1531</td>
<td>NJ</td>
<td>Provide an alternative route for traffic passing through congested SR31 corridor in Flemington NJ</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1532</td>
<td>CA</td>
<td>Construction of a smart crosswalk system at the intersection of Armita St. and Mason Ave</td>
<td>$500,000</td>
</tr>
<tr>
<td>1533</td>
<td>FL</td>
<td>Reconstruct U.S. Highway 41 in Fort Myers</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>1534</td>
<td>PA</td>
<td>Improvements to 8th and 9th Street bridges between Pleasant Valley Blvd. and Valley View Blvd, Altoona, Pa</td>
<td>$490,000</td>
</tr>
<tr>
<td>1535</td>
<td>LA</td>
<td>Construction of a direct intermodal truck access road from Interstate 210 to the City Docks of the Port of Lake Charles</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>1536</td>
<td>TX</td>
<td>Construct Links Hike &amp; Bike Trail Project, 2.2 mile trail project connecting Gaylord Texan to Grapevine Mills Mall, Grapevine, TX</td>
<td>$500,000</td>
</tr>
<tr>
<td>1537</td>
<td>GA</td>
<td>Construct sidewalks between Marion Middle School, City Park, and Community Center, Buena Vista</td>
<td>$300,000</td>
</tr>
<tr>
<td>1538</td>
<td>IL</td>
<td>Construct a four lane connection between Rt. 13 and Rt. 45</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1539</td>
<td>MI</td>
<td>Plymouth, Hagerty Road from Plymouth Rd. to Schoolcraft Rd</td>
<td>$200,000</td>
</tr>
<tr>
<td>1540</td>
<td>IA</td>
<td>Provide street improvements and pavement repair, Greeneville, Tennessee</td>
<td>$525,000</td>
</tr>
<tr>
<td>1541</td>
<td>IL</td>
<td>Rebuild SR-10 Memorial Drive for bicycle and pedestrian safety, from Mountain Drive to Goldsmith Road, DeKalb County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1542</td>
<td>CT</td>
<td>Construction of a smart crosswalk system at the intersection of Armita St. and Mason Ave</td>
<td>$500,000</td>
</tr>
<tr>
<td>1543</td>
<td>NY</td>
<td>Reconstruct U.S. Highway 41 in Fort Myers</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>1544</td>
<td>FL</td>
<td>Plan and Construction of the 17th Street connector in the City of Sarasota, FL</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1545</td>
<td>VT</td>
<td>Construction and widening of U.S. Route 5 for the Town of Hartford</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1546</td>
<td>MO</td>
<td>Relocate the entrance to the Shaw Nature Reserve that is being altered due to a redesign of the Gray Summit 44-interchange project</td>
<td>$500,000</td>
</tr>
<tr>
<td>1547</td>
<td>DC</td>
<td>Replace and reconstruct South Capitol Street/Frederick Douglass Memorial Bridge</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>1548</td>
<td>MO</td>
<td>Complete 13.6 miles of nonmotorized pedestrian Fred Meijer Heartland Trail of 30.1 miles</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1549</td>
<td>MO</td>
<td>Roadway improvements on U.S. 60 from Willow Springs to the Van Buren Area</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>1550</td>
<td>CA</td>
<td>Construction of Calais St. Stephen Border Crossing Project</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1551</td>
<td>FL</td>
<td>Alleliate congestion at Atlantic Corridor Greensway Network, City of Miami Beach, FL</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1552</td>
<td>ME</td>
<td>Construction of MD 331 Dover Bridge</td>
<td>$4,318,000</td>
</tr>
<tr>
<td>1553</td>
<td>NY</td>
<td>Improve Traffic Flow Through the Approach to the New York/New Jersey Turnpike</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1554</td>
<td>PA</td>
<td>Construct 9th and 10th Street bridges over Norfolk Southern Tracks, Lebanon</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>1555</td>
<td>FL</td>
<td>Construct 9th and 10th Street bridges over Norfolk Southern Tracks, Lebanon</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>1556</td>
<td>CA</td>
<td>Install new grade separation at Ranchero Road in Hesperia</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1557</td>
<td>NY</td>
<td>Barton Ave Ramp and Reconstruction at the Hutchinson Parkway</td>
<td>$1,600,000</td>
</tr>
<tr>
<td>1558</td>
<td>FL</td>
<td>Airport Access Rd., Gainesville</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1559</td>
<td>WA</td>
<td>Intersection project at South Access-522 beginning and ending at the UWB-CCC campus to improve access and alleviate congestion</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1560</td>
<td>NJ</td>
<td>Reconstruction of CR 530 from RT 266 to CR 644. Construct shoulders, travel lanes, center turn lane, drainage improvements</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>1561</td>
<td>NY</td>
<td>Improve SCCC roads, Fallsburg</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1562</td>
<td>CA</td>
<td>Add turn lane and adaptive traffic control system at intersection of San Tomas Expressway and Hamilton Avenue in Campbell</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1563</td>
<td>CA</td>
<td>Interchange improvements at Borregas Avenue</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1564</td>
<td>CA</td>
<td>Northside Drive Multi Modal Corridor</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1565</td>
<td>CA</td>
<td>Replace sidewalks, meet ADA guidelines, and install a crosswalk, McRae</td>
<td>$400,000</td>
</tr>
<tr>
<td>1566</td>
<td>TX</td>
<td>Ritchie Road from FM 1695 to US 84, Waco</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1567</td>
<td>GA</td>
<td>Add turn lane and adaptive traffic control system at intersection of San Tomas Expressway and Hamilton Avenue in Campbell</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1568</td>
<td>GA</td>
<td>Create a greenway trail along the Oconee River connecting parks, preserving historic sites, and promoting economic development</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1569</td>
<td>PA</td>
<td>Design, engineering, costs, right-of-way, lighting, safety improvements, parking &amp; roadway redesign in Dunmore Borough, Lackawanna County</td>
<td>$400,000</td>
</tr>
<tr>
<td>1570</td>
<td>PA</td>
<td>Add turn lane, modify signals and install pavement markings at intersection of PA422 and PA662 in Amity Township</td>
<td>$2,430,000</td>
</tr>
<tr>
<td>1571</td>
<td>WI</td>
<td>Construct bicycle/pedestrian path and facilities in the Central park area of Madison</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>1572</td>
<td>VA</td>
<td>Expand Route 15 25 in Culpeper, Virginia</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1573</td>
<td>WV</td>
<td>Fairmont Gateway Connector System to provide an improved highway link between downtown Fairmont and I-79 in the vicinity of Fairmont</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>1580</td>
<td>NY</td>
<td>Improvements to Erie Station Road, Town of Henrietta, Monroe County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1581</td>
<td>NC</td>
<td>Improvements to I-85 at I-485, Charlotte</td>
<td>$900,000</td>
</tr>
<tr>
<td>1582</td>
<td>KY</td>
<td>Study &amp; rehabilitate the I-717 corridor, Campbell County, Kentucky</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1583</td>
<td>WA</td>
<td>Construct railroad overpass spanning three mile section of SR901 from MP 0 and MP 3</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1584</td>
<td>NY</td>
<td>Construction and rehabilitation of North and South Delaware Avenues in the Village of Lindenhurst, NY</td>
<td>$780,000</td>
</tr>
<tr>
<td>1585</td>
<td>SD</td>
<td>CUDA, extending Rs 5 to subdivision of Home Island</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1586</td>
<td>AL</td>
<td>Expand US-84 from Andalusia, AL to Enterprise, AL</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1587</td>
<td>NJ</td>
<td>Sussex County, NJ Safety and Operational Improvements on Route 23 in Hardyston Township and Franklin Borough</td>
<td>$3,800,000</td>
</tr>
<tr>
<td>1588</td>
<td>PA</td>
<td>State Street and Mulberry Street Bridge Lighting project, Harrisburg</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1589</td>
<td>PA</td>
<td>To repair and construct Tacony-Parc Ferry Bridge and Approach</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>1590</td>
<td>CA</td>
<td>Interstate 15 and State Route 79 South Freeway Interchange and Ramp Improvement Project</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1591</td>
<td>OH</td>
<td>Road Improvements, streetscapes, and pedestrian safety additions in Ashubula Harbor</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1592</td>
<td>NC</td>
<td>Include the City of Asheville in the State Route 915 Corridor Plan</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1593</td>
<td>KY</td>
<td>Construct improvements in Sight Distance at Road Grade and Trail Crossings in Oneida and Herkimer Counties</td>
<td>$200,000</td>
</tr>
<tr>
<td>1594</td>
<td>IL</td>
<td>Replace Silver Mine Bridge in the Town of Lewisboro</td>
<td>$150,000</td>
</tr>
<tr>
<td>1595</td>
<td>IL</td>
<td>River rock Reconstruction, City of Chicago</td>
<td>$900,000</td>
</tr>
<tr>
<td>1596</td>
<td>AR</td>
<td>Rogers, Arkansas—Construct new interchange on I-540 near the existing Perrier Road overpass</td>
<td>$4,400,000</td>
</tr>
<tr>
<td>1597</td>
<td>IN</td>
<td>Design and construct Indiana Ohio River Bridges Project on I-65 and 265</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>1598</td>
<td>RI</td>
<td>Transportation Enhancements at Blackstone Valley Heritage Corridor</td>
<td>$500,000</td>
</tr>
<tr>
<td>1599</td>
<td>TX</td>
<td>Reconstruct US 79 from FM 1460 to Williamson County Road 191</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1600</td>
<td>CA</td>
<td>Transportation enhancements to Children's Museum of Los Angeles</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>1601</td>
<td>IN</td>
<td>Construct Shelby County Indiana Shelbyville Parkway</td>
<td>$500,000</td>
</tr>
<tr>
<td>1602</td>
<td>NY</td>
<td>Upgrade and Re-opening of Main Street in Yuma</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1603</td>
<td>KY</td>
<td>Reconstruct the Niagara Street culvert/bridge which crosses over Two Mile Creek, City of Tonsawanda</td>
<td>$400,000</td>
</tr>
<tr>
<td>1604</td>
<td>NY</td>
<td>Reconstruct of Main Street and Lebanon Street in Melrose</td>
<td>$700,000</td>
</tr>
<tr>
<td>1605</td>
<td>OH</td>
<td>Construct the existing IR 70 interchange at US 40, SR 331 west of St. Clairsville</td>
<td>$500,000</td>
</tr>
<tr>
<td>1606</td>
<td>GA</td>
<td>Install traffic lights and pedestrian walkways on Highway 441 at MLK Jr. Boulevard, Dublin</td>
<td>$500,000</td>
</tr>
<tr>
<td>1607</td>
<td>OH</td>
<td>Pike County, OH Fog Road Upgrade</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1608</td>
<td>CA</td>
<td>Promote, design, environment assessment, and roadway construction of Loumack Road from Altus Road to Brawner Farm</td>
<td>$500,000</td>
</tr>
<tr>
<td>1609</td>
<td>CA</td>
<td>Project Study Reports for I-105 and I-405 Interchanges at Los Angeles International Airport</td>
<td>$400,000</td>
</tr>
<tr>
<td>1610</td>
<td>CA</td>
<td>Reconstruct Whittier Blvd. and improve parkway drainage from Philadelphia Av. to Five Points in Whittier</td>
<td>$1,700,000</td>
</tr>
<tr>
<td>1611</td>
<td>NY</td>
<td>Rockland County Railroad Grade Crossings Safety Study</td>
<td>$400,000</td>
</tr>
<tr>
<td>1612</td>
<td>TX</td>
<td>San Angelo Ports-to-Plains Loop 306 at F.M. 388</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1613</td>
<td>NY</td>
<td>City of Hutchins High School Road Underpass of TH7 and TH22 Improvements</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1614</td>
<td>TN</td>
<td>construct and widen SR-33 in Monroe County, TN</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1615</td>
<td>PA</td>
<td>Construct the realignment of Cool Creek Road in York County, PA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1616</td>
<td>NJ</td>
<td>Construct Waterfront Walkway from North Sinatra Drive and 12th St. south to Sinatra Drive in Hoboken</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1617</td>
<td>TX</td>
<td>Add shoulders to FM 156 from Ponder, Texas to Krum, Texas</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1618</td>
<td>NJ</td>
<td>Bridge replacement on Section 6V of Route 1 from Ryders Lane to Milltown Road, North Brunswick</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1619</td>
<td>MN</td>
<td>Complete Two Harbors High School Trail projects connecting Two Harbors High School to Two Harbors City</td>
<td>$891,600</td>
</tr>
<tr>
<td>1620</td>
<td>SC</td>
<td>Construct I-95 Brockman-McClinton Interchange between Greenville Spartanburg Airport and SC Highway 101 interchanges</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1621</td>
<td>IA</td>
<td>Port Madison, IA Construction of US 61 bypass around Port Madison to create a safer and faster route</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1622</td>
<td>PA</td>
<td>Germantown Avenue Resalvicing with Mt. Airy USA for landscaping, scenic enhancements and pedestrian safety improvements along the heavily traveled thoroughfare</td>
<td>$2,320,000</td>
</tr>
<tr>
<td>1623</td>
<td>NM</td>
<td>I-10 Reconstruction, Las Cruces to Texas State Line</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1624</td>
<td>TX</td>
<td>IH 820 Widening Project</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1625</td>
<td>IL</td>
<td>Fort Wayne Township Improvements to Prairie Road between 50th Avenue and Route 59</td>
<td>$600,000</td>
</tr>
<tr>
<td>1626</td>
<td>KS</td>
<td>Remove and Replace Topeka Blvd. Bridge over the Kansas River</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1627</td>
<td>VA</td>
<td>Clifton, VA Main Street parking and sidewalk improvements</td>
<td>$250,000</td>
</tr>
<tr>
<td>1628</td>
<td>SC</td>
<td>Replace Millford Road Bridge, Anderson, SC</td>
<td>$500,000</td>
</tr>
<tr>
<td>1629</td>
<td>IA</td>
<td>Improvements to I-227, I-12, and to O'Neill Lane, on to Durham Dr., and to O'Neill Park Extention, and to LA408 study</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>1630</td>
<td>GA</td>
<td>Streetscape project for lighting and landscaping on Main Street along Georgia Highway 231, Davisboro</td>
<td>$300,000</td>
</tr>
<tr>
<td>1631</td>
<td>IA</td>
<td>City of Council Bluffs and Pottawattamie county East Beltway Roadway and Connectors Project</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1632</td>
<td>IA</td>
<td>U.S. 52 Laurel Road Interchange Project</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1633</td>
<td>CA</td>
<td>Conduct project report study on Old River School Rd—Firestone Blvd intersection reconfiguration</td>
<td>$500,000</td>
</tr>
<tr>
<td>1634</td>
<td>FL</td>
<td>Conduct study for Port of Miami Tunnel, Miami, FL</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1635</td>
<td>NY</td>
<td>Ithaca, Design and construct pedestrian and bicycle path (Cayuga Waterfront Trail)</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>1636</td>
<td>NC</td>
<td>Rails to Trails Project, Elizabeth City</td>
<td>$640,000</td>
</tr>
<tr>
<td>1637</td>
<td>IL</td>
<td>Reconstruct Lakeshore Drive overpass over Laurence Avenue</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>1638</td>
<td>SC</td>
<td>Replace Murphy Road West Bridge, Anderson, SC</td>
<td>$235,000</td>
</tr>
<tr>
<td>1639</td>
<td>CA</td>
<td>Resurfacing and construct truck lane at CA Hwy 94 at Interstate 8 interchange, Boulevard</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1640</td>
<td>MT</td>
<td>Undertake road improvements associated with Colville Area Redevelopment, Harvard</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1641</td>
<td>AZ</td>
<td>Upgrade and Re-opening of Main Street in Yuma</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>1642</td>
<td>NJ</td>
<td>NJ Turnpike facilities, street lighting and streetscapes improvements in downtown Laurel Springs</td>
<td>$596,324</td>
</tr>
<tr>
<td>1643</td>
<td>MS</td>
<td>Upgrade Blue Cane Road in Tallahatchie County, and roads in Webb and Tutwiler</td>
<td>$750,000</td>
</tr>
<tr>
<td>1644</td>
<td>OH</td>
<td>Upgrade circuitry on vehicle protection device at Sheldon Road rail crossing in Berea</td>
<td>$1,340,000</td>
</tr>
<tr>
<td>1645</td>
<td>NY</td>
<td>Design and construct Upper Delaware Scenic Byway Visitor Center, Cockeeth</td>
<td>$500,000</td>
</tr>
<tr>
<td>1646</td>
<td>NY</td>
<td>Construct sidewalks and curbing on Westchester Avenue in Village of Buchanan</td>
<td>$275,000</td>
</tr>
<tr>
<td>1647</td>
<td>NC</td>
<td>Downtown Redevelopment Project, City of Rocky Mount</td>
<td>$6,336,000</td>
</tr>
<tr>
<td>1648</td>
<td>TX</td>
<td>Construction of divided four lane concrete arterial with drainage improvements—Sandy Lake Road, Denton Tap Rd to North Coppell Road</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1649</td>
<td>IL</td>
<td>Preconstruction and Construction at IL 120 at Bacon Road and Cedar Lake Road</td>
<td>$1,365,000</td>
</tr>
<tr>
<td>1650</td>
<td>GA</td>
<td>Resalvicing project will extend and resurface the Roberta Walking Trail, Roberta</td>
<td>$500,000</td>
</tr>
<tr>
<td>1651</td>
<td>PA</td>
<td>Construct Westbound Access to Mountain Parkway from Exit 18 (KY 1057), Powell County</td>
<td>$2,900,000</td>
</tr>
<tr>
<td>1652</td>
<td>NC</td>
<td>Construction of divided highway with drainage improvements—Sandy Lake Road, Denton Tap Rd to North Coppell Road</td>
<td>$2,900,000</td>
</tr>
<tr>
<td>1653</td>
<td>CA</td>
<td>Engineering, right of way and construction of HOV lanes on I-580 in the Livermore Valley, California</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1654</td>
<td>MA</td>
<td>Buyback Project, Martha's Vineyard</td>
<td>$500,000</td>
</tr>
<tr>
<td>1655</td>
<td>MA</td>
<td>Landscape south side of the 91 fwy at Bellflower Blvd in Bellflower</td>
<td>$250,000</td>
</tr>
<tr>
<td>1656</td>
<td>MA</td>
<td>Southwick and Westfield Rail Trail, Design &amp; Construction</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>1657</td>
<td>VA</td>
<td>Upgrade DOT crossing #57665SM to constant warning time devices</td>
<td>$194,000</td>
</tr>
<tr>
<td>1658</td>
<td>TX</td>
<td>Reclass and add two left turn lanes to I-35</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1659</td>
<td>KY</td>
<td>Casper West Belt Loop</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1660</td>
<td>MN</td>
<td>Munger Trail extension, City of Duluth</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>1661</td>
<td>AK</td>
<td>Bogard/Sheldon Extension in Matanuska-Susitna Borough</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1662</td>
<td>CA</td>
<td>City of Huntington Beach Expedition Improvement Project</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1663</td>
<td>MI</td>
<td>Kandiyohi and Meeker Counties Hwy 7 between TH 71 and TH 22</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1664</td>
<td>NJ</td>
<td>Construction of Rowan Boulevard from US Route 322 to Main Street, Glassboro</td>
<td>$600,000</td>
</tr>
<tr>
<td>1665</td>
<td>CA</td>
<td>Conduct Study of SR 130 Realignment Project, San Joaquin County &amp; Santa Clara County, CA</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1666</td>
<td>PA</td>
<td>Pavement rehabilitation in the vicinity of picnic area - Clearfield County, PA</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1667</td>
<td>MD</td>
<td>Construct South Shore Trail, Anne Arundel County, MD</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1668</td>
<td>NJ</td>
<td>Realignment of the Routes 33/36 intersection in Easton</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1669</td>
<td>MI</td>
<td>Construct Interchange at the intersection of US 131 and I-94, Monroe County, MI</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1670</td>
<td>MI</td>
<td>Oscoda County, Reconstructions and surfacing of Valley Road from M-33 west to M-58, Oscoda County, Oscoda, MI</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>1671</td>
<td>TX</td>
<td>Construct Precinct Line Road 2-lane bridge as 4-lane bridge and widen Precinct Line Road to 4-lane roadway from SH 10 to Trazmill Davis Rd</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1672</td>
<td>CT</td>
<td>Reconstruct Front Street Corridor, New Haven</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1673</td>
<td>TN</td>
<td>Improving Vehicle Efficiencies at I-74/380 Highway-Crossing in Philadelphia, TN</td>
<td>$98,000</td>
</tr>
<tr>
<td>1674</td>
<td>WA</td>
<td>2-Mile W from Mile 12 N to US 382, Hidalgo County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1675</td>
<td>NY</td>
<td>Reconstruction of West Neck Road from Huntington-Lloyd Harbor boundary to the end of the Village-maintained road</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1676</td>
<td>GA</td>
<td>Rehabilitate sidewalks and replace street lights, Swainsboro</td>
<td>$500,000</td>
</tr>
<tr>
<td>1677</td>
<td>SC</td>
<td>Replace Murphy Road East Bridge, Anderson, SC</td>
<td>$265,000</td>
</tr>
<tr>
<td>1678</td>
<td>MO</td>
<td>Access improvements and safety and mobility upgrades along US 7 as part of the Highway 7 Corridor Development Plan in Blue Springs</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1679</td>
<td>OH</td>
<td>Construct Storrs Road Grade Separation, Olmsted Township</td>
<td>$3,720,000</td>
</tr>
<tr>
<td>1680</td>
<td>CA</td>
<td>Implement Grove Avenue Corridor Interstate 10 interchange improvements in Ontario</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1681</td>
<td>MA</td>
<td>Construct &amp; Replace West Corner Bridge &amp; Culvert, Rte 228, spanning Weir River Estuary &amp; Straits Pond Inlet</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1682</td>
<td>OK</td>
<td>Complete Reconstruction of the I-35/SH 9 West Interchange</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1683</td>
<td>OR</td>
<td>Construct Rte 50 Tuckersferry - Elkhorn Improvements, Cape May County, NJ</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>1684</td>
<td>NY</td>
<td>Rt. 12 reconstruction—Town and Village of Greene</td>
<td>$4,110,000</td>
</tr>
<tr>
<td>1685</td>
<td>MN</td>
<td>Becker County CR 143 and CR 124 Improvements</td>
<td>$960,000</td>
</tr>
<tr>
<td>1686</td>
<td>NY</td>
<td>Construct and extend existing pedestrian streetscape areas in Valley Stream</td>
<td>$1,350,000</td>
</tr>
<tr>
<td>1687</td>
<td>MI</td>
<td>Construct Interchange at I-696 and M-13 (Washington Avenue), Northern and Eastern Phase 1 of Construction, City of Saginaw</td>
<td>$2,300,000</td>
</tr>
<tr>
<td>1688</td>
<td>OH</td>
<td>Construct Cleveland Towpath Trail, 5-mile extension towards downtown, Cleveland</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1689</td>
<td>FL</td>
<td>Construct widening of US 17 to 4 lanes from San Mateo to Volusia County line, Putnam County, Florida</td>
<td>$26,300,000</td>
</tr>
<tr>
<td>1690</td>
<td>MD</td>
<td>Construct Phase 1 of the South Shore Trail from I-95 to Alexandria, VA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1691</td>
<td>MI</td>
<td>Construction of 5 lane concrete pavement with curb, gutter and storm sewer on Van Dyke Ave, from 23 Mile Road to 26 Mile Road, Macomb Co</td>
<td>$2,079,500</td>
</tr>
<tr>
<td>1692</td>
<td>FL</td>
<td>Construction of the reconstructed bridge over ±196th Avenue SW, Pinellas County, FL</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1693</td>
<td>NY</td>
<td>Implement ITS system and apparatus to enhance citywide truck route system on Victory Blvd between Travis Ave and West Shore Expressway Travis Section of I-1</td>
<td>$100,000</td>
</tr>
<tr>
<td>1694</td>
<td>MI</td>
<td>Purchase and implementation of various Intelligent Transportation System technologies in the Grand Rapids metro region</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>1695</td>
<td>WI</td>
<td>Reconstruction of I-43 between New London and Clintonville, Wisconsin</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1696</td>
<td>CA</td>
<td>Reconstruction of The Strand in the City of Manhattan Beach to improve beach access and accommodate increased pedestrian traffic</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1697</td>
<td>CA</td>
<td>Construction of new roadway lighting on major transportation corridors in the Northeast San Fernando Valley</td>
<td>$500,000</td>
</tr>
<tr>
<td>1698</td>
<td>TX</td>
<td>Rehabate Harperte Street Bridge in Dallas</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1699</td>
<td>NY</td>
<td>Rehabilitation of Hornbeck Road in the Town of Poughkeepsie</td>
<td>$462,000</td>
</tr>
<tr>
<td>1700</td>
<td>CA</td>
<td>Rehabilitation of Tulare County Farm to Market road system</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1701</td>
<td>GA</td>
<td>Riverside Drive Streetscape Project, Macon</td>
<td>$500,000</td>
</tr>
<tr>
<td>1702</td>
<td>TX</td>
<td>South Campus Road Trail-Phase II, Corpus Christi</td>
<td>$500,000</td>
</tr>
<tr>
<td>1703</td>
<td>CA</td>
<td>Implement Northeast San Fernando Valley safety Improvements</td>
<td>$200,000</td>
</tr>
<tr>
<td>1704</td>
<td>NY</td>
<td>Big Ridge Road: Spencerport Village Line to Gillet Road in the Town of Ogden</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1705</td>
<td>TX</td>
<td>Build south bound ramp from east bound I-20 to Clark Road at the southern terminus of Spur 408, Duncanville, TX</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1706</td>
<td>MI</td>
<td>Plan and construct interchange along I-275 to I-96, Dearborn Heights</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1707</td>
<td>TN</td>
<td>Reconstruct US 64 from east to Bolivar to the Lawrence County line in Hardeman, McNairy, Hardin, Wayne Counties</td>
<td>$5,225,000</td>
</tr>
<tr>
<td>1708</td>
<td>PA</td>
<td>Improve safety of Route 145 in Whitehall Township</td>
<td>$2,255,000</td>
</tr>
<tr>
<td>1709</td>
<td>GA</td>
<td>Construct Stone Mountain-Lithonia road Bike Lane and Sidewalks, Dekalb County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1710</td>
<td>TX</td>
<td>Texans Road improvements around Lake Eufaula</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1711</td>
<td>PR</td>
<td>To build an extension of PR-53 between Yabucoa and Maunabo</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1712</td>
<td>IL</td>
<td>To connect a new intersection of a public road and US Route 50 and a new street</td>
<td>$550,000</td>
</tr>
<tr>
<td>1713</td>
<td>NC</td>
<td>To plan, design and construct the Northwest Corridor—Western Blvd. Project in Jacksonville, NC</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1714</td>
<td>TX</td>
<td>Upgrade Mark Twain Drive, Hartford</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1715</td>
<td>CO</td>
<td>CO I-70 East Multimodal Corridor (Highway Expansion), Denver</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1716</td>
<td>MS</td>
<td>Upgrade roads in Indianola, Ruleville, Moorehead, Doddsville, Sunflower and Drew, Sunflower County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1717</td>
<td>MS</td>
<td>Upgrade roads in North Carrollton (U.S. Hwy 35 and 42) McCann Street, South Street, Love Street, and Colver Street, Carroll County</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1718</td>
<td>NJ</td>
<td>Passaic-Bergen intermodal transportation development initiative</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>1719</td>
<td>IL</td>
<td>Upgrade roads, The Village of Maywood</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1720</td>
<td>PA</td>
<td>Upgrade Route 30 Corridor and Airport Access</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1721</td>
<td>TX</td>
<td>Upgrade sidewalks and lighting, Lyons</td>
<td>$500,000</td>
</tr>
<tr>
<td>1722</td>
<td>CA</td>
<td>State Route 86—Pine Grove Corridor Improvement Project</td>
<td>$500,000</td>
</tr>
<tr>
<td>1723</td>
<td>WA</td>
<td>Tacoma—Lincoln Avenue Grade Separation</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1724</td>
<td>NY</td>
<td>Improve NY10 from Old Town Road to NY 47</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>1725</td>
<td>VA</td>
<td>Construct I-105 Noise Barrier in Kansas City</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1726</td>
<td>AR</td>
<td>Highway 7 Railway Grade Separation</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1727</td>
<td>WA</td>
<td>Kent, WA Willis Street BNSF Railroad Grade Separation Project</td>
<td>$200,000</td>
</tr>
<tr>
<td>1728</td>
<td>MI</td>
<td>Menominee, Odgen Street Bridge rehabilitation project-replacement of deck, expansion joints, sidewalks, railing and all outside elements</td>
<td>$200,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>--------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>1730</td>
<td>NY</td>
<td>Suffolk County ITS arterial monitoring and performance measures</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1731</td>
<td>IL</td>
<td>Construction of Springs Highway - Roosevelt Rd Southfield</td>
<td>$500,000</td>
</tr>
<tr>
<td>1732</td>
<td>IL</td>
<td>Construction of the 43rd Street Bicycle Pedestrian Bridge over Lake Shore Drive, City of Chicago</td>
<td>$600,000</td>
</tr>
<tr>
<td>1733</td>
<td>NY</td>
<td>To design and reconstruct Nassau Avenue, improve sidewalks and include pedestrian amenities in Greenpoint, Brooklyn</td>
<td>$2,400,000</td>
</tr>
<tr>
<td>1734</td>
<td>OH</td>
<td>Upgrade the I-480 and Tiedman Road interchange, Brooklyn</td>
<td>$500,000</td>
</tr>
<tr>
<td>1735</td>
<td>PR</td>
<td>Construction of community bridge at Los Pinos, Quebrada Arenas Community</td>
<td>$500,000</td>
</tr>
<tr>
<td>1736</td>
<td>IA</td>
<td>Construction of a Four Lane U.S. Highway 20 between Moline in Woodbury County, through Ida County and Sac County to U.S. 71 at Early, IA</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>1737</td>
<td>AZ</td>
<td>Passing of Navajo Bridge - Southfield Eon 40 At Hwy School</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1738</td>
<td>OH</td>
<td>Red Bank Road Improvements from I-71 to Fair Lane in Eastern Hamilton County, Ohio</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>1739</td>
<td>CA</td>
<td>Construct earthen berm along Esperanza Road from Yorba Linda Blvd. to the west city limits to mitigate noise</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1740</td>
<td>OH</td>
<td>Complete 1.5 miles from east of Mercury to east of Wallisville</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1741</td>
<td>NY</td>
<td>Town of Chester Trout Brook road improvements and reconstruction</td>
<td>$700,000</td>
</tr>
<tr>
<td>1742</td>
<td>OR</td>
<td>Upgrade the I-5 Fern Valley Interchange (Exit 24)</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1743</td>
<td>CA</td>
<td>Construct I-80 Gilman Street interchange improvements in Berkeley</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1744</td>
<td>NJ</td>
<td>Construct Vineland Boulevard and Sherman Avenue Intersection Improvements, Vineland, Cumberland County</td>
<td>$1,750,000</td>
</tr>
<tr>
<td>1745</td>
<td>WA</td>
<td>Terry’s Corner Park and Ride on Camano Island</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>1746</td>
<td>OR</td>
<td>Upgrade U.S. 101 and Utility Location, Gold Beach</td>
<td>$200,000</td>
</tr>
<tr>
<td>1747</td>
<td>WI</td>
<td>Upgrade US 41 from DePere to Suamico, Wisconsin (Brown County, Wisconsin)</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1748</td>
<td>IL</td>
<td>Upgrade Veterans Drive in Peoria Illinois</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1749</td>
<td>NY</td>
<td>Successies, Improve Tissue Road-Old Kings Highway intersection</td>
<td>$500,000</td>
</tr>
<tr>
<td>1750</td>
<td>TX</td>
<td>Design and Construct the Cottonwood Trail pedestrian-bicycle connection</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1751</td>
<td>NY</td>
<td>Rehabilitation of the Ashford Ave. bridge over I-95 in the Villages of Dobbs Ferry and Ardsley</td>
<td>$2,600,000</td>
</tr>
<tr>
<td>1752</td>
<td>OH</td>
<td>Streetscape completion along US 49 in Bridgeport</td>
<td>$100,000</td>
</tr>
<tr>
<td>1753</td>
<td>SD</td>
<td>Design and construct new Meridian Bridge across the Missouri River at Yankton</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>1754</td>
<td>MD</td>
<td>Upgrade MD 210 from MD 228 to I-495</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1755</td>
<td>IL</td>
<td>For DuPage County to construct certain segments of Southern DuPage County Regional Trail</td>
<td>$100,000</td>
</tr>
<tr>
<td>1756</td>
<td>IA</td>
<td>US 7, Webster Street, South County, Iowa</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1757</td>
<td>NJ</td>
<td>Construction of new access roads along Route 42/Blackhorse Pike in Washington Township</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1758</td>
<td>CA</td>
<td>Highways 152—156 Intersection improvements, CA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1759</td>
<td>AK</td>
<td>Coffman Cove IFA ferry terminal</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>1760</td>
<td>CA</td>
<td>Acquisition, engineering design, and construction of the pedestrian/cyclist path near Petaluma River bridge</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1761</td>
<td>TX</td>
<td>Construct raised median from Loop 224 to Bradley St. in Nacogdoches, TX</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>1762</td>
<td>OH</td>
<td>Construction of bicycle trail extension in Geauga Park District in Chardon, OH</td>
<td>$500,000</td>
</tr>
<tr>
<td>1763</td>
<td>CA</td>
<td>Construction of a regional Class I bike path from the West City limits to the East City limits along leased railroad right-of-way</td>
<td>$400,000</td>
</tr>
<tr>
<td>1764</td>
<td>AR</td>
<td>For rail grade separations identified by the MPO for the Little Rock/North Little Rock metropolitan area, (which may include: Edison Ave.; Springer Blvd; Hwy 89 Extension; McCain/Fairfax; Salem Road;</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>1765</td>
<td>NY</td>
<td>Court Street &amp; Smith Street Shopping District Enhancements</td>
<td>$800,000</td>
</tr>
<tr>
<td>1766</td>
<td>MA</td>
<td>Hampshire County Bike Paths, Design &amp; Construction</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1767</td>
<td>NV</td>
<td>Construct I-15 Stair Interchange</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>1768</td>
<td>MA</td>
<td>Construct full-access interchange at SR 120-McKinley Avenue, with the necessary SR120 auxiliary lanes, Manteca, CA</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1769</td>
<td>CA</td>
<td>Install emergency vehicle preemption equipment along major arterials in the I-80 corridor, Alameda County</td>
<td>$500,000</td>
</tr>
<tr>
<td>1770</td>
<td>CA</td>
<td>Construct a proposed wye in the I-580 corridor, Antioch, CA</td>
<td>$900,000</td>
</tr>
<tr>
<td>1771</td>
<td>CA</td>
<td>Construct and improve the I-580 interchange at Tracy, CA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1772</td>
<td>CA</td>
<td>Construction of a 380 foot corridor extension from I-280 to Rock Road to I-270 south of Alton</td>
<td>$1,700,000</td>
</tr>
<tr>
<td>1773</td>
<td>MA</td>
<td>Construction of a full-access interchange at SR 120-McKinley Avenue, with the necessary SR120 auxiliary lanes, Manteca, CA</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1774</td>
<td>CA</td>
<td>Construction of the I-580 interchange at Tracy, CA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1775</td>
<td>MA</td>
<td>Construction of Bike Path Trail System in the City of Fitchburg</td>
<td>$500,000</td>
</tr>
<tr>
<td>1776</td>
<td>MA</td>
<td>North Worcester County Bike Paths, Design &amp; Construction</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1777</td>
<td>TX</td>
<td>Old Reliance Road Overpass at SCH (Earl Ruddler Freeway)—widening project in Brazos Co</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1778</td>
<td>IN</td>
<td>Phase III of Main St project, Ames</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1779</td>
<td>MA</td>
<td>Re-align Vadnais Boulevard at interchange of I-494/Highway 35</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1780</td>
<td>KY</td>
<td>Reconfigure intersection at Highways 152 and 156 in Santa Clara County</td>
<td>$10,650,000</td>
</tr>
<tr>
<td>1781</td>
<td>AZ</td>
<td>Grand Canyon Greenway Trails</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1782</td>
<td>CA</td>
<td>Reconstruct road surface in vicinity of Yosemite National Park, California</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1783</td>
<td>MS</td>
<td>Construct I-55 Interchange at Madison-Ridgeland, Madison County</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1784</td>
<td>OH</td>
<td>Construction of road improvements from Richmond Road to new Cuyahoga Community College in Warrensville Heights, OH</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1785</td>
<td>CA</td>
<td>Construct a new interchange at I-480 and I-80 in the City of Fitchburg</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1786</td>
<td>CA</td>
<td>Construct access improvements to I-480 and internal roadways for Corridor of Opportunity, Mahoning Co</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1787</td>
<td>NY</td>
<td>Mount Vernon Railroad Cut</td>
<td>$2,250,000</td>
</tr>
<tr>
<td>1788</td>
<td>TX</td>
<td>Reconstruction of and add two lanes to IH 37 from Western Street in Amarillo to Loop 355</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1789</td>
<td>TX</td>
<td>IH 37) Exceptional Reconstruction—Amarillo, TX</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1790</td>
<td>NY</td>
<td>Town of Poughkeepsie Rte 55</td>
<td>$200,000</td>
</tr>
<tr>
<td>1791</td>
<td>IL</td>
<td>Upgrade Curtis Road in conjunction with state plan for I-57 interchange; from Duncan Rd to 1st Street in Champaign</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>1806</td>
<td>MO</td>
<td>Upgrade Rt. 249 (Range Line) from Rt. 171 to I-44</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>1807</td>
<td>VA</td>
<td>Route 4 Luxury Inn Trail</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1808</td>
<td>NH</td>
<td>Upgrade Sewalls Falls Road bridge over Merrimack River in Concord</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1809</td>
<td>IL</td>
<td>Perform Old Orchard Road Expansion and improvement project between harms road and US 41, Cook County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1810</td>
<td>CA</td>
<td>Design and construct intersection TH 54 bridge, North Bloomfield</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1811</td>
<td>NY</td>
<td>Tappan Zee Bridge to I-87 Transportation Corridor</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1812</td>
<td>CA</td>
<td>Complete 89,000ft truck route between CH2 (Burma Rd) and IL Rte 130 in Cumberland County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1813</td>
<td>CA</td>
<td>Improvement of intersection at Burbank Blvd. and Hayvenhurst Ave</td>
<td>$400,000</td>
</tr>
<tr>
<td>1814</td>
<td>OH</td>
<td>Construct pedestrian bridge over I-77, tunnel underneath railroad, bridge over Tucarresas River along OH and Erie Canal in Monroe County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1815</td>
<td>MD</td>
<td>Improve US 1, Washington Boulevard Corridor in Howard County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1816</td>
<td>CO</td>
<td>Improve and widen State Highway 44 from Colorado Boulevard to State Highway 2</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1817</td>
<td>CA</td>
<td>Construct Intersection at Route 46 and Little Ferry Circle in Little Ferry</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1818</td>
<td>NY</td>
<td>Construct 4-lane bypass roadway along US Route 6 in Lake Mohegan parallel to Strawberry Road in Yorktown ending in Town of Cortland Manor</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>1819</td>
<td>TN</td>
<td>Construct or Modify Railroad Grade Separations on 6th St. and 22nd St. and Reconstruct Speedway Blvd. Underpass in Tuscaloosa</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>1820</td>
<td>FL</td>
<td>Design and construction of West Michigan Regional Trail Network connector to link two trail systems together at a cost of $3,000,000</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1821</td>
<td>MN</td>
<td>Design and construction of West Michigan Regional Trail Network connector to link two trail systems together and to create a new park</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1822</td>
<td>CA</td>
<td>Plan and construct a bicycle and pedestrian trail including enhancements, Murfreesboro</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>1823</td>
<td>AZ</td>
<td>Rebuild I-10 bridge</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1824</td>
<td>TX</td>
<td>Design &amp; construct street improvements to Old Spanish Trail</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1825</td>
<td>CA</td>
<td>Construct Pacific Gateway</td>
<td>$57,000</td>
</tr>
<tr>
<td>1826</td>
<td>OH</td>
<td>Reconstruct Broadway Ave in Lorain</td>
<td>$750,000</td>
</tr>
<tr>
<td>1827</td>
<td>OH</td>
<td>Road Widening and related improvements to SR 82 in Macedonia</td>
<td>$3,410,000</td>
</tr>
<tr>
<td>1828</td>
<td>CA</td>
<td>Reconstruct CSAH 4 and CSAH 5 (Forest Highway 11) between CSAH 15 and TH 61, Silver Bay</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1829</td>
<td>CA</td>
<td>Reconstruct CSAH 4 and CSAH 5 (Forest Highway 11) between CSAH 15 and TH 61, Silver Bay</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1830</td>
<td>CA</td>
<td>Reconstruct CSAH 4 and CSAH 5 (Forest Highway 11) between CSAH 15 and TH 61, Silver Bay</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1831</td>
<td>CA</td>
<td>Reconstruct CSAH 4 and CSAH 5 (Forest Highway 11) between CSAH 15 and TH 61, Silver Bay</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1832</td>
<td>CA</td>
<td>Design and construction of a multi-use trail network and visitors center on the coast of Santa Barbara</td>
<td>$480,000</td>
</tr>
<tr>
<td>1833</td>
<td>FL</td>
<td>Complete construction and landscaping of visitor center on Cherokele Skyway in Monroe County, TN</td>
<td>$100,000</td>
</tr>
<tr>
<td>1834</td>
<td>PA</td>
<td>Construct access road connection from Seward Highway to rail and airport facilities in Seward</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1835</td>
<td>AZ</td>
<td>Realign Davis Road from State Route 80 to State Route 191</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1836</td>
<td>CA</td>
<td>Reconstruct and widen State Highway 120</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1837</td>
<td>CA</td>
<td>Reconstruct FR 538 (College Way) and North 26th St. Signal in Mount Vernon</td>
<td>$175,000</td>
</tr>
<tr>
<td>1838</td>
<td>CA</td>
<td>Acquisition of right of way and environmental preservation from I-45 to US 59 for Grand Parkway</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>1839</td>
<td>ID</td>
<td>Construct Grangeon Road (Idaho Forest Highway 67) from Orofino to Milepost 9.3</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1840</td>
<td>NY</td>
<td>Expand Mountain Road (Runnable Airport Connector Road) from Charles City</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>1841</td>
<td>NY</td>
<td>Design and construction of a multi-use trail network and visitors center on the coast of Santa Barbara</td>
<td>$480,000</td>
</tr>
<tr>
<td>1842</td>
<td>NY</td>
<td>Construct pedestrian walkway along Route 9A in Hudson River Park, New York City</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1843</td>
<td>CA</td>
<td>Design, engineering, right-of-way acquisition, and construction for the Coachella County Recreational Corridor</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1844</td>
<td>MN</td>
<td>Construct a smart crosswalk system at the intersection of Topanga Canyon Blvd. and Gault St</td>
<td>$50,000</td>
</tr>
<tr>
<td>1845</td>
<td>CA</td>
<td>Expand US 51 &amp; STH 29 in Marathon County</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1846</td>
<td>CA</td>
<td>Construct a new interchange on I-65 at Cullman, AL County Road 222</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1847</td>
<td>CA</td>
<td>Improve transportation projects for Jamestown 2007</td>
<td>$3,750,000</td>
</tr>
<tr>
<td>1848</td>
<td>FL</td>
<td>Design and construct bicycle path, escalades and ferry landing along New York Bay in Sunset Park, New York</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1849</td>
<td>CA</td>
<td>Plan and construct a bicycle and pedestrian trail including enhancements, Murfreesboro</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>1850</td>
<td>CA</td>
<td>Construct 2 flyover ramps and S Linden St ext for access to Industrial Park</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>1851</td>
<td>CA</td>
<td>Construct pedestrian walkway along Route 9A in Hudson River Park, New York City</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1852</td>
<td>CA</td>
<td>Design, engineering, right-of-way acquisition, and construction for the Coachella County Recreational Corridor</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1853</td>
<td>MN</td>
<td>Plan pedestrian walkway along Route 9A in Hudson River Park, New York City</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1854</td>
<td>CA</td>
<td>Construct a smart crosswalk system at the intersection of Topanga Canyon Blvd. and Gault St</td>
<td>$50,000</td>
</tr>
<tr>
<td>1855</td>
<td>CA</td>
<td>Improve State Highway 87 (Higdon Ferry Road) in Hot Springs</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1856</td>
<td>CA</td>
<td>Improve State Highway 87 (Higdon Ferry Road) in Hot Springs</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1857</td>
<td>CA</td>
<td>Improve State Highway 87 (Higdon Ferry Road) in Hot Springs</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1858</td>
<td>CA</td>
<td>Improve State Highway 87 (Higdon Ferry Road) in Hot Springs</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>1879</td>
<td>NY</td>
<td>Downtown Flushing Traffic and Pedestrian Improvements</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1880</td>
<td>FL</td>
<td>Arlington Expressway Access Road Reconstruction</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1881</td>
<td>CO</td>
<td>Construct arterial on W side of Montrose to ease traffic congestion on SH 550 between Grand Avenue, N of city</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>1882</td>
<td>CO</td>
<td>North I-25 Denver to Fort Collins Colorado</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>1883</td>
<td>CA</td>
<td>Planning for Orange Line Mag Lea from downtown Los Angeles to central Orange County</td>
<td>$350,000</td>
</tr>
<tr>
<td>1884</td>
<td>NM</td>
<td>Rehabilitation Street Improvement Project</td>
<td>$500,000</td>
</tr>
<tr>
<td>1885</td>
<td>CT</td>
<td>I-95/I-91 interchange and construct pedestrian walkway, New Haven</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1886</td>
<td>VA</td>
<td>Blue Ridge Music Center—install lighting/steps, upgrade existing trail system and equip interpretive center with visitor information system</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1887</td>
<td>VA</td>
<td>Central Virginia Trail—a design-build project in the community of Crozet and establish pedestrian center</td>
<td>$150,000</td>
</tr>
<tr>
<td>1888</td>
<td>NE</td>
<td>Construction of trails within the Eastern Nebraska Trail Management District</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1889</td>
<td>IA</td>
<td>F2 exchanges from north of Tiffin to Turner County line</td>
<td>$600,000</td>
</tr>
<tr>
<td>1890</td>
<td>GA</td>
<td>City of Savannah, construct bike and pedestrian paths along Highway 17</td>
<td>$200,000</td>
</tr>
<tr>
<td>1891</td>
<td>FL</td>
<td>Implementation of the Advanced Traffic Management System, Boca Raton, FL</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1892</td>
<td>TX</td>
<td>Construct reliever route on US 287 South of Stratford to US 287 North of Stratford</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1893</td>
<td>WI</td>
<td>Construct I-951 between CTH D and STH 175, Fond du Lac County, WI</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1894</td>
<td>OH</td>
<td>Construct pedestrian improvements, Toledo</td>
<td>$10,500,000</td>
</tr>
<tr>
<td>1895</td>
<td>TX</td>
<td>Construct grade separation at US 99 and SH 199. Replace the proposed interim cloverleaf ramps at the intersection</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1896</td>
<td>MS</td>
<td>Gateways Transportation Enhancement Project, Hancock County</td>
<td>$250,000</td>
</tr>
<tr>
<td>1897</td>
<td>NY</td>
<td>Install Improvements for Pedestrian Safety in the vicinity of IS 194</td>
<td>$250,000</td>
</tr>
<tr>
<td>1898</td>
<td>OK</td>
<td>Improvements to SH412P at I-44 interchange</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>1899</td>
<td>FL</td>
<td>Acquire right-of-way and construct East-West Connector from SR 37 to SR 80 in Lakeland, FL</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1900</td>
<td>WA</td>
<td>Design Valley Mall Blvd for Main St to I-82 and two I-82 interchanges at Mileposts 36 and 38 in Union Gap, WA</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1901</td>
<td>WA</td>
<td>Extension of Waqua Way west to Old Frontier Rd and construction of a ramp from SH 2 to SH 302</td>
<td>$500,000</td>
</tr>
<tr>
<td>1902</td>
<td>ME</td>
<td>Plan and construct highway access between US Route 161 and US Route 1 in Madawaska</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1903</td>
<td>CA</td>
<td>Randolph St improvements between Wilmington Ave and Fishbarn Ave in Huntington Park</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>1904</td>
<td>CA</td>
<td>Reconstruct Acusa and San Gabriel Ave for two-way traffic in Acusa</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1905</td>
<td>ID</td>
<td>Construction of a 1.5 mile alternate truck route in Daws, Kootenai County</td>
<td>$500,000</td>
</tr>
<tr>
<td>1906</td>
<td>AL</td>
<td>Pedestrian Improvements for Columbus, AL</td>
<td>$100,000</td>
</tr>
<tr>
<td>1907</td>
<td>MN</td>
<td>Construct CSAH 61 from the D.M. and I.R. Railroad crossing at 8th Street in Duluth to CSAH 56, St Louis County</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1908</td>
<td>NY</td>
<td>Construct Wayne County, NY rail trail project</td>
<td>$345,000</td>
</tr>
<tr>
<td>1909</td>
<td>MI</td>
<td>Design and construct signal crossing and other safety improvements to improve pedestrian safety</td>
<td>$750,000</td>
</tr>
<tr>
<td>1910</td>
<td>MI</td>
<td>Construction of Nonmotorized Pathway, City of Rockwood</td>
<td>$300,000</td>
</tr>
<tr>
<td>1911</td>
<td>WA</td>
<td>Purchase of scenic easement at I-90 and Highway 18</td>
<td>$600,000</td>
</tr>
<tr>
<td>1912</td>
<td>PA</td>
<td>Reconstruct the SR 33, 512 interchange in the Borough of Wind Gap</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1913</td>
<td>NH</td>
<td>Access improvements for terminal located on 120th Ave between W. 44th and W. 45th Sts in Manhattan</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1914</td>
<td>IL</td>
<td>Completion of the Grand Illinois Trail, Cook County</td>
<td>$1,392,500</td>
</tr>
<tr>
<td>1915</td>
<td>CA</td>
<td>Construct and improve medians and drainage on Imperial Highway from west border to east border of city in La Mirada</td>
<td>$1,700,000</td>
</tr>
<tr>
<td>1916</td>
<td>CT</td>
<td>Construct Pomfret Pedestrian Bridge</td>
<td>$72,000</td>
</tr>
<tr>
<td>1917</td>
<td>NV</td>
<td>Construct Loughlin Boulevard Bridge</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1918</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition, and construction of the widening of Pennsylvania Rte. 443 Corridor in Carbon County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1919</td>
<td>NY</td>
<td>Palisades Interstate Parkway Mitigation Measures for New Square</td>
<td>$600,000</td>
</tr>
<tr>
<td>1920</td>
<td>CA</td>
<td>Reconstruct and widen Del Amo Blvd to four lanes between Normandie Ave and New Hampshire Ave, Los Angeles County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1921</td>
<td>MN</td>
<td>Reconstruct Unorganized Township Road 488 from CSAH 138, Koochiching County</td>
<td>$1,025,000</td>
</tr>
<tr>
<td>1922</td>
<td>NY</td>
<td>Reconstruction of Empire Boulevard</td>
<td>$6,400,000</td>
</tr>
<tr>
<td>1923</td>
<td>PA</td>
<td>Reconstruction of PA 309 from Greenwood Avenue to Welsh Road</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1924</td>
<td>TN</td>
<td>Construction of I-65 in Obion, Dyer, Lauderdale, and Tipton Counties</td>
<td>$14,125,000</td>
</tr>
<tr>
<td>1925</td>
<td>IL</td>
<td>Design, land acquisition, and construction of South Main St (I-2) Corridor from Bellline Rd to Cedar Street in Rockford, IL</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1926</td>
<td>OH</td>
<td>Grading, paving, roads for the transfer of rail to truck for the intermodal facility at Rickenbacker Airport</td>
<td>$2,750,000</td>
</tr>
<tr>
<td>1927</td>
<td>MD</td>
<td>Reconstruction of Pleasant Screen Road</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1928</td>
<td>MN</td>
<td>Lake Wobegon Trail corridor from Sauk Centre to the Stearns County line</td>
<td>$352,000</td>
</tr>
<tr>
<td>1929</td>
<td>RI</td>
<td>Replace Sakonnet Bridge</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1930</td>
<td>CA</td>
<td>Conduct study and construct CA State Route 389 from State Route 4 in Brentwood area to I-205 in Tracy area</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1931</td>
<td>CA</td>
<td>Geometric improvements, safety signal upgrades at RT 191 &amp; RT 56 intersection West Bridgewater</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1932</td>
<td>WA</td>
<td>Fife—Widen 70th Ave. East. Ave. East</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1933</td>
<td>CA</td>
<td>Construct two right hand turn for Byzantine Latino Quarter transit plazas at Normandie and Pico, and Hoover and Pico, Los Angeles</td>
<td>$400,000</td>
</tr>
<tr>
<td>1934</td>
<td>WA</td>
<td>I-90 Two-Way Transit-RHV Roadway Project</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1935</td>
<td>AL</td>
<td>Construct Talladega Mountains Natural Resource Center—an educational center and hub for hikers, bicyclists, and automobiles</td>
<td>$500,000</td>
</tr>
<tr>
<td>1936</td>
<td>MD</td>
<td>Gaithersburg, MD Extension of Teachers Way-Olde Towne Gaithersburg Renitalization</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>1937</td>
<td>IL</td>
<td>Intersection Reconstruction and Bridge Rehabilitation at I-57 and Peterson Road</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>1938</td>
<td>AK</td>
<td>Planning, design, and EIS of Bradford Canal Road</td>
<td>$2,300,000</td>
</tr>
<tr>
<td>1939</td>
<td>TX</td>
<td>Reconstruct Clinton Dr. from Federal Rd. to N. Wayside Dr</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1940</td>
<td>GA</td>
<td>Pave portions of CR 435, CR 44, and CR 45, Hancock County</td>
<td>$370,000</td>
</tr>
<tr>
<td>1941</td>
<td>NY</td>
<td>Deer Avoidance System, to deter deer from milepost marker 464.5, Bingham Ave to 304.2, Weedsport, NY along I-80</td>
<td>$250,000</td>
</tr>
<tr>
<td>1942</td>
<td>CA</td>
<td>El Camino Real Grand Blvd Initiative in San Mateo County</td>
<td>$1,350,000</td>
</tr>
<tr>
<td>1943</td>
<td>CA</td>
<td>Construct Guadalupe River Trail from I-880 to Highway 37 in Santa Clara County</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>1944</td>
<td>TN</td>
<td>Cooke County, Tennessee SR-32 reconstruction</td>
<td>$500,000</td>
</tr>
<tr>
<td>1945</td>
<td>KY</td>
<td>Construct I-69, Ridgeland Ave. Improvements, Trimble County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1946</td>
<td>KY</td>
<td>Construct Pedestrian Mall and Streetscape Improvements, Wilmore</td>
<td>$3,905,000</td>
</tr>
<tr>
<td>1947</td>
<td>PA</td>
<td>PA 23 corridor improvements from US 30 to US 322</td>
<td>$2,450,000</td>
</tr>
<tr>
<td>1948</td>
<td>NJ</td>
<td>Replace and realignment of Amwell Road Bridge over Neshanic River</td>
<td>$555,000</td>
</tr>
<tr>
<td>1949</td>
<td>CT</td>
<td>City of Stamford, Connecticut, reconstruction of Merritt Seven Road Streetscar, Stamford</td>
<td>$375,000</td>
</tr>
<tr>
<td>1950</td>
<td>TX</td>
<td>Construct SH 199 (Henderson St.) through the Trinity Uptown Project between the West Fork and Clear Fork of the Trinity River in Fort Worth</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>1951</td>
<td>IN</td>
<td>Construction of multi-use paths, Town of Fishers, Indiana</td>
<td>$230,000</td>
</tr>
<tr>
<td>1952</td>
<td>OH</td>
<td>Construct Whiteford Dr. project</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1953</td>
<td>MN</td>
<td>Design and right of way acquisition for I-35E-CSAH 14 Main Street Interchange, city of Lino Lakes, Minnesota</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1954</td>
<td>OR</td>
<td>Expand storage facilities in Eugene to support transportation enhancement activities throughout the state</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>1955</td>
<td>CA</td>
<td>Improvements to US-101 ramps between Winnemaka Ave. and Van Nys Blvd</td>
<td>$400,000</td>
</tr>
<tr>
<td>1956</td>
<td>CA</td>
<td>Acquisition of right of way for and construction of 90th Street and Century Park Freeway from 135th Avenue to SR 66</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1957</td>
<td>CA</td>
<td>Pine Avenue extension from Route 71 to Euclid Avenue in the City of Chino, California</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1958</td>
<td>MO</td>
<td>Confluence Greenway Land Acquisition for Riverfront Trail development in St. Louis</td>
<td>$700,000</td>
</tr>
<tr>
<td>1959</td>
<td>TN</td>
<td>Retrofit noise abatement walls in Davidson County</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1960</td>
<td>TN</td>
<td>Road construction between U.S. 41 and Rainbow Way</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1961</td>
<td>MI</td>
<td>Commerce, Haggerty Road from 14 Mile to Richardson</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1962</td>
<td>WI</td>
<td>Expand STH 23, County Highway OJ to US Highway 41, WI</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>1963</td>
<td>FL</td>
<td>Construct interchange at I-55 and Matanzas Woods Parkway, Flagler County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1964</td>
<td>MI</td>
<td>Millen Road Widening and Improvement</td>
<td>$75,000,000</td>
</tr>
<tr>
<td>1965</td>
<td>NC</td>
<td>Construct Neuse River Trail in Johnston County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1966</td>
<td>TX</td>
<td>Construct landscaping and other pedestrian amenities in segments of the Old Spanish Trail and Gregg Road right-of-way</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1967</td>
<td>NY</td>
<td>Construct and of Union Road and Walden Avenue in Chittenango, New York</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1968</td>
<td>LA</td>
<td>Construction of West Covington Bypass-LA 21 Widening</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1969</td>
<td>MS</td>
<td>Construct Byrd Parkway Extension, Petal</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1970</td>
<td>NY</td>
<td>Intermodal transportation improvements in Coney Island</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>1971</td>
<td>MN</td>
<td>Construct one mile of new roadway and a bridge crossing the DM&amp;R railroad tracks, and construct connector between CSAH 14 and CSAH 284, Proctor</td>
<td>$3,280,000</td>
</tr>
<tr>
<td>1972</td>
<td>NH</td>
<td>Construct Park and Ride, Exit 5 on I-93—Londonderry, NH</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1973</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition &amp; construction of streetcar and enhancements, parking, lighting, safety improvements, parking &amp; roadway realignment in Eriez Borough, Luzerne County</td>
<td>$300,000</td>
</tr>
<tr>
<td>1974</td>
<td>PA</td>
<td>Extension of River Road in Reading, PA to provide access to major industrial and brownfields sites</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1975</td>
<td>AK</td>
<td>Point MacKenzie in Matanuska-Susitna Borough plan and design road access</td>
<td>$200,000</td>
</tr>
<tr>
<td>1976</td>
<td>TX</td>
<td>Repair 4.35 miles of Lake Ridge Parkway, widen roadway along with improvements from 14 lane to 6 across Joe Pool Lake in Grand Prairie, TX</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1977</td>
<td>IL</td>
<td>Robert Taylor Homes CHA Street Construction, City of Chicago</td>
<td>$550,000</td>
</tr>
<tr>
<td>1978</td>
<td>OR</td>
<td>Rockwood Town Center for Stark Street from 190th to 197th for pedestrian, bicycle and transit facilities and safety mitigation</td>
<td>$1,750,000</td>
</tr>
<tr>
<td>1979</td>
<td>PA</td>
<td>Route 89 Curve Realignment one mile north of Titusville on Route 89</td>
<td>$300,000</td>
</tr>
<tr>
<td>1980</td>
<td>FL</td>
<td>Sand Lake Road Improvements between Presidents Drive and I-4</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1981</td>
<td>MI</td>
<td>Rebuild Ste. Marie, Reconstruct East Spruce Street with drainage, curb, gutter, pavement, traffic control devices</td>
<td>$950,000</td>
</tr>
<tr>
<td>1982</td>
<td>PA</td>
<td>Study and construct I-96/US-31-Sterk Road area improvements</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>1983</td>
<td>PA</td>
<td>Provide access to HOV ramp from Reddell Street with traffic signals, pavement markings, lane control and fast acting gates</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1984</td>
<td>IL</td>
<td>The extension of MacArthur Blvd. from Wabash to Iron Bridge Road, Springfield</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1985</td>
<td>IL</td>
<td>Construct Cedar Creek Linear Park Trail, Quincy</td>
<td>$300,000</td>
</tr>
<tr>
<td>1986</td>
<td>IN</td>
<td>Conduct study for US80 Corridor Improvements, Dearborn County, Indiana</td>
<td>$300,000</td>
</tr>
<tr>
<td>1987</td>
<td>IL</td>
<td>Design, land acquisition, and construct East State St (US Business 20) from Meridian Rd to Rockton Ave in Rockford, IL</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1988</td>
<td>CA</td>
<td>The Foothill South Project, construct 16 miles of a six-lane limited access highway system</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>1989</td>
<td>CA</td>
<td>Construct and improvements to Millar Rd. from I-15 to Lindon Rd. Plain Township</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>1990</td>
<td>CA</td>
<td>State Route 99 improvements at Shelton Road</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>1991</td>
<td>KY</td>
<td>The Kentucky Multi-Highway Preservation Project</td>
<td>$1,600,000</td>
</tr>
<tr>
<td>1992</td>
<td>NY</td>
<td>Town of Warwick, NY, Bridge replacement on Buttermilk Falls Rd</td>
<td>$175,000</td>
</tr>
<tr>
<td>1993</td>
<td>NY</td>
<td>Construct, design, engineering, ROW acquisition, and construction of the third phase of the Marshalls Creek Bypass Project in Monroe County, Pennsylvania</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>1994</td>
<td>MI</td>
<td>Construct North Central Muskegon County Corridor Improvements at US31 and Russell Road</td>
<td>$300,000</td>
</tr>
<tr>
<td>1995</td>
<td>OH</td>
<td>Reconstruct I-75/I-475 Interchange, Toledo</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>1996</td>
<td>OH</td>
<td>Conduct study for 210th Avenue Improvements</td>
<td>$700,000</td>
</tr>
<tr>
<td>1997</td>
<td>OH</td>
<td>Construct a 4 lane limited access road to link Newcomerstown and Cadiz</td>
<td>$750,000</td>
</tr>
<tr>
<td>1998</td>
<td>CO</td>
<td>Construct trial to extend the Pequonnock Valley rail-trail through Trumbull and into Bridgeport, CT</td>
<td>$500,000</td>
</tr>
<tr>
<td>1999</td>
<td>MS</td>
<td>Plan and Construct Star Landing Corridor from US 78 to US 61</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2000</td>
<td>MS</td>
<td>Construct, design and improvements at US 78 and US 490 in Hinds County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2001</td>
<td>NC</td>
<td>North Carolina. Add passing lanes and safety improvements to US Hwy 64 in Transylvania County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2002</td>
<td>TN</td>
<td>Improve streetscape and pavement repair, Blount County, TN</td>
<td>$300,000</td>
</tr>
<tr>
<td>2003</td>
<td>CA</td>
<td>Reconstruction of State Route 111 from Purdy Hill Road to Purdy Hills Road, Monroe, CT</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2004</td>
<td>IL</td>
<td>Resurfac Trumbull Ave. and Tufton Ave. Evergreen Park</td>
<td>$600,000</td>
</tr>
<tr>
<td>2005</td>
<td>GA</td>
<td>wreck 784 approach to I-20 interchange, Newnan</td>
<td>$500,000</td>
</tr>
<tr>
<td>2006</td>
<td>TX</td>
<td>Construct Interchange at I-95 and Gators Blvd</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2007</td>
<td>IL</td>
<td>Road Improvements between Museum Road &amp; Forsyth Way</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2008</td>
<td>CA</td>
<td>Retrofit noise abatement walls in Davidson County</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2009</td>
<td>CA</td>
<td>Design and Construction Camino Tassajara Crown Canyon to East Town Project, Danville, CA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2010</td>
<td>NY</td>
<td>Design and Construction Interchange, Replace Bridge REN 334110 over Flatbush Creek, Philips/Roberts Road</td>
<td>$400,000</td>
</tr>
<tr>
<td>2011</td>
<td>WI</td>
<td>North 28th Street Phase 2 roadway safety improvements from Weeks Avenue to Hill Avenue in Superior</td>
<td>$1,280,000</td>
</tr>
<tr>
<td>2012</td>
<td>NC</td>
<td>Upgrade US 74 in Columbus County</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>2013</td>
<td>MS</td>
<td>Upgrade US 78 to Interstates Standards from the MS-TN state line to the MS-AL state line</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2014</td>
<td>PA</td>
<td>Upgrade US 119 between Pleasant Street, Kingston, and Pleasant Street, Hazleton</td>
<td>$200,000</td>
</tr>
<tr>
<td>2015</td>
<td>CA</td>
<td>Realignment of La Brea Avenue to reduce congestion</td>
<td>$3,640,000</td>
</tr>
<tr>
<td>2016</td>
<td>IL</td>
<td>Resurface Elston Avenue from Mileauke to Pulaski, Chicago</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2017</td>
<td>TN</td>
<td>Sullivan, Washington Counties Tennessee SR-75 widening</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2018</td>
<td>MS</td>
<td>US 414 /WI-415. Fast River Bridge reconstruction, Menasha</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2019</td>
<td>MS</td>
<td>US 70 access improvements &amp; new I-59 interchange, Lamar County</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2020</td>
<td>VA</td>
<td>Construct South Airport Connector, Richmond International Airport</td>
<td>$300,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
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<td>---------------------</td>
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</tr>
<tr>
<td>2030</td>
<td>NY</td>
<td>City of Peekskill, NY Street Resurfacing Program, Riverside Avenue</td>
<td>$73,000</td>
</tr>
<tr>
<td>2031</td>
<td>GA</td>
<td>SR 129, Old Mill Road Resurfacing</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2032</td>
<td>MA</td>
<td>East Boston Boul Road Construction</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2033</td>
<td>NY</td>
<td>Town of Goshen Orzech Road reconstruction</td>
<td>$400,000</td>
</tr>
<tr>
<td>2034</td>
<td>VA</td>
<td>Realign Main Street in Dumfries</td>
<td>$725,000</td>
</tr>
<tr>
<td>2035</td>
<td>FL</td>
<td>Replace Plate Street Bridge</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2036</td>
<td>FL</td>
<td>Access Rd. Streetscaping, Sanford Airport</td>
<td>$500,000</td>
</tr>
<tr>
<td>2037</td>
<td>NY</td>
<td>Rockland County and City of Yonkers to Lower-Manhattan Ferry Boat project</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2038</td>
<td>SC</td>
<td>Complete construction of Palmetto Parkway (I-526) Extension (Phase II) to I-26</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2039</td>
<td>MD</td>
<td>US 301 Recon to Recon to State Line to Crofton</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2040</td>
<td>IL</td>
<td>US Rt 30 between Williams Street and IL Rt 43 for signals, turn &amp; deceleration lanes at 80th Ave, Wolf Rd, Lincolnway HS and Locust St</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2041</td>
<td>OH</td>
<td>US Route 41 in Mercer County</td>
<td>$900,000</td>
</tr>
<tr>
<td>2042</td>
<td>TX</td>
<td>Two direct connectors in Houston, Texas between IH 10 and South SH 99, The Grand Parkway</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2043</td>
<td>MO</td>
<td>Upgrade of Rt. 71 from Pineville to Arkansas State Line</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>2044</td>
<td>CA</td>
<td>Improve interstates and roads part of the Inland Empire Goods Movement Gateway project in and around the Norton Air Force Base</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>2045</td>
<td>IL</td>
<td>Preconstruction activities for common Valley Bike Trail (IL)</td>
<td>$90,000,000</td>
</tr>
<tr>
<td>2046</td>
<td>MI</td>
<td>St. Clair County Parks is working with 13 local units to develop the 54-mile Bridge-to-Bay Trail</td>
<td>$500,000</td>
</tr>
<tr>
<td>2047</td>
<td>NJ</td>
<td>New Jersey Underground Railroad for preservation, enhancement and promotion of sites in New Jersey</td>
<td>$320,000</td>
</tr>
<tr>
<td>2048</td>
<td>CA</td>
<td>Construction of an interchange at Lammers Road and I-265, Tracy, CA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2049</td>
<td>MI</td>
<td>Royal Oak Metromile MetroLink Project Development</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2050</td>
<td>NY</td>
<td>Improve CR39 from NY27 to NY27A, Suffolk County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2051</td>
<td>PA</td>
<td>Street improvements, Borough of Allentown</td>
<td>$650,000</td>
</tr>
<tr>
<td>2052</td>
<td>KY</td>
<td>Reconstruction of KY61 from Greensburg in Green County to Columbia in Adair County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2053</td>
<td>TX</td>
<td>Loop 12-IH 35E and SH 183 west extension to MacArthur, Irving, Texas</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2054</td>
<td>NC</td>
<td>To plan, design and construct the segment of Berkeley Blvd, from Royal Avenue to New Hope Rd (SR 1003) in Goldsboro, NC</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2055</td>
<td>OH</td>
<td>Upgrade Manchester Rd, in Akron</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2056</td>
<td>IL</td>
<td>St. Charles Road, The Village of Bolingbrook</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2057</td>
<td>TN</td>
<td>Engineer, design &amp; construction of connector rd from I-75 interchange across Enterprise South Industrial Park to Hwy 58 in Hamilton County</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>2058</td>
<td>TX</td>
<td>Construct 4 lane divided roadway along SH 71 from the Pecanville River to Bee Creek</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2059</td>
<td>CA</td>
<td>I-405/SR-11 freeway interchange</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2060</td>
<td>CA</td>
<td>Complete the engineering design and acquire the right-of-way needed for the Arch-Sprerry project in San Joaquin County</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2061</td>
<td>UT</td>
<td>Increase lane capacity on bridge over Virgin River on Washington Fields Road in Washington</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2062</td>
<td>NC</td>
<td>Installation of Utica Traffic Signal System</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2063</td>
<td>WI</td>
<td>Construction of infrastructure for inter-parcel access, median widening, beautification along Highway 74 Armor Road corridor</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2064</td>
<td>CA</td>
<td>USI2 Burbank to Walla Walla: Construct new four lane highway for portion of US 12</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>2065</td>
<td>TX</td>
<td>Construct direct connectors on US 39 intersection of US 39, Business 39 and US 77 (previously Loop 463)</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>2066</td>
<td>MI</td>
<td>Strategic improvements along the I-696 and I-75 corridor</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2067</td>
<td>OK</td>
<td>US-281, Widen US-281 from the new US-281 Spar North to Geary Canadian County, OK</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2068</td>
<td>KY</td>
<td>City of Neogaue, Cross street reconstruction-streetcape and resurfacing from US 41 to Maass Street</td>
<td>$1,125,000</td>
</tr>
<tr>
<td>2069</td>
<td>KS</td>
<td>Construct I-35 and Lone Elm Road interchange and widen I-35 from 51st St. to 95th St., Olathe</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2070</td>
<td>MI</td>
<td>Interstate highway rehabilitation and grade separations at Port Huron, MI to eliminate road blockages from NAFTA traffic</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2071</td>
<td>OK</td>
<td>US-60, Widen US-60 between Bartlesville and Pauhuska, Osage County, OK</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2072</td>
<td>WA</td>
<td>Construct an off-ramp from I-5 to the intersection of Alderwood Mall Blvd and Alderwood Mall Pkwy</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2073</td>
<td>CO</td>
<td>Redesign economics and boost through traffic and provide safe access to the coast by realigning Hwy 209 between Trinity and Shasta Counties</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2074</td>
<td>IL</td>
<td>Pre-construction and construction activities on US 45/LaGrange Road from 131st Street to 179th Street</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2075</td>
<td>AR</td>
<td>Van Buren, Arkansas,—Widen and construct Rena Road</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2076</td>
<td>GA</td>
<td>Construction of infrastructure for lighting, illumination and beautification along Highway 74 Armor Road corridor</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2077</td>
<td>CA</td>
<td>Construct Alviso Bay Trail from Gold Street in historic Alviso to San Tomas Aquino Creek in San Jose</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2078</td>
<td>MS</td>
<td>Construct bicycle and trolley path, Hattiesburg</td>
<td>$850,000</td>
</tr>
<tr>
<td>2079</td>
<td>TX</td>
<td>Construct a bike and pedestrian bridge across SH 160 to 100th St. in 24th Street, West Alvarado, TX</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2080</td>
<td>IL</td>
<td>Increase the height on the IL Rt. 82 Railroad Underpass in Genesee, IL</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2081</td>
<td>NC</td>
<td>US-70 Goldsboro Bypass</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2082</td>
<td>CA</td>
<td>Vasco Road Safety Improvements, Contra Costa Transportation Authority and the County of Alameda Public Works, California</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2083</td>
<td>NY</td>
<td>Downtown Flushing Multi-Modal Connection Project, Queens</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2084</td>
<td>MD</td>
<td>Construct Safety and Operations Improvements at MLK Jr. Blvd. and W. Baltimore Street in Baltimore</td>
<td>$1,700,000</td>
</tr>
<tr>
<td>2085</td>
<td>NY</td>
<td>Rehabilitate Ruis Park Boardwalk</td>
<td>$300,000</td>
</tr>
<tr>
<td>2086</td>
<td>WI</td>
<td>Construct 25 mile stretch of the 177th Street - New Town project</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2087</td>
<td>UT</td>
<td>Construction of Midvalley Highway, Tooele County, Utah</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2088</td>
<td>WA</td>
<td>Improve Wapiti Hills bicycle and pedestrian trail between Rainbow Falls State Park and Adna</td>
<td>$200,000</td>
</tr>
<tr>
<td>2089</td>
<td>PA</td>
<td>Design and construct interchange and related improvements at I 83 Exit 18</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2090</td>
<td>VA</td>
<td>North Carolina Potomac River Corridor National Scenic Trail</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2091</td>
<td>MO</td>
<td>Construct new traffic project to receive and dispatch trucks from US 74, US 76, US 421, and US 17S</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2092</td>
<td>OK</td>
<td>Construction of Midwest City Pedestrian Walkway</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2093</td>
<td>TX</td>
<td>Construct parallel bridge for SH 35 over Capano Bay</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2094</td>
<td>TX</td>
<td>Construct bypass road on Airport Loop Road in DFW</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2095</td>
<td>TN</td>
<td>Construct 2nd Creek Greenway, Knoxville, Tennessee</td>
<td>$685,700</td>
</tr>
<tr>
<td>2096</td>
<td>NE</td>
<td>Design, right-of-way and construction for the Louisville Bypass, Nebraska</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
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</tr>
<tr>
<td>2104</td>
<td>HI</td>
<td>Construct Honolulu Highway Realignment</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2105</td>
<td>TN</td>
<td>Humboldt County, Tennessee, interchange</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2106</td>
<td>IL</td>
<td>Construction of a new bicycle-pedestrian bridge in Wayne, IL</td>
<td>$2,100,000</td>
</tr>
<tr>
<td>2107</td>
<td>PA</td>
<td>David Lawrence Convention Center Phase IV-reconstruction of roadways assoc. with HQ hotel project</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>2108</td>
<td>CO</td>
<td>I-70 and SH58 Interchange: Reconstruction of existing ramps, building of missing ramps and ROW acquisition</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2109</td>
<td>MO</td>
<td>Reconstruction of U.S. Route 45 in Springfield</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2110</td>
<td>WA</td>
<td>Construct 1.5 mi section of SR 520 in Department of Natural Resources</td>
<td>$4,300,000</td>
</tr>
<tr>
<td>2111</td>
<td>IL</td>
<td>Extend Frank Scott Parkway East Road to Scott AFB, St. Clay County</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>2112</td>
<td>CA</td>
<td>Recruit I-405 and Transportation Blvd Interchange, Gardena, California</td>
<td>$750,000</td>
</tr>
<tr>
<td>2113</td>
<td>NY</td>
<td>Rehabilitation of Route 100 from Virginia Road to Westchester Community College</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>2114</td>
<td>TN</td>
<td>Restoration of I-40 in Memphis</td>
<td>$20,000</td>
</tr>
<tr>
<td>2115</td>
<td>SD</td>
<td>Surfacing 10 miles of US 371 from Okreek to the Rosebud Indian Reservation</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>2116</td>
<td>IA</td>
<td>Roadway Expansion, from State Route 54 to State Route 163</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2117</td>
<td>WA</td>
<td>SR 543 Interstate 5 to International Boundary Improvement in Blaine</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2118</td>
<td>MO</td>
<td>Rockville, MO Construction of Maryland Avenue and Market Street Intermodal Access Project</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2119</td>
<td>CA</td>
<td>US Highway 212 expansion from Career City Road to Cuyahoga Heights</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2120</td>
<td>VA</td>
<td>I-26, VA Rte 184 interchange</td>
<td>$1,650,000</td>
</tr>
<tr>
<td>2121</td>
<td>IL</td>
<td>Village of South Joliet-Illinois—West Vandalia Road upgrades</td>
<td>$527,572</td>
</tr>
<tr>
<td>2122</td>
<td>IA</td>
<td>Village road improvements for Longview, IA</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2123</td>
<td>IA</td>
<td>Village road improvements for Tualatin, Tualatin, Aloha, Tofu, and Aloha county in the Western district</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2124</td>
<td>FL</td>
<td>Destiny Rd Reconstruction, Eatonville</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2125</td>
<td>KY</td>
<td>Construct New Technology Triangle Access Road, Campbell County, Kentucky</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2126</td>
<td>NY</td>
<td>Town of Waukesha reconstruction of McVeigh Road</td>
<td>$400,000</td>
</tr>
<tr>
<td>2127</td>
<td>VA</td>
<td>Virginia I-95/96 interchange, Richmond</td>
<td>$850,000</td>
</tr>
<tr>
<td>2128</td>
<td>CA</td>
<td>Construct grade separation on State College Blvd. at the Burlington Northern Santa Fe railroad, Fullerton</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>2129</td>
<td>MA</td>
<td>Warren Street—Blue Hill Avenue</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2130</td>
<td>CT</td>
<td>Design and construct Dunn Memorial Bridge, Connecticut</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2131</td>
<td>MA</td>
<td>Construct operational and safety improvements to I-495 N at 29th Ave in Oakdale</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2132</td>
<td>WA</td>
<td>U.S. 395, North Spokane Corridor Improvements</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>2133</td>
<td>NY</td>
<td>Route 511 Expansion Spencerport-Brockport, 4-lane Highway is a project to extend Rt. 511</td>
<td>$7,400,000</td>
</tr>
<tr>
<td>2134</td>
<td>OR</td>
<td>Columbia River Gorge Intermodal Corridor for rail congestion relief, improved intersections and access to Interstates 5, 20, and grade-separate road from rail, Portland</td>
<td>$11,150,000</td>
</tr>
<tr>
<td>2135</td>
<td>OH</td>
<td>Interchange and related road improvements to SR 44 in Painesville, OH</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2136</td>
<td>GA</td>
<td>Greene County, Georgia conversion of I-20 and Carey Station Road overpass to full interchange</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>2137</td>
<td>CA</td>
<td>Pineville Parkway Improvements in Pineville Extension from Allen Road to Route 91</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2138</td>
<td>MS</td>
<td>Construct historic bicycle path, Pascagoula</td>
<td>$150,000</td>
</tr>
<tr>
<td>2139</td>
<td>PA</td>
<td>Cros Run Relocation from SR 65 to Freedom Crider Road</td>
<td>$2,350,000</td>
</tr>
<tr>
<td>2140</td>
<td>OH</td>
<td>Replace the Edward N. Waldoogel Viaduct in Cincinnati</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2141</td>
<td>CA</td>
<td>Construct a new interchange at SCP 55 North in Las Vegas</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2142</td>
<td>NY</td>
<td>Roadway, streetcar, pedestrian, and parking improvements to the Buffalo Niagara Medical Campus, Buffalo</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2143</td>
<td>VA</td>
<td>Upgrade DOT crossing #4703154H to constant warning devices in Halifax</td>
<td>$150,000</td>
</tr>
<tr>
<td>2144</td>
<td>PA</td>
<td>Design, ROW acquisition &amp; construction of street improvements and parking expansion at Watoga, Andrew County</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2145</td>
<td>WA</td>
<td>Bridge Modification and Interstate Highway Protection Project, Skagit River, in Skagit County</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2146</td>
<td>TN</td>
<td>Construct welcome center, Macon County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2147</td>
<td>CA</td>
<td>Construction of new roadway lighting on motorway transport section, San Fernando Valley</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2148</td>
<td>MO</td>
<td>Interchange design and construction for the Main Street Extension at I-55, Cape Girardeau County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2149</td>
<td>CA</td>
<td>Replace SR222 Interchanges, change HOV lanes, and lengthen bridges in Garden Grove</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2150</td>
<td>IL</td>
<td>Construct I-35, The Village of Oak Park</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>2151</td>
<td>MO</td>
<td>Rehabilitation of Bridge Number 550 in Paupituck</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>2152</td>
<td>WA</td>
<td>Complete analysis, permitting and right of way procurement for 1-5/SR501 Interchange replacement in Ridgefield</td>
<td>$500,000</td>
</tr>
<tr>
<td>2153</td>
<td>CA</td>
<td>Design and construct new interchange at Potrero Blvd and State Route 60 in Beaumont</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2154</td>
<td>TN</td>
<td>Construction of a pedestrian bridge in Alcoa, TN</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2155</td>
<td>MO</td>
<td>Construct four lane improvements on US 64 in Mason County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2156</td>
<td>OH</td>
<td>Construct Grade Separation at Front Street, Berea</td>
<td>$500,000</td>
</tr>
<tr>
<td>2157</td>
<td>CA</td>
<td>Crenshaw Blvd. Rehabilitation, 182nd St.—190th St., and Crenshaw Blvd. at 182nd St. Fly on-off Ramp Capacity Enhancements, City of Torrance</td>
<td>$800,000</td>
</tr>
<tr>
<td>2158</td>
<td>CA</td>
<td>CSAH 61 improvements, City of Colaraine</td>
<td>$490,000</td>
</tr>
<tr>
<td>2159</td>
<td>CA</td>
<td>CSAH 60 improvements, City of Colaraine</td>
<td>$490,000</td>
</tr>
<tr>
<td>2160</td>
<td>KY</td>
<td>Expansion to four lanes of Hwy 55 and Hwy 555 Heartland Parkway in Taylor County</td>
<td>$70,000,000</td>
</tr>
<tr>
<td>2161</td>
<td>KS</td>
<td>Interchange improvement at K-7 and 55th St. in Johnson County</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2162</td>
<td>CA</td>
<td>Construct truck lane on Baugham Road from 7th to Westmoreland</td>
<td>$550,000</td>
</tr>
<tr>
<td>2163</td>
<td>AZ</td>
<td>Construct bridges at Aspen St., at Birch St., at Cherry St., at Bonito St., at Thorpe St.</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>2164</td>
<td>CT</td>
<td>Construct Putnam curb cuts</td>
<td>$30,000</td>
</tr>
<tr>
<td>2165</td>
<td>OH</td>
<td>Construct improvements on the Nine Mile Road</td>
<td>$600,000</td>
</tr>
<tr>
<td>2166</td>
<td>MN</td>
<td>Design and right of way acquisition for I-35 and CSAH22 interchange in Forest Lake, MN</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2167</td>
<td>CA</td>
<td>Complete the connection of the American Parkway between the east and west sides of the Lehigh River with bridge and interchanges</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>2168</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition &amp; construction of street improvements &amp; safety enhancements Main &amp; Parsonage Streets in Pittston</td>
<td>$250,000</td>
</tr>
<tr>
<td>2169</td>
<td>TX</td>
<td>Grade separation bridges at Wintergreen Rd. and Millers Ferry Rd. in Hutchins and Pleasant Run Rd. and Millers Ferry Rd. in Winne</td>
<td>$8,200,000</td>
</tr>
<tr>
<td>2170</td>
<td>GA</td>
<td>I-26 HOV lanes from Elberton Road to Salem Road, DeKalb County</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2171</td>
<td>NV</td>
<td>Improve Las Vegas Beltway-Airport Connector Interchange</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2172</td>
<td>CA</td>
<td>Oregon-Pacific Mill expressway Improvements between US101 and SR 82, Palo Alto</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2173</td>
<td>MA</td>
<td>Design and construct the Quinebaug River Rail Trail Bikeway</td>
<td>$750,000</td>
</tr>
<tr>
<td>2174</td>
<td>PA</td>
<td>Parsippany-Hackettstown Separation, NJ Route 202</td>
<td>$700,000</td>
</tr>
<tr>
<td>2175</td>
<td>MN</td>
<td>Paul Bunyan Trail, Walker to Bemidji segment</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2176</td>
<td>CA</td>
<td>Construct road surface improvements, and improve road safety from Braley Water plant to HWY 86 to 9th Street to 18th Street, Braley</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>2177</td>
<td>TX</td>
<td>Improvements to FM 171 in Fort Worth</td>
<td>$500,000</td>
</tr>
<tr>
<td>2178</td>
<td>CA</td>
<td>Alameda Corridor East Gateway to America Trade Corridor Project, Highway-Railgrade separation along 35 mile corridor from Alameda Corridor (Hobart Junction) to Los Angeles/San Bernardino County Line</td>
<td>$15,500,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>------------</td>
</tr>
<tr>
<td>2179</td>
<td>GA</td>
<td>Phase III Streetscape-Columbus</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2180</td>
<td>LA</td>
<td>Construction and installation of LA 15 overpass at LA 236</td>
<td>$4,075,000</td>
</tr>
<tr>
<td>2181</td>
<td>NY</td>
<td>Queens and Brooklyn County Graffiti Elimination Program including Kings Highway from Ocean Parkway to McDonald Avenue</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2182</td>
<td>IA</td>
<td>Improvements at the IA 186 and I 80 interchange, Grinnell</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2183</td>
<td>OH</td>
<td>Construction of and improvements to US 277 in Eagle Lake</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2184</td>
<td>NY</td>
<td>Plan, design, land acquisition, and construction for improved access to I-10 and US61/River Road in St. John the Baptist and Ascension Parish on the LA22 Corridor</td>
<td>$2,750,000</td>
</tr>
<tr>
<td>2185</td>
<td>KS</td>
<td>Construction of a two-lane-on-a-four-lane right of way bypass with controlled access on US-40 at Dodge City</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>2186</td>
<td>MN</td>
<td>Reconstruction of I-35 between I-29 and CR 101, Faribault County</td>
<td>$3,360,000</td>
</tr>
<tr>
<td>2187</td>
<td>NY</td>
<td>Reconstruction of York Street Industrial Corridor Project, Auburn</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>2188</td>
<td>NY</td>
<td>Construction of and improvements to Route 62 in the Village of Harbor</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2189</td>
<td>AL</td>
<td>Downtown improvements, Indianapolis</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2190</td>
<td>LA</td>
<td>Construction of pedestrian safety improvements on US-90 in Monroe</td>
<td>$500,000</td>
</tr>
<tr>
<td>2191</td>
<td>PA</td>
<td>Johnstown, Pennsylvania, West End bypass safety improvements</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2192</td>
<td>CA</td>
<td>Construction of traffic and pedestrian safety improvements in Yucca Valley</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2193</td>
<td>MN</td>
<td>719 Freeway Study To Evaluate Technical Alternatives to Close 719 Freeway Gap</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2194</td>
<td>CA</td>
<td>Greenleaf Right of Way Community Enhancement Project-design and construct bikeways, pedestrian walkways and upgrades</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2195</td>
<td>KY</td>
<td>Improve Prospect Street Pedestrian Access, Berea</td>
<td>$2,750,000</td>
</tr>
<tr>
<td>2196</td>
<td>OH</td>
<td>Construct Crocker Farms Connector, North Olmsted</td>
<td>$700,000</td>
</tr>
<tr>
<td>2197</td>
<td>NY</td>
<td>Construction of and improvements to Seneca Street in Buffalo</td>
<td>$600,000</td>
</tr>
<tr>
<td>2198</td>
<td>CA</td>
<td>Avalon Boulevard/I-405 Interchange modification project, Carson</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2199</td>
<td>IL</td>
<td>Construct Illinois Route 116 from Mt. Carmel to Peoria</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2200</td>
<td>NC</td>
<td>North Carolina, Pack Square Pedestrian and roadway improvements, Asheville</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2201</td>
<td>PA</td>
<td>Provide pedestrian and water access to Convention Center from surrounding neighborhoods</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>2202</td>
<td>NY</td>
<td>Reconstruction of Times and Duffys in New York City</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2203</td>
<td>LA</td>
<td>Construction of I-10 Access Road (Crawley)</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>2204</td>
<td>NY</td>
<td>Implement in Cold Springs, Randolph, Allegany, and the County of Orleans, Village of Randolph in Cattaraugus County</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>2205</td>
<td>PA</td>
<td>Replace Bridge, S.R. 106, Tunkhannock Creek Bridge 2, Clifford Township, Susquehanna County</td>
<td>$800,000</td>
</tr>
<tr>
<td>2206</td>
<td>NJ</td>
<td>Replace Route 7—Witten Bridge, Hudson County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2207</td>
<td>NY</td>
<td>Right-of-Way acquisition for 8th Street North &amp; Pinges Road</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2208</td>
<td>IL</td>
<td>For Village of Lenont to modernize and improve the intersection of McCarthy Road, Derby Road, and Archer Avenue</td>
<td>$350,000</td>
</tr>
<tr>
<td>2209</td>
<td>CA</td>
<td>Construct I-80 HOV lanes and interchange in Vallejo</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2210</td>
<td>PA</td>
<td>Rail Crossing signalization upgrade, West Wesley Rd, Maidencreek Twp, Berks County</td>
<td>$200,000</td>
</tr>
<tr>
<td>2211</td>
<td>OH</td>
<td>Construct road projects and transportation improvements in Montgomery County, Ohio</td>
<td>$4,800,000</td>
</tr>
<tr>
<td>2212</td>
<td>TN</td>
<td>Riverside Drive Cobblestone Restoration and walkway, Memphis</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2213</td>
<td>TX</td>
<td>Road grade separation at Fairmount Parkway over Southern Pacific Railroad</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2214</td>
<td>PA</td>
<td>Construct additional northbound lane on RTE 28 between Harmar and Creston Interchange</td>
<td>$1,650,000</td>
</tr>
<tr>
<td>2215</td>
<td>OH</td>
<td>Roadway and intersection modifications on OH 70 in Stark County</td>
<td>$500,000</td>
</tr>
<tr>
<td>2216</td>
<td>OH</td>
<td>Jackson Township, Ohio, Intersection improvements at Fulton Dr. and Wales</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2217</td>
<td>GA</td>
<td>Rockdale County Veteran’s Park—create park trails</td>
<td>$500,000</td>
</tr>
<tr>
<td>2218</td>
<td>MA</td>
<td>Construct the Blackstone River Bikeway and Worcester Bikeway Pavilion between Providence, RI and Worcester, MA</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2219</td>
<td>OH</td>
<td>Improvements to SR 91 in City of Twinsburg, OH</td>
<td>$1,950,000</td>
</tr>
<tr>
<td>2220</td>
<td>TX</td>
<td>Completion of US 77 relief route around City of Robstown</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2221</td>
<td>NY</td>
<td>Improve Maple Avenue, Smithtown</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2222</td>
<td>HI</td>
<td>Replace and Rehabilitate Kamehameha Highway Bridges, Island of Oahu</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2223</td>
<td>WA</td>
<td>SH 52, POR W of FM 20 to Loop 130, Bastrop County</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2224</td>
<td>IN</td>
<td>Construct US 31 Plymouth to South Bend Freeway Project in Marshall and St. Joseph Counties, Indiana</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>2225</td>
<td>LA</td>
<td>Plan and develop a four-lane roadway, Jeanerette to US 90 connection</td>
<td>$200,000</td>
</tr>
<tr>
<td>2226</td>
<td>LA</td>
<td>Construct I-12 and LA 388 Interchange</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2227</td>
<td>LA</td>
<td>A LA 1095 safety improvement project, 2.2 miles from Highway 160 to Highway 127</td>
<td>$600,000</td>
</tr>
<tr>
<td>2228</td>
<td>NY</td>
<td>Comprehensive traffic congestion mitigation study of Hauppauge Industrial Park and surrounding area</td>
<td>$750,000</td>
</tr>
<tr>
<td>2229</td>
<td>NY</td>
<td>Develop an identity and signage program for the Erie Canalway National Heritage Corridor</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2230</td>
<td>CO</td>
<td>Dillon Drive Overpass at Interstate 25 in Pueblo</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2231</td>
<td>NY</td>
<td>Improvements at highway-rail crossings along the Southern Tier Extension corridor in Allegany, Cattaraugus, and Steuben Counties</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2232</td>
<td>FL</td>
<td>Depot Ave. Enhancements, Gainesville</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2233</td>
<td>CA</td>
<td>Interstate 5 and Winchester Road Interchange Project</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2234</td>
<td>CA</td>
<td>Construct the Eastern Inner Loop in Centre County around State College, PA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2235</td>
<td>NJ</td>
<td>Streetscape Improvements along Berlin road between Gibbsboro Road and White Horse Road in Lumberton Borough</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2236</td>
<td>FL</td>
<td>Conduct planning and engineering for SR 70 widening in Hardee, DeSoto and Okeechobee</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2237</td>
<td>GA</td>
<td>Streetscape-Albany</td>
<td>$500,000</td>
</tr>
<tr>
<td>2238</td>
<td>CA</td>
<td>Streetscape-Monterey</td>
<td>$500,000</td>
</tr>
<tr>
<td>2239</td>
<td>MO</td>
<td>Construct four lanes for Route 5 in Camden County</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>2240</td>
<td>IL</td>
<td>Improve Cottage Grove intersection, South Chicago Avenue and 71st Street</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2241</td>
<td>NY</td>
<td>Study, design and reconstruction of pedestrian walkways, the Bronx</td>
<td>$750,000</td>
</tr>
<tr>
<td>2242</td>
<td>IL</td>
<td>Upgrade roads in Annaug and Rolling Fork, Sharkey County</td>
<td>$750,000</td>
</tr>
<tr>
<td>2243</td>
<td>TX</td>
<td>For center to center communication link between highway traffic management centers</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2244</td>
<td>OH</td>
<td>Upgrade the interchange of Interstates 270 and I 71 in Franklin County, Ohio</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2245</td>
<td>CA</td>
<td>US 101 Corridor Improvements—Route 280 to the Capitol-Yerba Buena Interchange</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2246</td>
<td>CA</td>
<td>Rancho Vieja Blvd Widening Project</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2247</td>
<td>NJ</td>
<td>Newark Access Variable Message Signage System</td>
<td>$500,000</td>
</tr>
<tr>
<td>2248</td>
<td>IA</td>
<td>Construct SW Connector, West Des Moines</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2249</td>
<td>IA</td>
<td>US 30 reconstruction, near Tama</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2250</td>
<td>CA</td>
<td>Construction of interchange at North Pakistan and County Road 80 in North Dakota</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2251</td>
<td>MI</td>
<td>Marquette County, Resealment of 3200 feet of County Road 492 from US-41 north to County Road HD</td>
<td>$500,000</td>
</tr>
<tr>
<td>2252</td>
<td>WI</td>
<td>Realign USH 8 near Cameron, Barron County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2253</td>
<td>PA</td>
<td>Restoration of PA422, in Berks County, including slab repair and diamond grinding</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2254</td>
<td>CA</td>
<td>Mountain Avenue Grade Separation, Monrovia, California</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2255</td>
<td>NY</td>
<td>Deploy intermodal chassis ITS project in New York</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2256</td>
<td>NY</td>
<td>Reconstruction of Route 590 in the Town of Irondequoit, NY</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>2257</td>
<td>NY</td>
<td>Design and Construction of Downtown Jamestown Connector Trail</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2258</td>
<td>LA</td>
<td>Pursuit to Construction to improve Hospital in a medical facility</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2259</td>
<td>MI</td>
<td>Houghton County, Rehabilitate bridge piers and remove old bridge caissons for Superior Bridge</td>
<td>$270,000</td>
</tr>
<tr>
<td>2260</td>
<td>AK</td>
<td>Make necessary improvements to Indian River Road in City and Borough of Sitka</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2261</td>
<td>MN</td>
<td>Reconstruct I-74 in the City of Duluth</td>
<td>$1,600,000</td>
</tr>
<tr>
<td>2262</td>
<td>KS</td>
<td>Build a Two-Tier Trinity River Bridge</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2263</td>
<td>TX</td>
<td>Realign rail track to eliminate highway-rail crossings and improve highway safety and transit times</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2264</td>
<td>MS</td>
<td>Relocate SR 44 to SR 188 to Pierce Road, Columbia</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2265</td>
<td>AL</td>
<td>Interstate 565 west extension towards Decatur</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2266</td>
<td>MO</td>
<td>Reconstruction of Missouri Highway 96 to Rocheport</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2267</td>
<td>IL</td>
<td>Halsted Bridge over North Branch Canal Reconstruction, City of Chicago</td>
<td>$600,000</td>
</tr>
<tr>
<td>2268</td>
<td>VA</td>
<td>Town of Pound Riverwalk—construction of pedestrian riverwalk in Town of Pound</td>
<td>$100,000</td>
</tr>
<tr>
<td>2269</td>
<td>UT</td>
<td>US 50 town of Jacksonville, IL Bypass to east of IL 100</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2270</td>
<td>NY</td>
<td>Village of Wappingers Falls North Beeler Ave</td>
<td>$750,000</td>
</tr>
<tr>
<td>2271</td>
<td>AR</td>
<td>War Eagle Bridge Rehabilitation—Benton County, Arkansas</td>
<td>$640,000</td>
</tr>
<tr>
<td>2272</td>
<td>WI</td>
<td>Build additional railcar, landscape, and other improvements to the existing bridge at Holton St. Viaduct in Milwaukee</td>
<td>$800,000</td>
</tr>
<tr>
<td>2273</td>
<td>TN</td>
<td>Washington County, Tennessee SR-96 widening</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2274</td>
<td>MI</td>
<td>Westland, Ann Arbor Trail between Farmington and Merriman</td>
<td>$3,150,000</td>
</tr>
<tr>
<td>2275</td>
<td>MI</td>
<td>White Lake, pace Cooley Lake Road Between Hs and Newburgh Roads</td>
<td>$500,000</td>
</tr>
<tr>
<td>2276</td>
<td>GA</td>
<td>Bridge Improvement County Road 140-FAS Road 1909, Peach County</td>
<td>$425,000</td>
</tr>
<tr>
<td>2277</td>
<td>NC</td>
<td>NC 117-Interchange in Rockingham County</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2278</td>
<td>CA</td>
<td>Construct safe routes to school in Cherryland and Ashland</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2279</td>
<td>CA</td>
<td>Install Concept of Whitewater Park in the central area of the city of Whittier</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2280</td>
<td>VA</td>
<td>Whitewater Station—completion of Whitewater Station (which serves as railhead facility) including construction of rail</td>
<td>$100,000</td>
</tr>
<tr>
<td>2281</td>
<td>CA</td>
<td>Make improvements to Montville-Preston Mohegan Bridge</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2282</td>
<td>CA</td>
<td>Widow and improve Pulaski Point Bridge Improvements</td>
<td>$700,000</td>
</tr>
<tr>
<td>2283</td>
<td>AK</td>
<td>For Completion of the Shotglen Cove Road, from Whittier, Alaska to the Area of Decision Point, Alaska</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2284</td>
<td>CA</td>
<td>Study and Implement Intelligent Transportation System Sensor Technology to Improve Safety at Bridges and Tunnels in Metropolitan New York City</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2285</td>
<td>NY</td>
<td>Warren Avenue Bridge over Factory Lane, Hastings-on-Hudson, New York</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2286</td>
<td>NY</td>
<td>Improve intersection of Old Dock and Church Street, Kings Park</td>
<td>$500,000</td>
</tr>
<tr>
<td>2287</td>
<td>TN</td>
<td>Widen and improve State Route 33, Knox County, Tennessee</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>2288</td>
<td>CA</td>
<td>Reconstruct Paramount Bl with medians and improve drainage from north border to south border of city in Lake Norwalk</td>
<td>$1,350,000</td>
</tr>
<tr>
<td>2289</td>
<td>CA</td>
<td>Upgrade Metro North stations in the Bronx and construction at Yankee Stadium</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2290</td>
<td>CA</td>
<td>Construct the existing industrial park road from local to state standards near Cadiz</td>
<td>$4,100,000</td>
</tr>
<tr>
<td>2291</td>
<td>LA</td>
<td>Upgrade LA 12 to four lanes from LA 121 to LA 465</td>
<td>$4,200,000</td>
</tr>
<tr>
<td>2292</td>
<td>CA</td>
<td>Reconstruction of Historic Eastern Parkway</td>
<td>$4,200,000</td>
</tr>
<tr>
<td>2293</td>
<td>CA</td>
<td>Wide and make I-80 vacat. (change) on the north side of the route between Telegraph Rd and corona St in Downey</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2294</td>
<td>CA</td>
<td>Conduct planning and engineering for Hampton Road Third Crossing and Interconnected Roadways</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2295</td>
<td>IL</td>
<td>Widen Annie Glidden Road to five lanes with intersection improvements, DeKalb, IL</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2296</td>
<td>CA</td>
<td>Widen California State Route 132 from California State Route 99 west to Dakota Avenue</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>2297</td>
<td>NC</td>
<td>Widen Derita Road from Poplar Tent Road in Concord to the Cabarrus Mecklenburg County line</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2298</td>
<td>TX</td>
<td>Widen from 4 to 6 lanes Interstate 35 East from Lake Louisier to Loop 288</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2299</td>
<td>CA</td>
<td>Widen Haskell Avenue between Chase St. and Roscoe Blvd</td>
<td>$200,000</td>
</tr>
<tr>
<td>2300</td>
<td>TX</td>
<td>Widen Hempholde Highway from 12th Street to Washington Avenue from four lanes to six lanes</td>
<td>$500,000</td>
</tr>
<tr>
<td>2301</td>
<td>CA</td>
<td>Reconstruct section and relocate intersection at US 29 South of Pelican Road</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2302</td>
<td>OH</td>
<td>Construct highway-rail crossing safety upgrades at 3 grade crossings in Madison Village, OH</td>
<td>$300,000</td>
</tr>
<tr>
<td>2303</td>
<td>WA</td>
<td>Rebuild Yakima Valley Highway within city limits of Sunnydale, WA</td>
<td>$1,600,000</td>
</tr>
<tr>
<td>2304</td>
<td>NY</td>
<td>Implement Improvements for Pedestrian Safety in New York County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2305</td>
<td>MI</td>
<td>Construction of Main Street in the Town of Lake Orion</td>
<td>$1,600,000</td>
</tr>
<tr>
<td>2306</td>
<td>CA</td>
<td>SR 85 widening from Adams DR to I-71 and reconstruct the Forest Parkway interchange, Clayton County</td>
<td>$3,100,000</td>
</tr>
<tr>
<td>2307</td>
<td>CA</td>
<td>Jogging, Bicycle Trails around CSU, Columbus</td>
<td>$500,000</td>
</tr>
<tr>
<td>2308</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition &amp; construction of streetcar improvements, paving, lighting, safety improvements &amp; roadway design in Throop Borough, Lackawanna County</td>
<td>$200,000</td>
</tr>
<tr>
<td>2309</td>
<td>IL</td>
<td>Reconstruct Winter Ave, existing 1 lane RR railway, and 1 lane bridge to provide access to Winter Park in Danville</td>
<td>$5,400,000</td>
</tr>
<tr>
<td>2310</td>
<td>OR</td>
<td>Construct highway and pedestrian access to Macadam Ave and street improvements as part of the South Waterfront development, Portland</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>2311</td>
<td>TX</td>
<td>Relocation of 10th Street near University of Arizona</td>
<td>$750,000</td>
</tr>
<tr>
<td>2312</td>
<td>IL</td>
<td>Construct pedestrian tunnel at railroad crossing in Winfield, IL</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2313</td>
<td>IN</td>
<td>Construct Margaret Avenue Safety and Capacity Enhancement Project</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2314</td>
<td>TX</td>
<td>Construct Loop 744 from BU77 to I-35 in McLennan County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2315</td>
<td>NY</td>
<td>Construction of a bicycle / pedestrian off road system along the Niagara River from the City of Niagara Falls to the northern border of the Lake Michigan</td>
<td>$2,300,000</td>
</tr>
<tr>
<td>2316</td>
<td>FL</td>
<td>Construct new bridge from West—Florida Turnpike to CR 714 to 36th Street—cross S. Fork of St. Lucie River—Indian Street to US 1 on east side</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2317</td>
<td>WI</td>
<td>Recommission STI 16 from Colby to Bridgeport, Wisconsin</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2318</td>
<td>WI</td>
<td>Christiansted By-Pass Highway, St. Croix</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>2319</td>
<td>NY</td>
<td>Rivertow in Irvington development</td>
<td>$700,000</td>
</tr>
<tr>
<td>2320</td>
<td>OH</td>
<td>Road resurfacing and improvements in the Village of Bentleyville, OH</td>
<td>$800,000</td>
</tr>
<tr>
<td>2321</td>
<td>PA</td>
<td>Improvements to Stella Street rail-road/bridge crossings in Marlow</td>
<td>$750,000</td>
</tr>
<tr>
<td>2322</td>
<td>CT</td>
<td>Construct Entrance Ramp at Route 8 Exit 11, Shelton, CT</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2323</td>
<td>AL</td>
<td>Pedestrian Improvements for Leeds, AL</td>
<td>$100,000</td>
</tr>
<tr>
<td>2324</td>
<td>WA</td>
<td>Federal Road—On SR 18 tear down and construct</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2325</td>
<td>MI</td>
<td>Construction of I-75—Reconstruction of I-75 in the City of Flint</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>2326</td>
<td>OR</td>
<td>Lake Road Reconstruction and Safety Improvements, Milwaukie</td>
<td>$2,850,000</td>
</tr>
<tr>
<td>2327</td>
<td>NY</td>
<td>Resurface Grade Crossing at Old State Road</td>
<td>$250,000</td>
</tr>
<tr>
<td>2328</td>
<td>MN</td>
<td>Construction of Cedar Avenue Busway, MN</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2329</td>
<td>CA</td>
<td>Resurfacing of multiple roadways in the Village of Oak Lawn</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>2330</td>
<td>GA</td>
<td>Streetscape-Thomaston</td>
<td>$300,000</td>
</tr>
<tr>
<td>2331</td>
<td>PR</td>
<td>To build the missing central segment of PR-10, to complete one of only two highways crossing Puerto Rico North to South</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>2323</td>
<td>PA</td>
<td>To enhance existing directional markers &amp; increase wayfinding signage infrastructure in Monroe County</td>
<td>$500,000</td>
</tr>
<tr>
<td>2324</td>
<td>MO</td>
<td>Construct and repair drainage systems on Route 54 in Cass County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2325</td>
<td>GA</td>
<td>Sidewalk revitalization project in downtown Eastman</td>
<td>$500,000</td>
</tr>
<tr>
<td>2326</td>
<td>TX</td>
<td>Port of Corpus Christi Up River Road for upgrade of roadway to and from docks &amp; IH 37</td>
<td>$500,000</td>
</tr>
<tr>
<td>2327</td>
<td>GA</td>
<td>Construct US 411 Connector from US 41 to I-75, Barrow County, Georgia</td>
<td>$21,350,000</td>
</tr>
<tr>
<td>2328</td>
<td>PA</td>
<td>Engineering, design and construction of an extension of Park Avenue north to Lakemont Park in Altoona</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2329</td>
<td>MN</td>
<td>Reconstruct I-35W from I-94 to Maryland Avenue in St. Paul</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>2330</td>
<td>GA</td>
<td>Construct truck ramp linking Interstate 5 to the National City Marine Cargo Terminal, National City</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>2331</td>
<td>GA</td>
<td>Reconstruct the interchange at Interstate 167 and Victory Drive (SR 520), Columbus, GA Victory Drive (SR 520), Columbus, GA</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2332</td>
<td>OH</td>
<td>Acquire lands adjacent to US 101 as part of Southern Santa Clara County Wildlife Corridor Protection and Scenic Enhancement Project</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>2333</td>
<td>OH</td>
<td>Streetscaping, bicycle trails, and related improvements to the I-90—SR 615 Interchange in Mentor, OH</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>2334</td>
<td>TN</td>
<td>Preliminary engineering, right-of-way, and construction for Perimeter Parkway—West Lafayette/Purdue University, Indiana</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>2335</td>
<td>CA</td>
<td>Construct Interchange 55 at Mallory Avenue, Memphis, Shelby County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2336</td>
<td>CA</td>
<td>Upgrade first responders signal pre-emption hardware, Culver City</td>
<td>$32,000</td>
</tr>
<tr>
<td>2337</td>
<td>CA</td>
<td>Construction of Maplecrest Rd Extension—Alleys County, Indiana</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>2338</td>
<td>MS</td>
<td>Upgrade roads in Arcola, Greenville, and Hollandale (U.S. Highway 61 and 18), Washington County</td>
<td>$1,750,000</td>
</tr>
<tr>
<td>2339</td>
<td>CA</td>
<td>Canal Road Intermodal Connector, Gulpport</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2340</td>
<td>PR</td>
<td>Construction of community bridge for Los Navares Sector, Quebrada Arenas Community</td>
<td>$500,000</td>
</tr>
<tr>
<td>2341</td>
<td>KY</td>
<td>Construct the Auburn Connector Road Corridor, Auburn, KY</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2342</td>
<td>MA</td>
<td>Engineering and construction of Blackstone Valley Visitors Center at intersection of State Route 46 and Millbury Street, Worcester</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2343</td>
<td>CA</td>
<td>Improve I-8 off ramp to the Desert Farming Institute, Imperial County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2344</td>
<td>CA</td>
<td>Construct bike and pedestrian path along K-19 between Douglas and Johnson counties</td>
<td>$500,000</td>
</tr>
<tr>
<td>2345</td>
<td>HI</td>
<td>Construct Bike Lanes on Kalanianaole Highway, vicinity of Makapuu to Koolu Drive</td>
<td>$300,000</td>
</tr>
<tr>
<td>2346</td>
<td>TX</td>
<td>Donna/Rio Bravo International Bridge</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2347</td>
<td>IL</td>
<td>Improve Sheridan Road, Evanston</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2348</td>
<td>MO</td>
<td>InterCounty Connector</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2349</td>
<td>MI</td>
<td>Resurfacing of Ten Mile Road in St. Clair Shores</td>
<td>$896,000</td>
</tr>
<tr>
<td>2350</td>
<td>PA</td>
<td>Construct an extension of MD 760 from U.S. 63 to the I-70 Lake of the Woods Interchange</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2351</td>
<td>NY</td>
<td>Conduct studies to consider transportation planning and community involvement for infrastructure projects that address congestion relief in New York City</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2352</td>
<td>MO</td>
<td>Design, engineering, ROW acquisition &amp; construction of surface improvements to the area adjacent to Exit 168 of Interstate 55 at the Western Avenue exit in Wilkes-Barre Township</td>
<td>$250,000</td>
</tr>
<tr>
<td>2353</td>
<td>GA</td>
<td>SR 92 relocation from Duree Run to SR 92 at Malone, including grade separation, Douglas County, Georgia</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>2354</td>
<td>IN</td>
<td>Construct 169 Evansville to Indianapolis, Indiana</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>2355</td>
<td>CA</td>
<td>Construct four bore of Caldecott Tunnel on SR 24, California</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2356</td>
<td>TN</td>
<td>Construct interchange on I-40 in Wilson County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2357</td>
<td>IN</td>
<td>Construct service road parallel to I-69 in the City of Anderson, Indiana</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2358</td>
<td>NY</td>
<td>Croton-on-Hudson, NY Restoration of Van Cortlandt Manor entrance road</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2359</td>
<td>OH</td>
<td>Construction and repair of pedestrian walkways along Lake Shore Blvd. in Lakeline Village, OH</td>
<td>$289,000</td>
</tr>
<tr>
<td>2360</td>
<td>MO</td>
<td>Reconstruct MO 32 from MD 180 to I-70 in Howard County</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2361</td>
<td>NY</td>
<td>Construct Streets and Sidewalks in Middle Village</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2362</td>
<td>MI</td>
<td>Construct two bridges over Black Creek Drain in Sanilac County</td>
<td>$712,500</td>
</tr>
<tr>
<td>2363</td>
<td>FL</td>
<td>Construction of Little Venice Road, Marathon, FL</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2364</td>
<td>MA</td>
<td>Multiuse and safety improvements to the Atlantic Greenway in Nantucket</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2365</td>
<td>MN</td>
<td>Stearns County Bridge no. 73501 Improvements</td>
<td>$400,000</td>
</tr>
<tr>
<td>2366</td>
<td>LA</td>
<td>Construct LA 16 Interchange at I-12 and improvements, and Cook Road Improvements</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>2367</td>
<td>MO</td>
<td>Reconstruct Highway 69 and Highway 65 Interchange</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2368</td>
<td>MO</td>
<td>Construct, extend, and widen the interchange on I-70 in Warren County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2369</td>
<td>CA</td>
<td>Reconstruct the interchange on Montpelier on Orange County, Virginia</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2370</td>
<td>TN</td>
<td>Construct and widen underpass at intersection of Boydstation, Harvey, and McFee Roads, Knox County, TN</td>
<td>$494,300</td>
</tr>
<tr>
<td>2371</td>
<td>OH</td>
<td>Extend sidewalks, upgrade landscaping in downtown Hainesville</td>
<td>$500,000</td>
</tr>
<tr>
<td>2372</td>
<td>OH</td>
<td>Conduct Sarah St along SR 18 and 101 enhancement project to calm traffic in the City of Tiffin</td>
<td>$2,600,000</td>
</tr>
<tr>
<td>2373</td>
<td>CA</td>
<td>Las Tunas Drive Pedestrian Enhancement, San Gabriel</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2374</td>
<td>OH</td>
<td>Reconstruct, widening, and bicycle improvements to Pettibone Road in the City of Solon, OH</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2375</td>
<td>NH</td>
<td>Replacement of Ash Street and Pillsbury Road Bridge</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>2376</td>
<td>PA</td>
<td>Scratch Road Safety and Roadway Improvements, Bucks County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2377</td>
<td>FL</td>
<td>Construct St. Augustine to Palatka Rail Trail, Florida</td>
<td>$2,980,000</td>
</tr>
<tr>
<td>2378</td>
<td>AL</td>
<td>Pedestrian Improvements for Gardendale, AL</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2379</td>
<td>PA</td>
<td>Extension of Second Street from Race to the intersection of Lehigh and Poplar Street in the Borough of Catsauqua</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>2380</td>
<td>NE</td>
<td>Cumming Street Transportation Improvement Project, Omaha, Nebraska</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2381</td>
<td>TN</td>
<td>Construct State Route 101 (I-430) in a four lane divided highway on one approach from Centertown to McNessville, Warren County</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>2382</td>
<td>CA</td>
<td>LA 190 access to I-80 at Eureka Road Interchange</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2383</td>
<td>LA</td>
<td>Expand existing South Central Planning and Development Commission Intelligent Transportation System program in Houma-Thibodaux area by installing signals, sensors and systems</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>2384</td>
<td>IL</td>
<td>Install traffic control devices on traffic signals in Village of Oak Lawn</td>
<td>$240,000</td>
</tr>
<tr>
<td>2385</td>
<td>CA</td>
<td>Interstate 5, California Oaks Road Interchange Project</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2386</td>
<td>TX</td>
<td>Chote Road overpass to eliminate at-grade intersection between Chote Road and SH 146</td>
<td>$9,800,000</td>
</tr>
<tr>
<td>2387</td>
<td>OH</td>
<td>Conduct Sarah St along SR 18 and 101 enhancement project to calm traffic in the City of Tiffin</td>
<td>$2,600,000</td>
</tr>
<tr>
<td>2388</td>
<td>CA</td>
<td>Create lands adjacent to US 101 as part of Southern Santa Clara County Wildlife Corridor Protection and Scenic Enhancement Project</td>
<td>$250,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>------</td>
<td>-------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>2406</td>
<td>TX</td>
<td>Construct US Business 287 through the Trinity Uptown Project from 7th St. NE to 11th St. NE in Fort Worth</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>2407</td>
<td>KY</td>
<td>Construct I-70 and Lone Lane Interchange</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2408</td>
<td>OH</td>
<td>Construct connector road between SR 79 and Thornwood Drive in Licking County</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2409</td>
<td>NH</td>
<td>Construct Pedestrian, Bicycle bridge in Keene</td>
<td>$800,000</td>
</tr>
<tr>
<td>2410</td>
<td>FL</td>
<td>Coral Way, SR 972 Highway Beautification, Phase One, Miami, Florida</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2411</td>
<td>DE</td>
<td>Design, construct and preservation of Queen Hill Road Roundabout, New Castle County</td>
<td>$135,000</td>
</tr>
<tr>
<td>2412</td>
<td>NY</td>
<td>Develop terminal facilities for water taxi projects in New York City</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2413</td>
<td>WI</td>
<td>Expand USH 151 between Dickeyville and Belmont</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2414</td>
<td>NY</td>
<td>Improve bicycle and pedestrian safety, NY25, Jamesport</td>
<td>$300,000</td>
</tr>
<tr>
<td>2415</td>
<td>IL</td>
<td>Fatigue cracking rehabilitation on 183 widening and reconstruction in Lake County</td>
<td>$1,600,000</td>
</tr>
<tr>
<td>2416</td>
<td>IN</td>
<td>Reconstruct Hoosier Heartland Highway, Wabash, Huntington and Miami County Indiana segments</td>
<td>$750,000</td>
</tr>
<tr>
<td>2417</td>
<td>GA</td>
<td>Replace sidewalks, upgrade lighting, and install landscaping, Soperton</td>
<td>$500,000</td>
</tr>
<tr>
<td>2418</td>
<td>LA</td>
<td>Lafayette, LA Implementation of Intelligent Transportation System</td>
<td>$200,000</td>
</tr>
<tr>
<td>2419</td>
<td>VA</td>
<td>Construct I-95 Interchange at SR-41, Virginia</td>
<td>$500,000</td>
</tr>
<tr>
<td>2420</td>
<td>CO</td>
<td>Infant Highway 25 in Denver</td>
<td>$500,000</td>
</tr>
<tr>
<td>2421</td>
<td>AZ</td>
<td>Construct I-10 Collector Distributor Roadway from 40th Street to Baseline, Maricopa County, Arizona</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2422</td>
<td>MA</td>
<td>Northern Avenue Bridge rehabilitation, Boston</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2423</td>
<td>MA</td>
<td>Design and construct the 3.1 mile long Grand Trunk Trail bikeway from Sturbridge to Southbridge</td>
<td>$700,000</td>
</tr>
<tr>
<td>2424</td>
<td>SC</td>
<td>Deconstruct the bollard fence at the edge of the state highway</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2425</td>
<td>LA</td>
<td>1-265 Highway 213 interchange improvements</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2426</td>
<td>KY</td>
<td>Improving Vehicle Efficiencies at highway At-Grade Railroad Crossing in Loudon, TN</td>
<td>$57,000</td>
</tr>
<tr>
<td>2427</td>
<td>AZ</td>
<td>Construct I-10 Collector Distributor Roadway from 40th Street to Baseline, Maricopa County, Arizona</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2428</td>
<td>LA</td>
<td>Improvements to LA 42 in Ascension Parish; and LA 73 improvements in Ascension Parish</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>2429</td>
<td>KY</td>
<td>Construct Paul Bunyan trail from Mississippi River Bridge Trail to Crow Wing State Park</td>
<td>$775,000</td>
</tr>
<tr>
<td>2430</td>
<td>KY</td>
<td>Construct Moselle Trail from Grand Rapids to City of Elly</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>2431</td>
<td>IL</td>
<td>Install sidewalks onsf both side of Northlake Drive, Cook County</td>
<td>$350,000</td>
</tr>
<tr>
<td>2432</td>
<td>OK</td>
<td>Kodiak, AK Construction of AMHW ferry terminal and approach</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>2433</td>
<td>OR</td>
<td>Reconstruction of SH66 from Craig and Rogers Counties to SH66 and US60 intersection</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2434</td>
<td>CA</td>
<td>Enhance pedestrian environment and increase safety along Olympic Blvd between Vermont and Western Avenues, Los Angeles</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2435</td>
<td>NY</td>
<td>Enhancement of the Michigan Avenue Corridor, Buffalo</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2436</td>
<td>MA</td>
<td>Kapiolani Park Improvements in Boston</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>2437</td>
<td>CA</td>
<td>Construct landscape medians along Skyline Drive from Sears Avenue to 8th Street, San Diego</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2438</td>
<td>NY</td>
<td>John Paul II Interchange, NYC</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2439</td>
<td>MO</td>
<td>Construct Highway 465 to Highway 376 south from HWY 76 to HWY 376</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2440</td>
<td>WA</td>
<td>New Country Road on Whidbey Island</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>2485</td>
<td>MA</td>
<td>Relocate Rt. 79 in Fall River to create 4-lane urban boulevard with landscaped median and developable waterfront</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2486</td>
<td>IL</td>
<td>Road extension for Highway 22 in Macon County, IL</td>
<td>$658,000</td>
</tr>
<tr>
<td>2487</td>
<td>NY</td>
<td>Portageville Bridge—purchase existing bridge to convert to pedestrian bridge</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2488</td>
<td>IA</td>
<td>RL-426: complete preliminary engineering for interchange improvements</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2489</td>
<td>CA</td>
<td>Upgrade essential road arterials, connectors, bridges and other road infrastructure improvements in the Town of Desert Hot Springs, CA</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2490</td>
<td>KY</td>
<td>Construct the Heartland Parkway in Adair County</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>2491</td>
<td>NV</td>
<td>Hoover Dam Bypass Project</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2492</td>
<td>CT</td>
<td>Make improvements to Plainfield Mopuip Pond Road</td>
<td>$300,000</td>
</tr>
<tr>
<td>2493</td>
<td>FL</td>
<td>Construction design ROW US 27 from SR 540 to SR 544 &amp; from I-4 to US 192 in Polk County, FL</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>2494</td>
<td>IA</td>
<td>Construction of approaches and viaduct on Edgewood Rd SW over the UP Railroad, Prairie Creek, and the CRANDIC Transportation Center</td>
<td>$1,600,000</td>
</tr>
<tr>
<td>2495</td>
<td>NJ</td>
<td>Construct Hackensack River Walkway in Bergen County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2496</td>
<td>TX</td>
<td>Hwy 145/123 Overpass at Hwy 181 in Karnes County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2497</td>
<td>NM</td>
<td>Improvements to U.S. Highway 67 from Clayton, NM to Socorro, NM</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2498</td>
<td>VA</td>
<td>Route 11 Interchange improvements in Lexington, Virginia</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2499</td>
<td>CA</td>
<td>Improvements to Ben Maddox Way Bridge</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2500</td>
<td>WA</td>
<td>SR 18 Widening, Maple Valley to I-90</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>2501</td>
<td>NY</td>
<td>City of Beacon construction of pedestrian &amp; bicycle trail</td>
<td>$215,000</td>
</tr>
<tr>
<td>2502</td>
<td>TX</td>
<td>FM 541, widen 2-lane roadway to 6-lane roadway from SH 121 to Duster-Parker Road</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2503</td>
<td>TX</td>
<td>Construct an alternate truck route to Interstate 35 in Buda</td>
<td>$500,000</td>
</tr>
<tr>
<td>2504</td>
<td>NY</td>
<td>Improvements on the Cross Island Bridge Overpass / 212th Street and vicinity, Queens</td>
<td>$4,220,000</td>
</tr>
<tr>
<td>2505</td>
<td>MA</td>
<td>New, Reconstruct Grand River between Novi and Haggerty</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2506</td>
<td>MD</td>
<td>Resurface US Hwy 18 from Lake Annes to US Hwy 50 on Yankton Sioux Reservation</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2507</td>
<td>PR</td>
<td>To revitalize Old San Juan Historic District streets</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2508</td>
<td>CA</td>
<td>U.S. 58 Passing Lanes</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2509</td>
<td>CA</td>
<td>Construct traffic intersection improvements on the new I-800 Freeway</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2510</td>
<td>NY</td>
<td>Little Falls Access: Repair and reconstruct High School and Lower School Road</td>
<td>$240,000</td>
</tr>
<tr>
<td>2511</td>
<td>FL</td>
<td>Replace Columbus Drive Bridge</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2512</td>
<td>CA</td>
<td>Village road improvements for Sola and Varjanu counties in the Eastern district</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2513</td>
<td>CA</td>
<td>Construction of two railroad-highway grade separations on Farm Lane north of Mount Hope Road</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2514</td>
<td>CA</td>
<td>Widen Atlantic Blvd bridge over the Los Angeles River in Vernon</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2515</td>
<td>CA</td>
<td>Widen Bundy Drive between Wilshire and Santa Monica Boulevards in the City of Los Angeles</td>
<td>$4,250,000</td>
</tr>
<tr>
<td>2516</td>
<td>AL</td>
<td>To provide four lanes on US-80, Perry County, Marengo County, and Sumter County</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2517</td>
<td>CA</td>
<td>Widen Maine Avenue in Baldwin Park</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2518</td>
<td>FL</td>
<td>Replace Columbus Drive Bridge</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2519</td>
<td>MS</td>
<td>Widen MS Hwy 19 between Philadelphia and Collinville, MS</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>2520</td>
<td>NY</td>
<td>Construct the Pk Island ferry terminal facility, Patchogue</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2521</td>
<td>IL</td>
<td>I-69 from East Peoria to Washington, IL</td>
<td>$952,570</td>
</tr>
<tr>
<td>2522</td>
<td>NJ</td>
<td>Preliminary engineering for missing connections of NJ 23 and I-80</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2523</td>
<td>ME</td>
<td>Penobscot Riverfront Development for bicycle trails, amenities, and traffic circulation improvements, Bangor and Brewer</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2524</td>
<td>MI</td>
<td>Restoration and reconstruction of the central business district street, Cambridge, IL</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2525</td>
<td>NC</td>
<td>Widen NC 150 from Cherryville to Lincolnton</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2526</td>
<td>NY</td>
<td>Second phase of the Grand Concourse improvements from East 166th St. to East 171st St</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>2527</td>
<td>VT</td>
<td>US Route 7 and U.S. Route 4 road improvements for the City of Rutland</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>2528</td>
<td>WV</td>
<td>US Route 22/62 widening project</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>2529</td>
<td>MI</td>
<td>Alcona County, Reconstruction of Ritchie Road from Village of Lincoln to Hubbard Lake road</td>
<td>$813,000</td>
</tr>
<tr>
<td>2530</td>
<td>SC</td>
<td>Construct an interchange improvement on North side of I-65 near Interstate 85</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2531</td>
<td>OR</td>
<td>Westgate Road, Curry County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2532</td>
<td>NY</td>
<td>Rehabilitation of Sharon Drive in the Town of Poughkeepsie</td>
<td>$325,000</td>
</tr>
<tr>
<td>2533</td>
<td>TX</td>
<td>Construct study of I-10 and U.S. 190 with a focus on congestion relief and the need for a military &amp; emergency relief transportation corridor</td>
<td>$200,000</td>
</tr>
<tr>
<td>2534</td>
<td>MD</td>
<td>MD 85 Widening</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2535</td>
<td>GA</td>
<td>SR 36 passing lanes north of Jackson to Newton County line, Butts County, Georgia</td>
<td>$3,050,000</td>
</tr>
<tr>
<td>2536</td>
<td>VA</td>
<td>I-66 and Route 29 Gainesville Interchange Project</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>2537</td>
<td>NY</td>
<td>Construct and extend existing pedestrian streetscape areas in Lynbrook</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2538</td>
<td>CA</td>
<td>Construct traffic intersection improvements on North side of I-5 near Interstate 15, I-80, and I-15</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2539</td>
<td>TX</td>
<td>Portageville Bridge</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2540</td>
<td>PA</td>
<td>Replace a highway rail crossing in Osborne Borough, PA</td>
<td>$2,150,000</td>
</tr>
<tr>
<td>2541</td>
<td>AL</td>
<td>Pedestrian Improvements for CenterPoint, AL</td>
<td>$500,000</td>
</tr>
<tr>
<td>2542</td>
<td>CA</td>
<td>Replace twin 2 lane bridge with single 4 lane bridge on SR 138 over Big Rock Wash</td>
<td>$500,000</td>
</tr>
<tr>
<td>2543</td>
<td>CA</td>
<td>State Route 86S and Ave 50 highway safety grade separation</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2544</td>
<td>TX</td>
<td>Construct Fredericksburg Road-Medical Drive grade separation in San Antonio</td>
<td>$3,800,000</td>
</tr>
<tr>
<td>2545</td>
<td>PA</td>
<td>Proceeding studies for interchange improvements on US 22 and Pennsylvania Rd.</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2546</td>
<td>AR</td>
<td>Interstates 30/40/530 Interchanges—for interchange improvements, Little Rock</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2547</td>
<td>NJ</td>
<td>Rehabilitation of Benizo Boulevard from I-295 to Route 168 in Bellmawr</td>
<td>$400,000</td>
</tr>
<tr>
<td>2548</td>
<td>PA</td>
<td>Preconstruction studies and environmental impact statement for US 22 and Pennsylvania Rd.</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2549</td>
<td>IL</td>
<td>Establish transportation museum on Navy Pier, Chicago</td>
<td>$540,000</td>
</tr>
<tr>
<td>2550</td>
<td>WA</td>
<td>Continue construction of I-90, Spokane to Idaho State Line</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>2551</td>
<td>VA</td>
<td>Improve transportation infrastructure for visitors to Jamestown 2007</td>
<td>$531,900</td>
</tr>
<tr>
<td>2552</td>
<td>AR</td>
<td>High Ct. $19,000,000 Harbinger Avenue-$19,000,000 rebuild of roads and bridges from four to six lanes for</td>
<td>$7,756,486</td>
</tr>
<tr>
<td>2553</td>
<td>NY</td>
<td>Install Improvements for Pedestrian Safety in the vicinity of PS 81</td>
<td>$250,000</td>
</tr>
<tr>
<td>2554</td>
<td>GA</td>
<td>Memorial Drive Corridor Improvement Project</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2555</td>
<td>PA</td>
<td>Route improvements to PA Interchange 15-33</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>2556</td>
<td>PA</td>
<td>Street improvements, Whitemarsh Township</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>---------</td>
</tr>
<tr>
<td>2558</td>
<td>CO</td>
<td>I-76: Colorado Northeast Gateway</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2559</td>
<td>CO</td>
<td>Complete Mauro Tollbooth Expansion</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2560</td>
<td>GA</td>
<td>I-75 Welcome Project</td>
<td>$250,000</td>
</tr>
<tr>
<td>2561</td>
<td>PA</td>
<td>Improve handicapped accessibility and provide pedestrian overpass in Villanova</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2562</td>
<td>NY</td>
<td>Install Two Permanent Variable Message Signs (VMS) on Belt Parkway</td>
<td>$500,000</td>
</tr>
<tr>
<td>2563</td>
<td>NH</td>
<td>Reconstruct 3-Section Bridge Road in Hasset County</td>
<td>$416,000</td>
</tr>
<tr>
<td>2564</td>
<td>IN</td>
<td>Complete construction of Hamilton County Riverwalk, Noblesville, Indiana</td>
<td>$375,000</td>
</tr>
<tr>
<td>2565</td>
<td>NY</td>
<td>Study and Implement Safety Enhancement to Avenue U from Mill Avenue to East 38th Street and Flatbush Avenue from Avenue T to Avenue V</td>
<td>$300,000</td>
</tr>
<tr>
<td>2566</td>
<td>PA</td>
<td>Upgrade circuit for gates and lights at South Street in Emmaus, PA USDOT crossing number 592467P to constant warning time devices</td>
<td>$275,000</td>
</tr>
<tr>
<td>2567</td>
<td>TN</td>
<td>Plan and construct a bicycle and pedestrian trail, Eagleville</td>
<td>$200,000</td>
</tr>
<tr>
<td>2568</td>
<td>IN</td>
<td>Improve pedestrian and bicycle access to Buckingham Avenue</td>
<td>$900,000</td>
</tr>
<tr>
<td>2569</td>
<td>GA</td>
<td>SR 400 reconstruction from 1285 to McParland Road, Fulton and Forsyth Counties</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2570</td>
<td>MI</td>
<td>Construct pedestrian and bicycle pathway at Chippewa Landing River Park in the Village of Caro</td>
<td>$80,000</td>
</tr>
<tr>
<td>2571</td>
<td>GA</td>
<td>Upgrade sidewalks, replace street lights, and landscaping, Metter</td>
<td>$500,000</td>
</tr>
<tr>
<td>2572</td>
<td>AR</td>
<td>Highway 412: Baxter Co., Ash Flat</td>
<td>$2,900,000</td>
</tr>
<tr>
<td>2573</td>
<td>NY</td>
<td>Town of North Salem improvements and repaving to Hasley Road</td>
<td>$200,000</td>
</tr>
<tr>
<td>2574</td>
<td>IA</td>
<td>US 20 Mississippi River Bridge and approaches, Dubuque Co, IA</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>2575</td>
<td>NY</td>
<td>Construct access road and exit lanes for Center for Advanced Medicine, North Shore LIJ Health System</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>2576</td>
<td>NY</td>
<td>Improve key intersections and highway segments along Rt. 32 between Route 17-6-NYS Thruway interchange in Harriman and Highland Mills</td>
<td>$750,000</td>
</tr>
<tr>
<td>2577</td>
<td>CA</td>
<td>Widen I-5 to 10 Lanes and Improve Corridor Arterials, SR 91 to I-710</td>
<td>$5,200,000</td>
</tr>
<tr>
<td>2578</td>
<td>IL</td>
<td>For the construction of the Grand Avenue Underpass, Village of Franklin Park</td>
<td>$1,260,000</td>
</tr>
<tr>
<td>2579</td>
<td>NY</td>
<td>Rehabilitation of North and South Ridge Street and Wannopanaka Avenue in the Village of Ray Brook and City of Ray Brook</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>2580</td>
<td>NY</td>
<td>NYSDOT Route 55 construction over Fishkill Creek and left turn lane construction</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>2581</td>
<td>AL</td>
<td>Alabama Hwy 36 Extension and Widening-Phase II</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2582</td>
<td>OH</td>
<td>Construct Eagle Avenue Viaduct-Devilment Bridge, realignment of roadway to bridge and reconstruction of other bridges, Cleveland</td>
<td>$500,000</td>
</tr>
<tr>
<td>2583</td>
<td>NV</td>
<td>Construct US 93 Corridor—Boulder City</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>2584</td>
<td>NY</td>
<td>Reconstruction of NYS 5, 8, 12, I-690 and NYS 40: City of Utica</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2585</td>
<td>CT</td>
<td>Street and streetscape improvements along Campbell Ave., West Haven</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2586</td>
<td>PA</td>
<td>Reconstruct North Washington Street Bridge to connect Boston and Carmichael</td>
<td>$5,050,000</td>
</tr>
<tr>
<td>2587</td>
<td>MS</td>
<td>Upgraded roads in Fayette (U.S. Hwy 61 and 33), Jefferson County</td>
<td>$400,000</td>
</tr>
<tr>
<td>2588</td>
<td>CA</td>
<td>Heritage Center at the Grand Portage National Monument</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2589</td>
<td>NY</td>
<td>Redevelopment of the Putnam Rail-Trail, Bronx</td>
<td>$650,000</td>
</tr>
<tr>
<td>2590</td>
<td>PA</td>
<td>Highways 34/Corneyville Bypass Intersection</td>
<td>$2,100,000</td>
</tr>
<tr>
<td>2591</td>
<td>CA</td>
<td>Install traffic signal on Balboa Blvd. at Knollwood Shopping Center</td>
<td>$120,000</td>
</tr>
<tr>
<td>2592</td>
<td>MA</td>
<td>Chelsea Street Bridge Reconstruction</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>2593</td>
<td>AL</td>
<td>Pedestrian Improvements for Northport, AL</td>
<td>$700,000</td>
</tr>
<tr>
<td>2594</td>
<td>NY</td>
<td>Construction of widened US 424 from Center Street to the Brevard Avenue junction</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>2595</td>
<td>WA</td>
<td>Rebuild &amp; widen Cemetery Road bridge over US Bureau of Reclamation canal near Othello, WA</td>
<td>$200,000</td>
</tr>
<tr>
<td>2596</td>
<td>FL</td>
<td>Roadway construction of SW 62-SW 24 Avenue in Gainesville</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2597</td>
<td>WA</td>
<td>SR 2/Kelsey Street Intersection Improvements in Monroe</td>
<td>$1,040,000</td>
</tr>
<tr>
<td>2598</td>
<td>OR</td>
<td>Highway 34/Corneyville Bypass Intersection</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2599</td>
<td>MI</td>
<td>Reconstruct Third Ave. from Saginaw St. to Flint River, City of Flint</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2600</td>
<td>PA</td>
<td>Upgrade circuit for gates and lights at 31st Street in Allentown, PA USDOT crossing number 592410G to constant warning time devices</td>
<td>$275,000</td>
</tr>
<tr>
<td>2601</td>
<td>NV</td>
<td>Construct US 95 Widening from Idaho to Nevada</td>
<td>$4,750,000</td>
</tr>
<tr>
<td>2602</td>
<td>IN</td>
<td>Improve campus streets to increase pedestrian safety and ease vehicular congestion in the City of Anderson, Indiana</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2603</td>
<td>PA</td>
<td>Schaeferstown Bypass, PA Route 301, Lebanon</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2604</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition &amp; construction of streetscape and enhancements, paving, lighting, safety improvements, gardening and landscaping in Dupont Borough, Luzerne County</td>
<td>$200,000</td>
</tr>
<tr>
<td>2605</td>
<td>GA</td>
<td>Intersection improvement at Lake Duo Road and SR 81 Harris Dr at SR 42</td>
<td>$600,000</td>
</tr>
<tr>
<td>2606</td>
<td>CA</td>
<td>Replace South Access to the Golden Gate Bridge—Doyle Drive</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2607</td>
<td>IL</td>
<td>Resurface Yellow Banks Road, Franklin County</td>
<td>$400,000</td>
</tr>
<tr>
<td>2608</td>
<td>NC</td>
<td>Widening US 52 from Helena to USS 1</td>
<td>$1,600,000</td>
</tr>
<tr>
<td>2609</td>
<td>IL</td>
<td>Intersection Reconstruction at US 12-IL31-Tryon Grove Road</td>
<td>$900,000</td>
</tr>
<tr>
<td>2610</td>
<td>NY</td>
<td>Streetscape of Herald and Greeley Squares in New York City</td>
<td>$500,000</td>
</tr>
<tr>
<td>2611</td>
<td>NJ</td>
<td>Construct Cape May and Supasena Meadows National Wildlife Refuge Roadway and Parking Improvements</td>
<td>$750,000</td>
</tr>
<tr>
<td>2612</td>
<td>GA</td>
<td>Del Rio-LaQuahlin Air Force Base Relief Route</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2613</td>
<td>NC</td>
<td>Study feasibility of widening US 221-NC 226 from Woodlawn to Spruce Pine, start planning and design, and make upgrades to improve safety</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2614</td>
<td>NY</td>
<td>Transportation improvements to the Far Rockaway Business District, Queens, New York</td>
<td>$2,400,000</td>
</tr>
<tr>
<td>2615</td>
<td>NC</td>
<td>Upgrade West-East Corridor through Charlotte Amalie, St. Thomas</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>2616</td>
<td>NH</td>
<td>Hampton Bridge Rehabilitation—Hampton, NH</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>2617</td>
<td>CA</td>
<td>Gale Avenue widening between Fullerton Road and Nogales Street, and Nogales Street widening at Gale Avenue</td>
<td>$100,000</td>
</tr>
<tr>
<td>2618</td>
<td>CA</td>
<td>Grade Separation at Cesar Chavez Parkway and Harbor Drive, San Diego</td>
<td>$500,000</td>
</tr>
<tr>
<td>2619</td>
<td>MO</td>
<td>Improve access to I-55 at River Des Peres</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>2620</td>
<td>PA</td>
<td>PA Route 61 enhancements, Schuylkill Haven</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>2621</td>
<td>MO</td>
<td>Kansas City SmartPort ITS for highways</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2622</td>
<td>PA</td>
<td>City of Philadelphia in conjunction with American Cities Foundation for neighborhood transportation enhancement and pedestrian safety projects</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2623</td>
<td>DE</td>
<td>Reconstructing I-95/95 South Interchange, adding a fifth lane, and replacing toll plaza on Delaware’s portion of I-95 corridor</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2624</td>
<td>OH</td>
<td>Study possible road upgrades in Tuscarawas County due to flood issues based on dams in Muskingum Watershed District</td>
<td>$100,000</td>
</tr>
<tr>
<td>2625</td>
<td>OR</td>
<td>Sunrise Corridor, Clackamas County</td>
<td>$2,850,000</td>
</tr>
<tr>
<td>2626</td>
<td>CA</td>
<td>Complete Corazon-Cabot-Caina Caliente Bypass Improvements and related traffic improvements in Cities of Mission Viejo and Laguna Niguel, California</td>
<td>$838,690</td>
</tr>
<tr>
<td>2627</td>
<td>TX</td>
<td>Construction of mainlanes and interchanges on SH 121 from Hillcrest to US 75</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>2628</td>
<td>WA</td>
<td>Enumclaw, WA Welcome Center</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2629</td>
<td>PA</td>
<td>Upgrade existing roads, Plains, Otis, Meyers, Seitz Roads, along 1 lane extraordinary in 2 lane road with shoulders, improve intersections</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2630</td>
<td>GA</td>
<td>Widen Old Petersburg Road-Old Evans Road from Baston Road to Washington Road, Washington Road, Columbia County, Georgia</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
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<td>---------------------</td>
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</tr>
<tr>
<td>2631</td>
<td>CA</td>
<td>Widen Peyton Dr. from Grand Ave. to Chino Hills Pkwy., construct Eucalyptus Ave. from Peyton Dr. to Galloping Hills, improve English Channel</td>
<td>$7,036,110</td>
</tr>
<tr>
<td>2632</td>
<td>TX</td>
<td>New construction for the SH 349 Reliever Route beginning at the SH 191 intersection in Midland</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2633</td>
<td>PA</td>
<td>Widen Route 22 between Export and Delmont</td>
<td>$1,450,000</td>
</tr>
<tr>
<td>2634</td>
<td>CA</td>
<td>Construction of a traffic signal at the intersection of Hamlin St. and Corbin Ave</td>
<td>$125,000</td>
</tr>
<tr>
<td>2635</td>
<td>NY</td>
<td>Development of transportation projects in various areas</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>2636</td>
<td>MO</td>
<td>I-35 access modification planning, city of Kearney</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>2637</td>
<td>PR</td>
<td>Construction of community bridge at Los Olivaditos Sector, Quebrada Arenas Community</td>
<td>$425,000</td>
</tr>
<tr>
<td>2638</td>
<td>MN</td>
<td>North-South Corridor with Railroad Overpass, City of Staples</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2639</td>
<td>MD</td>
<td>Port of Hueneme Access Improvement Project, including route improvements of Rice Avenue and State Route 80, Hueneme, County</td>
<td>$4,700,000</td>
</tr>
<tr>
<td>2640</td>
<td>CA</td>
<td>Reconstruct and deep-lift asphalt on various roads throughout the district in Ventura County</td>
<td>$4,856,000</td>
</tr>
<tr>
<td>2641</td>
<td>GA</td>
<td>Upgrade sidewalks, parking, street lighting, and landscaping, Claxton</td>
<td>$500,000</td>
</tr>
<tr>
<td>2642</td>
<td>MS</td>
<td>I-55 upgrades on I-55 and 75 in and vicinity of Vicksburg Corp. (I-55 and 75, LeFlore County)</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2643</td>
<td>VA</td>
<td>Widen Route 262 in Augusta County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2644</td>
<td>CA</td>
<td>Forest Highway 171 Upper Skyway Improvement</td>
<td>$7,250,000</td>
</tr>
<tr>
<td>2645</td>
<td>NV</td>
<td>Rehabilitate Lake Mead Parkway</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2646</td>
<td>IL</td>
<td>Construct Bridge Overpass, DuSable Museum-Chicago</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2647</td>
<td>WA</td>
<td>Expand size and improve safety Lewis and Clark Discovery Trailhead and Scenic Overlook</td>
<td>$146,000</td>
</tr>
<tr>
<td>2648</td>
<td>PA</td>
<td>Construction of a roadway improvement at the I-79 SR 228 interchange in vicinity of Cranberry Township</td>
<td>$650,000</td>
</tr>
<tr>
<td>2649</td>
<td>PA</td>
<td>Development of bicycle and pedestrian trails and access links along North Delaware Riverfront</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>2650</td>
<td>OH</td>
<td>Highway—railroad grade separation over the Norfolk Southern Rail Line for the Hines Hill Road—Milford Connector project in Hudson, Ohio</td>
<td>$300,000</td>
</tr>
<tr>
<td>2651</td>
<td>CA</td>
<td>Construct crosswalk bump-outs and related accessibility improvements on Temple St between Hoover St and Glendale Ave, Los Angeles</td>
<td>$400,000</td>
</tr>
<tr>
<td>2652</td>
<td>NC</td>
<td>Improve SR1023 from US90 Business to US301 in Smithfield</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2653</td>
<td>MA</td>
<td>Improvements to Mass. Ave, Andover Street, Osgood Street, Salem Street, and Johnson Street in the Old Town Center of North Andover</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2654</td>
<td>KY</td>
<td>Reconstruct US 127 at US 127 South, Mercer County</td>
<td>$600,000</td>
</tr>
<tr>
<td>2655</td>
<td>CA</td>
<td>Construct truck lane from Britannia Blvd, to the Otay Mesa Port of Entry, San Diego</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2656</td>
<td>PA</td>
<td>Basford, PA—Relocation of Old Route 220 and Sweet Road. Complete preliminary engineering, purchase right-of-way, construction</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>2657</td>
<td>GA</td>
<td>Design and construction of 2.2 miles of multi-use trail in the City of Douglas, Georgia</td>
<td>$200,000</td>
</tr>
<tr>
<td>2658</td>
<td>IL</td>
<td>Entry road to SIU Research Park</td>
<td>$1,600,000</td>
</tr>
<tr>
<td>2659</td>
<td>NY</td>
<td>Kingston, Construct pedestrian waterfront walkway</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2660</td>
<td>MN</td>
<td>Reconstruct TH 61 north of Split Rock River to MN 238, Lake County</td>
<td>$5,280,000</td>
</tr>
<tr>
<td>2661</td>
<td>KS</td>
<td>Replacement of US-169 bridge in Kansas City</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>2662</td>
<td>PA</td>
<td>Route 333 Turning Lanes and Truck Climbing Lanes, Bucks County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2663</td>
<td>CA</td>
<td>Purchase of Rosemead Blvd ROW, Temple City</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2664</td>
<td>CA</td>
<td>Reconstruction of Bay Avenue and Polaris Street in New, NJ</td>
<td>$8,900,000</td>
</tr>
<tr>
<td>2665</td>
<td>MI</td>
<td>Reconstruct highway under a railroad bridge, Wyoming Ave, from Eagle Pass to Michigan Avenue, Wayne County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2666</td>
<td>OK</td>
<td>Construct vehicular bridge over the Burlington Northern RR at War Bonnet Crossing, Mannford, OK</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2667</td>
<td>UT</td>
<td>Construction and Rehabilitation of 13th East in Sandy City</td>
<td>$6,300,000</td>
</tr>
<tr>
<td>2668</td>
<td>WA</td>
<td>Construct 3.6 miles of Interstate 73 near Martinsville</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2669</td>
<td>WA</td>
<td>Maple Valley SR 169 and SR 516 improvements</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2670</td>
<td>FL</td>
<td>Construct access road to entrances to Opa-Locka Airport at Opa-Locka Airport at N.W. 135th Street and N.W. 47th Ave, including improvements to N.W. 47th Avenue with median strip, City of Opa-Locka</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2671</td>
<td>UT</td>
<td>Upgrade parking and pedestrian access lanes on I-15 in St. George</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2672</td>
<td>OH</td>
<td>Bethel Township, Ohio, Riverland Avenue Bridge Replacement</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>2673</td>
<td>MD</td>
<td>MD295, BWI Access Improvements</td>
<td>$4,740,000</td>
</tr>
<tr>
<td>2674</td>
<td>OR</td>
<td>Connect Bothman Road to Tweed Road, Wilsonville</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2675</td>
<td>CA</td>
<td>Construct I-280 interchange at 280 and I-580 interchange at 580</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>2676</td>
<td>TX</td>
<td>FM 937 from SH164 to FM 3371, Limestone Co</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2677</td>
<td>MO</td>
<td>Construct additional exit ramp access lane from I-44 to Kingshighway and enhance Shaw Ave. corridor</td>
<td>$4,820,000</td>
</tr>
<tr>
<td>2678</td>
<td>IN</td>
<td>Construction of I-64 Interchange, Harrison County, Indiana</td>
<td>$5,310,000</td>
</tr>
<tr>
<td>2679</td>
<td>GA</td>
<td>Bridge replacement at SR 84 and I-90 on Bishop Road in Willows Hills, Cut</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2680</td>
<td>TN</td>
<td>Continue Shelby Avenue—Denbrowen Street project in Nashville.</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>2681</td>
<td>WI</td>
<td>Construct a bicycle/pedestrian path from Wauwauke to Westport</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2682</td>
<td>CT</td>
<td>Construct bike and pedestrian paths along Salem Greenway—Salem, CT</td>
<td>$700,000</td>
</tr>
<tr>
<td>2683</td>
<td>TX</td>
<td>Construct I-635/I35 Interchange in Dallas, TX</td>
<td>$5,300,000</td>
</tr>
<tr>
<td>2684</td>
<td>CA</td>
<td>I-599 Narrow Enhancement to reduce active slides that cause significant road closures on primary connecting route from US 101 to I-5</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2685</td>
<td>MD</td>
<td>Construction of New Interchange at MD5, MD33, and Brandywine Road</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>2686</td>
<td>CA</td>
<td>I-20 West from SR 5 Bill Arp to SR 6—HOV Lanes</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>2687</td>
<td>PA</td>
<td>Install and construct signals, calming devices and signs in Mechanicsburg and surrounding municipalities</td>
<td>$450,000</td>
</tr>
<tr>
<td>2688</td>
<td>FL</td>
<td>44th St. Extension to Goffair Blvd, Jacksonville</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2689</td>
<td>NJ</td>
<td>Passaic River-Newark Bay Restoration and Pollution Abatement Project, Route 21, River Road, CR 510</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2690</td>
<td>CA</td>
<td>San Gabriel Blvd and Mission Road Interchange Improvements, San Gabriel</td>
<td>$500,000</td>
</tr>
<tr>
<td>2691</td>
<td>NY</td>
<td>Rehabilitate 125th Street Corridor from Old Broadway to Marginal Street/Waterfront</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2692</td>
<td>MI</td>
<td>Repair M-10 corridor from I-696 to downtown Detroit</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2693</td>
<td>FL</td>
<td>Capital Circle Northwest, Tallahassee</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>2694</td>
<td>TN</td>
<td>Installation of Intelligent Transportation System on various major routes in Memphis</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2695</td>
<td>MI</td>
<td>Planning and Engineering for The American Road, The Henry Ford Museum, Dearborn</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>2696</td>
<td>TX</td>
<td>Reconstruct Ellis/Wheatley from Little York to West Gulf Bank</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>2697</td>
<td>NY</td>
<td>Implement Improvements for Pedestrian Safety in Richmond County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2698</td>
<td>CA</td>
<td>Public Park from US 80 to US 101</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2699</td>
<td>CA</td>
<td>Construct the Los Angeles River bicycle and pedestrian path in the San Fernando Valley</td>
<td>$575,000</td>
</tr>
<tr>
<td>2700</td>
<td>TX</td>
<td>Construct Santa Fe Trail DART LR overpass from Hill St. to Commerce St. along abandoned Santa Fe Rail right of way in Dallas</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>2701</td>
<td>CA</td>
<td>Construct Route 101 Frontage Road, Highway 40, Lemoore, CA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2702</td>
<td>GU</td>
<td>Guam Mass Transit Authority acquisition of transit vehicle for disabled persons</td>
<td>$400,000</td>
</tr>
<tr>
<td>2703</td>
<td>LA</td>
<td>New Iberia Rail Grade Separation</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
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</tr>
<tr>
<td>2704</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition &amp; construction of streetscape enhancements, parking, lighting, safety improvements, parking &amp; roadscape improvements in Ashland Borough, Luzerne County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2705</td>
<td>MN</td>
<td>Reconstruct Grand Avenue (from Central Ave to 59 Ave W), Central Ave (from Grand Ave to I-35) and Bristol Street (from Central Ave to Grand Ave), Duluth</td>
<td>$200,000</td>
</tr>
<tr>
<td>2706</td>
<td>TN</td>
<td>Plan &amp; construct a bicycle and pedestrian trail, Cannon County</td>
<td>$75,000</td>
</tr>
<tr>
<td>2707</td>
<td>TX</td>
<td>Design &amp; deploy &amp; install Intelligent Transportation System in San Antonio</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2708</td>
<td>TN</td>
<td>Jefferson, Hamblen Counties, Tennessee SR-66 relocation</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2709</td>
<td>MD</td>
<td>Rehabilitate Pennington Avenue Drainage in Baltimore</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2710</td>
<td>PA</td>
<td>Construction of I-79 to Mon-Fayette Section of Southern Beltway, Pittsburgh, Pennsylvania</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2711</td>
<td>PA</td>
<td>Construction of I-79 to Mon-Fayette Section of Southern Beltway, Pittsburgh, Pennsylvania</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2712</td>
<td>CA</td>
<td>Elimination of highway-grade crossings along Louisiana and Delta railroad</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2713</td>
<td>CA</td>
<td>Conduct necessary planning and engineering and implement comprehensive Corridor Management Plan for Arroyo Seco Historic Parkway, Los Angeles</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>2714</td>
<td>FL</td>
<td>Plans for Traffic Management System</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2715</td>
<td>GA</td>
<td>SR 347 widen-new construction from I-985 to SR 211, Hall County, Georgia</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>2716</td>
<td>WA</td>
<td>SR28 and SR285 Sellar Bridge Improvements: ramp &amp; roadway network improvements at the west end and a new lane on the Sellar Bridge</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2717</td>
<td>NY</td>
<td>Stabilize Poughkeepsie Railroad Bridge and construct a pedestrian walkway linking the two sides of the Hudson River</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2718</td>
<td>WA</td>
<td>International Mobility and Trade Corridor Project for Whatcom County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2719</td>
<td>CA</td>
<td>State Route 96 Road Widening, Melrose Drive to Interstate 5</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2720</td>
<td>NJ</td>
<td>Streetscape Improvements to Clements Bridge Road from New Noyon Avenue to New Jersey Turnpike, Bordentown</td>
<td>$500,000</td>
</tr>
<tr>
<td>2721</td>
<td>FL</td>
<td>Construct Eastern Connector from SR 417 to I-595, Volusia &amp; Seminole Counties Florida</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2722</td>
<td>GA</td>
<td>Construction of Mcintosh Path on SR 99, 7.15 miles between Darien, Georgia and the Sapelo Island Visitor Center</td>
<td>$200,000</td>
</tr>
<tr>
<td>2723</td>
<td>AL</td>
<td>Construction of Sulphur Springs Road Bypass in City of Hoover, Alabama</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2724</td>
<td>AZ</td>
<td>Paleozoic Cliffs reconstruction between Wickup and the Santa Maria River</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2725</td>
<td>MN</td>
<td>Construct roadway improvements to CSAH 76, Little Falls</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2726</td>
<td>IN</td>
<td>Study alternatives along 2 miles of roadway to eliminate in-town highway-bridge crossings to improve safety and reduce congestion in Delaware County</td>
<td>$150,000</td>
</tr>
<tr>
<td>2727</td>
<td>NV</td>
<td>Design &amp; construct separation of rail-highway crossings in downtown Reno</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2728</td>
<td>NJ</td>
<td>Maple Shade Township Streetscape Improvements of Mill Road, Rudderow Ave., North &amp; South Coles Ave. and Schoolhouse Lane</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2729</td>
<td>WA</td>
<td>Conduct study for I-5 and SR563 interchange</td>
<td>$300,000</td>
</tr>
<tr>
<td>2730</td>
<td>WA</td>
<td>Construct Webster Creek Road realignment at I-82 Kiona-Benton interchange</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>2731</td>
<td>TX</td>
<td>Downtown Streetscape Improvements in Beaumont, Texas</td>
<td>$640,000</td>
</tr>
<tr>
<td>2732</td>
<td>NY</td>
<td>Improve Traffic Flow on Leftfert Boulevard by Relocating Facilities Surrounding LIRR/Riverside Eastbound Station</td>
<td>$500,000</td>
</tr>
<tr>
<td>2733</td>
<td>NJ</td>
<td>Perform highway beautification to the recently reconstructed Interstate 495 Interchange</td>
<td>$800,000</td>
</tr>
<tr>
<td>2734</td>
<td>TX</td>
<td>Reconstruct interchange at IH 10 and FM 364, Chambers County, Texas</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2735</td>
<td>CA</td>
<td>SR 52 East Improvements (San Diego)</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2736</td>
<td>OR</td>
<td>Study evaluate alternatives in support of eventual Astoria bypass, Astoria</td>
<td>$250,000</td>
</tr>
<tr>
<td>2737</td>
<td>GA</td>
<td>Commission a study and report regarding the construction and designation of a new Interstate linking Savannah, Augusta, &amp; Knoxville</td>
<td>$400,000</td>
</tr>
<tr>
<td>2738</td>
<td>VT</td>
<td>Construction of the St. Albans, Vermont intermodal connector roadway with I-89 for the City of St. Albans</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>2739</td>
<td>OR</td>
<td>I-5 Highway 214 interchange improvements, Woodburn</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2740</td>
<td>OR</td>
<td>Construction of transportation facilities at the Tualatin River Wildlife Refuge</td>
<td>$800,000</td>
</tr>
<tr>
<td>2741</td>
<td>WA</td>
<td>I-80 Rock Springs Marginal</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>2742</td>
<td>PA</td>
<td>Improvements to Route 11 and access to I-41</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2743</td>
<td>IL</td>
<td>Improve safety of intersection on the west side of Huntley Road in Lake County, Illinois</td>
<td>$88,000</td>
</tr>
<tr>
<td>2744</td>
<td>UT</td>
<td>Provo Riverhead Canal Trail, Utah</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2745</td>
<td>MO</td>
<td>South County Riverfront Access &amp; Trails Project, Lembay</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2746</td>
<td>VT</td>
<td>Roadway improvements in the Southbridge community</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2747</td>
<td>MD</td>
<td>Construct Perry Terminal, Somerset County, Maryland</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2748</td>
<td>MS</td>
<td>Plan &amp; Construct two lanes to SR-6 from SR 342 to Alabama state line</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2749</td>
<td>CA</td>
<td>Construct a bridge along Hwy 101 around Willits, CA to reduce congestion, improve air quality and enhance economic life</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2750</td>
<td>CA</td>
<td>Construction of SR 55 &amp;I-5 interchange improvements, Woodburn</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2751</td>
<td>NJ</td>
<td>Sussex County, NJ Vernon Township, Mountain Creek S. 94 Traffic Calming, Ped. Safety and Traffic Congestion, Circulation Improvement</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2752</td>
<td>PA</td>
<td>Lingelstone Square, roadway and intersection improvements, Lower Paxton Township</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2753</td>
<td>MD</td>
<td>Rehabilitate road including bridges over CSX tracks in Baltimore</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2754</td>
<td>WA</td>
<td>Extend 18th Street between 87th Avenue and NE 192nd Avenue in Vancouver</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2755</td>
<td>TX</td>
<td>Implement repairs on Old Pleasanton Road Bridge in Atascosa County</td>
<td>$400,000</td>
</tr>
<tr>
<td>2756</td>
<td>CA</td>
<td>Hazel Avenue Improvements, U.S. Highway 395 to Madison Avenue</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2757</td>
<td>MI</td>
<td>Menominee County, County Road 557 Bridge Replacement over the Chippewa River</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>2758</td>
<td>OH</td>
<td>Massillon, Ohio, Tremont Avenue Bridge Rehabilitation</td>
<td>$720,000</td>
</tr>
<tr>
<td>2759</td>
<td>MI</td>
<td>Montmorency County, Reconstruction of County Road 612 from W. County Line to County Road 69</td>
<td>$800,000</td>
</tr>
<tr>
<td>2760</td>
<td>CA</td>
<td>Conduct traffic study of proposed realignment of Nutwood Ave in Fullerton</td>
<td>$500,000</td>
</tr>
<tr>
<td>2761</td>
<td>MN</td>
<td>Plan and design and construction of奂lasses and walkways at the City of Santa Fe's downtown railroad redevelopment project</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2762</td>
<td>GA</td>
<td>Streetscape-Bainbridge</td>
<td>$250,000</td>
</tr>
<tr>
<td>2763</td>
<td>PA</td>
<td>Construct S.R. 766 Corridor, Susquehanna County, Pennsylvania</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2764</td>
<td>CA</td>
<td>West Hollywood Improvement Project, Mid-City, Los Angeles</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2765</td>
<td>FL</td>
<td>Conduct planning and engineering for US 17 widening and improvements in Hardee County, Florida</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2766</td>
<td>IL</td>
<td>Traffic Signalization, Matteson</td>
<td>$907,500</td>
</tr>
<tr>
<td>2767</td>
<td>MS</td>
<td>Upgrade roads in Kiln, Mississippi, Montgomery County</td>
<td>$400,000</td>
</tr>
<tr>
<td>2768</td>
<td>CO</td>
<td>Upgrade roads to I-70 to I-25 interstate standards in Montgomery County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2769</td>
<td>WA</td>
<td>US 2/Sultan Bridge Improvements in Sultan</td>
<td>$600,000</td>
</tr>
<tr>
<td>2770</td>
<td>TX</td>
<td>Add 2 lanes to existing facility from Victoria County Line to 1.9 Miles West of SH 35 in Port Lavaca</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
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</tr>
<tr>
<td>2774</td>
<td>MI</td>
<td>City of Ypsilanti, Rehoming Water Street Intersection, Ypsilanti, Michigan</td>
<td>$225,000</td>
</tr>
<tr>
<td>2775</td>
<td>TN</td>
<td>Eliminate blockage of two lanes on Gay Street in Knoxville, TN, to accommodate loading dock</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2776</td>
<td>MI</td>
<td>Emmet County, Ultra Thin demonstration project resurfacing of Mitchell Road from the City of Petoskey limits east to Division</td>
<td>$60,000</td>
</tr>
<tr>
<td>2777</td>
<td>NY</td>
<td>Gocekus Expressway Project</td>
<td>$500,000</td>
</tr>
<tr>
<td>2778</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition &amp; construction of streetscapes enhancements, paving, lighting, safety improvements, &amp; road design in the Borough of New Castle, Lackawanna County</td>
<td>$200,000</td>
</tr>
<tr>
<td>2779</td>
<td>AL</td>
<td>Expansion of US 78 ranges from US 78 to US 315 in US-3135</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2780</td>
<td>IL</td>
<td>Preconstruction and construction McCarthy Road, Bell Road to US 45 and 123rd Street US 45 to 86th Avenue in Palos Park</td>
<td>$600,000</td>
</tr>
<tr>
<td>2781</td>
<td>WY</td>
<td>Riverton: Reconstruct HWY 26—Main St</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>2782</td>
<td>MA</td>
<td>Somerville Pathways—People’s Pathway, Somerville, Mass</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2783</td>
<td>MI</td>
<td>US 111 improvements and relocation between Holland and Grand Haven</td>
<td>$9,450,000</td>
</tr>
<tr>
<td>2784</td>
<td>PA</td>
<td>Replace Messinger Street Bridge in the Borough of Bangor</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2785</td>
<td>NY</td>
<td>Osseo, Construct pedestrian waterfront walkway</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>2786</td>
<td>PA</td>
<td>Construct an intermodal facility in Altoona, Pa</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2788</td>
<td>CA</td>
<td>Design and construct access improvements in North Central Business District, Sacramento</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>2789</td>
<td>NC</td>
<td>Construct the northsouth use of US 321 bridge replacement over the Catawba River</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2790</td>
<td>FL</td>
<td>Grand Lagoon Bridge Replacement Project. The replacement of a two lane bridge with a four lane bridge</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>2791</td>
<td>FL</td>
<td>Construct SR 98 Extension, St. Johns County, Florida</td>
<td>$4,400,000</td>
</tr>
<tr>
<td>2792</td>
<td>AL</td>
<td>Design and construct a 4-lane highway from Muscle Shoals, AL to I-10</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2793</td>
<td>TN</td>
<td>Interstate 240 Interchange Improvements, Harrison</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>2794</td>
<td>KY</td>
<td>Construct I-64 east of Somerset, Kentucky to I-75 at London, Kentucky</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>2795</td>
<td>VA</td>
<td>Plan, Design, and Construct improvements to Virginia Beach Blvd in Virginia Beach and Norfolk</td>
<td>$300,000</td>
</tr>
<tr>
<td>2796</td>
<td>PA</td>
<td>Fayette County, Pennsylvania, Road 21 Improvements</td>
<td>$300,000</td>
</tr>
<tr>
<td>2797</td>
<td>ME</td>
<td>Replacement of Waldo-Hancock Bridge</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>2798</td>
<td>CT</td>
<td>Reconstruct US 4 from Newton to New Haven, CT</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2799</td>
<td>FL</td>
<td>Construct new east-west road from the intersection of Beeline Highway and PGA Boulevard west to Seminole Pratt Whitney Road</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2800</td>
<td>WI</td>
<td>Enhance West Silver Spring Ave with lighting enhancement, crosswalk improvements, signage, landscaping, Milwaukee</td>
<td>$400,000</td>
</tr>
<tr>
<td>2801</td>
<td>NY</td>
<td>Completion of 1.6 mi; ride on the Utica Marsh, NY</td>
<td>$124,000</td>
</tr>
<tr>
<td>2802</td>
<td>TX</td>
<td>Construct 1365-130 Interchange, Dallas, Texas</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>2803</td>
<td>CA</td>
<td>Establish transportation museum on Navy Pier, Chicago, Ill</td>
<td>$500,000</td>
</tr>
<tr>
<td>2804</td>
<td>MA</td>
<td>Establish I-15 Interchange at Niwot and Moody River crossing in San Bernardino County</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2805</td>
<td>MA</td>
<td>Massachusetts Bay Transportation Authority Secure Station, Boston</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2806</td>
<td>FL</td>
<td>Construct bridges on SR/70 in Palm Beach County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2807</td>
<td>PA</td>
<td>Reconstruct intersection of SR 35 &amp; Franklin Ave, Beaver County</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2808</td>
<td>NJ</td>
<td>Rehabilitation existing structure at the Bridge Street bridge over the CSX Railroad Trenton Line in Mansville, NJ</td>
<td>$500,000</td>
</tr>
<tr>
<td>2809</td>
<td>OR</td>
<td>Repair and recast logging bridge over Highway 98E, Canby</td>
<td>$150,000</td>
</tr>
<tr>
<td>2810</td>
<td>CA</td>
<td>San Gabriel Blvd Rehabilitation Project—Broadway to Las Tunas, San Gabriel</td>
<td>$200,000</td>
</tr>
<tr>
<td>2811</td>
<td>CA</td>
<td>Signal upgrades on Avenida de las Flores, Melinda Road, Avenida de las Banderas, and Alba Aldea, Rancho Santa Margarita, California</td>
<td>$125,200</td>
</tr>
<tr>
<td>2812</td>
<td>CA</td>
<td>Construct State Route 950 to connect the Otay Mesa Port of Entry to Interstate 805, San Diego</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>2813</td>
<td>CA</td>
<td>Crosby Drive Improvement Project</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2814</td>
<td>WI</td>
<td>Construct North Shore Freeway, State Traffic Enterprise, County and municipal counties, Wisconsin</td>
<td>$225,000</td>
</tr>
<tr>
<td>2815</td>
<td>AR</td>
<td>Construct and rehabilitate Fayettville Expressway Economic Development Corridor</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2816</td>
<td>PA</td>
<td>Armstrong County, Pennsylvania, construction of the Freeport Bridge</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2817</td>
<td>IL</td>
<td>Road extension for Redco Drive to Skyline Dr. Williamson County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2818</td>
<td>MA</td>
<td>Route one (Maine Avenue and Bridgeport Road) Reconstruction</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>2819</td>
<td>MA</td>
<td>Canalside Rail Trail Construction of the Canalside Rail Trail, Deerfield &amp; Montauk</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2820</td>
<td>CA</td>
<td>Conduct study and construct Daggett Road, Port of Stockton, CA, Access Project</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2821</td>
<td>WI</td>
<td>Construct a bicycle/pedestrian path, and two bridges across Starkweather Creek, Madison</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2822</td>
<td>CA</td>
<td>Construct City of Fayetteville, Ga. School Access Bike Ped Project</td>
<td>$625,000</td>
</tr>
<tr>
<td>2823</td>
<td>TN</td>
<td>Sevier County, Tennessee SR 49 extension</td>
<td>$500,000</td>
</tr>
<tr>
<td>2824</td>
<td>GA</td>
<td>SR 133 southbound bound lane bridge replacement over the Georgia Florida Railway line, Dougherty County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2825</td>
<td>CA</td>
<td>Construct grade separation on State Street and Cuyon Boulevard along BNSF tracks in San Bernardino</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2826</td>
<td>WA</td>
<td>Construct SR 9 Pedestrian Overpass in Arlington</td>
<td>$300,000</td>
</tr>
<tr>
<td>2827</td>
<td>CA</td>
<td>Implement streetscape improvements along Wilbur Avenue to enhance traffic and pedestrian safety</td>
<td>$100,000</td>
</tr>
<tr>
<td>2828</td>
<td>MD</td>
<td>I-695, I-695, MD 658 Branch Avenue Metro Access</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2829</td>
<td>TN</td>
<td>Improving Vehicle Efficiencies at At-Grade highway-Railroad Crossing in Loudon, TN</td>
<td>$57,000</td>
</tr>
<tr>
<td>2830</td>
<td>MO</td>
<td>I-70, I-44 &amp; RI 71 Completion of Interstate realignment</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2831</td>
<td>PA</td>
<td>Ridge Avenue Revitalization project in conjunction with Roxborough Dev. Corp. for scenic enhancements &amp; pedestrian safety improvements along a heavily traveled thoroughfare</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2832</td>
<td>PA</td>
<td>Corridor improvements for PA 72 from PA 283 to PA Turnpike</td>
<td>$600,000</td>
</tr>
<tr>
<td>2833</td>
<td>AR</td>
<td>Construction of I-69, Highway 22 to Highway 71 near Jemison</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2834</td>
<td>CA</td>
<td>Provide landscape enhancement of an existing open culvert on Atherton Street, Long Beach</td>
<td>$500,000</td>
</tr>
<tr>
<td>2835</td>
<td>NY</td>
<td>Rehabilitate Guy Lombardo Avenue and construct drainage improvements and new sidewalks and curb cuts in Freeport, NY</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2836</td>
<td>IA</td>
<td>Exchange improvements, Ankeny</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>2837</td>
<td>PA</td>
<td>Improve Freemansburg Avenue and its intersections at Route 33</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2838</td>
<td>NJ</td>
<td>Pedestrian facilities and street lighting on Route 551 from Route 130 to Chestnut Street, Brooklawn</td>
<td>$400,000</td>
</tr>
<tr>
<td>2839</td>
<td>IL</td>
<td>IL 1-57 and 1-294 Interchange</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2840</td>
<td>MO</td>
<td>NE Corridor Project Pedestrian Facilities in Olathe</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2841</td>
<td>TX</td>
<td>Grimes Co., TX Bridge Improvement Project</td>
<td>$500,000</td>
</tr>
<tr>
<td>2842</td>
<td>CA</td>
<td>Crenshaw Blvd. Rehabilitation, Maricopa St. to Sepulveda Blvd., City of Torrance</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2843</td>
<td>VA</td>
<td>Engineering and Right of Way for Interstate 73 in Roanoke County</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2844</td>
<td>GA Johnson Ferry Road Glenridge Drive Widening, Abernathy Road to Hammond Drive</td>
<td>$2,000,000</td>
<td></td>
</tr>
<tr>
<td>2845</td>
<td>GA</td>
<td>Install walkways, bridges, lighting, landscaping in Water Works Park and south along river through Ocmulgee Monument and Central City Park</td>
<td>$6,020,083</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>2847</td>
<td>OH</td>
<td>Intersection improvements and related road improvements in the City of Chardon, OH</td>
<td>$612,000</td>
</tr>
<tr>
<td>2848</td>
<td>CA</td>
<td>Reconstruct Southholts Expressway</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2849</td>
<td>CA</td>
<td>Improve pedestrian and biking trails within East Bay Regional Park District, Contra Costa County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2850</td>
<td>MA</td>
<td>Berkshire County Bike Paths, Design &amp; Construction</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2851</td>
<td>MI</td>
<td>Opemza County, Overlay of Fairview Road to improve network of all-season truck routes</td>
<td>$309,000</td>
</tr>
<tr>
<td>2852</td>
<td>VA</td>
<td>Old Railroad Extension</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2853</td>
<td>PA</td>
<td>Construct Campbellsport Connector, Lebanon County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2854</td>
<td>NJ</td>
<td>Construct Rt 40 Reconstruction from Rt 77 to Elm Lake, Elmer, Salem County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2855</td>
<td>OH</td>
<td>Design and Construct Riverside and adjacent facilities, Warren, Trumbull Co</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2856</td>
<td>CA</td>
<td>Realignment S within the City of Chula Vista, CA</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2857</td>
<td>IL</td>
<td>Construct recreational trail from Spring Creek Forest Preserve to Greene Valley Forest Preserve in DuPage County, IL</td>
<td>$400,000</td>
</tr>
<tr>
<td>2858</td>
<td>MN</td>
<td>Construct bike trail between Bruce Vento Regional Trail and Mississippi River Corridor in St. Paul</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2859</td>
<td>VA</td>
<td>Interchange at Interstate 95</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2860</td>
<td>UT</td>
<td>Add lights to road from Halchita to Mexican Hat on State Route 276</td>
<td>$200,000</td>
</tr>
<tr>
<td>2861</td>
<td>CA</td>
<td>Construct off ramp at Interstate 8/Imperial Avenue Interchange, El Centro</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2862</td>
<td>VA</td>
<td>Cranestown Trail—construction of hiking, biking, horse trail from Route 83 to Cranestown Campground</td>
<td>$650,000</td>
</tr>
<tr>
<td>2863</td>
<td>NC</td>
<td>Durham and Chatham Counties, NC Completion of American Tobacco Trail</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2864</td>
<td>TX</td>
<td>Austin to Manor Rail Trail, Texas</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2865</td>
<td>PA</td>
<td>Eliminate existing rail line in Indian, PA to eliminate at grade crossings and reconstruct the line outside the town from Glenn Lock to Middletown</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2866</td>
<td>MN</td>
<td>Extend Cuquina Range and Great River Road Trails, Atikwa</td>
<td>$400,000</td>
</tr>
<tr>
<td>2867</td>
<td>NY</td>
<td>Conduct planning, engineering, and eventual construction of RTE. 5 in City of Oneida, from Seneca St. to county line</td>
<td>$500,000</td>
</tr>
<tr>
<td>2868</td>
<td>NY</td>
<td>Great Neck Road Traffic Calming Project</td>
<td>$400,000</td>
</tr>
<tr>
<td>2869</td>
<td>NJ</td>
<td>Design and construct new streetscape through Irvington Center</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2870</td>
<td>VA</td>
<td>Construct connector road between Collinsville Rd to I-2/1/North 1st St, St. Clair County</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2871</td>
<td>NJ</td>
<td>Carteret, NJ Ferry Service Terminal</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2872</td>
<td>AL</td>
<td>Construct I-10-US231 Connector from Dothan, AL to Florida</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2873</td>
<td>OH</td>
<td>Bicycle Paths for the Magic Mile in Willoughby, OH</td>
<td>$800,000</td>
</tr>
<tr>
<td>2874</td>
<td>VA</td>
<td>Construct Interstate 73 in Roanoke County, VA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2875</td>
<td>NY</td>
<td>Construct Phase II I-90 Connector ITS Laboratory in Rensselaer County</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2876</td>
<td>NC</td>
<td>Design and construct Airport Area Roadway Network</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>2877</td>
<td>WA</td>
<td>Engineering and Construction of the Centennial Trail in Snohomish</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2878</td>
<td>WA</td>
<td>Extension of Trail</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2879</td>
<td>IL</td>
<td>Extension North from Rt. 30 to Wheeler Road and Galena Boulevard extension west of Rt. 47 in Sugar Grove, IL</td>
<td>$4,750,000</td>
</tr>
<tr>
<td>2880</td>
<td>NY</td>
<td>Nyeuburgh, Improve East End Roads</td>
<td>$1,863,500</td>
</tr>
<tr>
<td>2881</td>
<td>ME</td>
<td>Construction of the Kennebec River Rail Trail</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2882</td>
<td>CA</td>
<td>Construct Bristol Street multi-modal corridor in Santa Ana</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2883</td>
<td>CA</td>
<td>Construct pedestrian sidewalk enhancements in Bellflower</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2884</td>
<td>KS</td>
<td>Improvement and expansion for 2.7 miles of I-18 in Geary County</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>2885</td>
<td>CA</td>
<td>I-110/SR 47/Harbor Blvd. Interchange Improvements, San Pedro</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2886</td>
<td>CA</td>
<td>Oregon National Wildlife Refuge, Design and construction of a Visitor Contact Station</td>
<td>$500,000</td>
</tr>
<tr>
<td>2887</td>
<td>AL</td>
<td>Pedestrian Improvements for Pell City, AL</td>
<td>$200,000</td>
</tr>
<tr>
<td>2888</td>
<td>WI</td>
<td>Rehabilitate Highway 51 between CTH S and USH 8 in Lincoln County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2889</td>
<td>OH</td>
<td>Rehabilitate tunnel and bridge on National Road Bikeway in St. Clairsville</td>
<td>$700,000</td>
</tr>
<tr>
<td>2890</td>
<td>MD</td>
<td>Pennington Ave Drawbridge, Baltimore</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2891</td>
<td>MA</td>
<td>Rehabilitation and paving of Parker River Road</td>
<td>$250,000</td>
</tr>
<tr>
<td>2892</td>
<td>MN</td>
<td>Reconstruct CSAH 17 between Itasca CR 341 and the Scenic State Park entrance to improve safety and structural integrity</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>2893</td>
<td>OH</td>
<td>Grading, paving, roads for the transfer of rail to truck for the interim modal facility at Rickenbacker Airport</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2894</td>
<td>PA</td>
<td>Rehabilitation of PA 32 at Longwood Gardens</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2895</td>
<td>TX</td>
<td>Construct Interstate 35 improvements in Buda</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2896</td>
<td>TN</td>
<td>Improve streetscape and signage, McMinn County, TN</td>
<td>$300,000</td>
</tr>
<tr>
<td>2897</td>
<td>OH</td>
<td>Culvert Replacement, Sweet Home</td>
<td>$130,000</td>
</tr>
<tr>
<td>2898</td>
<td>AL</td>
<td>AL Continuous in Bibb County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2899</td>
<td>CO</td>
<td>Design and build a multimodal corridor on US 36</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2900</td>
<td>WA</td>
<td>Development of highway-rail crossings in Spokane County, WA and Kootenai County, ID</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2901</td>
<td>OH</td>
<td>Acquire right of way land along US 24, Lucas County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2902</td>
<td>TN</td>
<td>Improvement Streets, Westchester</td>
<td>$500,000</td>
</tr>
<tr>
<td>2903</td>
<td>NY</td>
<td>Enhance road and transportation facilities in the vicinity of W. 65th St and Broadway, New York City</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2904</td>
<td>TN</td>
<td>Construction of Knob Creek Road in Washington County, Tennessee</td>
<td>$500,000</td>
</tr>
<tr>
<td>2905</td>
<td>TN</td>
<td>Improve streetscape and pavement repair, Loudon County, TN</td>
<td>$300,000</td>
</tr>
<tr>
<td>2906</td>
<td>CA</td>
<td>Improvement of intersection at Highland Ave and Marine Ave to reduce congestion</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2907</td>
<td>HI</td>
<td>Interstate Route HI rehabilitation, Kaahumanu Street to Kaikamani Street</td>
<td>$7,430,000</td>
</tr>
<tr>
<td>2908</td>
<td>ID</td>
<td>Construct Interchange on I-84 at Ten Mile Rd, Meridian, Idaho</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2909</td>
<td>NJ</td>
<td>Pedestrian facilities and street lighting on Haddon Avenue from Voorhees Township Line to Bute Avenue, Berlin Township</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>2910</td>
<td>WA</td>
<td>367th Street NW Pedestrian Path in Stanwood</td>
<td>$347,120</td>
</tr>
<tr>
<td>2911</td>
<td>KY</td>
<td>Replace US 68 and US 150 Bridge over Chaplin River, Perryville</td>
<td>$750,000</td>
</tr>
<tr>
<td>2912</td>
<td>UT</td>
<td>Govea Rd-Provo Center Street, Orem 1600 North to I-15 Fwy, Provo-widen from 2 to 4 lanes</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>2913</td>
<td>IL</td>
<td>Construction of a new roadway and road separation of the UP West Beltline, west of Elburn</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>2914</td>
<td>VA</td>
<td>Haymarket, VA, Washington Street improvements</td>
<td>$500,000</td>
</tr>
<tr>
<td>2915</td>
<td>NJ</td>
<td>Improvements to implement the Readington Teuskbury Transportation Improvement District</td>
<td>$500,000</td>
</tr>
<tr>
<td>2916</td>
<td>IL</td>
<td>Allow IDOT to proceed with engineering and construction of Airport-Lockport Rd and Illinois Route 126 interchanges on I-55</td>
<td>$1,750,000</td>
</tr>
<tr>
<td>2917</td>
<td>AR</td>
<td>Caraway Bridge Overpass</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>2918</td>
<td>OH</td>
<td>Construction of an Intermodal Facility at University Circle in the City of Cleveland</td>
<td>$500,000</td>
</tr>
<tr>
<td>2919</td>
<td>PA</td>
<td>Jeannette Truck Route</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2920</td>
<td>MD</td>
<td>MD 45, Cavan to Ridgley Roads</td>
<td>$5,520,000</td>
</tr>
<tr>
<td>2921</td>
<td>MI</td>
<td>Monroe Area Highway-Railway Crossing Improvements, City of Monroe</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2922</td>
<td>OH</td>
<td>Obtain right-of-way and construct the 161,37 widening project in Franklin and Licking Counties, Ohio</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2923</td>
<td>NC</td>
<td>Design and Construct Interstate 77 over рек Lake Norman</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2924</td>
<td>NY</td>
<td>Conduct studies, if necessary, and construct infrastructure projects for Governor’s Island</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2925</td>
<td>NY</td>
<td>Harlem River Park and Bikeway</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>2927</td>
<td>CT</td>
<td>Make improvements to Plainfield Cemetery Road</td>
<td>$300,000</td>
</tr>
<tr>
<td>2928</td>
<td>CT</td>
<td>Construct grade separation improvements</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2929</td>
<td>NJ</td>
<td>Replacement of the Magnolia Avenue Bridge over Route I-9 &amp; 33</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2930</td>
<td>IL</td>
<td>Resurfacing and repaving Euclid Ave between Walnut Ave and Douglas Ave in Arlington Heights</td>
<td>$300,000</td>
</tr>
<tr>
<td>2931</td>
<td>MI</td>
<td>Resurfacing of Frazho Road in Roseville</td>
<td>$1,280,000</td>
</tr>
<tr>
<td>2932</td>
<td>MI</td>
<td>Construct 21st Street pedestrian safety improvements at 21st and Orchard</td>
<td>$1,280,000</td>
</tr>
<tr>
<td>2933</td>
<td>MO</td>
<td>Conduct impact studies for Missouri River Bridge sitting in Kansas City, MO</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2934</td>
<td>CA</td>
<td>Construction of Lenwood Road Grade Separation in Barstow, CA</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2935</td>
<td>PA</td>
<td>Improvements to Frankford Avenue from Cordman Avenue to Harrison Road</td>
<td>$1,230,000</td>
</tr>
<tr>
<td>2936</td>
<td>PA</td>
<td>Resurface Franklin Road, Johnstown, Indiana</td>
<td>$500,000</td>
</tr>
<tr>
<td>2937</td>
<td>AK</td>
<td>Road improvements and upgrades to service road areas and miscellaneous projects within Northstar Borough</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2938</td>
<td>OH</td>
<td>Rehabilitation or replacement of highway-grade separations along the West Central Ohio Port Authority route in Champaign and Clark Counties</td>
<td>$610,000</td>
</tr>
<tr>
<td>2939</td>
<td>MI</td>
<td>Otsego County, Resurfacing of Farmer Rd</td>
<td>$368,000</td>
</tr>
<tr>
<td>2940</td>
<td>WA</td>
<td>Realign West Main Street through Kelso</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2941</td>
<td>TN</td>
<td>Reconstruct State Route 199 from I-40 in Wilson County to Portland in Sumner County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2942</td>
<td>PA</td>
<td>Redesigning the intersection of US222/High Street and Rosedale Ave</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2943</td>
<td>DE</td>
<td>Replacement of the Indian River Inlet Bridge, Sussex County Delaware</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2944</td>
<td>FL</td>
<td>Construct link from I-95 to I-10 through Clay County with terminus points SR23 to CART39B</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2945</td>
<td>MN</td>
<td>Construct ramps and new bridge over Interstate 35 at CSAH 17, and reconstruct CSAH 17 from west County Line to CSAH 36, Columbia County</td>
<td>$900,000</td>
</tr>
<tr>
<td>2946</td>
<td>CT</td>
<td>Conduct multi-modal study of Route 8 corridor between Beacon Falls-Segourney town line and exit 40</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2947</td>
<td>AR</td>
<td>Hwy 65 improvements in Van Buren County, including construction of passing lanes, bridge improvements, intersection improvements and other roadway improvements</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>2948</td>
<td>AZ</td>
<td>Construct sidewalks along White Spar Road—Prescott, AZ</td>
<td>$500,000</td>
</tr>
<tr>
<td>2949</td>
<td>NY</td>
<td>Construction of Pedestrian and Bike Trail campus access &amp; improvements, St. Bonaventure, NY</td>
<td>$500,000</td>
</tr>
<tr>
<td>2950</td>
<td>NY</td>
<td>Eastern Laurelton Area Improvements, Queens, New York</td>
<td>$8,600,000</td>
</tr>
<tr>
<td>2951</td>
<td>NY</td>
<td>Bicycle and pedestrian safety improvements, Main Street, Riverhead</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>2952</td>
<td>NY</td>
<td>Complete County Road 339 at Route 153 in Town of Walkill</td>
<td>$100,000</td>
</tr>
<tr>
<td>2953</td>
<td>PA</td>
<td>Design and construct improvements to PA 465 from Walnut Bottom Rd. to PA 641 and at I-81 Exit 44</td>
<td>$3,870,500</td>
</tr>
<tr>
<td>2954</td>
<td>IL</td>
<td>Reconect and widen Route 60 Bridge over I-94 in Lake Forest</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>2955</td>
<td>VA</td>
<td>Improve downtown Staunton, Virginia, Streetscape</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2956</td>
<td>PA</td>
<td>Route 322 Halls Run Upgrades from the intersection of Horse Creek Road—Venable County</td>
<td>$1,790,000</td>
</tr>
<tr>
<td>2957</td>
<td>PA</td>
<td>Design, engineering, ROW acquisition &amp; construction of streetcapping enhancements, paving, lighting, safety improvements, parking &amp; roadway redesign in Wilkes-Barre</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2958</td>
<td>IN</td>
<td>SR38 Reconstruction, Auburn, Indiana</td>
<td>$5,120,000</td>
</tr>
<tr>
<td>2959</td>
<td>MI</td>
<td>Study and implement transportation system alternatives in the Jackson County area</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>2960</td>
<td>MA</td>
<td>Longfellow Bridge Rehabilitation</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2961</td>
<td>IL</td>
<td>For Village of Bolingbrook to construct Remington Blvd. extension</td>
<td>$500,000</td>
</tr>
<tr>
<td>2962</td>
<td>AZ</td>
<td>Construction of Rio Salado Pedestrian Bridge in Tempe, AZ</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2963</td>
<td>MI</td>
<td>Study to determine replacement options for obsolete substandard connecting bridge (Trenton-Grove In Bridge) including approach roadways, Charter County of Wayne</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2964</td>
<td>PA</td>
<td>Mount Joy Bridge Replacement on Route 239</td>
<td>$250,000</td>
</tr>
<tr>
<td>2965</td>
<td>CA</td>
<td>Modify 9 traffic signals between Willow Road and Middlefield Road and Hamilton Avenue, Menlo Park</td>
<td>$300,000</td>
</tr>
<tr>
<td>2966</td>
<td>OH</td>
<td>Summit County Engineer Reconstruct Access Roads to Cuyahoga Valley National Park</td>
<td>$500,000</td>
</tr>
<tr>
<td>2967</td>
<td>OR</td>
<td>To study the feasibility of widening Hwy 26 from the Hwy 217 interchange to the Cornelius Pass exit</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2968</td>
<td>GA</td>
<td>Athens-Clarke County Greenway Enhancement Project</td>
<td>$2,320,000</td>
</tr>
<tr>
<td>2969</td>
<td>WA</td>
<td>Improve Wshukiuam County Ferry landing</td>
<td>$200,000</td>
</tr>
<tr>
<td>2970</td>
<td>WA</td>
<td>Fort Nisqually Bridge over the Columbia River</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2971</td>
<td>MI</td>
<td>Design, right-of-way and construction of passing lane improvements necessary on M-55, between M-37 and M-115</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2972</td>
<td>NE</td>
<td>Design, right-of-way and construction of South and West Beltway in Lincoln, Nebraska</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2973</td>
<td>NE</td>
<td>Tower County CMAQ Congestion Equity Element</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2974</td>
<td>NY</td>
<td>Town of Chester Lake, Hill Farms subdivision roadway improvements</td>
<td>$150,000</td>
</tr>
<tr>
<td>2975</td>
<td>MN</td>
<td>Improvements on TH 169 east and west of East Two Rivers Crossing and TH 135 from Enterprise Drive to TH 169</td>
<td>$2,216,000</td>
</tr>
<tr>
<td>2976</td>
<td>IN</td>
<td>Reconect Standard Avenue, Whiting</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>2977</td>
<td>TX</td>
<td>Reed St. Interchange at Southern Methodist University</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2978</td>
<td>CA</td>
<td>Develop conceptual master plan to improve the efficiency of transportation facilities, Covina</td>
<td>$215,000</td>
</tr>
<tr>
<td>2979</td>
<td>TX</td>
<td>Transportation improvements along the Delaware Canal between Yardley, PA and Bristol, PA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2980</td>
<td>VA</td>
<td>Upgrade DOT crossing #67661K to constant warning time devices</td>
<td>$717,700</td>
</tr>
<tr>
<td>2981</td>
<td>UT</td>
<td>Add lighting on Highway 262 on the Navajo Nation in Aneth</td>
<td>$775,000</td>
</tr>
<tr>
<td>2982</td>
<td>NV</td>
<td>Construction study of re alignment of the Highway 101 Bridge over the Humboldt River</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2983</td>
<td>MA</td>
<td>Chestnut Mountain Road—feasibility study, design and construction start for road improvement on National Forest lands</td>
<td>$500,000</td>
</tr>
<tr>
<td>2984</td>
<td>MI</td>
<td>Construction of roads and trails Humbly Marshall Unit Greenways System, Detroit International Wildlife Refuge</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>2985</td>
<td>TX</td>
<td>Construct access roadway connecting Port of Beaumont property on east bank of Neches River to I-10 access road east of the Neches River</td>
<td>$3,120,000</td>
</tr>
<tr>
<td>2986</td>
<td>AR</td>
<td>Develop U.S. Highway 71 (I-49) to Interstate standards on new location between Mena, AR and LA state line</td>
<td>$3,160,000</td>
</tr>
<tr>
<td>2987</td>
<td>SC</td>
<td>Lexington County, widen US 1 and SC 6, and improve US 1, SC 6, and US 378</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2988</td>
<td>IL</td>
<td>Midlothian Road Signalization, Lake Zurich</td>
<td>$600,000</td>
</tr>
<tr>
<td>2989</td>
<td>VA</td>
<td>Glen Alton—design and construction of recreational trails, access and visitor information center</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2990</td>
<td>MI</td>
<td>Expansion of Cass Avenue in Clinton Township</td>
<td>$9,194,000</td>
</tr>
<tr>
<td>2991</td>
<td>CO</td>
<td>Bromley Lane and US 85 interchange feasibility study and construction of needed improvements</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2992</td>
<td>MD</td>
<td>Construct Chestertown Tral, Chestertown, Maryland</td>
<td>$300,000</td>
</tr>
<tr>
<td>2993</td>
<td>IA</td>
<td>Realign County Road 180</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2994</td>
<td>VA</td>
<td>Conduct planning and engineering for Mayo Bridge in Richmond</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2995</td>
<td>NY</td>
<td>Elevation of road and construction of drainage improvements on Sequaans Lane Center and Sequaans Lane West in the Town of Islip, NY</td>
<td>$620,000</td>
</tr>
<tr>
<td>2996</td>
<td>NM</td>
<td>Improvements to San Juan County Road 7950</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>2997</td>
<td>WA</td>
<td>116th St/Interstate 5 Interchange Reconstruction in Marysville</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2998</td>
<td>SC</td>
<td>Construction of public roads at the International Center for Automotive Research and reconstruction of Fairforest Way in Greenville, South Carolina</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2999</td>
<td>PA</td>
<td>Proceed through-lane expansion of Ludlow Bridge</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>3000</td>
<td>PA</td>
<td>Completion of construction of final 2 ramps of I-79 interchange with Parkview West; widening of 1 mile of Parkview West leading to ramps</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>3000</td>
<td>CA</td>
<td>Diamond Bar, CA Grand Avenue Rehabilitation</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3001</td>
<td>CA</td>
<td>Rehabilitation of Bridge and Roads on 1-570</td>
<td>$725,000</td>
</tr>
<tr>
<td>3002</td>
<td>WA</td>
<td>Guard Street Reconstruction Project in Friday Harbor</td>
<td>$800,000</td>
</tr>
<tr>
<td>3003</td>
<td>CA</td>
<td>Roadway widening and interchange rebuilding on I-225 from I-70 to Parker Road</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>3004</td>
<td>PA</td>
<td>Roosevelt Boulevard improvements by the Pennsylvania Department of Transportation</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>3005</td>
<td>PA</td>
<td>Parcels of public land north of downtown</td>
<td>$700,000</td>
</tr>
<tr>
<td>3006</td>
<td>HI</td>
<td>Upgrades to Farrington Highway</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3007</td>
<td>KY</td>
<td>US 41A Phase II Design and Right of Way</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3008</td>
<td>MI</td>
<td>US 12, Tundra Drive, and Vaughn Road Bridges Replacement and Reconstruction</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3009</td>
<td>OH</td>
<td>Construction of access road along east side of SR 8 in Summit County, OH</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3010</td>
<td>TX</td>
<td>US281 from Brooks County Line to FM 3066, Brooks County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>3011</td>
<td>FL</td>
<td>Construction of an interchange at Florida’s Turnpike &amp; Stirling Rd. in Broward County</td>
<td>$5,338,959</td>
</tr>
<tr>
<td>3012</td>
<td>IL</td>
<td>Construction of the City of Chicago Trail Walks to Benefits Segment</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>3013</td>
<td>IL</td>
<td>Install countdown devices on pedestrian crossing signals on US Routes 12/20 in Oak Lawn</td>
<td>$500,000</td>
</tr>
<tr>
<td>3014</td>
<td>NY</td>
<td>Install Improvements for Pedestrian Safety in the vicinity of St. Roberts Bellarmine</td>
<td>$250,000</td>
</tr>
<tr>
<td>3015</td>
<td>NY</td>
<td>Rebuild Queens Plaza, a 250-foot wide roadway on the eastern end of the Queensborough Bridge</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>3016</td>
<td>PA</td>
<td>Upgrade circuit for gates and lights at Seventh Street in Emmus, PA USDOT crossing number 592401H to constant warn- ing time devices.</td>
<td>$275,000</td>
</tr>
<tr>
<td>3017</td>
<td>UT</td>
<td>SR-158 Improvements, Pine View Dam, Weber County, Utah</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>3018</td>
<td>CA</td>
<td>Valley Boulevard Capacity Improvement between 710 Freeway and Marguerita Avenue, Alhambra</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>3019</td>
<td>IL</td>
<td>Crews and overhead from I-57 outside of Marion and necessary connector roads</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>3020</td>
<td>AK</td>
<td>Construction of and improvements to roads at Alaska Pacific University</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3021</td>
<td>SC</td>
<td>Upgrade of the I-95/SC 327 Interchange near Florence</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>3022</td>
<td>CA</td>
<td>Valley View/Stage Grade Separation Project, La Mirada and Santa Fe Springs, California</td>
<td>$900,000</td>
</tr>
<tr>
<td>3023</td>
<td>OR</td>
<td>Renewal of Wooden Bridge West of Albany</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>3024</td>
<td>MI</td>
<td>Northville, Taft Road from 8 Mile North to city limits</td>
<td>$500,000</td>
</tr>
<tr>
<td>3025</td>
<td>NY</td>
<td>Village of Paulding Rehabilitation of Grandview Ave from Lakeside to end</td>
<td>$700,000</td>
</tr>
<tr>
<td>3026</td>
<td>MI</td>
<td>Road and resource Alber Osthoff Road near Thome, OH</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3027</td>
<td>FL</td>
<td>Church Street Improvements, Orlando</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>3028</td>
<td>MI</td>
<td>Walled Lake, Maple Ridge Road, west of Decker to Welch</td>
<td>$125,000</td>
</tr>
<tr>
<td>3029</td>
<td>AR</td>
<td>Washington County, Arkansas—replace and rebuild Tilly Willy Bridge</td>
<td>$800,000</td>
</tr>
<tr>
<td>3030</td>
<td>IL</td>
<td>Roadside Intermodal Facilities, access roads from AR 12 and Derby Lane, and access roads from IH 30</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3031</td>
<td>TX</td>
<td>Construct IH 30 Monty Stratton Parkway Interchange in Georgetown, TX</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3032</td>
<td>PA</td>
<td>Design and Construction of Porter Road Connector, Bucks County</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>3033</td>
<td>IL</td>
<td>For Plainfield Township Park District to construct DuPage River Bike &amp; Pedestrian Trail linking Grand Illinois, Midewin, &amp; I&amp;M Canal Trails</td>
<td>$100,000</td>
</tr>
<tr>
<td>3034</td>
<td>TX</td>
<td>Pedestrian Path and Sidewalk Improvements along US 83 in Rio Grande City</td>
<td>$500,000</td>
</tr>
<tr>
<td>3035</td>
<td>MS</td>
<td>Upgrade roads at Tougaloo College</td>
<td>$500,000</td>
</tr>
<tr>
<td>3036</td>
<td>IL</td>
<td>Washington Street Widening, Gurnee</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>3037</td>
<td>IL</td>
<td>Bell Avenue Widening</td>
<td>$500,000</td>
</tr>
<tr>
<td>3038</td>
<td>FL</td>
<td>Implement Busch Boulevard corridor improvements to improve safety in Tampa</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>3039</td>
<td>MI</td>
<td>Construction of Pittsfield Greenways Bridge—nonmotorized bridge enhancement onto existing Bemis Road Bridge, Pittsfield Charter Township</td>
<td>$200,000</td>
</tr>
<tr>
<td>3040</td>
<td>NC</td>
<td>North Carolina, Repair and improve safety features on US Hwy 19 from Maggie Valley to Cherokee</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>3041</td>
<td>NC</td>
<td>Northern Loop Project, City of Wilson</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3042</td>
<td>OR</td>
<td>Weaver Road Extension and Bridge Project, Douglas County</td>
<td>$17,500,000</td>
</tr>
<tr>
<td>3043</td>
<td>OR</td>
<td>Construction of 2.5 miles of White Pine Trail from Grand Rapids to Cadillac</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>3044</td>
<td>NY</td>
<td>Elmira Congestion Mitigation</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>3045</td>
<td>IL</td>
<td>Improve Roads and Bridges, Cicero</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>3046</td>
<td>MI</td>
<td>John-Daly Road Reconstruction—2.5 miles from northern city limit to southern city limit, Inkster</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>3047</td>
<td>MI</td>
<td>Complete the pedestrian safety project on the Northern Section of Interstate 94 in Detroit, Michigan</td>
<td>$275,000</td>
</tr>
<tr>
<td>3048</td>
<td>MD</td>
<td>Construct MDS, Hughesville Bypass</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>3049</td>
<td>OH</td>
<td>Repair &amp; Construct Rock Spring Bridge, Portage County</td>
<td>$500,000</td>
</tr>
<tr>
<td>3050</td>
<td>RI</td>
<td>Replace I-195 Washington Bridge Eastbound</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>3051</td>
<td>OR</td>
<td>Bear Creek, Magruder Bridge Improvements, Rock Creek Crossing</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>3052</td>
<td>MA</td>
<td>Reconstruction of Union St. and Rt. 138W, Holbrook</td>
<td>$1,720,000</td>
</tr>
<tr>
<td>3053</td>
<td>MA</td>
<td>Replacement of the interchange at 44th Street and U.S. 131 in Grand Rapids</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>3054</td>
<td>OH</td>
<td>Construct interchange improvements at SR 46 and 82 in Howell Township, Trumbull Co</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3055</td>
<td>GA</td>
<td>Widen and construct US 84 Connector Bypass from west of US 84 SR 119 west of Hinesville to US 84 SR 196 south of Flemington, Liberty County, Georgia</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>3056</td>
<td>IL</td>
<td>Project is a stand-alone roadway improvement consisting of the complete reconstruction of the roadway, The Village of Forest Park</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3057</td>
<td>MI</td>
<td>Jackson Freeway Modernization Project, I-94 Modernization Project from Michigan State Route 60 (M60) easterly to Surf- gent Road</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>3058</td>
<td>VA</td>
<td>Smart Travel and Management Systems in Salem and Staunton District, Virginia</td>
<td>$300,000</td>
</tr>
<tr>
<td>3059</td>
<td>OH</td>
<td>Construct Great Miami River Multi-Use Trail, Miami County, Ohio</td>
<td>$1,270,000</td>
</tr>
<tr>
<td>3060</td>
<td>IA</td>
<td>Rock Creek Recreational Trail study to assess feasibility of constructing recreation trail</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3061</td>
<td>MI</td>
<td>Study road runoff in Little Black Creek between U.S. 31 and Seaway Drive</td>
<td>$400,000</td>
</tr>
<tr>
<td>3062</td>
<td>CA</td>
<td>Conducts environmental review of proposed improvements related to the connection of Dumbarton Bridge to Highway 101</td>
<td>$500,000</td>
</tr>
<tr>
<td>3063</td>
<td>NY</td>
<td>Connection of TSR 540 and the northern segment of Union Road in West Seneca</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>3064</td>
<td>WI</td>
<td>Upgrade I-43 between State Highway 140 and East County Line in Rock County, Wisconsin</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3065</td>
<td>NJ</td>
<td>Separation of the intersection of 13th Street and the Lehigh Rail Line through bridge or tunnel in Manville, NJ</td>
<td>$555,000</td>
</tr>
<tr>
<td>3066</td>
<td>CA</td>
<td>Construct parking facility and improve access to Imperial Valley Expo</td>
<td>$377,500</td>
</tr>
<tr>
<td>3067</td>
<td>CA</td>
<td>Develop bicycle paths and pedestrian connections in Vista, CA</td>
<td>$380,000</td>
</tr>
<tr>
<td>3068</td>
<td>IL</td>
<td>Upgrade County Highways 25 and 55 in Linn County</td>
<td>$500,000</td>
</tr>
<tr>
<td>3069</td>
<td>UT</td>
<td>Widen &amp; Reconfigure Sepulveda &amp; Culver Boulevards, Culver City</td>
<td>$2,740,000</td>
</tr>
<tr>
<td>3070</td>
<td>OH</td>
<td>Construct interchange or other appropriate access on I-70 west of existing mall road exit in Belmont County</td>
<td>$6,035,000</td>
</tr>
<tr>
<td>3071</td>
<td>AR</td>
<td>Widen and expand the existing Rodney Road Corridor</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>3072</td>
<td>SC</td>
<td>Widen &amp; Reconfigure Seabrook Road</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3073</td>
<td>SC</td>
<td>Pine Needles Widening &amp; Bridge Replacement</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3074</td>
<td>CA</td>
<td>Olsen Road widening and roadway improvements in Simi Valley, California</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>3075</td>
<td>CA</td>
<td>Construct project to replace SR 120 interchange with lighted interchange, lighted exit ramp, and nonmotorized facilities</td>
<td>$500,000</td>
</tr>
<tr>
<td>3076</td>
<td>NY</td>
<td>Implement Diamond Grindin Measures on I-95, I-278, Mosholu Parkway, I-495, Grand Central Parkway, and Richmond Parkway</td>
<td>$700,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
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</tr>
<tr>
<td>3077</td>
<td>MD</td>
<td>Upgrade Conduit System for Traffic Signal Systems, Street Lighting, and Traffic-related Video Cameras for Baltimore</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>3078</td>
<td>WA</td>
<td>5th St. SE Signal System Upgrade</td>
<td>$100,000</td>
</tr>
<tr>
<td>3079</td>
<td>WI</td>
<td>Implementation of recommendations contained in 2005 Safe Routes to School in Superior plan</td>
<td>$600,000</td>
</tr>
<tr>
<td>3080</td>
<td>LA</td>
<td>Widen and improve LaPlace Boulevard from Bayou Segnette to US90, Jefferson Parish</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>3081</td>
<td>NY</td>
<td>Realign Kirk Lake Drive in Carmel</td>
<td>$110,000</td>
</tr>
<tr>
<td>3082</td>
<td>OH</td>
<td>Widening of 9660 over US 42</td>
<td>$500,000</td>
</tr>
<tr>
<td>3083</td>
<td>OH</td>
<td>Upgrade grade crossing safety devices in Elyria and North Ridgeville</td>
<td>$952,000</td>
</tr>
<tr>
<td>3084</td>
<td>MS</td>
<td>Widen and improve Martin Bluff Road, Gautier</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3085</td>
<td>CA</td>
<td>Widen and reconstruct Washington Blvd from westerly city boundary at Vernon to I-5 Frey at Telegraph Rd in Commerce</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3086</td>
<td>CA</td>
<td>San Diego-San Ysidro Border Control Station and Access Road Project</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3087</td>
<td>OR</td>
<td>Widening I-5 between Portland, Oregon and Vancouver, Washington</td>
<td>$4,750,000</td>
</tr>
<tr>
<td>3088</td>
<td>LA</td>
<td>North-South Corridor from Houma/Thibodaux to I-10</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>3089</td>
<td>WV</td>
<td>Warren County I-270 Frontage Road</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>3090</td>
<td>KY</td>
<td>Widen KY 11 from US 460 to the Mt. Sterling Expressway, Montgomery County</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>3091</td>
<td>OH</td>
<td>Traffic and safety improvements to county roadways in Guernsey County, OH</td>
<td>$1,070,000</td>
</tr>
<tr>
<td>3092</td>
<td>CA</td>
<td>Develop bicycle paths and public park space adjacent to the New River, Calexico</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>3093</td>
<td>TN</td>
<td>Construction of the Foothills Parkway in the Great Smoky Mountains National Park</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>3094</td>
<td>PA</td>
<td>Improvements to Torressdale Avenue from Harbison Avenue to Conemine Avenue</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>3095</td>
<td>GA</td>
<td>Butner Road and Stone Valley Road, Fulton County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3096</td>
<td>OH</td>
<td>Construction of highway grade separations at intersections in Lima to improve motorist and pedestrian safety</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>3097</td>
<td>OR</td>
<td>Slauson Bridge, Florence</td>
<td>$4,250,000</td>
</tr>
<tr>
<td>3098</td>
<td>CA</td>
<td>Construct Cypress Avenue over-pass to separate Interstate 10 and Union Pacific Railroad tracks in Fontana</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3099</td>
<td>CA</td>
<td>Modify and reconfigure Kanan Road interchange along US101 in Agoura Hills</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>3100</td>
<td>OH</td>
<td>Upgrade and widen intersection for SR 14 in Washingtonville</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3101</td>
<td>NM</td>
<td>Upgrade NM 34 from Mora to Black Lake</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>3102</td>
<td>NJ</td>
<td>Upgrade of Turnpike/Route 440 Interchange in Bayonne</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>3103</td>
<td>LA</td>
<td>Widen LA 18 from Northrup Gramm-Avandale Shipyards to US 90, Jefferson Parish</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>3104</td>
<td>PA</td>
<td>Widen PA 896 from Strasburg Borough to US 40</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3105</td>
<td>MI</td>
<td>Eliminate major roadway on University of Michigan campus and expand the north end of campus</td>
<td>$500,000</td>
</tr>
<tr>
<td>3106</td>
<td>PA</td>
<td>Reconstruction of 11 mile segment of the LaSalle Trail between Williamsport and Mt. Blair, Blair County, PA</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3107</td>
<td>KY</td>
<td>Construction of interchange connecting US 123 to I-65 at mile marker 32 in Warren County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3108</td>
<td>CA</td>
<td>Drainage mitigation for Pago Pago village roads</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3109</td>
<td>CA</td>
<td>Install Sugar Creek Grade Separation</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3110</td>
<td>LA</td>
<td>Improvements to LA 66 in St. Bernard Parish</td>
<td>$400,000</td>
</tr>
<tr>
<td>3111</td>
<td>IN</td>
<td>Construct Hohom Drive Extension in Plymouth, Indiana</td>
<td>$500,000</td>
</tr>
<tr>
<td>3112</td>
<td>OR</td>
<td>Construct turn lane on Gateway Boulevard, Cottage Grove</td>
<td>$90,000</td>
</tr>
<tr>
<td>3113</td>
<td>TN</td>
<td>Replace Unitil Bridge in Loudon County, TN</td>
<td>$900,000</td>
</tr>
<tr>
<td>3114</td>
<td>VA</td>
<td>Replacement of Robertson Bridge in Danville</td>
<td>$5,450,000</td>
</tr>
<tr>
<td>3115</td>
<td>MA</td>
<td>Public Improvements to Springfield Symphony Hall</td>
<td>$300,000</td>
</tr>
<tr>
<td>3116</td>
<td>NY</td>
<td>Realign Union Valley Road in Town of Carmel</td>
<td>$550,000</td>
</tr>
<tr>
<td>3117</td>
<td>VA</td>
<td>Paving Improvements to Riverview Road from State Rt 22 to Prospect St</td>
<td>$125,000</td>
</tr>
<tr>
<td>3118</td>
<td>MS</td>
<td>Build connector between SR 609 and State Highway 15 near I-10, Jackson and Harrison Counties</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3119</td>
<td>CO</td>
<td>I-70 West Mountain Corridor, Denver to Garfield County</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>3120</td>
<td>CA</td>
<td>Completion of Interstate 5 and Interstate 8 Connectors, San Diego</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>3121</td>
<td>FL</td>
<td>Construct US 1 interchange at CR 210, St. Johns County, Florida</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>3122</td>
<td>PA</td>
<td>Construct roadway improvement project along State Routes 37 and 78 through Fairfield, Perry, Morgan, Noble, Monroe Counties</td>
<td>$250,000</td>
</tr>
<tr>
<td>3123</td>
<td>IL</td>
<td>Construct I-57 Bridge Overpass, City of Markham</td>
<td>$600,000</td>
</tr>
<tr>
<td>3124</td>
<td>NJ</td>
<td>Design and construct a pedestrian and bicycle path along the banks of the Elizabeth River</td>
<td>$500,000</td>
</tr>
<tr>
<td>3125</td>
<td>NJ</td>
<td>Improve the US Interstate 78 Interchange at exit 15 in Franklin Township, Union Township, and Town of Clinton</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3126</td>
<td>CA</td>
<td>Reconstruct Rosencrans Av. and construct bus pads from Garfield Av. to Century Bl. in Paramount</td>
<td>$400,000</td>
</tr>
<tr>
<td>3127</td>
<td>TN</td>
<td>Bristol, Tennessee highway-RR crossing grade improvement—USDOT#8731120J</td>
<td>$100,000</td>
</tr>
<tr>
<td>3128</td>
<td>CA</td>
<td>Glenns Ferry Springs Bridge, Plumas County</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>3129</td>
<td>NJ</td>
<td>Improvements of Newark and First Streets in Hoboken</td>
<td>$300,000</td>
</tr>
<tr>
<td>3130</td>
<td>OH</td>
<td>Construct I-70 interchange at Burnett Road, Springfield</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>3131</td>
<td>MN</td>
<td>Construction of Gitchi-Gami State Trail from Silver Bay to Tettegouche State Park</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>3132</td>
<td>CT</td>
<td>Improvements to I-95 at exit 55 in New London</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>3133</td>
<td>CA</td>
<td>Design and implement Harbor Boulevard ITS in Garden Grove</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>3134</td>
<td>WI</td>
<td>Complete the Glacial Drumlin Trail, from Madison to Waukesha</td>
<td>$300,000</td>
</tr>
<tr>
<td>3135</td>
<td>PA</td>
<td>Design and construct turn lanes, signal upgrades and improvements at PA 34 and 174 intersection</td>
<td>$580,000</td>
</tr>
<tr>
<td>3136</td>
<td>CA</td>
<td>Design, engineering, ROW acquisition &amp; construction of streetcar and rail enhancements, parking, lighting, safety improvements,</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>3158</td>
<td>IL</td>
<td>Construction of pedestrian and bike path adjacent to Tammany Trace Rails-to-Trails Corridor</td>
<td>$200,000</td>
</tr>
<tr>
<td>3159</td>
<td>KY</td>
<td>Construct South Airfield Road, Boone County, Kentucky</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3160</td>
<td>MO</td>
<td>Complete upgrade of U.S. 40-61 to interstate status on two section, from I-70 to Lake St. Louis exit and Highway K to Fuhrmann Boulevard</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>3161</td>
<td>CA</td>
<td>SR 91 I-605 Needs Assessment Study, Whittier, CA</td>
<td>$16,000</td>
</tr>
<tr>
<td>3162</td>
<td>GA</td>
<td>SR 79/85/87/100 1-61 interchange reconstruction &amp; 1-69 interchange reconstruction, Two Cities Metropolitan Area, Minnesota</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>3163</td>
<td>AL</td>
<td>Jackson County Industrial Park Access Road, Hollywood</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>3164</td>
<td>FL</td>
<td>4 lane Archer Road from SW 62nd to SW 44th Ave., Gainesville</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3165</td>
<td>AK</td>
<td>Construct access road and a bridge crossing the Nakanek River terminus points in South Naknek-King Salmon Highway</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3166</td>
<td>MO</td>
<td>Route 303 Oreana Road and Route 340 and Erie Street interchange</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3167</td>
<td>CA</td>
<td>Upgrade road at the intersection of Oso Ave. and Vanowen St</td>
<td>$125,000</td>
</tr>
<tr>
<td>3168</td>
<td>CA</td>
<td>Upgrade US 101 through the City of San Francisco, California</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>3169</td>
<td>MN</td>
<td>Widen Pearl Road in Strongsville</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3170</td>
<td>MB</td>
<td>Interchange at I-380 and I-377</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>3171</td>
<td>CA</td>
<td>Southtowns Connector—Construct improvements to NY Route 5 from Coast Guard Base to Ohio Street, including $2,500,000</td>
<td></td>
</tr>
<tr>
<td>3172</td>
<td>KY</td>
<td>Construction of pedestrian and bike path adjacent to Tammany Trace Rails-to-Trails Corridor</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>3173</td>
<td>NY</td>
<td>Route 78 (Transit Road), Genesea Street to Main Street, Towns of Amherst, Cheektowaga and Clarence in Erie County</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3174</td>
<td>CT</td>
<td>Construction of pedestrian and bike path adjacent to Tammany Trace Rails-to-Trails Corridor</td>
<td>$200,000</td>
</tr>
<tr>
<td>No.</td>
<td>State</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
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</tr>
<tr>
<td>3232</td>
<td>NY</td>
<td>Construction of pedestrian walkways in Village of Northport</td>
<td>$700,000</td>
</tr>
<tr>
<td>3233</td>
<td>NY</td>
<td>Design and construction of roadway in the Town of Southold</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>3234</td>
<td>OH</td>
<td>Eastgate Area Improvements, I-775 &amp; SR 32, Clermont County</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>3235</td>
<td>PA</td>
<td>Pennsylvania Turnpike-Interstate 95 Interchange Project, Bucks County, PA</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>3236</td>
<td>GA</td>
<td>Commission a study &amp; report regarding construction &amp; designation of a new Interstate linking Augusta, Macon, Columbus, Montgomery, &amp;Batman</td>
<td>$400,000</td>
</tr>
<tr>
<td>3237</td>
<td>CT</td>
<td>Construct Shoreline Greenway Trail, Madison</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3238</td>
<td>NE</td>
<td>New roads and overpasses to relieve congestion and improve traffic flow—Antelope Valley—Lincoln, NE</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3239</td>
<td>CA</td>
<td>Recruit Atlantic Ave. and improve drainage from Ardmore St. to Imperial Hwy, in South Gate</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>3240</td>
<td>CA</td>
<td>Construct Railroad Underpass at Hwy 53 in Pierce</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3241</td>
<td>AR</td>
<td>I-40-Highway 89 Interchange</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3242</td>
<td>WA</td>
<td>Kent, WA Willis Street UP Railroad Grade Separation Project</td>
<td>$500,000</td>
</tr>
<tr>
<td>3243</td>
<td>CA</td>
<td>Replace Interstate 711 Bridge, Moline</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>3244</td>
<td>CA</td>
<td>Implement Stop Van-Nees Corridor Improvements</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>3245</td>
<td>NC</td>
<td>Battleground Avenue Trail to Rail Trail Project, Guilford County, NC</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3246</td>
<td>IL</td>
<td>Construction of an Extension of Atkinson Road to Intersect with IL 120 and IL 137</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>3247</td>
<td>OH</td>
<td>I-70, I-71 Split realignment, Columbus</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>3248</td>
<td>MI</td>
<td>Delta County, CR 196 from M-35 at Brantont to US2 and US41-bituminous overlay with super elevation, correction, curb, and gutter</td>
<td>$230,000</td>
</tr>
<tr>
<td>3249</td>
<td>TN</td>
<td>Nota, TN Improving Vehicle Efficiecy at At-Grade highway-Railroad Crossings</td>
<td>$99,000</td>
</tr>
<tr>
<td>3250</td>
<td>NY</td>
<td>Construct access to the NYS Thruway—Montezuma National Wildlife Reserve</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3251</td>
<td>MN</td>
<td>Corridor design work, I-94 and Radio Drive, Woodbury, MN</td>
<td>$900,000</td>
</tr>
<tr>
<td>3252</td>
<td>TN</td>
<td>Develop trails, bike paths and recreational facilities on Brady Mountain, Cumberland County for Cumberland Trail State Park</td>
<td>$230,000</td>
</tr>
<tr>
<td>3253</td>
<td>WA</td>
<td>Access Downtown Phase II, 1-405-downtown balance Circulation Improvements</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>3254</td>
<td>PA</td>
<td>Reconstruct PA Route 274, at PA Route 11/15, Duncannon</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3255</td>
<td>PA</td>
<td>Road and pedestrian improvements and realignment, through construction, in York City NW Triangle</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>3256</td>
<td>NY</td>
<td>Rockland County highway roadway grade crossing safety improvements</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3257</td>
<td>CA</td>
<td>Complete on Greenline on Total paradise Rd &amp; the Interstate 10 Freeway from depot to depot</td>
<td>$250,000</td>
</tr>
<tr>
<td>3258</td>
<td>NY</td>
<td>Construction of NW 26th St Interchange on I-35, Polk Co</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3259</td>
<td>NY</td>
<td>To conduct survey studies along proposed Northern Tier Expressway</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>3260</td>
<td>IL</td>
<td>Undertake Traffic Mitigation and Circulation Enhancements on 57th and Lake Shore Drive, Chicago</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>3261</td>
<td>IL</td>
<td>Por the construction of a highway on new alignment to create a cross town route across Godfrey</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>3262</td>
<td>MI</td>
<td>Construct Industrial Park Service Road and Caine Road Bridge Replacement, Village of Millington, Tuscola County</td>
<td>$494,000</td>
</tr>
<tr>
<td>3263</td>
<td>TX</td>
<td>Loop 281 Mobility and Safety Improvements, Longview, TX</td>
<td>$1,680,000</td>
</tr>
<tr>
<td>3264</td>
<td>TX</td>
<td>Upgrade Fulphants Road Bridge on I-45 in Dallas County (TX) to provide safety and access for expanded intermodal traffic</td>
<td>$3,100,000</td>
</tr>
<tr>
<td>3265</td>
<td>MN</td>
<td>Edge of Wilderness Discovery Center, Marcell</td>
<td>$471,000</td>
</tr>
<tr>
<td>3266</td>
<td>IN</td>
<td>Construction of Star Hill Road, Clark County, Indiana</td>
<td>$2,145,000</td>
</tr>
<tr>
<td>3267</td>
<td>TN</td>
<td>Plan and construct a bicycle and pedestrian trail, Shelbyville</td>
<td>$400,000</td>
</tr>
<tr>
<td>3268</td>
<td>PA</td>
<td>Construct I-83 Riverfront Expy from US-309 to I-83 interchange in Harrisburg</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>3269</td>
<td>CA</td>
<td>Implement North Fernando Valley Road Safety and Improvements</td>
<td>$3,056,000</td>
</tr>
<tr>
<td>3270</td>
<td>KY</td>
<td>Construct two bridges across the Ohio River from Louisville to southern Indiana</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>3271</td>
<td>ME</td>
<td>Construction of the Gorham Village Bypass, Gorham</td>
<td>$1,220,000</td>
</tr>
<tr>
<td>3272</td>
<td>OK</td>
<td>Reconstruction of the I-40 Crosstown Expy from I-44 to I-35 in downtown Oklahoma City, Oklahoma</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>3273</td>
<td>MD</td>
<td>I-695, MD147 to I-695</td>
<td>$4,740,000</td>
</tr>
<tr>
<td>3274</td>
<td>SC</td>
<td>Upgrade Hwy 21 Bypass Grade Crossings</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3275</td>
<td>MD</td>
<td>Upgrade MD 175 in Anne Arundel County between MD 170 and the Baltimore Washington Parkway</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3276</td>
<td>OK</td>
<td>Construct and widen six lanes on Interstate 44 from the Arkansas River extending east approximately 3 1/2 miles to Yale Avenue in Tulsa, OK</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>3277</td>
<td>OR</td>
<td>North Bend Waterfront District Boardwalk Construction</td>
<td>$992,000</td>
</tr>
<tr>
<td>3278</td>
<td>CT</td>
<td>Make improvements to North Stonington, CT Western, R.I. Pawcatuck River Bridge</td>
<td>$500,000</td>
</tr>
<tr>
<td>3279</td>
<td>PA</td>
<td>Construct Mullica Road Interchange on Business Route 130</td>
<td>$250,000</td>
</tr>
<tr>
<td>3280</td>
<td>CA</td>
<td>Construct Western Placerville Interchanges on State Route 50</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3281</td>
<td>CT</td>
<td>Construction of Housatonic River Walk, Shelton, CT</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3282</td>
<td>NY</td>
<td>NYS Route 5, 8, 12 Interchange reconstruction: Town of New Hartford</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3283</td>
<td>NY</td>
<td>Omit Pedestrian Safety in Bronx County</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3284</td>
<td>CA</td>
<td>Improve West Adams Blvd interchange in West Adams Historic District, Los Angeles</td>
<td>$200,000</td>
</tr>
<tr>
<td>3285</td>
<td>CA</td>
<td>Improve access from I-8 and construct parking lot for the Imperial Sand Dunes Recreation Area Visitor’s Center, Imperial Valley</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3286</td>
<td>OH</td>
<td>Construction of long-impact, high-speed freeway serving the City of Philadelphia</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3287</td>
<td>AL</td>
<td>Construct interchange on I-59 between I-59 and 49th Street in Fort Payne, AL</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>3288</td>
<td>FL</td>
<td>Coordinated Regional Transportation Study of US 98 from Pensacola Bay Bridge, Escambia County, to Hathaway Bridge, Walton County, Florida</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>3289</td>
<td>GA</td>
<td>Waters Road improvements in Plaquemines Parish</td>
<td>$500,000</td>
</tr>
<tr>
<td>3290</td>
<td>GA</td>
<td>Upgrade sidewalks, lighting, landscaping from Cherry Street to Hampton Street, Industrial Park to Dooly Street, Montezuma</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3291</td>
<td>NY</td>
<td>Intermodal transportation improvements for the Colquitt County Public Service Authority</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3292</td>
<td>GA</td>
<td>US 27 Reconstruction from Colquitt to CR 279</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3293</td>
<td>TX</td>
<td>Loop 180 (Project code 1190-01-053) in Whitney, TX from FM 932/FM 1713 to FM 9325 of Whitney</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3294</td>
<td>IA</td>
<td>US 30 widening, reconstruction in Story and Marshall Counties, Iowa</td>
<td>$2,300,000</td>
</tr>
<tr>
<td>3295</td>
<td>TX</td>
<td>US 377 interchange construction (at B277 and Hwy 141)</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>3296</td>
<td>NY</td>
<td>Construct and improve pedestrian sidewalks along Sunset Highway in Freeport</td>
<td>$500,000</td>
</tr>
<tr>
<td>3297</td>
<td>IA</td>
<td>Construct Stuart Riverwalk, Des Moines</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>3298</td>
<td>NY</td>
<td>Construct access ramps to Rt. 32-6-17-CT 105 in Orange County</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>3299</td>
<td>IA</td>
<td>Rehaunt Shinnecock Indian Reservation</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>3300</td>
<td>IL</td>
<td>Construction of pedestrian walkways in Village of Northport</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3301</td>
<td>VA</td>
<td>Springdale, AR—Improvements to Johnson Road. From Hwy 412 to I-540 through Springdale and Johnson</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>3302</td>
<td>NC</td>
<td>Environmental studies and construction of Garden Parkway</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>3303</td>
<td>NC</td>
<td>US 70 construction on the eastern edge of central Wicomico</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>3304</td>
<td>GA</td>
<td>Construction of I-75 HOV Lanes from Sires Road to S.R. 20, Cherokee County, Georgia</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>3305</td>
<td>WA</td>
<td>I-405-SR 167 interchange—upgrade interchange and add additional lanes to relieve congestion</td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>
**Subtitle H—Miscellaneous Provisions**

**SEC. 1801. BUDGET JUSTIFICATION.**

The Department of Transportation and each agency therein shall submit to the Committee on Transportation and Infrastructure of the House of Representatives a budget justification concurrently with the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code.

**SEC. 1802. MOTORIST INFORMATION CONCERNING FULL-SERVICE RESTAURANTS.**

Not later than 180 days after the date of enactment of this Act, the Secretary shall initiate a rulemaking to determine whether or not—

1. full-service restaurants should be given priority on not more than 2 panels of the Campbell attractions logo specific service signs in the Manual on Uniform Traffic Control Devices of the Department of Transportation when the food logo specific service sign is fully utilized; and

2. full service restaurants should be given priority on not more than two panels of the food logo specific service signs in such Manual when the camping or attractions logo specific service signs are fully utilized.

**SEC. 1804. HIGH PRIORITY CORRIDORS ON THE NATIONAL HIGHWAY SYSTEM.**

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

1. in paragraph (2) by inserting before the period the following: “and the connection from Wichita, Kansas, to Sioux City, Iowa, which includes I-135 from Wichita, Kansas to Salina, Kansas, United States Route 41 from Salina to Norfolk, Nebraska, Nebraska State Route 35 from Norfolk, Nebraska, to South Sioux City, Nebraska, and the connection to I-29 in Sioux City, Iowa;”

2. by striking paragraph (3) and inserting the following:

   “(3) The Alameda Corridor-East and Southwestern Passage, California. The Alameda Corridor-East is generally described as the corridor from East Los Angeles (terminus of Alameda Corridor) through Los Angeles, Orange, San Bernardino, and Riverside Counties, to termini at Barstow in San Bernardino County and Coachella in Riverside County. The Southwest Passage shall follow I-10 from San Bernardino to the Arizona State line.

   (3) by adding at the end the following:

   “(4) Interstate Route 710 between the terminus at Long Beach, California, to California State Route 79.

   “(47) Interstate Route 57 from the Quebec border to New York City.

   “(48) The Route 50 High Plains Corridor along the United States Route 50 corridor from Newton, Kansas, to Pueblo, Colorado.

   “(49) The Atlantic Commerce Corridor on Interstate Route 95 from Jacksonville, Florida, to Miami, Florida.


   “(51) The SPRiH Corridor on United States Route 54 from El Paso, Texas, through New Mexico, Texas, and Oklahoma to Wichita, Kansas.

   “(52) The route in Arkansas running south of and parallel to Arkansas State Highway 226 from the relocation of United States Route 67 to the vicinity of United States Route 49 and United States Route 63.

   “(53) United States Highway Route 6 from the intersection of Interstate Route 9 to Interstate Route 15, Utah.

   “(54) The California Farm-to-Market Corridor, California State Route 98 from south of Bakersfield to Interstate Route 9.

   “(55) In Texas, Interstate Route 20 from Interstate Route 35E in Dallas County, east to the intersection of Interstate Route 635, north to the intersection of Interstate Route 30, northeast through Texarkana to Little Rock, Arkansas, Interstate Route 40 northeast from Little Rock east to the proposed Interstate Route 69 corridor.

   “(56) In the State of Texas, the La Entrada al Pacifico Corridor consisting of the following highways and any portion of a highway in a corridor on 2 sides of either side of the center line of the roadway:

   “(A) State Route 349 from Lamesa to the point on that highway that is closest to 32 degrees, 7 minutes, north latitude, by 102 degrees, 6 minutes, west longitude.

   “(B) The segment or any roadway extending from the point described by subparagraph (A) to the point on Farm-to-Market Road 1708 closest to 32 degrees, 0 minutes, north latitude, by 102 degrees, 16 minutes, west longitude.

   “(C) The Farm-to-Market Road 1708 from the point described by subparagraph (B) to its intersection with Interstate Route 20.

   “(D) Interstate Route 20 from its intersection with Farm-to-Market Road 1708 to its intersection with United States Route 385.

   “(E) United States Route 385 from Odesa to Fort Stockton, including those portions that parallel United States Route 67 and Interstate Route 10.

   “(F) United States Route 67 from Fort Stockton to Presidio, including those portions that parallel Interstate Route 10 and United States Route 90.

   “(G) United States Route 41 corridor between Interstate Route I-94 near Milwaukee and Interstate Route 1-10 near Green Bay in the State of Wisconsin.

   “(H) by aligning paragraph (45) with paragraph (46).

**SEC. 1805. ADDITIONS TO APALACHIAN REGION.**

(a) KENTUCKY.—Section 14102(a)(1)(C) of title 23, United States Code, is amended—

1. by inserting “Nicholas,” after “Morgan,” and;

2. by inserting “Robertson,” after “Pulaski,”;

3. by inserting “Olive,” after “Rock')</p>
(3) the extent of the enforcement of speed limits in the vicinity of the facilities;
(4) the use of warning devices, such as vibration and ramble strips, to alert drivers approaching the facilities;
(5) the use of cameras to record traffic violations in the vicinity of the facilities;
(6) the use of traffic control arms in the vicinity of the facilities;
(7) law enforcement practices and jurisdictional issues that affect safety in the vicinity of the facilities; and
(8) the incidence of accidents and injuries in the vicinity of toll booths.

(b) DATA COLLECTION.—As part of the study, the Secretary shall collect data regarding the incidence of accidents and injuries in the vicinity of highway toll collection facilities.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study, together with recommendations for improving toll facilities workplace safety.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $500,000 for fiscal year 2005.

(2) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under paragraph (1) of title 23, United States Code; except that such funds shall not be transferable.

(e) CONSTRUCTION WORK IN ALASKA.—Section 114 of title 23, United States Code, is amended by adding at the end the following:

(3) DEFINITIONS.—In this subsection, the following definitions apply:

(A) REMOTE.—The term ‘remote’, as used with respect to a project, means that the project is 75 miles or more from the United States Post Office in either Juneau, Sitka, Ketchikan, Alaska, or is inaccessible by road in a 2-wheel drive vehicle.

(B) RESIDENT.—The term ‘resident’, as used with respect to a project, means a person living within 75 miles of the midpoint of the project for at least 12 months.

SEC. 1810. PROGRAM TO PROHIBIT RACIAL PROFILING.

(a) GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to a State that:

(1) has enacted and is enforcing a law prohibiting the use of racial profiling in the enforcement of State laws regulating the use of Federal-aid highways, a State or local law enforcement officer from using the race or ethnicity of the driver or passengers to determine whether there is a legitimate basis for making an ordinary traffic stop or to make an ordinary traffic stop on the basis of race or ethnicity, or to make an ordinary traffic stop on the basis of race or ethnicity whenever there is trustworthy information, relevant to the locality or time frame, that links persons of a particular race or ethnicity to an identified criminal incident, scheme, or organization.

(b) ELIGIBILITY.—A State may not receive a grant under subsection (a)(2) in more than 2 fiscal years.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $3,500,000 for each of fiscal years 2005 through 2009.

(2) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under subsection (a) of title 23, United States Code, except that the Federal share of the cost of projects carried out under this subsection may not exceed 100 percent, and such funds shall remain available until expended and shall not be transferable.
SEC. 1813. ROAD USER CHARGE EVALUATION PILOT PROJECT.

(a) IN GENERAL.—The Secretary shall carry out a one year pilot project to assess the following:

(1) Technical feasibility of imposing mileage-based road user charges, including cost, reliability, and security of on-board and intelligent transportation systems.

(2) Compatibility of technology for imposing such charges with automobile and truck design.

(3) Design and testing of a collection system for such charges that is secure, low cost, and easy to use.

(4) Methods of ensuring privacy of road users and assessing public attitudes and views of motorists in field tests of the equipment and system.

(b) REPORTS.—The Secretary shall transmit annual reports on the status of the pilot project and, not later than June 30, 2009, a final report on the results of the pilot project, together with findings and recommendations, to the Secretary of the Treasury, the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives, and the Committee on Environment and Public Works and the Committee on Finance of the Senate.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $1,000,000 for each of fiscal years 2005 and 2006 and $3,500,000 for each of fiscal years 2007, 2008, and 2009.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligations incurred in any fiscal year as if the funds were appropriated under chapter 1 of title 23, United States Code; except that the Federal share of the cost of the pilot project shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1814. THOMAS P. "TIP" ONEILL, JR. TUNNEL.

(a) DESIGNATION.—In honor of his service to the Commonwealth of Massachusetts and the United States of America, and in recognition of his contributions toward the construction of the Central Artery Tunnel project in Boston, the northern end of the tunnel of Interstate Route 93, located in the city of Boston, which extends north of the intersection of Interstate Route 90 and Interstate Route 93 to the Leonard P. Zakim Bunker Hill Bridge, is designated as the "Thomas P. "Tip" O'Neill, Jr. Tunnel".

(b) REFERENCES.—Any reference in law, regulation, document, paper, or other record of the United States to the tunnel referred to in subsection (a) shall be deemed to be a reference to the "Thomas P. "Tip" O'Neill, Jr. Tunnel".

SEC. 1815. NONMETROPOLITAN PLANNING AMENDMENT FOR TRANSPORTATION PLANNING SECTIONS.

(a) METROPOLITAN PLANNING.—Section 134 of title 23, United States Code is amended to read as follows:

§134. Metropolitan planning.

(Metropolitan transportation planning programs authorized by section 104(f)(4) shall be carried out in accordance with the metropolitan planning provisions of chapter 25, title 49, United States Code.)

(b) STATEWIDE PLANNING.—Section 135 of such title is amended to read as follows:

§135. Statewide planning.

(Statewide transportation planning programs funded under section 104(f) shall be carried out in accordance with the statewide planning provisions of chapter 25, title 49, United States Code.)

SEC. 1816. DISTRIBUTION OF METROPOLITAN PLANNING FUNDS WITHIN STATES.

Section 104(i)(4)(B) of title 23, United States Code, is amended by adding at the end the following:

"Such distribution of funds to metropolitan planning organizations shall be made within 30 days of the date of receipt of such funds from the Secretary.

SEC. 1817. TREATMENT OF OFF RAMP.

The Harbor Boulevard off ramp from Interstate Route 405 in Costa Mesa, California, is deemed to satisfy the requirements of title 23, United States Code, that govern the approval of the placement of ramps off of a Federal-aid highway.

SEC. 1818. LOSS FORGIVENESS.

Any reference in law, map, regulation, document, paper, or other record of the United States to the tunnel referred to in section 104(f)(4) shall be carried out in the same manner as if the funds were appropriated under chapter 1 of title 23, United States Code, is deemed satisfied.

SEC. 1819. LEADACY DESIGNATION.

The public entity established under California law in 1989 to acquire rights-of-way in northwestern California to maintain surface transportation infrastructure is hereby designated as the lead agency for the purpose of accepting Federal funds authorized under section 13 of the table contained in section 110(b) of the Interstate Modal-Selective Highway Appropriations Act of 1991 (105 Stat. 2601)."
States Code, elects to update a transportation plan and program more frequently or is required to determine conformity in accordance with paragraph (2)(E).

(3) Requirements for Conformity Determinations in Nonattainment Areas.—Subsection (c) of section 176 of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding the following new paragraph at the end thereof:

"(7) Time Horizon for Determinations.—Each conformity determination required under this section for a transportation plan under section 1603(b) of the United States Code, or for a transportation improvement program that requires the expenditure of Federal funds, shall include a demonstration of conformity during the period ending on either the final year of the transportation plan or, at the election of the metropolitan planning organization and an air pollution control agency, as defined in section 302(b), if such air pollution control agency is responsible for developing plans or controlling air pollution within the area covered by the transportation plan on the later of the following dates (hereinafter in this paragraph referred to as the 'final transportation conformity date'): (A) the tenth year of the transportation plan, (B) the attainment date set forth in the applicable implementation plan for the air pollutant concerned.

(C) The year after the completion of a regionally significant project, if the project will be programmed by a metropolitan planning organization and an air pollution control agency, as defined in section 302(b), if such air pollution control agency is responsible for developing plans or controlling pollution within the area covered by the transportation plan and the metropolitan planning organization shall be required to extend only through the last year of the implementation plan required under section 175A(b).

(d) Transportation Control Measures.—Subsection 176(c)(4) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end thereof the following new paragraph:

"(8) A transportation control measure that is specified in an implementation plan may be replaced in the implementation plan with substitute transportation control measures if—

(i) the substitute measures achieve equivalent or greater emission reductions than the control measures to be replaced, as determined by the Administrator,

(ii) the substitute measures utilize an emissions impact analysis that is consistent with the current methodology used for evaluating replaced control measures in the implementation plan;

(iii) the substitute control measures are implemented not later than the date on which such control measures are necessary to achieve the purpose of the implementation plan;

(iv) the substitute control measures were developed with public notice and the opportunity for comments; and

(v) the metropolitan planning organization finds that adequate funding is included in the transportation and improvement program that is necessary to implement the substitute control measures.

(B) After the requirements of subparagraph (A) are met, States may adopt the substitute measures in the applicable implementation plan within a reasonable period of time.

"(C) The substitution of a transportation control measure in accordance with this paragraph shall not be contingent on the existence of any provision in the applicable implementation plan that expresses a different position.

"(D) The substitution of a transportation control measure in accordance with this paragraph shall not require—

(i) a new conformity determination for the transportation plan, or

(ii) a revision of the applicable implementation plan.

"(E) A control measure that is being replaced by a substitute control measure under this paragraph shall remain in effect until the substitute control measure is adopted.

"(F) Adoption of a substitute control measure shall constitute rescission of the previously applicable control measure.

Transportation control measures may be added to an implementation plan subject to subparagraphs (B), (C), and (D), on the same basis as if such measures were substitution transportation control measures if such measures do not increase emissions for which limitations have been established in an implementation plan, and such measures meet the requirements of clauses (ii), (iii), (iv), and (v) of subparagraph (A).

(G) A transportation control measure that is being replaced may be replaced in the implementation plan with substitute measures if such measures do not in- crease emissions for which limitations have been established in a transportation plan, and such measures meet the requirements of clauses (ii), (iii), (iv), and (v) of subparagraph (A).

(Lapse of Conformity.—Subsection (c) of section 176 of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding the following new paragraph at the end thereof:

"(9) Lapse.—If a conformity determination required under this subsection for a transportation plan under section 5123(g) of title 49 of the United States Code or a transportation improvement program under section 402(h) of title 49 of the United States Code is not made by the applicable deadline and such failure is not corrected by additional measures to either reduce motor vehicle emissions sufficient to demonstrate compliance with the requirements of this subsection within 12 months after such deadline or other measures sufficient to correct such failures, the transportation plan shall lapse.

"(10) Lapse.—The term 'lapse' means that the conformity determination for a transportation plan or transportation improvement program has expired, and thus there is no currently conforming transportation plan or transportation improvement program.

SEC. 1828. ADVANCED TRUCK STOP ELECTRIFICATION SYSTEM.

(a) Definition.—Section 101(a)(1) of title 23, United States Code, as amended by section 1202 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(A) The term 'advanced truck stop electrification system' means a stationary system that delivers heat, conditioning, electricity, and communications capability through an electric power grid, and capable of providing reliable electric power to trucks, providing a significant reduction in emissions for trucks that use such systems, and providing reliable electricity to trucks that use such systems.

(b) Eligibility Under STP.—Section 133(b)(6) of title 59 of such Code is amended by inserting "advanced truck stop electrification systems" before the period at the end.

SEC. 1829. TECHNOLOGY.

States are encouraged to consider using a non-destructive test technology capable of detecting cracks including sub-surface flaws as small as 0.005 inches in length or depth in steel bridges.

SEC. 1830. EXTENSION OF PUBLIC TRANSIT VEHICLE EXEMPTION FROM AXLE WEIGHT RESTRICTIONS.


SEC. 1831. MOTORCYCLIST ADVISORY COUNCIL.

(a) In General.—The Secretary, acting through the Administrator of the Federal Highway Administration, in consultation with the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, shall appoint a Motorcyclist Advisory Council to coordinate with and advise the Administrator on infrastructure issues of concern to motorcyclists, including—

(1) barrier design;

(2) road design, construction, and maintenance practices;

(3) the architecture and implementation of intelligent transportation system technologies.

(b) Composition.—The Council shall consist of at least 10 members of the motorcycling community with professional expertise in national motorcyclist safety advocacy, including—

(1) at least—

(A) 1 member recommended by a national motorcyclist association;

(B) 1 member recommended by a national motorcycle foundation;

(C) 1 representative of the National Association of State Motorcycle Safety Administrators;

(D) 2 members of State motorcyclists' organizations;

(E) 1 member recommended by a national organization that represents the builders of highway infrastructure;

(2) at least 1 member recommended by a national association that represents the traffic safety systems industry; and

(3) the term "motorcyclist" means a person who is over the age of 16 years and is a motorcyclist.
(G) a member of a national safety organization; and
(2) at least 1, and not more than 2, motorcyclists who are traffic system design engineers or State transportation department officials.

SEC. 1832. SHARING OF MONETARY RECOVERIES. Notwithstanding any other provision of law, monetary judgments accruing to the Government from Federal criminal prosecutions and civil proceedings pertaining to fraud in Federally funded highway and public transportation projects and programs shall be treated as follows:
(1) Any amount less than or equal to the single damages incurred as the result of such fraud shall be credited to the Federal account from which funds for the project or program that is at issue in the fraud case, except to the extent that such Federal account has been credited as the result of any judgment in favor of a grant recipient.
(2) Any amount in excess of the amount credited pursuant to paragraph (1) shall be shared with the State or other recipient involved if—
(A) the State or other recipient enters into a legally binding agreement with the Secretary to use the funds for a purpose eligible for Federal assistance in title 23 or chapter 53 of title 49, United States Code, as the case may be;
(B) the amount to be shared with the State or other recipient is determined by the Attorney General in consultation with the Secretary; and
(C) the Attorney General, in consultation with the Secretary, determines that the fraud did not occur as a result of negligent oversight or actual involvement in the fraud by the State or other recipient or any senior official of the State or other recipient.

SEC. 1833. ELIGIBILITY UNDER CMQR. Section 1340(f)(4) of title 23, United States Code is amended by inserting “, including advanced truck stop electrification systems,” after “facility or program”.

SEC. 1834. STATE OF CONGRESS REGARDING BUY AMERICA. It is the sense of Congress that—
(1) the Buy America test required by section 165 of the Surface Transportation Assistance Act of 1992 (23 U.S.C. 101 note) needs to be applied to an entire bridge project and not only to component parts of such project;
(2) the law clearly states that domestic materials must be used in Federal highway projects unless there is a finding that the inclusion of domestic materials will increase the cost of the overall project by more than 25 percent;
(3) uncertainty regarding how to apply Buy America laws for major bridge projects threatens the integrity of the law;
(4) the Nation’s unemployment rate continues to hover around 5.6 percent, steps are needed to protect American workers and the domestic bridge building industry; and
(5) the Buy American Act (41 U.S.C. 10a et seq.) was designed to ensure that, when taxpayer money is spent on direct Federal Government investments in public works and infrastructure projects, these expenditures stimulate United States production and job creation.

SEC. 1835. COMMUNITY ENHANCEMENT STUDY.
(a) GENERAL.—The Secretary shall conduct a study on—
(1) the role of well-designed transportation projects in—
(A) promoting economic development;
(B) protecting public health, safety and the environment; and
(C) enhancing the architectural design and planning of communities; and
(2) the positive economic, cultural, aesthetic, scenic, architectural, and environmental benefits of communities.
(b) CONTENTS.—The study shall address the following:
(1) the degree to which well-designed transportation projects provide positive economic, cultural, aesthetic, scenic, architectural, and environmental benefits for communities;
(2) the degree to which such projects protect and contribute to improvements in public health and safety;
(3) the degree to which such projects use innovative approaches to reduce the time it takes to achieve quicker, more certain, and better results;
(4) the degree to which positive results are achieved by linking transportation, design, and the implementation of community visions for the future;
(5) facilitating the use of successful models or best practices in transportation investment or development to accomplish each of the following:
(A) Enhancement of community identity.
(B) Protection of public health and safety.
(C) Preservation of quality of life in housing, shopping, transportation, employment, and recreation.
(D) Preservation and enhancement of existing infrastructure.
(E) Creation of a greater sense of community through public involvement.
(c) REPORT.—Not later than September 20, 2006, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

SEC. 1836. TRANSPORTATION AND LOCAL WORK-FOR- INCOME FUNDING.
(a) FINDINGS.—Congress finds the following:
(1) Federal-aid highway programs provide State and local governments and other recipients substantial funds for projects that produce significant employment and job-training opportunities.
(2) Every $1,000,000,000 in Federal infrastructure investment creates an estimated 47,500 jobs.
(3) To carry out this section, the Attorney General, in consultation with a national organization representing architects who have expertise in the design of a wide range of transportation and infrastructure projects, which include the design of buildings, public facilities, and surrounding communities;
(b) PURPOSE.—The purpose of this section is to carry out paragraph (1) of section 5334 of title 49, United States Code, as the case may be.
(c) DISPOSITION.—Not later than September 20, 2006, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

SEC. 1837. SPECIAL RULE FOR FISCAL YEAR 2004.
In any case in which an amount is authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation for a program, project, or activity in any provision of this title, including an amendment made by this title, that is different than the amount authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation for fiscal year 2004 for such program, project, or activity in any provision of the Surface Transportation Extension Act of 2004, Part V (Public Law 108–310), including any amendment made by such Act, the amount referred to in such Act shall be the amount authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation.

TITLE II—HIGHWAY SAFETY

SEC. 2001. AUTHORIZATION OF APPROPRIATIONS.
(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for each fiscal year:

SEC. 2002. OCCUPANT PROTECTION INCENTIVE GRANTS.
For carrying out section 402 of title 23, United States Code, $164,927,000 for fiscal year 2004, $163,680,000 for fiscal year 2005, $159,000,000 for fiscal year 2006, $159,000,000 for fiscal year 2007, and $150,000,000 for fiscal year 2008.
(2) in paragraph (3) by striking “1997” and inserting “2003”; and
(3) in paragraphs (4)(A), (4)(B), and (4)(C) by inserting after “years” the following: “beginning on the date of the grant, as determined by the Secretary that shall also become eligible.”

(b) GRANT ELIGIBILITY.—Section 405(b) of title 23, United States Code, is amended by striking “A State shall become eligible” and inserting the following: “A State shall be eligible for a grant under this section if the State has a seat belt usage rate of 85 percent or greater as of the date of the grant, as determined by the Secretary that shall also become eligible.”

(c) GRANT AMOUNTS.—Section 405(c) of title 23, United States Code, is amended—
(1) by striking “25 percent” and inserting “100 percent”; and
(2) by striking “1997” and inserting “2003”.

SEC. 2001. ALCOHOL-IMPAIRED DRIVING COUNCIL AND MEASURES.

(a) GENERAL AUTHORITY.—Section 410(a) of title 23, United States Code, is amended—
(1) in paragraph (2) by striking “Transportation Equity Act for the 21st Century” and inserting “Transportation Equity Act: A Legacy for Users”;
(2) in paragraph (3) by striking “1997” and inserting “2003”; and
(3) in paragraphs (4)(A), (4)(B), and (4)(C) by inserting after “years” the following: “beginning on the date of the grant, as determined by the Secretary that shall also become eligible.”

(b) BASIC GRANT A.—Section 410(h)(1) of title 23, United States Code, is amended—
(1) by striking “A State shall become eligible” and inserting “A State shall be eligible for a grant under this section if the State has an alcohol-related fatality rate per 100,000,000 vehicle miles traveled of 0.8 or more as of the date of the grant, as determined by the Secretary using the Fatality Analysis Reporting System of the National Highway Traffic Safety Administration.”
(2) by striking paragraph (2) and inserting the following:
(B) PROGRESS REPORT.—A State shall become eligible for a grant under this paragraph if the State—
(1) has an alcohol-related fatality rate per 100,000,000 vehicle miles traveled of 0.8 or more as of the date of the grant, as determined by the Secretary using the Fatality Analysis Reporting System of the National Highway Traffic Safety Administration; and
(2) establishes, subject to such requirements as the Secretary may prescribe, a task force to evaluate the effectiveness of efforts to combat drunk driving under this section and make such improvements; and
(3) has a self-sustaining drunk driving prevention program under which a significant number of repeat offenders described in subparagraph (A)(ii) have been brought to justice.

(c) BASIC GRANT B.—A State shall become eligible for a grant under this paragraph if the State—
(1) establishes, subject to such requirements as the Secretary may prescribe, a task force to evaluate the effectiveness of efforts to combat drunk driving under this section and make such improvements; and
(2) meets the following criteria:
(A) establishes, subject to such requirements as the Secretary may prescribe, a task force to evaluate the effectiveness of efforts to combat drunk driving under this section and make such improvements;
(B) develops a multiyear highway safety data and traffic records system strategic plan that addresses existing deficiencies in the State’s highway safety data and traffic records system and is approved by the highway safety and traffic records coordinating committee and—
(i) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership that includes, among others, managers, collectors, and users of traffic records and public health and injury control data systems and
(ii) developed a multiyear highway safety data and traffic records system strategic plan that addresses existing deficiencies in the State’s highway safety data and traffic records system and is approved by the highway safety and traffic records coordinating committee and—
(2) in paragraph (3)—
(A) establishes, subject to such requirements as the Secretary may prescribe, a task force to evaluate the effectiveness of efforts to combat drunk driving under this section and make such improvements;
(B) meets the following requirements:
(i) establishes, subject to such requirements as the Secretary may prescribe, a task force to evaluate the effectiveness of efforts to combat drunk driving under this section and make such improvements;
(ii) has a self-sustaining drunk driving prevention program under which a significant number of repeat offenders described in subparagraph (A)(ii) have been brought to justice.

(d) SUPPLEMENTAL GRANTS.—Section 410(c) of title 23, United States Code, is amended to read as follows:
(1) ALLOCATION FOR BASIC GRANT B.—Not more than $20,000,000 per fiscal year of amounts received under this section only to implement such programs.
(2) USE OF GRANTS.—A State may use a grant received under this section only to implement such programs.
(3) MODEL DATA ELEMENTS.—The Secretary, in consultation with States and other appropriate parties, shall determine the model data elements necessary to observe and analyze State and national trends in crash occurrences, rates, and circumstances. In order to become eligible for a grant under this section, a State shall certify to the Secretary the State’s adoption and use of such model data elements.

(e) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require ensuring that the State maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of enactment of this section.

(f) FEDERAL SHARE.—The Federal share of the cost of implementing in a fiscal year a program of a State pursuant to paragraph (1) shall not exceed 80 percent.

(g) FIRST-YEAR GRANTS.—To be eligible for a first-year grant under this section, a State shall demonstrate to the satisfaction of the Secretary that the State has—
(1) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership that includes, among others, managers, collectors, and users of traffic records and public health and injury control data systems and
(2) developed a multiyear highway safety data and traffic records system strategic plan that addresses existing deficiencies in the State’s highway safety data and traffic records system and is approved by the highway safety and traffic records coordinating committee and—
(A) specifies how existing deficiencies in the State’s highway safety data and traffic records system were identified;
(B) prioritizes, based on the identified highway safety data and traffic records system deficiencies, the highway safety data and traffic records system needs and goals of the State, including the activities described in subsection (a); and
(C) identifies performance-based measures by which progress toward those goals will be determined;
(2) specifies how the grant funds and any other funds of the State will be used to address needs and goals identified in the multiyear plan and
(3) includes a current report on the progress in implementing the multiyear plan that documents progress toward the specified goals.

(h) SUCCESSIVE-YEAR GRANTS.—A State shall be eligible for a grant under this section in a fiscal year succeeding the first fiscal year in which the State receives a grant under subsection (b) if the State—
(1) submits an updated multiyear plan that meets the requirements of subsection (b)(2);
(2) certifies that its highway safety data and traffic records system committee continues to operate and supports the multiyear plan;
(3) specifies how the grant funds and any other funds of the State will be used to address needs and goals identified in the multiyear plan;
(4) demonstrates measurable progress toward achieving the goals and objectives identified in the multiyear plan; and
(5) includes a current report on the progress in implementing the multiyear plan.

(i) IN GENERAL.—The amount of a grant made to a State for a fiscal year under this section shall equal an amount determined by multiplying the amount of the grant by the percentage—
(A) the amount appropriated to carry out this section for such fiscal year; by
(B) 100 percent.
“(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 2003 bears to the funds apportioned to all States under section 402 for fiscal year 2003.”

(2) MINIMUM AMOUNT.—Notwithstanding subparagraph (A)—

“(A) a State eligible for a first-year grant under this section shall not receive less than $300,000, and

“(B) a State eligible for a succeeding-year grant under this section shall not receive less than $300,000.

(3) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be used only to implement and enforce the law under which the State will receive a grant under this section, 50 percent.

(4) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary and reasonable costs of administering the provisions of this section.

(f) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to grants under subsection (a).

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end the following:

“412. State traffic information system improvements.”

SEC. 2005. HIGH VISIBILITY ENFORCEMENT PROGR AM.

The Secretary shall establish a program to support national impaired driving mobilization and enforcement efforts and national safety belt mobilization and enforcement, including the purchase of national wide advertisement (including production and placement) to support such efforts.

SEC. 2006. MOTORCYCLE CRASH CAUSATION STUDY

(a) IN GENERAL.—Using funds made available to carry out section 403 of title 23, United States Code, the Secretary shall conduct a study of the causes of fatalities involving motorcycle crashes.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of (a).

SEC. 2007. CHILD SAFETY AND CHILD BOOSTER SEAT INCENTIVE GRANTS.

(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary shall make grants to States that enact or have enacted and are enforcing a law requiring that children riding in passenger motor vehicles who are too large to be secured in a child safety seat be secured in a child booster seat that meets the requirements prescribed by the Secretary under section 3 of Anton’s Law (118 Stat. 2772).

(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in a fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for child safety seat and child booster seat programs or at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act.

(c) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing a law enacted by a State under subsection (a) shall not exceed—

(1) for the first 3 fiscal years for which a State receives a grant under this section, 75 percent; and

(2) for the fourth fiscal year for which a State receives a grant under this section, 50 percent.

(d) GRANT ELIGIBILITY.—

(1) IN GENERAL.—A State is eligible for a grant under this section if the State has in effect and enforces a law described in subsection (a).

(2) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 4 fiscal years beginning after September 30, 2005.

(e) ELIGIBLE USES OF FUNDS.—A State may use any funds allocated under this section only to carry out child safety seat and child booster seat programs, including the following:

(1) A program to educate the public concerning the proper use and installation of child safety seats and child booster seats.

(2) A program to train child passenger safety professionals, family and emergency medical personnel, and educators concerning all aspects of the use of child safety seats and booster seats.

(3) A program to purchase and distribute child safety seats, child booster seats, and other appropriate passenger motor vehicle child restraints to families that cannot otherwise afford such seats or restraints.

(4) A program to support enforcement of child restraint laws.

(f) GRANT AMOUNT.—The amount of a grant to a State under this section may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code.

(g) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 2.5 percent for the necessary and reasonable costs of administering the provisions of this section.

(h) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 405(f) shall apply to grants under subsection (a).

(i) DEFINITIONS.—In this section, the following definitions apply:

(1) CHILD RESTRAINT.—The term “child restraint” means any product designed to provide restraint to a child (including booster seats) and products, including the lap and shoulder belt assembly) that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.

(2) CHILD SAFETY SEAT.—The term “child safety seat” has the meaning such term has in section 405(f) of title 23, United States Code.

(3) PASSENGER MOTOR VEHICLE.—The term “passenger motor vehicle” has the meaning such term has in section 405(j).

(4) STATE.—The term “State” has the meaning such term has in section 101 (a) of such title.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section from the Highway Trust Fund (other than the Highway Account) $6,000,000 for each of fiscal years 2006 through 2008 and $7,000,000 for fiscal year 2009.

SEC. 2008. MOTORCYCLIST SAFETY.—

(a) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorists.

(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in a fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for motorcyclist safety training and other programs and motorcyclist awareness programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act.

(c) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 4 fiscal years beginning after September 30, 2005.

(d) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by a State in accordance with subsection (a) shall not exceed—

(1) for the first 3 years for which a State receives a grant under this section, 75 percent; and

(2) for the fourth fiscal year for which a State receives a grant under this section, 50 percent.

(e) GRANT ELIGIBILITY.—

(1) IN GENERAL.—A State becomes eligible for a grant under this section by adopting or demonstrating to the satisfaction of the Secretary—

(A) for the first fiscal year for which the State will receive a grant under this section, at least 1 of the 6 criteria listed in paragraph (2);

(B) for the second and third fiscal years for which the State will receive a grant under this section, at least 2 of the 6 criteria listed in paragraph (2); and

(C) for any subsequent fiscal years for which the State will receive a grant under this section, at least 3 of the 6 criteria listed in paragraph (2).

(2) CRITERIA.—The criteria for eligibility for a grant under this section are the following:

(A) MOTORCYCLE RIDER TRAINING COURSES.—An effective motorcycle rider training course that is offered throughout the State, provides a formal program of instruction in accident avoidance and other safety-oriented operational skills to motorcyclists, and results in innovative training opportunities to meet unique regional needs.

(B) MOTORCYCLISTS AWARENESS PROGRAM.—An effective statewide program to enhance motorist awareness of the presence of motorcyclists on or near roadways and safe driving practices that avoid injuries to motorcyclists.

(C) REDUCTION OF FATALITIES AND ACCIDENTS INVOLVING MOTORCYCLES.—A reduction for the preceding calendar year in the number of motorcyclist fatalities and the rate of motor vehicle crashes involving motorcycles in the State (expressed as a fraction of 10,000 motorcycle registrations).

(D) IMPAIRED DRIVING PROGRAM.—Implementation of a statewide program to reduce impaired driving, including specific measures to reduce impaired motorcycle operation.

(E) REDUCTION OF FATALITIES AND ACCIDENTS INVOLVING IMPAIRED MOTORCYCLES.—A reduction for the preceding calendar year in the number of fatalities and the rate of reported crashes involving alcohol- or drug-impaired motorcycle operators (expressed as a fraction of 10,000 motorcycle registrations).

(F) FEES COLLECTED FROM MOTORCYCLES.—All fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs are used for motorcycle training and safety programs.

(g) ELIGIBLE USES.—

(1) IN GENERAL.—A State may use funds from a grant under this section only for motorcyclist safety training and motorcyclist awareness programs, including—

(A) improvements to motorcyclist safety training curricula;

(B) improvements in program delivery of motorcycle training to both urban and rural areas, including—

(i) procurement or repair of practice motorcycles;

(ii) instructional materials;

(iii) mobile training units; and

(iv) leasing or purchase of facilities for classroom instruction and closed-course skill training;

(C) programs designed to increase the recruitment or retention of motorcyclist safety training instructors; and

(D) public awareness, public service announcements, and other outreach programs to enhance motorcyclist awareness.

(h) SUBALLOCATIONS OF FUNDS.—An agency that receives a grant under this section may suballocate funds from the grant to a nonprofit organization incorporated in that State to carry out under this section.
(g) DEFINITIONS.—In this section, the following definitions apply:

(1) MOTORCYCLIST SAFETY TRAINING.—The term ‘motorcyclist safety training’ means a formal program of instruction that—

(A) provides accident avoidance and other safety-oriented operational skills to motorcyclists; and

(B) is approved for use by a State in the designated State authority having jurisdiction over motorcyclist safety issues.

(2) MOTORCYCLIST AWARENESS.—The term ‘motorcyclist awareness’ means individual or collective awareness of—

(A) the presence of motorcycles on or near roadways; and

(B) safe driving practices that avoid injury to motorcyclists.

(3) MOTORCYCLIST AWARENESS PROGRAM.—The term ‘motorcyclist awareness program’ means an informational or public awareness program designed to enhance motorcyclist awareness that is developed by or in coordination with the designated State authority having jurisdiction over motorcyclist safety issues.

(4) STATE.—The term ‘State’ has the same meaning such term has in section 101(a) of title 23, United States Code.

(h) MAXIMUM GRANT AMOUNT.—The amount of a grant made to a State for a fiscal year under paragraph (3) shall not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code.

(i) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction by the Secretary to not exceed 5 percent for the necessary costs of administering the provisions of this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section from the Highway Trust Fund (other than the Mass Transit Account) $6,000,000 for each of fiscal years 2006 through 2008 and $7,000,000 for fiscal year 2009.

(k) APPLICABILITY OF TITLE 23.—Funds authorized under this section shall be available for obligation in the manner as if such funds shall not be transferable.

SEC. 2009. DRIVER FATIGUE.
Section 402(a) of title 23, United States Code, is amended—

(1) by striking “and” before “(6);” and

(2) by inserting before the period the following: “and to reduce deaths and injuries resulting from persons driving motor vehicles while fatigued”.

SEC. 2010. AUTHORIZATION OF APPROPRIATIONS FOR HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for carrying out section 403 of title 23, United States Code, $71,575,000 for fiscal year 2004, $71,424,000 for fiscal year 2005, and $75,000,000 for each of fiscal years 2006 through 2008.

(b) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and this title, amounts made available under subsection (a) for each of fiscal years 2004 through 2008 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 2011. SAFETY DATA.
(a) In GENERAL.—Using funds made available to carry out section 403 of title 23, United States Code, the Secretary shall collect and compile statistics on accidents involving motor vehicles being backed up that result in fatalities and injuries and that occur on motorways, urban and highway roads and residential and commercial highways and parking facilities.

(b) REPORT.—Not later than January 1, 2009, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on accidents described in subsection (a), including the data collected and statistics compiled under subsection (a) and any recommendations the Secretary deems appropriate to take to reduce the number of such accidents and the resulting fatalities and injuries.

SEC. 2012. DRIVER PERFORMANCE STUDY.

(a) IN GENERAL.—Using funds made available to carry out section 403 of title 23, United States Code, for fiscal year 2005, the Secretary shall make $1,000,000 available to conduct a study on the design and implementation of a cooperative program—

(1) to carry out this section; and

(2) to reduce the number of such fatalities and injuries.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study and any recommendations the Secretary deems appropriate to reduce these risks associated with glare on drivers' performance.

TITL E III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

SEC. 3001. SHORT TITLE; AMENDMENTS TO TITLE 49, UNITED STATES CODE.

(a) SHORT TITLE.—This title may be cited as the “Federal Public Transportation Act of 2005”.

(b) AMENDMENTS TO TITLE 49, UNITED STATES CODE.—Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3002. POLICIES, FINDINGS, AND PURPOSES.

(a) IN GENERAL.—Section 5301(a) is amended to read as follows:

(1) DEVELOPMENT AND REVITALIZATION OF PUBLIC TRANSPORTATION SYSTEMS.—It is in the interest of the United States to foster the development and revitalization of public transportation systems that—

(A) maximize safe, secure, and efficient mobility of individuals;

(B) minimize environmental impacts; and

(C) minimize transportation-related fuel consumption and waste by striking “an urban” and inserting “a”, and

(2) by striking “under sections 5309 and 5310 of this title”.  

(b) GENERAL PURPOSES.—Section 5301(j) is amended—

(1) in paragraph (1)—

(A) by striking “mass” the first place it appears, and inserting “public”;

(B) by striking “and public mass transportation companies” and inserting “both public transportation companies and private companies engaged in public transportation”; and

(2) in paragraph (2)—

(A) by striking “urban mass” and inserting “public”;

(B) by striking “and” and inserting “public”;

(C) by striking “public and private mass transportation companies” and inserting “both public transportation companies and private companies engaged in public transportation”;

(D) by striking “public, and private mass transportation companies” and inserting “both public transportation companies and private companies engaged in public transportation”;

(E) by striking “urban” and inserting “public”;

(F) by striking “and” and inserting “public”;

(G) by striking “public and private mass transportation companies” and inserting “both public transportation companies and private companies engaged in public transportation”; and

(H) in paragraph (5) by striking “urban mass” and inserting “public”.

SEC. 3003. DEFINITIONS.

(a) LEAD-IN.—Section 5302(a) is amended in the matter preceding paragraph (1) by striking “In this chapter” and inserting “Except as otherwise specifically provided in this chapter”.

(b) CAPITAL PROJECT.—Section 5302(a)(1) is amended—

(1) in subparagraph (B) by inserting “construction, renovation, and improvement of intercity bus stations and terminals,” before “and the renovation and improvement of historic transportation facilities”;

(2) in subparagraph (G)(ii) by inserting “other than an intercity bus station or terminal” after “commercial revenue-producing facility”; and

(3) by striking “or” at the end of subparagraph (H).

(4) by striking “the period at the end of subparagraph (I)” and inserting a semicolon;

(5) by adding at the end the following: “(J) crime prevention and security—

(i) including—

(I) projects to refine and develop security and emergency response plans;

(II) projects aimed at detecting chemical and biological agents in public transportation;

(III) the conduct of emergency response drills with public transportation agencies and local first response agencies; and

(IV) security training for public transportation employees; but

(ii) excluding all expenses related to operating a station or terminal other than such expenses incurred in conducting activities described in clauses (III) and (IV); and

(3) establishment of a debt service reserve made up of deposits with a bondholders’ trustee in a noninterest bearing account for the purpose of ensuring timely payment of principal and interest on bonds issued by a grant recipient for purposes of financing an eligible project under this chapter; or

(L) mobility management—

(1) consisting of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a governmental entity, under this chapter (other than section 5309); but excluding operating public transportation services.”.

(c) INDIVIDUAL WITH A DISABILITY.—Section 5303(a)(5) is amended—

(1) by striking “HANDICAPPED” and inserting “INDIVIDUAL WITH A DISABILITY”;

(2) by striking “handicapped individual” and inserting “individual with a disability”.

(d) MASS TRANSPORTATION.—Section 5303(a)(7) is amended to read as follows:

(7) MASS TRANSPORTATION.—The term ‘mass transportation’ means public transportation.

(e) PUBLIC TRANSPORTATION.—Section 5303(a)(10) is amended to read as follows:

(10) PUBLIC TRANSPORTATION.—The term ‘public transportation’ means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include a motorbus, charter, or sightseeing transportation.”.

(f) URBANIZED AREA.—Section 5303(a)(17) is amended to read as follows:

(17) URBANIZED AREA.—The term ‘urbanized area’ means an area encompassing a population of at least 50,000 people that has been defined and designated in the latest decennial census as an urbanized area by the Secretary of Commerce.

(g) AUTHORITY TO MODIFY DEFINITION.—Section 5302(b) is amended—

(1) in the heading and inserting “individual with a disability”;

(2) in paragraph (1) by striking “urban mass” and inserting “public”;

(3) in paragraph (2) by striking “urban area” and inserting “urbanized area”;

(4) in paragraph (3) by striking “private mass transportation companies” and inserting “private transportation companies”; and

(5) in paragraph (4) by striking “private mass transportation companies” and inserting “private transportation companies”.

(6) in paragraph (5) by striking “urban mass” and inserting “public”.  

SEC. 3004. Authorization of appropriations.

There is appropriated to the Secretary to carry out this title an amount to be determined by the Congress in each fiscal year.
SEC. 3004. METROPOLITAN PLANNING.
(a) In general.—Grants made under sections 5307, 5308, 5309, 5310, 5311, 5313, and 5317 shall be carried out in accordance with the metropolitan planning provisions of chapter 52.

(b) Certification.—(1) In general.—The Secretary shall ensure and certify that each metropolitan planning organization in each transportation management area is carrying out its responsibilities under applicable laws of the United States and the organization and chief executive officer have approved a transportation improvement program for the area.

2 LIMITATION ON WITHHOLDING CERTIFICATIONS.—The Secretary may withhold certification based on the policies and criteria a metropolitan planning organization or mass transportation grant recipient establishes under section 5305 or for assisting the feasibility of private enterprise participation.

SEC. 3005. STATEWIDE PLANNING.
(a) In general.—Section 5304 is amended to read as follows:

"§304. Statewide planning

‘‘(a) Grants.—Grants made under sections 5307, 5308, 5309, 5310, 5311, 5313, and 5317 shall be carried out in accordance with the statewide planning provisions of chapter 52.

(b) Conforming Amendment.—The analysis for chapter 53 is amended by striking the item relating to section 5304 and inserting the following:

‘‘§304. Statewide planning.

(a) In general.—Section 5304 is amended to read as follows:

‘‘§304. Statewide planning

‘‘(a) Grants.—Grants made under sections 5307, 5308, 5309, 5310, 5311, 5313, and 5317 shall be carried out in accordance with the statewide planning provisions of chapter 52.

(b) Conforming Amendment.—The analysis for chapter 53 is amended by striking the item relating to section 5304 and inserting the following:

‘‘§304. Statewide planning.

SEC. 3006. PLANNING PROGRAMS.
(a) In general.—Section 5305 is amended to read as follows:

"§305. Planning programs

‘‘(a) State defined.—In this section the term ‘State’ means a State of the United States, the District of Columbia, and Puerto Rico.

‘‘(b) General Authority.—

(1) Assistance.—Under criteria to be established by the Secretary, the Secretary may provide assistance for—

(A) the development of transportation plans and programs;

(B) planning, engineering, designing, and evaluating a public transportation project; and

(C) for other technical studies.

(2) Grants, Agreements, and Contracts.—

The Secretary may provide assistance under paragraph (1)—

(A) by making grants to States, authorities of States, metropolitan planning organizations, and local governmental authorities; or

(B) by making agreements with other departments, agencies, and instrumentalities of the Government.

(3) ELIGIBLE ACTIVITIES.—Activities eligible for assistance under paragraph (1) include the following:

(A) Studies related to management, planning, operations, capital requirements, and economic feasibility.

(B) Evaluating previously financed projects.

(C) Peer reviews and exchanges of technical data, information, assistance, and related activities in support of planning and environmental analyses among metropolitan planning organizations and other transportation planners.

(D) Other similar and related activities preliminary to and in preparation for constructing, acquiring, or improving the operation of facilities and systems.

(c) Purpose.—To the extent practicable, the Secretary shall ensure that amounts appropriated or made available under section 5338 to carry out this section and sections 5303 and 5304 are used to support balanced and comprehensive transportation planning that considers the relationships among transportation modes, without regard to the programmatic source of the planning amounts.

(d) Metropolitan Planning Program.—

(1) Appropriation.—

(A) In general.—The Secretary shall apportion 80 percent of the amounts made available under subsection (g)(1) among the States to carry out sections 5303 and 5306 in the ratio that—

(i) the population of urbanized areas in each State, as shown by the latest available decennial census of population, bears to

(ii) the total population of urbanized areas in all States, as shown by that census.

(B) Minimum Apportionment.—Notwithstanding subparagraph (A), a State may not receive less than 0.5 percent of the amount apportioned under this paragraph.

(2) Allocation to MPOs.—Amounts apportioned to a State under paragraph (1) shall be made available within 30 days after allocation to metropolitan planning organizations in the State designated under this section under a formula that—

(A) considers population of urbanized areas;

(B) provides an appropriate distribution for urbanized areas to carry out the cooperative processes described in this section;

(C) the State develops in cooperation with the metropolitan planning organizations; and

(D) the Secretary determines.

(3) Supplemental Amounts.—

(A) In general.—The Secretary shall apportion the amounts made available under subsection (g)(1) among the States to supplement allocations made under paragraph (1) for metropolitan planning organizations.

(B) Formula.—The Secretary shall apportion amounts referred to in subparagraph (A) under a formula that reflects the additional cost of carrying out planning, programming, and project selection responsibilities under sections 5303 and 5306 in certain urbanized areas.

(c) Planning and Research Program.

(1) Appropriation to States.—

(A) In general.—The Secretary shall apportion the amounts made available under subsection (g)(2) among the States for grants and contracts to carry out sections 5303 through 5306, 5312, 5313, and 5322 in the ratio that—

(i) the population of urbanized areas in each State, as shown by the latest available decennial census, bears to

(ii) the population of urbanized areas in all States, as shown by that census.

(B) Minimum Appropriation.—Notwithstanding subparagraph (A), a State may not receive less than 0.5 percent of the amount apportioned under this paragraph.

(C) Implementation.—A State, as the State considers appropriate, may authorize the part of the amount made available under this subsection to be used to supplement amounts made available under section 5306.

(d) Government’s Share of Costs.—The Government’s share of the cost of an activity funded using amounts made available under this section may not exceed 80 percent of the cost of the activity unless the Secretary determines that it is in the interests of the Government not to require a State or local match.

(e) Allocation of Funds.—The funds made available by or appropriated to carry out this section under section 5338(c) for fiscal years 2004 through 2009—

(1) 82.72 percent shall be available for the metropolitan planning program under subsection (d); and

(2) 17.28 percent shall be available to carry out projects described in section 5304.

(2) Availability of Funds.—Funds apportioned under this section in a State shall remain available for obligation in that State for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Any amounts so apportioned that remain unobligated at the end of any period shall be reapportioned among the States.

(b) Conforming Amendment.—The analysis for chapter 53 is amended by striking the item relating to section 5305 and inserting the following:

‘‘§305. Planning programs.

SEC. 3007. PRIVATE ENTERPRISE PARTICIPATION.
(a) Section Heading.—Section 5306 is amended by striking the section heading and inserting the following:

‘‘§306. Private enterprise participation in planning; relationship to other limitations.

(b) Conforming Amendment.—The analysis for chapter 53 is amended by striking the item relating to section 5306 and inserting the following:

‘‘§306. Private enterprise participation in planning; relationship to other limitations.

(c) Federal Authority.—Section 5307 is amended—

(1) by striking subsection (b) and (k); and

(2) by redesignating subsections (l), (i), (j), (m), and (n) as subsections (b), (i), (j), (k), and (l), respectively.

(2) Definitions.—Section 5307(a)(2)(A) is amended—

(1) by striking “a person” and inserting “an entity”;

(2) by striking ‘‘section 5306(a) of this title” and inserting “chapter 52”.

(c) General Authority.—Section 5307(b) is amended—

(1) by striking paragraph (1) and inserting the following:

‘‘(1) Grants.—The Secretary may make grants under this section for—

(A) capital projects and associated capital maintenance items;

(B) planning;

(C) transit enhancements; and

(D) operating costs of equipment and facilities for use in public transportation in an urbanized area with a population of less than 200,000.

(2) in the heading to paragraph (2) by striking “FISCAL YEARS 2003 AND 2004 AND FOR THE PERIOD OF OCTOBER 1, 2001, THROUGH MAY 11, 2002” and inserting “FISCAL YEARS 2003 THROUGH 2005”;

(3) in paragraph (2)(A) by striking “fiscal years 2003” and all that follows through “2005” and inserting “fiscal years 2003, 2004, and 2005”;

(4) in paragraph (2) by striking “section 5305(a) of this title” and inserting “chapter 52”;

(5) in paragraph (3)(A) by striking ‘‘section 5303 of this title” and inserting ‘‘chapter 52”.

(d) Grant Recipient Requirements.—Section 5307(d)(1) is amended—

(1) in subparagraph (A) by inserting ‘‘, including safety and security aspects of the program” after “program”; and

(2) in subparagraph (H) by striking “sections 5301(a) and (d), 5303–5306, and 5310(a)–(d) of this title” and inserting “subsections (a) and (d) of section 5301 and sections 5303 through 5306”;

(3) in subparagraph (I) by striking ‘‘and” at the end; and

(4) by adding at the end the following:

‘‘(d)(1) In the case of a recipient for an urbanized area with a population of at least 200,000—

(i) will expend one percent of the amount the recipient receives each fiscal year under this section for projects for transit enhancements, as defined in section 5302(a); and

(ii) will submit an annual report listing projects carried out in the preceding fiscal year with those funds; and

(e) Government’s Share of Costs.—Section 5307(e) is amended to read as follows:

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Section 5007 is amended to read as follows:  

**§5308. Clean fuels formula grant program**  

(1) **DEFINITIONS.**—In this section, the following definitions apply:  

(1) CLEAN FUEL BUS.—The term ‘clean fuel bus’ means a passenger vehicle used to provide public transportation that—  

(A) is powered by—  

(i) compressed natural gas;  

(ii) liquefied natural gas;  

(iii) biodiesel fuels;  

(iv) batteries;  

(v) alcohol-based fuels;  

(vi) hybrid electric;  

(vii) fuel cell;  

(viii) clean diesel, to the extent allowed under this section; or  

(ix) other low or zero emissions technology; and  

(B) the Administrator of the Environmental Protection Agency has certified sufficiently reduces harmful emissions.  

(2) ELIGIBLE PROJECT.—The term ‘eligible project’ means a project that—  

(A) makes a project in a nonattainment or maintenance area described in paragraph (4)(A) for—  

(i) purchasing or leasing clean fuel buses, including buses that employ a lightweight composite primary structure;  

(ii) maintaining or leasing clean fuel buses or electrical recharging facilities and related equipment for such buses; or  

(iii) constructing new or improving existing public transportation facilities to accommodate clean fuel buses; and  

(B) at the discretion of the Secretary, may include—  

(i) the number of clean fuel buses;  

(ii) the number of clean fuel trucks;  

(iii) the number of clean fuel rail vehicles;  

(iv) the number of clean fuel hydrant vehicles;  

(v) the number of clean fuel airport vehicles;  

(vi) the number of clean fuel construction or maintenance vehicles;  

(vii) the number of clean fuel emergency response vehicles;  

(viii) the number of clean fuel delivery vehicles;  

(ix) other low or zero emissions technology; and  

(C) is authorized by law.  

(3) AGGREGATE PROJECT.—In the case of a project described in paragraph (1), the aggregate amount of funds available for such project shall be—  

(A) at the discretion of the Secretary, may include—  

(i) the number of clean fuel buses;  

(ii) the number of clean fuel trucks;  

(iii) the number of clean fuel rail vehicles;  

(iv) the number of clean fuel hydrant vehicles;  

(v) the number of clean fuel construction or maintenance vehicles;  

(vi) the number of clean fuel emergency response vehicles;  

(vii) the number of clean fuel delivery vehicles;  

(viii) the number of clean fuel airport vehicles;  

(ix) other low or zero emissions technology; and  

(B) at the discretion of the Secretary, may include—  

(i) the number of clean fuel buses;  

(ii) the number of clean fuel trucks;  

(iii) the number of clean fuel rail vehicles;  

(iv) the number of clean fuel hydrant vehicles;  

(v) the number of clean fuel construction or maintenance vehicles;  

(vi) the number of clean fuel emergency response vehicles;  

(vii) the number of clean fuel delivery vehicles;  

(viii) the number of clean fuel airport vehicles;  

(ix) other low or zero emissions technology; and  

(C) is authorized by law.  

(4) APPOINTMENT OF FUNDS.—  

(1) FORMULA.—The Secretary shall apportion amounts calculated under paragraphs (1) and (2) as follows:  

(i) 50 percent shall be apportioned so that each such recipient based on a grant under this section in an amount equal to the ratio that—  

(A) the number of vehicles in the bus fleet of the recipient, weighted by severity of nonattainment for all areas served by the recipient, bears to  

(B) the total number of vehicles in the bus fleets of all such recipients, weighted by severity of nonattainment for all areas served by such recipients; and  

(ii) 50 percent shall be apportioned so that each such recipient receives a grant under this section in an amount equal to the ratio that—  

(A) the number of passenger miles in the bus fleet of the recipient, weighted by severity of nonattainment for the area served by the recipient, bears to  

(B) the total number of passenger miles in the bus fleets of all such recipients, weighted by severity of nonattainment for all areas served by such recipients; and  

(2) GOVERNMENT SHARED COSTS OF CERTAIN PROJECTS.—Section 5226 applies to projects carried out under this section.  

(3) AVAILABILITY OF FUNDS.—Any amount made available or appropriated under this section—  

(A) shall remain available to the recipient for 1 year following fiscal year in which the amount is made available or appropriated.  

(B) shall remain available to the recipient for 2 years following fiscal year in which the amount is made available or appropriated.  

(C) MAJOR CAPITAL INVESTMENT GRANTS.—  

(1)loon for real property interests.—Section 5009 is amended by striking the section heading and inserting the following:  

**§5009. Capital investment grants**.  

(1) LOANS FOR REAL PROPERTY INTERESTS.—Section 5009 is amended—  

(A) in subsections (a)(1) and (a)(2) by striking ‘and loans’;  

(B) in subsections (b) and (c); and  

(C) by redesignating subsection (d) as subsection (b).  

(2) PROJECT AS PART OF APPROVED PROGRAM OF PROJECTS.—Section 5009(b) as redesignated by subsection (b) of this section is amended—  

(a) by striking ‘Except as provided in subsections (b)(2) and (e) of the section,’ and inserting ‘(a)’;  

(b) by striking ‘or loan’;  

(c) by redesignating subsection (c) of this section as subsection (b).  

(3) CRITERIA AND FUNDING.—Section 5009 is amended by striking subsections (e) through (p) and inserting the following:  

(C) MAJOR CAPITAL INVESTMENT GRANTS OF $75,000,000 OR MORE.—  

(1) FULL FUNDING GRANT AGREEMENT.—A major capital project funded under this subsection shall be carried out through a full funding grant agreement.
The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under this subsection. The Secretary shall not enter into a full funding grant agreement for a project unless the project is authorized for final design and construction.

(2) APPROVAL OF GRANTS.—The Secretary may approve a grant under this section for a major new fixed guideway capital project if the Secretary, based upon evaluations and considerations set forth in paragraph (3), determines that the project is in the public interest and—

(A) based on the results of an alternatives analysis and preliminary engineering; and

(B) justified based on a comprehensive review —

(i) of improvements to the project resulting from the evaluation of the public transportation system, environmental benefits, cost effectiveness, operating efficiencies, and transit supportive policies, and existing land use; and

(C) supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources) to construct, maintain, and operate the system or extension.

(3) CONSIDERATIONS.—

(A) RESULTS OF ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—In evaluating a proposed project for purposes of making the finding required by paragraph (2)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

(B) PROJECT JUSTIFICATION.—In evaluating a proposed project for purposes of making the finding required by paragraph (2)(B), the Secretary shall—

(i) consider the direct and indirect costs of relevant alternatives; and

(ii) consider factors such as congestion relief, improved mobility, air pollution, noise pollution, energy consumption, and all associated ancillary and regulatory costs necessary to achieve each alternative analyzed and recognize reductions in local infrastructure costs achieved through compact land use development;

(C) supported by an acceptable degree of local financial commitment; and

(D) LOCAL TRANSPORTATION SUPPORTIVE LAND USE POLICIES, COSTS, AND TRANSIT SUPPORTIVE POLICIES, AND THE COST OF SUBURBAN SPRAWL.

(4) PROJECT JUSTIFICATION.—

(A) determine the degree to which the project increases the mobility of the public transportation dependent population or promotes economic development; and

(B) supported by an acceptable degree of local financial commitment.

(5) PLANNING AND ALTERNATIVES.—In evaluating a project under paragraph (2)(A), the Secretary shall analyze and consider the results of planning and alternatives analysis for the project.

(6) PROJECT JUSTIFICATION.—For purposes of making the finding under paragraph (2)(B), the Secretary shall—

(A) determine the degree to which the project is consistent with local land use policies and is likely to achieve local developmental goals;

(B) determine the cost effectiveness of the project at the time of the initiation of revenue service;

(C) determine the degree to which the project will have a positive effect on local economic development;

(D) consider the reliability of the forecasts of costs and ridership associated with the project; and

(E) consider other factors that the Secretary determines appropriate to carry out this chapter.

(7) LOCAL FINANCIAL COMMITMENT.—In evaluating a proposed project under paragraph (2)(C), the Secretary shall determine that—

(A) the proposed project plan provides for the availability of contingency costs necessary to complete the Secretary determines to be reasonable to cover unanticipated cost increases;

(B) each proposed local source of capital and operating funds is stable, reliable, and available within the proposed project timetable; and

(C) the Secretary resources are available to operate the overall proposed public transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing public transportation services to operate the proposed project.

(8) ASSESSMENT OF LOCAL FINANCING.—In assessing the stability, reliability, and availability of proposed sources of local financing under paragraph (2)(C), the Secretary shall consider—

(A) existing grant commitments; and

(B) the degree to which financing sources are dedicated to the purposes proposed.

(9) MAJOR DEFINED.—In this section, the term ‘major’ means a project under this section that is one that—

(A) is expected to cost more than $75,000,000; or

(B) is expected to cost less than $75,000,000, and not less than $25,000,000.

(10) LOCAL FINANCIAL COMMITMENT.—In this section, the term ‘local financial commitment’ includes—

(A) any amount stipulated as the financial participation of the Government in a project under this section; and

(B) any amount not less than the amount stipulated as the financial participation of the Government in a project under this section that is less than $75,000,000, and not less than $25,000,000.

(11) ALTERNATIVES.—In this section, the term ‘alternatives’ includes—

(A) the project as finally defined or described in the project justification.

(12) ADVANCEMENT OF PROJECT TO DEVELOPMENT AND CONSTRUCTION.—In this section, the term ‘project’ includes—

(A) the project as finally defined or described in the project justification.
“(ii) establish the maximum amount of Government financial assistance for the project;”

“(iii) cover the period of time for completing the project, including a period extending beyond the period specified in an authorization; and

“(iv) make timely and efficient management of the project easier according to the laws of the United States.”

“(B) GENERAL AND FINANCIAL RULES.—

“(i) IN GENERAL.—An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount of future available budget authority specified in law.

“(ii) STATEMENT OF CONTINGENT COMMITMENT.—The agreement shall state that the contingent commitment is not an obligation of the Government.

“(iii) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

“(iv) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this paragraph for a fixed guideway project shall be sufficient to complete at least an operable segment.

“(C) STATEMENT OF CONTINGENT COMMITMENT AUTHORITY.—The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all project construction grant agreements and early system work agreements under this subsection for small capital projects described in subsection (a) may not be more than the greater of the amount allocated under subsection (m)(1)(B) and (m)(2)(B)(ii) for such projects, less an amount the Secretary reasonably estimates is necessary for grants under this paragraph, plus the amount estimated to be covered by new letters and contingent commitments made to the project that is more than 20 percent of the amount allocated under subsection (m)(1)(B) and (m)(2)(B)(ii) for such projects, less an amount the Secretary reasonably estimates is necessary for grants under this section for those projects that are not covered by an agreement. The Secretary may not make a new contingent commitment included in project construction grant agreements and early systems work agreements for such projects may not be more than a limitation specified in law.

“(C) INCLUSION OF CERTAIN COMMITMENTS.—Future obligations of the Government and contingent commitments made against the cost of a fixed guideway system may include the cost of the evaluations and ratings for the project.

“(D) REPORTS ON NEW STARTS.—

“(1) ANNUAL REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes—

“(A) a proposal of allocations of amounts to be obligated to carry out new fixed guideway capital projects among applicants for these amounts;

“(B) evaluations and ratings, as required under paragraph (c), of each such project that is authorized by the Federal Public Transportation Act of 2005; and

“(C) recommendations of such projects for funding based on the ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years based on information concerning the allocable and non-allocable federal financial assistance; and

“(2) ANNUAL GAO REVIEW.—The Comptroller General shall—

“(A) conduct an annual review of the processes and procedures for evaluating, rating, and recommending new fixed guideway capital projects; and

“(B) report to Congress on the results of such review by May 15 of each year.

“(E) PRORROGATING PROJECTS IN ADVANCE.—

“(1) IN GENERAL.—The Secretary may pay the Government’s share of the net capital project cost to a State or local governmental authority for the purpose of getting out any part of a project described in this section without the aid of amounts of the Government and according to all applicable procedures and requirements if—

“(A) the State or local governmental authority applies for the payment;

“(B) the Secretary approves the payment; and

“(C) the Secretary gives priority consideration to financing projects that include more than the non-Government share required under subsection (g), the Secretary shall give equal consideration to differences in the fiscal capacity of State and local governments.

“(2) LIMITATION ON AMOUNT.—The amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing.

“(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section, including paragraphs (c)(2)(A)(i) and (c)(4), shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 20 percent of the net capital project cost.

“(4) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to paragraph (1), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts for new rolling stock were acquired, that the rolling stock was used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportionate share of the amount of the Government’s share would be made at the time of extension.

“(2) LIMITATION ON AMOUNT.—The amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing.

“(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section, including paragraphs (c)(2)(A)(i) and (c)(4), shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 20 percent of the net capital project cost.

“(4) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to paragraph (1), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts for new rolling stock were acquired, that the rolling stock was used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportionate share of the amount of the Government’s share would be made at the time of extension.

“(3) CAPITAL PROJECT COST INDICES.—The Secretary shall consider changes in capital project
erage segment of a capital project for a new fixed guideway system or extension to an existing fixed guideway system.’’

(e) CONFORMING AMENDMENTS.—

(1) CHARTER ORGANIZATIONS.—The analysis for chapter 53 is amended by striking the item relating to section 5309 and inserting the following: ‘‘$5309. Capital investment grants.’’

(2) SECTION 5318.—Section 5328(a) is amended—

(A) in paragraph (4) by striking ‘‘$399(e)’’ and inserting ‘‘$399(c)’’; and

(B) in paragraph (4) by striking ‘‘under section 5309(1)’’ and inserting ‘‘under section 5309(1)’’.

SEC. 3011. FORMULA GRANTS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Section 5310 is amended—

(1) by striking the section heading and inserting the following: ‘‘§5310. Formula grants for special needs of elderly individuals and individuals with disabilities’’

(2) by striking subsections (a) through (g) and inserting the following:

‘‘(a) GENERAL AUTHORITY.—

(1) GRANTS.—The Secretary may make grants to States and local governmental authorities under this section for public transportation capital projects, and operating costs associated with public transportation capital projects, planned, designed, or constructed to meet the special needs of elderly individuals and individuals with disabilities.

(2) SUBRECIPIENTS.—A State that receives a grant under this section may allocate the amounts of the grant to—

(A) a private nonprofit organization if the public transportation service provided under paragraph (1) is unavailable, insufficient, or inappropriate; or

(B) a governmental authority that—

(i) is approved by the State to coordinate services for elderly individuals and individuals with disabilities; or

(ii) certifies that there are not any nonprofit organizations readily available in the area to provide the services described under paragraph (1).

(3) ACQUIRING PUBLIC TRANSPORTATION SERVICES.—A public transportation capital project under this section may include acquisition of public transportation services as an eligible capital expense.

(4) ADMINISTRATIVE EXPENSES.—A State or local governmental authority may use not more than 10 percent of the amounts apportioned to the State under this section for general or State funds to be used for transportation services for elderly individuals and individuals with disabilities, or

(5) FORMULA.—The Secretary shall apportion amounts made available to carry out this section under a formula the Secretary administers that considers the number of elderly individuals and individuals with disabilities in each State.

(b) LOW DENSITY ADJUSTMENT.—In administering the apportionment formula under subparagraph (A)—

(1) in the case of a State with a population density of more than 10 but equal to or fewer than 30 individuals per square mile, the Secretary shall multiply by a factor of 2 the number of elderly individuals and individuals with disabilities in the State (as determined using the most recent decennial United States Census); and

(2) in the case of a State with a population density of more than 10 but equal to or fewer than 30 individuals per square mile, the Secretary shall multiply by a factor of 1.25 the number of elderly individuals and individuals with disabilities in the State (as determined using the most recent decennial United States Census).

(c) APPLICATION.—Any State’s apportionment remaining available for obligation at the beginning of the 90-day period before the end of the period of availability of the apportionment is available to the State for transfer to supplemental amounts apportioned to the State under section 5309(1) of this title, or the Secretary shall consider the age of buses, bus fleets, related equipment, and bus-related facilities.

(d) REMAINDER.—The remainder of the net project costs—

(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private provider of services, or new capital; and

(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible for use for transportation services.

(e) USE OF CERTAIN FUNDS.—For purposes of paragraph (1), the prohibition on the use of funds made available by section 6021(b)(5)(C) of title 15 of the Code of Federal Regulations shall not apply to Federal or State funds to be used for transportation purposes.

(f) GRANT REQUIREMENTS.—

(1) IN GENERAL.—The grant must include—

(A) a plan documenting the coordination of transportation services provided under this section; and

(B) a plan documenting the service agreements entered into under this section.

SEC. 3012. FORMULA GRANTS FOR ANCHORAGE HARBOR WAYSIDE CAPITAL PROJECT DEFINED.—In this section, the term ‘‘Anchorage harbor wayside capital project’’ means a minimum op-
(3) by redesignating subsections (h) through (j) as subsections (g) through (i), respectively.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5310 and inserting the following:

“5310. Formula grants for special needs of elderly individuals and individuals with disabilities. —(a) DEFINITIONS.—In this section, the following definitions apply:

(1) RECIPENT.—The term ‘recipient’ means a State that receives a Federal transit program grant indirectly through a recipient.”

(b) GENERAL AUTHORITY.—Section 5311(b) is amended to read as follows:

“(2) in paragraph (1) by striking ‘after Sep- tober 30, 1993’; and

(2) in paragraph (2) by striking ‘A State’ and inserting ‘The Secretary’; and

(c) APPROVAL.—The Secretary may approve the program only if the Secretary finds that the program provides a fair distribution of amounts in the State, including Indian reservations, and the maximum feasible coordination of public transportation service assisted under this section with transportation service assisted by other Federal sources.

(d) RURAL TRANSPORTATION ASSISTANCE PROGRAM.—

(A) IN GENERAL.—The Secretary shall carry out a rural transportation assistance program in other than urbanized areas.

(B) GRANTS AND CONTRACTS.—In carrying out this program, the Secretary may not make grants or contracts for urbanized areas.

(C) PROJECTS OF A NATIONAL SCOPE.—Not more than 15 percent of the amounts available under this section shall be used for projects that are projects of national scope, with the remaining balance provided to the States.

(E) APPOINTMENTS.—Section 5311(c) is amended as follows:

(1) by striking subsection (h); and

(2) by redesigning subsections (i) and (j) as subsections (k) and (l), respectively.

(c) APPOINTMENTS.—

(1) IN GENERAL.—The Secretary shall appoint an individual to carry out this section and the regulations promulgated thereunder.

(2) DENSITY ADJUSTMENT.—In administering the apportionment formula under paragraph (A), the Secretary may adjust the formula for areas in which the population density is less than 5 persons per square mile or urbanized areas of the State, as determined using the most recent decennial United States Census.

SEC. 3012. FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

(a) DEFINITIONS.—Section 5311(a) is amended to read as follows:

“(3) RURAL TRANSPORTATION ASSISTANCE PROGRAM.—

The amounts made available under paragraphs (1) and (2) of section 5311 of this title and insertion of “The Secretary” shall be used for projects of a national scope, including Indian reservations, and the maximum feasible coordination of public transportation service assisted under this section with transportation service assisted by other Federal sources.

(d) RURAL TRANSPORTATION ASSISTANCE PROGRAM.—

(A) IN GENERAL.—The Secretary shall carry out a rural transportation assistance program in other than urbanized areas.

(B) GRANTS AND CONTRACTS.—In carrying out this program, the Secretary may not make grants or contracts for urbanized areas.

(C) PROJECTS OF A NATIONAL SCOPE.—Not more than 15 percent of the amounts available under this section shall be used for projects that are projects of national scope, with the remaining balance provided to the States.

(E) APPOINTMENTS.—Section 5311(c) is amended as follows:

(1) by striking subsection (h); and

(2) by redesigning subsections (i) and (j) as subsections (k) and (l), respectively.

(c) APPOINTMENTS.—

(1) IN GENERAL.—The Secretary shall appoint an individual to carry out this section and the regulations promulgated thereunder.

(2) DENSITY ADJUSTMENT.—In administering the apportionment formula under paragraph (A), the Secretary may adjust the formula for areas in which the population density is less than 5 persons per square mile or urbanized areas of the State, as determined using the most recent decennial United States Census.

SEC. 3013. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROJECTS.

(a) IN GENERAL.—Section 5312 is amended—

(1) in subsection (a)—

(A) by striking the first parenthetical phrase; (B) by striking ‘or contracts’ and inserting ‘contracts, cooperative agreements, or other transactions’; and

(C) by striking “help reduce urban transportation needs, improve mass transportation service”, and inserting “improve transportation service”; and

(2) by striking “urban” each place it appears; and

(b) CONFORMING AMENDMENT.—

(1) SECTION HEADING.—Section 5312 is amended by striking the section heading and inserting the following:

“§ 5312. Research, development, demonstration, and deployment projects”.

(2) CHAPTER ANALYSIS.—The analysis for chapter 53 is amended by striking the item relating to section 5312 and inserting the following:

“5312. Research, development, demonstration, and deployment projects.”

SEC. 3014. COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 5313 is amended—

(1) in subsection (a) by striking ‘”first”, “second”, “third”, “fourth”, and “fifth”’; and

(b) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Section 5313 is amended by striking the section heading and inserting the following:

“§ 5313. Cooperative research program.”

(2) CHAPTER ANALYSIS.—The analysis for chapter 53 is amended by striking the item relating to section 5313 and inserting the following:

“5313. Cooperative research program.”

SEC. 3015. NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—Section 5314 is amended—

(1) in subsection (a) by striking “and inserting the following:

“5314. National research and technology programs.”

(2) in subsection (b) by striking “and inserting “§ 5314(d)”’; and

(b) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Section 5314 is amended by striking the section heading and inserting the following:

“§ 5314. National research and technology programs.”

(2) in subsection (a) by striking “(d)” and inserting “of section 5314 of this title” and inserting “section 5314(d)”;

(b) by striking “and contracts” and inserting “contracts, cooperative agreements, or other transactions”;

(C) by striking “§503–506,”; and

(D) by striking “§517,”;

(2) in subsection (a) by striking “Of the amounts” and all that follows through “$3,000,000 to” and inserting “The Secretary shall”—

(3) in subsection (b) by striking “Of the amounts” and all that follows through “$3,000,000 to” and inserting “The Secretary shall”—

(4) by striking subsections (a)(4)(B); (5) by redesignating subsections (a)(4)(C) as subsection (a)(4)(D); and

(6) by striking “or contract” and inserting “or contract” and all that follows through “section,” and inserting “, contract, cooperative agreement, or

(a) In General—Chapter 53 is amended by inserting after section 5315 the following:

§5316. Job access and reverse commute for- 
grants

(a) Definitions.—In this section, the fol- 
lowing definitions apply:

(1) ACCESS TO JOBS PROJECT.—The term ‘ac-
cess to jobs project’ means a project relating to the 
development and maintenance of transportation 
infrastructure to transport individuals and eligi-
ble low-income individuals to and from jobs and 
activities related to their employment, including—

(A) work schedules; and

(B) transportation by workers with nontraditional 
work schedules;

(2) ELIGIBLE LOW-INCOME INDIVIDUAL.—The 
term ‘eligible low-income individual’ means an 
individual whose family income is at or below 
150 percent of the poverty line (as that term is 
defined in section 57(a)(2) of the Community Serv-
ices Block Grant Act (42 U.S.C. 9902(2)), includ-
ing any revision required by that section) for a 
family of the size involved.

(3) RECIPIENT.—The term ‘recipient’ means a 
designated public or nonprofit provider of trans-
portation services to suburban employ-
ment opportunities.

(4) REVERSE COMMUTE PROJECT.—The term ‘re-
verse commute project’ means a public trans-
portation project designed to transport residents of 
urbanized areas and other than urbanized areas to 
suburban employment opportunities, in-
cluding any projects to—

(A) subsidize the costs associated with add-
ing reverse commute bus, train, carpool, 
van routes, or service from urbanized areas and 
other than urbanized areas to suburban work-
places;

(B) subsidize the purchase or lease by a 
nonprofit organization or operator of public trans-
portation services that receives a grant 
under this section indirectly through a recipi-
ent;

(C) otherwise facilitate the provision of pub-
ic transportation services to suburban employ-
ment opportunities.

(5) SUBRECIPIENT.—The term ‘subrecipient’ means a State or local governmental authority, 
nonprofit organization, or operator of public 
transportation services that receives a grant 
under this section indirectly through a recipi-
ent.

(6) WELFARE RECIPIENT.—The term ‘welfare 
recipient’ means an individual who has received 
assistance under a State or tribal program fund-
ed under part A of title IV of the Social Security Act 
or under title XIX of the Social Security Act at any time during the 3-year period before the date on which the applicant applies for a grant under this section.

(b) General Authority.—

(1) Grants.—The Secretary may make grants under this section to a recipient for access to 
jobs and reverse commute projects carried out by the recipient under this section.

(2) Administrative Expenses.—A recipient may use not more than 10 percent of the 
amounts apportioned to the recipient under this section for administrative expenses, for the level or extent of use of the Government grant 
that is included in the recipient’s application for a grant under this section.

(3) Appointments.—(4) Formula.—The Secretary shall apportion amounts available to carry out 
this section as follows:

(A) 60 percent of the funds shall be apportioned among designated recipients (as defined in section 5207(a)(2)) for urbanized areas with a population of 200,000 or more in the ratio that—

(i) the number of eligible low-income individ-
uals and welfare recipients in each urban-
ized area; bears to

(ii) the number of eligible low-income indi-
viduals and welfare recipients in all such urban-
ized areas; bears to

(B) 20 percent of the funds shall be apportioned among the States in the ratio that—

(i) the number of eligible low-income individ-
uals and welfare recipients in urbanized areas with a population of less than 200,000 in each State; bears to

(ii) the number of eligible low-income indi-
viduals and welfare recipients in all urban-
ized areas in each State; bears to

(C) 20 percent of the funds shall be apportioned among the States in the ratio that—

(i) the number of eligible low-income indi-
viduals and welfare recipients in other than urban-
ized areas in each State; bears to

(ii) the number of eligible low-income indi-
viduals and welfare recipients in all such other than urbanized areas in all States;

(5) Subrecipient.—A recipient of funds under this section may not limit the use of the 
amounts apportioned to the recipient under this section indirectly through a recipi-
ent or a subrecipient.

(6) Transfers.—

(1) In General.—A State may transfer any 
funds apportioned to it under subsection (c)(1)(B) or (c)(1)(C), or both, to an apportion-
ment made by this section to another State, in whole or in part, upon the written 
consent of the recipient.

(2) Limited to Eligible Projects.—Any apportion-
tment transferred under this subsection shall be made available only for eligible job ac-
cess and reverse commute projects as described in this section.

(3) Consultation.—A State may make a transfer of an amount under this subsection only after consulting with responsible local offi-
cials and publicly owned operators of public transportation in each area for which the amount or fractionally was awarded under subsection (d)(4).

(7) Grant Requirements.—

(1) In General.—A grant under this section shall be subject to the requirements of section 5307.

(2) Fair and Equitable Distribution.—A recipient of a grant under this section shall cer-
tify to the Secretary that allocations of the grant to subrecipients are distributed on a fair and equitable basis.

(3) Coordination.—

(A) General Authority.—The Secretary shall coordi-
rate activities under this section with related activities under programs of other Federal de-
partments and agencies.

(B) Nonprofit Providers.—A State that transfers funds to an apportionment under section 5336 pursuant to subsection (e) shall cer-
tify to the Secretary that for project for which the funds are requested, any recipient has been coordinated with nonprofit providers of the service.

(4) Project Selection and Planning.—A recipi-
ent of funds under this section shall certify to the Secretary that—

(A) the projects selected were derived from a local land use or transportation plan or a coordinated public transit-human services transportation plan, and

(B) the plan was developed through a process 
that included representatives of public, pri-
vate, and nonprofit transportation and human 
services providers and participation by the pub-
lic.

(5) Government’s Share of Costs.—

(A) Capital Projects.—A grant for a capital project under this section may not exceed 80 percent of the net capital costs of the project, as de-
termined by the Secretary.

(B) Operating Assistance.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

(C) Additional.—The remainder of the net project 
costs—

(A) may be provided from an undistributed cash surplus, a replacement or depreciation 
cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

(B) may be derived from amounts appro-
riated to or made available to a department or 
agency of the Government (other than the De-
partment of Transportation) that are eligible to be used for transportation assistance.

(6) Use of Certain Funds.—For purposes of 
paragraph (3)(B), the prohibitions on the use of 
funds for matching requirements under section 603(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Fed-
eral or State funds to be used for transportation purposes.

General Authority.—A grant for a capital project under this section shall not be used to fund that portion of the project, as determined by the Secretary.

(1) Federal Funding.—A recipient carrying out 
a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.

(2) Program Evaluation.—

(A) General Authority.—Beginning 1 year after the date of enactment of the Federal 
Surface Transportation Act of 2005, and every 2 years thereafter, the Comptroller General shall
“(A) conduct a study to evaluate the grant program authorized by this section; and

“(B) transmit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of the study under subparagraph (A).

“(2) DEPARTMENT OF TRANSPORTATION.—Not later than 3 years after the date of enactment of Federal Public Transportation Act of 2005, the Secretary shall—

“(A) conduct a study to evaluate the effectiveness of the grant program authorized by this section and the effectiveness of recipients making grants to subrecipients under this section; and

“(B) transmit to the committees referred to in paragraph (1)(B) a report describing the results of the study under subparagraph (A).”

“(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by inserting after the item relating to section 5315 the following:

“§5316. New Freedom program

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) GRANTS.—The term ‘recipient’ means a designated recipient (as defined in section 5307(a)(2)) and a State that receives a grant under this section directly.

“(2) SMALLER URBANIZED AREAS.—The term ‘subrecipients’ means a State or local governmental authority, nonprofit organization, or operator of public transportation services that receives a grant under this section indirectly through a recipient.

“(b) GENERAL AUTHORITY.—

“(1) GRANTS.—The Secretary may make grants under this section to a recipient for new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) that assist individuals with disabilities in all such urbanized areas.

“(2) OPERATING ASSISTANCE.—

“(a) TRANSFERS.—

“(1) IN GENERAL.—A grantee may transfer any funds apportioned to or made available to a department or fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

“(2) LIMITED TO ELIGIBLE PROJECTS.—Any funds transferred pursuant to this paragraph shall be made available only for eligible projects selected under this section.

“(c) CONSULTATION.—A State may make a transfer of an amount under this section only after consulting with responsible local officials and publicly owned operators of public transportation in each area for which the amount originally was awarded under subsection (d)(4).

“(d) COMPETITIVE PROCESS FOR GRANTS TO SUBRECIPIENTS.—

“(1) AREA-WIDE SOLICITATIONS.—A recipient of funds apportioned under subsection (c)(1)(A) shall conduct, in cooperation with the appropriate metropolitan planning organization, an area-wide solicitation for applications for grants to the recipient and subrecipients under this section.

“(2) STATEWIDE SOLICITATION.—A recipient of funds apportioned under subsection (c)(1)(B) or (c)(1)(C) shall conduct a statewide solicitation for applications for grants to the recipient and subrecipients under this section.

“(e) APPLICATION.—Recipients and subrecipients seeking to receive a grant from funds apportioned under subsection (c) shall submit to the recipient an application in the form and in accordance with such requirements as the recipient shall establish.

“(f) GRANT AWARDS.—The recipient shall award grants under paragraphs (1) and (2) on a competitive basis.

“(g) GRANT REQUIREMENTS.—

“(1) IN GENERAL.—Each grant provided in paragraph (2), a grant under this section shall be subject to all the requirements of section 5307.

“(2) EMPLOYEE PROTECTIVE ARRANGEMENTS.—

“(A) IN GENERAL.—The Secretary shall establish a fair and equitable arrangement to protect the interest of employees.

“(B) FAIR AND EQUITABLE DISTRIBUTION.—A recipient of a grant under this section shall certify that allocations of the grant to subrecipients are distributed on a fair and equitable basis.

“(h) COORDINATION.—

“(1) IN GENERAL.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

“(2) WITH NONPROFIT PROVIDERS.—A recipient that transfers funds to an apportionment under section 5336 pursuant to subsection (c)(2) shall certify that the project for which the funds are requested under this section has been coordinated with nonprofit providers of services.

“(i) PROJECT SELECTION.—Beginning in fiscal year 2007, a recipient of funds under this section shall certify that—

“(A) the projects selected were derived from a locally developed, coordinated public transit/human services transportation plan; and

“(B) the plan was developed through a process that included representatives of public, private, nonprofit transportation and human services providers and participation by the public.

“(j) GOVERNMENT’S SHARE OF COSTS.—

“(1) CAPITAL PROJECTS.—A grant for a capital project under this section may not exceed 80 percent of the net capital costs of the project, as determined by the Secretary.

“(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

“(k) REMAINDER.—The remainder of the net project costs—

“(A) may be provided from an undistributed balance, a replacement in cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

“(B) may be appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that is eligible to be appropriated for transportation purposes.

“(l) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(b), the prohibitions on the use of funds for matching requirements under section 5309(c)(3)(D)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

“(m) LIMITATION ON OPERATING ASSISTANCE.—

“(A) A recipient carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.

“(B) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by inserting after the last sentence relating to section 5316 the following:

“§5317. New Freedom program

“(a) IN GENERAL.—Section 5318 is amended—

“(1) by striking subsection (a) and inserting the following:

“(2) by striking subsection (b) and inserting the following:
new bus model for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise;”.

(2) recipient (d) by striking “under section 5309(m)(1)(C) of this title” and inserting “to carry out this section”; and

(3) by striking subsection (e) and inserting the following:

“(e) ACQUIRING NEW BUS MODELS.—Amounts appropriated or made available under this chapter may be obligated or expended to acquire a new bus model only if a bus of that model has been tested at the facility maintained by the Secretary under subsection (a).”.

(b) CONFORMING AMENDMENT.—Section 5323(c) is repealed.

SEC. 3020. BICYCLE FACILITIES.

The first sentence of section 5319 is amended—

(1) by striking “5309(h)”, and inserting “5309(j);”;

(2) by striking “5311” and inserting “5313, and 5320”.

SEC. 3021. TRANSIT IN THE PARKS PILOT PROGRAM

(a) In General.—Section 5320 is amended to read as follows:

“§ 5320. Transit in the parks pilot program

(a) PUBLIC TRANSPORTATION DEFINED.—In this section, ‘public transportation’ means general or special transportation to the public by a conveyance that is privately or privately owned. Such term does not include sightseeing transportation but does include sightseeing transportation.

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary of Transportation and the Secretary of the Interior shall enter into a memorandum of understanding to establish a transit in the parks pilot program in accordance with the requirements of this section.

(c) PURPOSE.—The purpose of the pilot program shall be to encourage and promote the development of transportation systems described in section 5301(a) within units of the National Park System to improve visitor mobility and enjoyment (including visitors with disabilities), reduce pollution and congestion, and enhance resource protection through the use of public transportation.

(d) ADMINISTRATION OF PROGRAM.—The program shall be administered by the Secretary of Transportation, in consultation with the Secretary of the Interior.

(e) MEMORANDUM OF UNDERSTANDING.—

(1) The memorandum of understanding under subsection (b) shall include transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under chapter 52.

(2) PROGRAMS.—The memorandum of understanding shall include descriptions of programs and activities eligible for assistance under the pilot program.

(3) EXCEPTIONS.—The memorandum of understanding shall limit or modify the applicability referred to in paragraph (1) to the extent necessary to carry out the objectives of this section and to be compatible with the laws and regulations governing units of the National Park System.

(f) ELIGIBLE USE OF FUNDS.—Except as provided under subsection (e), the Secretary may provide funds made available to carry out this section to the Secretary of the Interior under interagency agreements for the following purposes:

(1) PLANNING, ENGINEERING, DESIGN, AND EVALUATION.—Planning, engineering, design, and evaluation of public transportation projects in units of the National Park System, and for technical studies, in accordance with section 5309(b)(2).

(2) PUBLIC TRANSPORTATION CAPITAL PROJECTS.—Public transportation capital projects (as defined in section 5302(a)(1)) for such units in accordance with all the terms and conditions to which a grant is made under subsections (a), (b), (c), and (d) of section 5307 and such other terms and conditions as determined by the Secretary. The Secretary of the Interior shall act as the designated recipient for the purposes of subsection (a)(2) of section 5307.

(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

(h) SAVINGS CLAUSE.—Nothing in this section shall be construed as superseding, amending, modifying, or repealing any provision of law applicable to units of the National Park System.

(i) FUNDING SOURCE.—The analysis for such chapter is further amended by striking the item relating to section 5320 and inserting the following:

“§ 5320. Transit in the parks pilot program.

SEC. 3022. HUMAN RESOURCE PROGRAMS.

Section 5322 is amended—

(1) by inserting “(a) In General.—” before “The Secretary”; and

(2) by adding at the end the following:

“(1) GRANTS TO HIGHER LEARNING INSTITUTIONS.—

(A) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants to nonprofit institutions of higher learning—

(B) to conduct research on private mass transportation systems; and

(C) to conduct research and investigations into the theoretical or practical problems of public transportation and the interrelationship between various modes of urban, suburban, rural, and intercity transportation; and

(D) the role of transportation planning in overall urban planning;

(2) Federal assistance under this section evidence that the applicant has complied with the requirements of paragraphs (1) through (4) of section 5307.

(3) By making a grant under this subsection, the Secretary shall enter into a contract with the applicant for the performance of research and investigations under this subsection including—

(A) the use and design of public transportation systems and public roads and highways; and

(B) the relationship between various modes of urban, suburban, rural, and intercity transportation operations; and

(C) the economic allocation of transportation resources; and

(D) the legal, financial, engineering, and aesthetic aspects of public transportation.

(4) If making a grant under this subsection, the Secretary shall give preference to an institution that brings together knowledge and expertise in the various social science and technical disciplines related to public transportation.

(f) FELLOWSHIPS.—The Secretary may make grants to States, local governmental authorities, and operators of public transportation systems to provide fellowships to train personnel in managerial, technical, and professional positions in the public transportation field.

(1) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants to States, local governmental authorities, and operators of public transportation systems to provide fellowships to train personnel in managerial, technical, and professional positions in the public transportation field.

(2) TERMS.—A fellowship under this subsection may be for not more than one year of training in an institution that offers a program applicable to the public transportation industry.

(3) SELECTION OF INDIVIDUALS.—The recipient of a grant shall select an individual on the basis of demonstrated ability and for the contributions that individual reasonably can be expected to make to an efficient public transportation operation.

(3) AMOUNT.—A grant for a fellowship may not be more than the lesser of $65,000 or 75 percent of—

(1) tuition and other charges to the fellowship recipient;

(2) additional costs incurred by the training institution and billed to the grant recipient; and

(3) the regular salary of the fellowship recipient for the period of the fellowship to the extent the salary is actually paid or reimbursed by the grant recipient.”.

SEC. 3023. GENERAL PROVISIONS ON ASSISTANCE

(a) INTERESTS IN PROPERTY.—Section 5323(a)(4) is amended—

(1) in the matter preceding paragraph (A)—

(A) by striking “private mass transportation company” each place it appears and inserting “public transportation company engaged in public transportation”; and

(B) by striking “mass transportation equipment or a mass transportation facility” and inserting “a public transportation facility or equipment”; and

(C) by striking “mass transportation company” and inserting “public transportation company”;

(2) in subparagraph (B) by striking “private mass transportation companies” and inserting “private companies engaged in public transportation”;

(b) NOTICE AND PUBLIC HEARING.—Section 5323(b) is amended—

(1) in paragraph (1)—

(A) by striking “(1) An application” and inserting the following:

“(1) APPLICATION.—(An application)”; and

(B) by striking “(2) Notice—Notice of” and inserting the following:

“(2) NOTICE.—Notice of”;

(3) by adding at the end the following:

“(3) ENVIRONMENTAL RECORD.—An applicant shall include in the environmental record for a project under this chapter evidence that the applicant has complied with the requirements of subparagraphs (A) through (D) of paragraph (1).”.

(c) CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—Section 5323(d) is amended—

(1) Financial assistance under this section evidence that the applicant shall include in the environmental record for a project under this chapter evidence that the applicant has complied with the requirements of subparagraphs (A) through (D) of paragraph (1).”.

(b) ENFORCEMENT OF AGREEMENTS.—If the Secretary decides that a violation has occurred, the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate if the Secretary finds a pattern of violations of the agreement.

(6) BOND PROCEEDS ELIGIBLE FOR LOCAL SHARE.—Section 5332(e) is amended to read as follows:

“(6) BOND PROCEEDS ELIGIBLE FOR LOCAL SHARE.—The proceeds from the issuance of revenue bonds as part of the local matching funds for a capital project.”
following:

"(7) as paragraphs (4) through (8), respectively;"

inserting the following:

"except that such reimbursement in a fiscal year

may reimburse an eligible recipient for deposits

made under section 5307 or 5309, or both;

(d) Buy America.

(1) during the first fiscal year covered by a

contract or during the following fiscal year;

(2) in the case of a contract entered into

by a party administering a project under

section 5324(a), the Secretary shall review each

transcript of a hearing held before a State

government agency, if such rates are not

appropriate.

(2) by adding the following:

"(A) by redesignating paragraphs (3) through

(7) as paragraphs (4) through (8), respectively; and

(B) by inserting after paragraph (2) the following:

"(3) Written justification for public interest waiver.

When issuing a waiver based on a public interest determination under paragraph (2), the Secretary shall issue a written justification as to why the waiver is in the public interest. The Secretary shall publish such justification in the Federal Register and provide a reasonable period of time for notice and comment.

(4) Ineligibility for contracts.

an operable segment thereof that meets specific performance criteria. Such project may also include an option to finance, or operate for a period of time, the system or segment or any combination thereof by designing, building, operating, or maintaining such system or segment.

"(2) FINANCIAL ASSISTANCE.—Government financial assistance under this chapter may be made available for the initial capital costs of a design-build system project after the recipient complies with Government requirements.

(e) MULTIYEAR ROLLING STOCK.—(1) CONTRACTS.—A recipient procuring rolling stock under this chapter may make a multiyear contract to buy the rolling stock and replacement parts for a fiscal year to carry out section 5307, and not more than 5 years after the date of the original contract.

(2) COOPERATION AMONG RECIPIENTS.—The Secretary shall at least 2 recipients to act on a cooperative basis to procure rolling stock in compliance with this subsection and other Government procurement requirements.

(3) ACQUERING ROLLING STOCK.—A recipient of financial assistance under this chapter may enter into a contract to expend that assistance to acquire rolling stock:

(A) by striking "and" at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12); and

(C) by adding at the end the following:

"§5329. Investigation of safety and hazards."

(a) IN GENERAL.—The Secretary may investigate safety and security risks associated with a condition in equipment, facility, or an operating procedure that the Secretary believes causes a serious hazard of death or injury to establish the nature and extent of the condition and how to eliminate, mitigate, or correct it.

(b) PLANS FOR ELIMINATING, MITIGATING, OR CORRECTING HAZARDS.—If the Secretary establishes that a condition causes a hazard, the Secretary, with the advice and consent of the Secretary of Transportation, shall provide notice and an opportunity for public comment at least 60 days before issuing any nonregulatory substantive policy statement (regardless of the form of issuance), including guidance, policy statements, and regulatory interpretations.

SEC. 3028. STATE SAFETY OVERSIGHT.

(a) APPLICATION.—This section applies only to:

(1) States that have rail fixed guideway public transportation systems subject to regulation by the Federal Railroad Administration; and

(2) States that are designing rail fixed guideway public transportation systems that will not be subject to regulation by the Federal Railroad Administration.

(b) COORDINATING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5329 and inserting the following:

"§5329. State safety oversight."

SEC. 3029. CONTROLLED SUBSTANCES AND ALCOHOLIC AND OTHER DEPENDENCE TESTING.

(a) DEFINITIONS.—Section 5331(c) is amended by striking the period at the end of the last sentence and inserting the following:

"... or 730(e) of title 46. The Secretary may also decide that a form of public transportation is covered under Part 195 of the Code of Federal Regulations, or Part 992 of the Code of Federal Regulations..."

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5330 and inserting the following:

"§5330. State safety oversight..."

SEC. 3030. EMPLOYEE PROTECTIVE ARRANGEMENTS.

Section 5331(b)(1) is amended by striking "5328(d), 5323(a)(1), (b), (d), and (e), 5328, 5323, and 5328(h)" and inserting "5316, 5317, 5318, 5320, 5323(a)(1), 5323(b), 5323(d), 5328, 5337, 5339(b), 5338(g), and 5338(h)."

SEC. 3031. ADMINISTRATIVE PROCEDURES.

Section 5334 is amended by—

(A) by striking "and" at the end of paragraph (9); and

(B) by striking the period at the end of paragraph (10) and inserting ";" and ";" and

(C) by adding at the end the following:

"... or 730(e) of title 46. The Secretary may also decide that a form of public transportation is covered under Part 195 of the Code of Federal Regulations, or Part 992 of the Code of Federal Regulations..."

SEC. 3032. NATIONAL TRANSIT DATABASE.

(a) IN GENERAL.—Section 5335 is amended—

(1) by striking the section heading and inserting the following:


(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5335 and inserting the following:

"§5335. National transit database..."

SEC. 3033. APPORTIONMENTS BASED ON FIXED GUIDEWAY FACTORS.

(a) DISTRIBUTION.—Section 5337 is amended—

(1) by striking the section designation and all that follows before paragraph (1) of subsection (a) and inserting the following:

"§5337. Apportionment based on fixed guideway factors...

(b) CONFORMING AMENDMENT.—The Secretary shall apportion amounts made available for fixed guideway modernization under sections 5339(b) and 5339(e) as follows:

(1) in subsection (a) by striking "(e)(1)" each place it appears and inserting "(e)" and "(e)";

(2) in subsection (b) by striking "(e)(2)" each place it appears and inserting "(e)";

(c) by adding at the end the following:

"(a) Formula Grants.—

(1) DISTRIBUTION.—The Secretary shall allocate amounts made available for fixed guideway modernization under sections 5339(b) and 5339(e) as follows:

(2) in subsection (a) by striking "(e)" each place it appears and inserting "(e)" and 

(b) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—Section 5337(e) is amended by striking paragraph (1) and all that follows before paragraph (2) of subsection (e) and inserting the following:

"(c) CONFORMING AMENDMENT.—The item relating to section 5337 in the table of sections for chapter 53 is amended to read as follows:...

"§5337. Apportionment based on fixed guideway factors..."

SEC. 3034. AUTHORIZATIONS.

Section 5338 is amended to read as follows:

"§5338. Authorization..."
(1) FISCAL YEAR 2004.—

(a) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5308, 5310, 5311, 5316, and 5318(b) of this chapter, 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program), and section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392-393) $3,123,304,000 for fiscal year 2004.

(b) FROM GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5307, 5308, 5310, 5311, 5316, and 5318(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program), and section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392-393) $783,076,000 for fiscal year 2004.

(c) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available under this paragraph for a fiscal year—

(i) $4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5308; and

(ii) $15,000,000 shall be available to provide job access and reverse commute formula grants under section 5316.

(d) USE OF FUNDS.—(A) FUND.—Of the aggregate of amounts made available under this paragraph, $8,000,000 shall be available to provide clean fuels formula grants under section 5308; and

(B) FUND.—In addition to amounts made available by subparagraph (A), there are authorized to be appropriated to carry out sections 5307, 5308, 5310, 5311, 5316, and 5318(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program), and section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392-393) $783,076,000 for fiscal year 2004.

(2) FISCAL YEARS 2005 THROUGH 2009.—

(a) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5308, 5310, 5311, 5316, and 5318(b) of this chapter, 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program), and section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392-393), and section 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program). Of the aggregate of amounts made available by this paragraph, $4,133,500,000 for fiscal year 2005, $3,100,000 shall be available to provide clean fuels formula grants under section 5308; and

(ii) $8,000,000 shall be available to provide clean fuels formula grants under section 5308; and

(iii) $20,000,000 shall be available to provide clean fuels formula grants under section 5308; and

(iv) $8,000,000 shall be available to provide financial assistance for urbanized areas under section 5310; and

(v) $2,000,000 shall be available to provide financial assistance for urbanized areas under section 5310; and

(vi) $8,000,000 shall be available to provide financial assistance for urbanized areas under section 5310; and

(vii) $54,500,000 shall be available for each of fiscal years 2005 and 2006 for job access and reverse commute formula grants; and

(viii) $3,100,000 shall be available to carry out section 5316(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program).

(b) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there are authorized to be appropriated to carry out sections 5303, 5311, 5315, 5318, and 5335, $4,100,000 for fiscal year 2005.

(c) ALLOCATION OF FUNDS.—Of the funds made available by this paragraph for a fiscal year—

(i) $35,000,000 shall be available to carry out section 5314(b); and

(ii) $17.28 percent shall be available for State planning under section 5306(e).

(3) FISCAL YEAR 2004.—

(a) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5311(b), 5312, 5313, 5314, 5315, 5322, and 5335, $4,100,000 for fiscal year 2004.

(b) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there is authorized to be appropriated to carry out sections 5311(b), 5312, 5313, 5314, 5315, 5322, and 5335, $10,472,000 for fiscal year 2004.

(4) FISCAL YEARS 2004 THROUGH 2009.—

(a) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out sections 5311(b), 5312, 5313, 5314, 5315, 5322, and 5335, $4,100,000 for fiscal year 2005.

(b) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there is authorized to be appropriated to carry out sections 5311(b), 5312, 5313, 5314, 5315, 5322, and 5335, $10,472,000 for fiscal year 2004.

(5) FISCAL YEARS 2004 THROUGH 2009.—

(a) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out sections 5311(b), 5312, 5313, 5314, 5315, and 5322, $4,100,000 for each of fiscal years 2004 through 2009.

(6) FISCAL YEARS 2004 THROUGH 2009.—

(a) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out sections 5305 and 5306, $6,400,000 for each of fiscal years 2004 through 2009.

(b) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there is authorized to be appropriated to carry out sections 5305 and 5306, $6,400,000 for each of fiscal years 2004 through 2009.

(c) FUNDING OF UNIVERSITY TRANSPORTATION RESEARCH CENTERS.—

(1) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305 and 5306, $6,400,000 for each of fiscal years 2004 through 2009.

(2) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there is authorized to be appropriated to carry out sections 5305 and 5306, $6,400,000 for each of fiscal years 2004 through 2009.

(d) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out sections 5305 and 5306, $6,400,000 for each of fiscal years 2004 through 2009.

(e) UNIVERSITY TRANSPORTATION RESEARCH CENTERS.—

(1) FISCAL YEAR 2004.—

(a) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305 and 5306, $6,400,000 for each of fiscal years 2004 through 2009.

(b) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there is authorized to be appropriated to carry out sections 5305 and 5306, $6,400,000 for each of fiscal years 2004 through 2009.

(2) FISCAL YEARS 2005 THROUGH 2009.—

(a) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out sections 5305 and 5306, $6,400,000 for each of fiscal years 2005 through 2009.

(b) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there is authorized to be appropriated to carry out sections 5305 and 5306, $6,400,000 for each of fiscal years 2005 through 2009.

(c) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out sections 5305 and 5306, $6,400,000 for each of fiscal years 2005 through 2009.

(d) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out sections 5305 and 5306, $6,400,000 for each of fiscal years 2005 through 2009.
“C. SPECIAL RULE.—Nothing in this subsection shall be construed to limit the transportation research conducted by the centers funded by this section.”

SEC. 3029. OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM.

(a) In General.—Section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5319 note; 112 Stat. 1142) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 3038. OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM.”

(2) by striking subsection (e) and inserting the following:

“SEC. 3038. OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM.”

(b) FEDERAL SHARE OF COSTS.—The Federal share of costs under this section shall be provided from funds made available to carry out this section. The Federal share of the costs for a project shall not exceed 80 percent of the project cost.”

(c) Accountability.—

(1) INTERCITY, FIXED ROUTE OVER-THE-ROAD BUS SERVICE.—Of the amounts made available to carry out this section in each fiscal year, 75 percent shall be available for operators of over-the-road buses used substantially or exclusively in intercity, fixed-route over-the-road bus service to finance education and training costs of the Department of Transportation’s final rule regarding accessibility of over-the-road buses. Such amounts shall remain available until expended.

(2) OTHER OVER-THE-ROAD BUS SERVICE.—Of the amounts made available to carry out this section in each fiscal year, 25 percent shall be available for operators of other over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation’s final rule regarding accessibility of over-the-road buses. Such amounts shall remain available until expended.

(3) CONFORMING AMENDMENTS.—The table of contents contained in section 5309 of the Transportation Equity Act for the 21st Century (112 Stat. 107) is amended by striking the item relating to section 3038 and inserting the following:

“§ 3038. Over-the-road bus accessibility program.”

SEC. 3030. UPDATED TERMINOLOGY.

(a) AMENDMENTS TO CHAPTER 33.—Chapter 33 is amended—

(1) in the chapter heading by striking “MASS” and inserting “PUBLIC”;

(b) in section 3301(h) by striking “MASS” and inserting “PUBLIC”;

(c) in the section heading for section 3303(h) by striking “MASS” and inserting “PUBLIC”; and

(d) in each place it appears in sections 3301(i) and 3303(i) that “MASS” is used to mean “PUBLIC” and in each place it appears in sections 3302(i)(1), 3303(i)(1) that “MASS” is used to mean “PUBLIC” and in each place it appears in section 3332(i) that “MASS” is used to mean “PUBLIC”.

(b) TABLE OF CHAPTERS.

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(c) APPROPRIATIONS FOR FISCAL YEARS 2004 THROUGH 2009.

(1) $60,044,000 for fiscal year 2004.

(2) $84,000,000 for fiscal year 2005.

(3) $1,391,170,000 for fiscal year 2005; and

(4) $2,518,882,500 for fiscal year 2009.

(d) FUNDING.

(1) $78,000,000 for fiscal year 2005; and

(2) $2,080,005,000 for fiscal year 2006.

(3) $1,904,255,000 for fiscal year 2006; and


(5) $1,703,720,000 for fiscal year 2007; and

(6) $3,113,666,000 for fiscal year 2008.

(7) $1,904,255,000 for fiscal year 2008; and

(8) $4,800,000,000 for fiscal year 2009.


(10) Las Vegas—Corridor $15,000,000 for fiscal year 2004, and $15,365,000 for fiscal year 2005.


(12) Metra Union Pacific West Line Extension $17,000,000 for fiscal year 2004, $12,000,000 for fiscal year 2005, and $2,485,749 for fiscal year 2006.


(17) Phoenix—Central Phoenix:East Valley LRT $12,794,325 for fiscal year 2004, $74,400,000 for fiscal year 2005, $90,000,000 for fiscal year 2006, $90,000,000 for fiscal year 2007, $90,000,000 for fiscal year 2008, and $90,000,000 for fiscal year 2009.

(18) Pittsburgh—Stage II LRT Reconstruction $7,511,314 for fiscal year 2004 and $1,131,666 for fiscal year 2005.


(20) Salt Lake City—Medical Center $3,378,231 for fiscal year 2004 and $8,765,421 for fiscal year 2005.


(22) San Diego—Oceanside-Encinitas Rail Corridor $47,240,585 for fiscal year 2004, $34,260,000 for fiscal year 2005, and $12,211,061 for fiscal year 2006.


(27) Final Design and Construction.—The following projects are authorized for final design and construction for fiscal years 2004 through 2009 under paragraphs (1)(B), (2)(A), and (2)(B)(ii) of section 5309(m) of title 49, United States Code:

(1) Baltimore—MARC Commuter Rail Improvements.

(2) Boston—Silver Line BRT Phase III.

(3) Charlotte—South Corridor LRT.

(4) Dallas Area Rapid Transit—Northwest LRT Extension.

(5) Delaware—Wilmington-Newark Commuter Rail Improvements.

(6) Denver—West Corridor LRT.

(7) El Paso—Rapid Transit (SMART) LRT.

(8) Harrisburg—Corridor One Rail Commuter (MOS-1).

(9) Kansas City, Missouri—Southtown BRT.

(10) Las Vegas—Las Vegas Resort Corridor Downtown Extension Project.

(11) Los Angeles MTA—Exposition LRT.
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(12) Miami-Dade Transit—North Corridor.
(13) Minneapolis—North Star Corridor.
(14) Nashville, Tennessee Commuter Rail.
(15) New Britain-Hartford Busway Project.
(16) New Orleans—Desire Corridor Streetcar.
(18) New York Second Avenue Subway.
(19) Norfolk Light Rail.
(20) Northern Virginia—Dulles Corridor Extension to Wiehle Avenue (Phase 1).
(21) Orange County, California—Center Line LRT.
(22) Philadelphia—Schuylkill Valley Metro Rail.
(23) Pittsburgh—North Shore Connector.
(24) Portland, Oregon—South Corridor I-205/Portland Mall LRT.
(25) Providence—South County Commuter Rail.
(26) Sacramento—South Corridor LRT Extension (Phase 2), Meadowview to Consumnes River College.
(27) Salt Lake City—Weber County to Salt Lake City Commuter Rail.
(28) San Diego—Mid-Cost Extension.
(29) San Francisco Muni—Third Street LRT—Phase 1/1.
(30) Santa Clara Valley Transit Authority—Silicon Valley Rapid Transit Corridor.
(31) Tampa Bay—Regional Rail.
(32) Triangle Transit Authority, North Carolina—Regional Rail Project.
(33) Washington, D.C.—Orange/Wilsonville to Beaverton Commuter Rail.
(34) Wasilla-Girdwood, Alaska—Commuter Rail.
(35) Alternatives Analysis and Preliminary Engineering—The following projects are authorized for alternatives analysis and preliminary engineering for fiscal years 2004 through 2009 by section 204(a)(2) of Public Law 104–88, title II, (1) paragraphs (1)(B), (2)(A), and (2)(B)(ii) of section 5309(m) of title 49, United States Code:

(1) Albuquerque—High Capacity Corridor.
(2) Ann Arbor/Detroit—Commuter Rail.
(3) Atlanta—MARTA Memorial Drive Bus Rapid Transit.
(4) Atlanta—GRTA I-75 Corridor, Downtown Atlanta—Cherokee County.
(5) Atlanta—Georgia 400 North Line Corridor Project.
(6) Atlanta—Belt Line C-Loop.
(7) Atlanta—I-20 South DeKalb-Lindbergh Corridor Project.
(8) Austin—San Antonio I-35 Commuter Rail.
(9) Austin—South Central Transit.
(10) Austin—Regional Commuter Rail.
(11) Baltimore Light Rail System Extensions.
(12) Bernville-Santa Fe—New Mexico Commuter Rail.
(13) Birmingham, Alabama—Transit Corridor.
(14) Boise—Downtown Circulator.
(15) Boston—Lechmere Transit Improvement to Somerville and Medford.
(16) Boston—North Shore Corridor and Blue Line Extension.
(17) Boston—North/South Rail Link.
(18) Boston—Urban Ring BRT.
(19) Broward County, Florida—Bus Rapid Transit.
(20) Central Florida Commuter Rail System.
(21) Central Phoenix—East Valley Corridor LRT Extensions.
(22) Charlotte—North Corridor Project.
(23) Charlotte—Northeast Corridor Project.
(24) Charlotte—South Corridor LRT extension to Rock Hill, South Carolina.
(25) Charlotte—Southeast-West Corridor Project.
(26) Charlotte—Center City Streetcar Project.
(27) Chicago—Cermack Road BRT.
(29) Chicago CTA—Chicago Transit Hub (Circle Line-0gden Streetcar).
(30) Chicago CTA—Orange Line Extension (Midway-Old Orchard).
(31) Chicago CTA—Southeast Service-La Salle Street Station to Baltimore Race Track.
(134) Philadelphia—32nd Street City Connector Project.
(135) Philadelphia—Route 100 Rapid Trolley Extension.
(136) Philadelphia—Broad Street Subway Line Extension.
(137) Pinellas Mobility Initiative Bus Rapid Transit Extension.
(138) Pittsburgh—Allegheny and Armstrong Counties, Commuter Rail.
(139) Pittsburgh—East-West Corridor Rapid Transit.
(140) Pittsburgh—Martin Luther King Jr. Busway Extension.
(141) Portland Streetcar Extensions.
(142) Provo-Orem Utah—Bus Rapid Transit.
(143) Quakertown–Stoney Creek, Pennsylvania—Rail Restoration.
(144) Harrisville, New Jersey—Commuter Rail.
(145) Reno, Nevada—Virginia Street Bus Rapid Transit Project.
(146) Riverside County, California—Perris Valley Line Metrolink Extension.
(147) Roaring Fork Valley, Colorado—Bus Rapid Transit.
(149) Sacramento—Regional Rail, Auburn to Oakdale.
(150) Sacramento—Downtown/Natomas Airport Transit Corridor.
(152) Salt Lake City—Airport to University LRT.
(153) Salt Lake City—Delta Center to Gateway Intermodal Center LRT Extension.
(154) Salt Lake City—Draper to Sandy LRT Extension.
(155) Salt Lake City—TRAX Capacity Improvements.
(156) Salt Lake City—West Valley City LRT Extension.
(157) Salt River Valley—West Jordan LRT Extension.
(158) San Antonio—Bus Rapid Transit.
(159) San Diego—Springer Rail Line Extension Project.
(160) San Francisco—BART Extension to Livermore.
(161) San Francisco—BART Extension to Oakland International Airport.
(162) San Francisco—MUNI Geary Boulevard Bus Rapid Transit.
(163) San Juan County—Gold Field Line Foothill Extension, Pasadera to Montclair.
(164) San Joaquin Regional Rail Commission Commuter Rail (Allamont Commuter Express).
(165) San Juan County—Urban Extension from Rio Piedras to Carolina.
(166) San Juan—Tren Urbano Minillas Extension.
(167) Santa Fe—El Dorado Rail Link.
(168) Seattle—Monorail Project.
(169) Seattle—Link LRT Extensions.
(170) Shelby—South Sound Transit Commuter Rail.
(171) Seattle—Sound Transit Regional Express Bus.
(172) Sevierville to Pigeon Ford, Tennessee—Bus Rapid Transit.
(173) Sonoma/Marin (SMART) Commuter Rail, California.
(174) South Carolina High Speed Rail Corridor.
(175) Southern California High Speed Regional Transit.
(176) St. Louis MetroLink—Scott AFB to Mid America Airport.
(177) St. Louis—East/West Gateway.
(178) St. Louis—Metro Link Northside Daniel Boone Project.
(179) St. Louis—Metro South Corridor.
(180) St. Louis—University Downtown Trolley.
(181) Stamford, Connecticut—Urban Transitway Project.
(182) Tampa—Bus Rapid Transit Improvements.
(183) Toledo—Ohio—CBD to Zoo.
(184) Toledo—Ohio—University Corridor.
(185) Trenton Trolley.
(186) Tri-Rail—Trolley Project.
(187) Tri-Rail East Coast Commuter Rail Extension.
(188) Tri-Rail Jupiter Extension.
(189) Tri-Rail Scripps Corridor Extension Project.
(190) Tucson—Old Pueblo Trolley Expansion.
(191) Vancouver—Intermediate MAX Extension to Clark County, Washington.
(192) Virginia Beach—Bus Rapid Transit.
(193) Virginia Railways Express Capacity Improvements.
(194) Washington State Ferries and Ferry Facilities.

(d) RULES RELATING TO FUNDING—

(1) SUBSECTION (a) PROJECTS.
(A) IN GENERAL—The Secretary is authorized to expend funds made available under section 5309(m) of title 49, United States Code, for final design and construction of projects authorized by subsection (a) as existing full funding grant agreements.
(B) MINIMUM FUNDING LEVELS—The Secretary shall make funds available not less than the following amounts for projects authorized by subsection (a): $1,065,927,770 for fiscal year 2004, $1,071,034,586 for fiscal year 2005, $731,532,532 for fiscal year 2006, $490,000,000 for fiscal year 2007, $410,395,753 for fiscal year 2008, and $259,180,764 for fiscal year 2009.

(2) SUBSECTION (b) PROJECTS.
(A) IN GENERAL—Projects authorized by subsection (b) for final design and construction are also authorized for alternatives analysis and preliminary engineering.
(B) MINIMUM FUNDING LEVELS—The Secretary shall make funds available not less than the following amounts for projects authorized by subsection (b): $30,579,750 for fiscal year 2004, $186,475,050 for fiscal year 2005, $681,268,304 for fiscal year 2006, $679,646,176 for fiscal year 2007, $1,199,242,825 for fiscal year 2008, and $1,465,646,690 for fiscal year 2009.

(C) PROJECTS—In making funds available under subparagraph (B), the Secretary shall first make such funds available for any full funding grant agreement executed by the Secretary in fiscal year 2005 after the date of enactment of this Act and for any full funding grant agreement executed by the Secretary in fiscal years 2005 through 2009 in the amount indicated in the Schedule of Federal Funds for the Project included in subsection (c).

(3) SUBSECTION (c) PROJECTS—

(A) IN GENERAL—Effective October 1, 2007, projects authorized by subsection (c) for alternatives analysis and preliminary engineering are also authorized for final design and construction.
(B) MAXIMUM FUNDING LEVELS—The Secretary shall make funds available not more than the following amounts for projects authorized by subsection (c):

<table>
<thead>
<tr>
<th>Project Description</th>
<th>FY 04</th>
<th>FY 05</th>
<th>FY 06</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bronx, NY Establish an intermodal transportation facility at the Wildlife Conservation Society Bronx Zoo</td>
<td>$89,000,000</td>
<td>$95,000,000</td>
<td>$100,000,000</td>
</tr>
</tbody>
</table>

(C) MAXIMUM FUNDING LEVELS FOR ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING—In fiscal years 2008 and 2009, the Secretary shall make funds available not more than the following amounts for projects authorized by subsection (c), and projects authorized by subsection (b), to conduct alternatives analysis and preliminary engineering activities:

- $39,967,372 in fiscal year 2008
- $149,584,361 in fiscal year 2009

(e) NEW JERSEY URBAN CORE PROJECT—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (112 Stat. 308; 105 Stat. 2122) is amended—

(1) by striking “associated components to and at the contiguous New Jersey Meadowlands Sports Complex,” and inserting “to and at the contiguous New Jersey Meadowlands Sports Complex,” including a connection to the Hudson River Waterfront Transportation System, the Lackawanna Cutoff;”;

(2) by striking “in Lakewood to Freehold to Matawan or Jamesburg, New Jersey, as described in section 3031(p) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131)” and inserting “from Lakewest to the Northeast Corridor or the New Jersey Coast Line”;

(f) NEW JERSEY TRANS-HUDSON MIDTOWN CORRIDOR PROJECT—Project elements of the New Jersey TRANS-HUDSON Midtown Corridor advanced with 100 percent non-Federal funds shall be given consideration by the Administration when evaluating the local share of the project in the new starts rating process, including the purchase of bilevel rail equipment.
<table>
<thead>
<tr>
<th>County</th>
<th>Program Description</th>
<th>Funding Breakdown FY 06</th>
<th>Funding Breakdown FY 07</th>
<th>Funding Breakdown FY 08</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sevier County</td>
<td>Tennessee—U.S. 41 bus rapid transit</td>
<td>$1,000,000</td>
<td>$1,500,000</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>St. Louis County</td>
<td>Development of a passenger rail facility</td>
<td>$1,500,000</td>
<td>$2,000,000</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>Dorset, VT</td>
<td>Construction of pedestrian and bike facilities at transit center</td>
<td>$1,000,000</td>
<td>$1,500,000</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Portland, ME</td>
<td>Rehabilitation of bus and pedestrian facilities</td>
<td>$1,000,000</td>
<td>$1,500,000</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Sacramento, CA</td>
<td>Construct intermodal station and related improvements</td>
<td>$2,240,000</td>
<td>$2,310,000</td>
<td>$2,450,000</td>
</tr>
<tr>
<td>Canby, OR</td>
<td>Bus and bus facilities</td>
<td>$48,000</td>
<td>$49,500</td>
<td>$52,500</td>
</tr>
<tr>
<td>Beverly, MA</td>
<td>Design and Construct Beverly Depot Intermodal Transportation Center</td>
<td>$640,000</td>
<td>$660,000</td>
<td>$700,000</td>
</tr>
<tr>
<td>Columbus, GA</td>
<td>Bus replacement</td>
<td>$96,000</td>
<td>$99,000</td>
<td>$105,000</td>
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<tr>
<td>Albemarle County, VA</td>
<td>Design and Construct Albemarle County Transportation Center</td>
<td>$640,000</td>
<td>$660,000</td>
<td>$700,000</td>
</tr>
<tr>
<td>Lloret de Mar, Spain</td>
<td>Construction of a bus terminal</td>
<td>$640,000</td>
<td>$660,000</td>
<td>$700,000</td>
</tr>
<tr>
<td>Trenton, NJ</td>
<td>Design and Construct Intermodal Transit Parking Improvements</td>
<td>$1,792,000</td>
<td>$1,848,000</td>
<td>$1,960,000</td>
</tr>
<tr>
<td>Burbank, CA</td>
<td>CNG Transit Vehicles Purchase for Local Transit Network Expansion</td>
<td>$144,000</td>
<td>$148,500</td>
<td>$157,500</td>
</tr>
<tr>
<td>Bloomington, IN</td>
<td>Construction of a new light rail station and transit plaza</td>
<td>$2,720,000</td>
<td>$2,805,000</td>
<td>$2,975,000</td>
</tr>
<tr>
<td>Longwood, FL</td>
<td>Expansion of Downtown Intermodal Facility, Phase II</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gresham, Oregon</td>
<td>Construct a new light rail station and transit plaza on Portland MAX system and serve Gresham Civic neighborhood</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Jersey City, NJ</td>
<td>McGinley Square Intermodal Facility</td>
<td>$480,000</td>
<td>$530,000</td>
<td>$590,000</td>
</tr>
<tr>
<td>Emeryville, CA</td>
<td>Expand &amp; Improve Intermodal Transit Center at Amtrak Station</td>
<td>$530,000</td>
<td>$570,000</td>
<td>$610,000</td>
</tr>
<tr>
<td>Jersey City, NJ</td>
<td>Construct West Entrance to Fauciia-Porto Station</td>
<td>$690,000</td>
<td>$720,000</td>
<td>$750,000</td>
</tr>
<tr>
<td>Longwood, FL</td>
<td>Design Intermodal Transportation Facility</td>
<td>$1,000,000</td>
<td>$1,050,000</td>
<td>$1,100,000</td>
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<tr>
<td>Morristown, NJ</td>
<td>Construction of a bus terminal</td>
<td>$640,000</td>
<td>$660,000</td>
<td>$700,000</td>
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<tr>
<td>Akron, Ohio</td>
<td>West Market Street transit center and related pedestrian improvements</td>
<td>$208,000</td>
<td>$214,500</td>
<td>$225,000</td>
</tr>
<tr>
<td>South Line Bus Service</td>
<td>Design for Lewis and Clark National Historical Park</td>
<td>$640,000</td>
<td>$650,000</td>
<td>$700,000</td>
</tr>
<tr>
<td>Barnstable, MA</td>
<td>Construction of a new CNG-Hydrogen transit bus facility</td>
<td>$1,280,000</td>
<td>$1,320,000</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>SEPTA Montgomery County Intermodal Improvements at Glenside and Jenkintown Station Parking Garages</td>
<td>$400,000</td>
<td>$420,000</td>
<td>$450,000</td>
<td></td>
</tr>
<tr>
<td>Frederick, Virginia</td>
<td>Construct a new light rail station and transit plaza on RTA Silver Line</td>
<td>$480,000</td>
<td>$530,000</td>
<td>$590,000</td>
</tr>
<tr>
<td>Savannah, GA</td>
<td>Expansion of Downtown Intermodal Facility</td>
<td>$480,000</td>
<td>$530,000</td>
<td>$590,000</td>
</tr>
<tr>
<td>Pleasant Hill, CA</td>
<td>Construct Diablo Valley Bus Center Transit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brouard, FL</td>
<td>Purchase new articulated buses and bus stop improvements on State Road 7 (SR 7) between Golden Glades Interchange</td>
<td>$440,000</td>
<td>$530,000</td>
<td>$620,000</td>
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<tr>
<td>Atleboro, MA</td>
<td>Construction, engineering and site improvements at the Atleboro Intermodal Center</td>
<td>$530,000</td>
<td>$570,000</td>
<td>$610,000</td>
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<tr>
<td>Barnstable, MA</td>
<td>Construct a bus terminal</td>
<td>$690,000</td>
<td>$720,000</td>
<td>$750,000</td>
</tr>
<tr>
<td>Daytona International Rail Feasibility Study</td>
<td>Construction of a new CNG-Hydrogen transit bus facility</td>
<td>$230,000</td>
<td>$240,000</td>
<td>$250,000</td>
</tr>
<tr>
<td>Groesbeck, TX</td>
<td>Construct a new CNG-Hydrogen transit bus facility</td>
<td>$1,280,000</td>
<td>$1,320,000</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>Baltimore, MD</td>
<td>Construct InterCity Bus Terminal</td>
<td>$1,000,000</td>
<td>$1,050,000</td>
<td>$1,100,000</td>
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<tr>
<td>Cheltenham, PA</td>
<td>Glenside Station Parking Garage project involving the construction of a 390-400 space parking lot at Easton Road</td>
<td>$230,000</td>
<td>$250,000</td>
<td>$270,000</td>
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<tr>
<td>Haverhill, MA</td>
<td>Design and Construct Intermodal Transit Parking Improvements</td>
<td>$1,792,000</td>
<td>$1,848,000</td>
<td>$1,960,000</td>
</tr>
<tr>
<td>Palm Beach County, FL</td>
<td>Plan and Construct Belle Glade Combined Passenger Transit Facility</td>
<td>$1,650,000</td>
<td>$1,700,000</td>
<td>$1,750,000</td>
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<tr>
<td>Pittsburg, PA</td>
<td>Clean Fuel Bus Procurement</td>
<td>$1,650,000</td>
<td>$1,700,000</td>
<td>$1,750,000</td>
</tr>
<tr>
<td>Project Description</td>
<td>Total Costs ($USD)</td>
<td>FY 06</td>
<td>FY 07</td>
<td>FY 08</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------------</td>
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</tr>
<tr>
<td>157. San Fernando, CA</td>
<td>Purchase CGN buses and related equipment and construct facilities</td>
<td>$972,000</td>
<td>$1,003,200</td>
<td>$1,064,000</td>
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<tr>
<td>158. Bus Rapid Transit</td>
<td></td>
<td>$192,000</td>
<td>$220,000</td>
<td>$220,000</td>
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<tr>
<td>159. Bozeman, Montana</td>
<td>Montanamet and Intermodal Facility</td>
<td>$640,000</td>
<td>$600,000</td>
<td>$700,000</td>
</tr>
<tr>
<td>160. New Cumberland and Mystic, Connecticut</td>
<td>Intermodal Center parking facility and Streetscape</td>
<td>$1,135,000</td>
<td>$1,135,000</td>
<td>$1,204,000</td>
</tr>
<tr>
<td>161. Carson, CA</td>
<td>Purchase one bus</td>
<td>$80,000</td>
<td>$82,500</td>
<td>$87,500</td>
</tr>
<tr>
<td>162. March Field Intermodal Terminal - Transit Security System</td>
<td></td>
<td>$800,000</td>
<td>$825,000</td>
<td>$875,000</td>
</tr>
<tr>
<td>163. Town of Chapel Hill, NC</td>
<td>NC Park and Ride Lot</td>
<td>$480,000</td>
<td>$495,000</td>
<td>$525,000</td>
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<tr>
<td>164. Livermore, CA</td>
<td>Phase II - Phase Bus Rapid Transit</td>
<td>$320,000</td>
<td>$330,000</td>
<td>$350,000</td>
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<tr>
<td>165. Philadelphia, PA</td>
<td>Improvements to the existing Penn’s Landing Ferry Terminal</td>
<td>$1,280,000</td>
<td>$1,320,000</td>
<td>$1,400,000</td>
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<tr>
<td>166. Los Angeles, CA</td>
<td>Buses and Bus Rapid Transit</td>
<td>$2,738,960</td>
<td>$2,812,440</td>
<td>$2,984,800</td>
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<tr>
<td>167. Orange County, CA</td>
<td>South Coast Rapid Transit Operations Center</td>
<td>$100,000</td>
<td>$150,000</td>
<td>$175,000</td>
</tr>
<tr>
<td>168. Arlington County, VA</td>
<td>Crystal City - Potomac Yard Busway, including construction of bus shelters</td>
<td>$960,000</td>
<td>$990,000</td>
<td>$1,050,000</td>
</tr>
<tr>
<td>169. Raleigh, NC</td>
<td>Replace eighteen replacement buses to replace buses that have reached their useful life according to Federal Transit Administration regulations</td>
<td>$640,000</td>
<td>$660,000</td>
<td>$700,000</td>
</tr>
<tr>
<td>170. Austin, TX</td>
<td>Austin Area Rapid Transit service and related improvements</td>
<td>$320,000</td>
<td>$330,000</td>
<td>$350,000</td>
</tr>
<tr>
<td>171. Cooperstown, NY</td>
<td>Antrim Intermodal Facility Project</td>
<td>$1,600,000</td>
<td>$1,650,000</td>
<td>$1,750,000</td>
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<tr>
<td>172. Santa Barbara, CA</td>
<td>Expansion of Regional Intermodal Transit Center</td>
<td>$900,000</td>
<td>$930,000</td>
<td>$1,100,000</td>
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<tr>
<td>173. Tampa, FL</td>
<td>Purchase of buses and construct bus facilities</td>
<td>$720,000</td>
<td>$742,500</td>
<td>$767,500</td>
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<tr>
<td>174. Highland, CA</td>
<td>Regional Multi-Modal Center</td>
<td>$640,000</td>
<td>$660,000</td>
<td>$690,000</td>
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<tr>
<td>175. Phoenix, AZ</td>
<td>Construct regional heavy bus maintenance facility</td>
<td>$320,000</td>
<td>$330,000</td>
<td>$350,000</td>
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<tr>
<td>176. Thurston County, WA</td>
<td>Replace Thurston County Buses</td>
<td>$388,000</td>
<td>$397,500</td>
<td>$415,000</td>
</tr>
<tr>
<td>177. San Juan, PR</td>
<td>Bus and bus facilities along Hush Line Corridor</td>
<td>$800,000</td>
<td>$830,000</td>
<td>$875,000</td>
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<tr>
<td>178. Dover, DE</td>
<td>Delaware University Delaware Rail Car Depot Project</td>
<td>$1,760,000</td>
<td>$1,815,000</td>
<td>$1,925,000</td>
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<tr>
<td>179. El Paso, TX</td>
<td>Westside Freeway Improvement and bus Shelters</td>
<td>$225,000</td>
<td>$225,000</td>
<td>$225,000</td>
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<tr>
<td>180. Lexington, KY</td>
<td>University of Kentucky Intermodal Transportation Center</td>
<td>$100,000</td>
<td>$105,000</td>
<td>$110,000</td>
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<tr>
<td>181. Bronx, NY</td>
<td>Hebrew Home for the Aged - elder transportation support</td>
<td>$48,000</td>
<td>$49,500</td>
<td>$52,500</td>
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<tr>
<td>182. City of Greenville, NC</td>
<td>Expansion Buses and Greenville Intermodal Center</td>
<td>$1,140,480</td>
<td>$1,176,120</td>
<td>$1,247,400</td>
</tr>
<tr>
<td>183. Miami-Dade County, FL</td>
<td>Construct Miami-Dade Intermodal Terminal</td>
<td>$930,000</td>
<td>$950,000</td>
<td>$990,000</td>
</tr>
<tr>
<td>184. San Antonio, TX</td>
<td>Improve VIA bus facility and purchase new buses</td>
<td>$2,240,000</td>
<td>$2,310,000</td>
<td>$2,450,000</td>
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<tr>
<td>185. Charlotte, NC</td>
<td>Construct Charlotte Multimodal Station</td>
<td>$2,496,000</td>
<td>$2,574,000</td>
<td>$2,730,000</td>
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<tr>
<td>186. Wilsonville, OR</td>
<td>South Metro Area Rapid Transit, bus and bus facilities</td>
<td>$80,000</td>
<td>$82,500</td>
<td>$87,500</td>
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<tr>
<td>187. Allentown, PA</td>
<td>Construct Intermodal Transportation Center</td>
<td>$640,000</td>
<td>$660,000</td>
<td>$700,000</td>
</tr>
<tr>
<td>188. Westchester County, NY</td>
<td>Construct Omnitrans Transcenter</td>
<td></td>
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<tr>
<td>189. Mobility, LGA</td>
<td>Jacobi Intermodal Center to North Central Bronx Hospital bus system</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>Location</td>
<td>Funding Amounts</td>
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<td></td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>-----------------</td>
<td></td>
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<tr>
<td>St. Charles, IL, Purchase of alternative fuel buses for service expansion, on-board security system and bus facility training equipment</td>
<td>$4,850,000 - $5,600,000</td>
<td></td>
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<tr>
<td>Albany, GA, Multi-modal Facility</td>
<td>$256,000 - $264,000</td>
<td></td>
<td></td>
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<tr>
<td>Nashville, TN, Construct a parking garage on the campus of Lipscomb University</td>
<td>$640,000 - $660,000</td>
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<tr>
<td>Lafayette, Louisiana—Lafayette Transit System bus replacement program</td>
<td>$288,000 - $297,000</td>
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<tr>
<td>New Orleans, LA, Regional Planning Commission, bus and bus facilities</td>
<td>$160,000 - $165,000</td>
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<tr>
<td>Maywood, IL, Purchase buses</td>
<td>$16,000 - $16,500</td>
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<tr>
<td>Rochester, New York—Luas Transit Project</td>
<td>$1,440,000 - $1,485,000</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Maywood, IL, Purchase of alternative fuel buses for service expansion, on-board security system and bus facility training equipment</td>
<td>$960,000 - $990,000</td>
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<td></td>
</tr>
<tr>
<td>Long Beach, CA, Establish Multimodal Rail project in conjunction with Philadelphia Commercial Development Corporation for improvements and assistance to entities along rail corridor</td>
<td>$484,000 - $496,000</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Juneau, Alaska, Purchase buses</td>
<td>$16,000 - $16,500</td>
<td></td>
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<td></td>
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<tr>
<td>Rochester, New York—Luas Transit Project</td>
<td>$2,720,000 - $2,805,000</td>
<td></td>
<td></td>
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<tr>
<td>Eugene, OR, OR intermodal bus replacement program</td>
<td>$2,500,000 - $2,550,000</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Saint Louis, MO, Regional Planning Commission, bus and bus facilities</td>
<td>$640,000 - $660,000</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Savannah, GA, Bus and Bus Facilities—Chatham Area Transit</td>
<td>$250,000 - $255,000</td>
<td></td>
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</tr>
<tr>
<td>New Orleans, LA, Regional Planning Commission, bus and bus facilities</td>
<td>$160,000 - $165,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nevada, Nevada, MCI Design and Construct Intermodal Facility</td>
<td>$2,000,000 - $2,050,000</td>
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<tr>
<td>Cleveland, Ohio—Euclid Avenue and East 39th Street Intermodal Facility</td>
<td>$1,440,000 - $1,485,000</td>
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<tr>
<td>St. Charles, IL, Intermodal Parking Structures</td>
<td>$2,112,000 - $2,178,000</td>
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<tr>
<td>Lake County, Ohio, Ohio Department of Transportation transit improvements</td>
<td>$1,920,000 - $1,980,000</td>
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<tr>
<td>Muskegon, Michigan—Muskegon Area Transit Terminal and related terminals</td>
<td>$320,000 - $330,000</td>
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<tr>
<td>Long Beach, CA, Park and Ride facility</td>
<td>$320,000 - $330,000</td>
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<tr>
<td>Elgin to Rockford, Illinois—Intermodal stations along planned Metra Union Pacific West Line extension, including necessary streets and access improvements</td>
<td>$1,920,000 - $1,980,000</td>
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<tr>
<td>Miami Dade, FL, N.W. 7th Avenue Transit Hub</td>
<td>$960,000 - $990,000</td>
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<tr>
<td>Philadelphia, Pennsylvania—SEPTA Market Street Elevated Line parking facility</td>
<td>$1,920,000 - $1,980,000</td>
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<tr>
<td>Alton, IL, Regional Planning Commission, bus and bus facilities</td>
<td>$960,000 - $990,000</td>
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<tr>
<td>Laramie, Wyoming, UC Regents, University of Wyoming, bus and bus facilities</td>
<td>$640,000 - $660,000</td>
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<tr>
<td>Eugene, OR, OR intermodal bus replacement program</td>
<td>$320,000 - $330,000</td>
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<tr>
<td>Newport, Oregon, Regional Planning Commission, bus and bus facilities</td>
<td>$1,600,000 - $1,650,000</td>
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<tr>
<td>Roanoke, Virginia, Virginia Railway Station</td>
<td>$80,000 - $82,500</td>
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<td>South Carolina—Intermodal Facility</td>
<td>$480,000 - $495,000</td>
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<tr>
<td>New York, NY, bus replacement</td>
<td>$960,000 - $1,015,000</td>
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<tr>
<td>Jacksonville, FL, Bus Replacement</td>
<td>$2,112,000 - $2,178,000</td>
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<tr>
<td>Los Angeles, CA, Improve safety, mobility and access between LAFFTC, Metro line and nearby bus stops on Grand Ave between Washington and 3rd Streets</td>
<td>$1,920,000 - $1,980,000</td>
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<td>Miami, FL, N.W. 7th Avenue Transit Hub</td>
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<td>Jacksonville, FL, Bus Replacement</td>
<td>$2,112,000 - $2,178,000</td>
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shall consider the applicant under chapter 53 of title 49, United States Code, to establish a national fuel cell bus technology development program.

SEC. 3039. NATIONAL FUEL CELL BUS TECHNOLOGY DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a national fuel cell bus technology development program (in this section referred to as the "program") to facilitate the development of commercial-scale fuel cell bus technology and related infrastructure.

(b) GENERAL AUTHORITY.—The Secretary may enter into cooperative agreements and enter into contracts, and enter into agreements with no more than 3 geographically diverse nonprofit organizations and recipients under chapter 53 of title 49, United States Code, to conduct fuel cell bus technology and infrastructure projects under the program.

(c) GRANT CRITERIA.—In selecting applicants for grants under the program, the Secretary shall consider the following:

1. ability to contribute significantly to furthering fuel cell technology as it relates to transit bus operations, including hydrogen production, storage, and distribution systems integration, and power electronics technologies;

2. financing plan and cost share potential;

3. fuel cell technology to ensure that the program advances different fuel cell technologies, including hydrogen-fueled and methanol-powered liquid-fueled fuel cell technologies, that may be viable for public transportation systems; and

4. other criteria that the Secretary determines are necessary to carry out the program.

(d) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications under the program. Grant recipients shall be selected on the basis of a competitive basis. The Secretary shall give priority consideration to applicants that have successfully managed advanced transportation technology projects, including projects related to hydrogen and fuel cell public transportation operations for a period of not less than 10 years.

SEC. 3040. HIGH-INTENSITY SMALL-URBANIZED AREA FORMULA GRANT PROGRAM.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE AREA.—The term "eligible area" means an urbanized area with a population of less than 200,000 that meets or exceeds in one or more performance categories the industry average for all urbanized areas of at least 200,000 but not more than 999,999, as determined by the Secretary in accordance with subsection (c)(2).

(2) PERFORMANCE CATEGORY.—The term "performance category" means each of the following:
(A) Passenger miles traveled per vehicle revenue mile.

(B) Passenger miles traveled per vehicle revenue hour.

(C) Revenue revenue miles per capita.

(D) Vehicle revenue hours per capita.

(E) Passenger miles traveled per capita.

(F) Passenger revenue per capita.

(G) GENERAL AUTHORITY.—In order to address the needs of small urbanized areas with unusually high levels of public transportation service, the Secretary may make grants under section 5307 to public transportation agencies to carry out projects to improve public transportation services in such areas.

(1) APPORTIONMENT.—

(a) In General.—Funds made available under this section in a fiscal year shall be apportioned among eligible areas as follows:

(i) SAFETY AND EMERGENCY PREPAREDNESS.—

(A) IN GENERAL.—For carrying out safety and emergency preparedness research activities consisting of technical assistance, training, and data analysis and reporting to improve public transportation system safety and security and emergency preparedness—

(i) $7,000,000 for fiscal year 2005;

(ii) $7,400,000 for fiscal year 2006;

(iii) $7,800,000 for fiscal year 2007;

(iv) $8,200,000 for fiscal year 2008; and

(v) $8,600,000 for fiscal year 2009.

(B) PUBLIC TRANSPORTATION NATIONAL SECURITY STUDY.—

(i) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study and evaluation of the value of major public transportation systems in the United States serving small urbanized areas that have a population of more than 1,000,000 individuals and to provide to the Congress a final report on the results of that study and evaluation, together with such recommendations as the Academy considers appropriate.

(ii) FUNDING.—Of the amounts made available under section 5332(b)(1) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title shall be allocated by the Secretary as follows:

(i) $7,000,000 for fiscal year 2005;

(ii) $7,400,000 for fiscal year 2006;

(iii) $7,800,000 for fiscal year 2007;

(iv) $8,200,000 for fiscal year 2008; and

(v) $8,600,000 for fiscal year 2009.

(C) TRANSIT-ORIENTED DEVELOPMENT CENTER.—Of the funds made available for each of fiscal years 2005 through 2009 under subparagraph (A), not less than $1,000,000 shall be made available by the Secretary for establishment and operation of a national center for transit-oriented development:

(i) to develop standards and definitions for transit-oriented development adjacent to public transportation facilities;

(ii) to develop system planning guidance, performance criteria, and modeling techniques for metropolitan planning agencies and public transportation agencies to maximize ridership through smart land use planning and adjacent development; and

(iii) to provide research support and technical assistance to public transportation agencies, metropolitan planning agencies, and other persons regarding transit-oriented development.

(5) MOBILITY MANAGEMENT.—

(A) IN GENERAL.—For carrying out research activities on mobility management, as described in section 5302(a)(1) of title 49, United States Code, grants under this section shall be apportioned to a public transportation agency or other governmental entity in the eligible area for obligation in the next fiscal year.

(B) ELIGIBLE RECIPIENT.—Grant amounts apportioned to an eligible area under this section shall be made available to a public transportation agency or other governmental entity in the eligible area.

(C) GOVERNMENT'S SHARE OF COSTS.—

(1) CAPITAL GRANTS.—For a capital project under this section (including associated capital maintenance items) shall be for percent of the net capital costs of the project, as determined by the Secretary. The recipient may provide additional local matching amounts for such projects.

(2) OPERATING GRANTS.—A grant under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

(D) SAFETY AND EMERGENCY PREPAREDNESS.—For the purpose of maintaining an inventory of low-income and minority communities and the development of training programs that promote the employment of low-income and minority community residents on Federal-aid transportation projects constructed in their communities.

(E) COGNITIVE IMPAIRMENT STUDY.—Of the funds allocated for each of fiscal years 2005 through 2009 under subparagraph (A), not less than $1,000,000 shall be made available by the Secretary for research and demonstration activities that focus on the impacts that transportation planning, investment, and operations have on minority populations that are transit dependent. Such activities shall include the development of strategies to advance economic and community development in low-income and minority communities and the development of training programs that promote the employment of low-income and minority community residents on Federal-aid transportation projects constructed in their communities.

(F) PUBLIC TRANSPORTATION CAPACITY BUILDING.—

(A) IN GENERAL.—For carrying out public transportation capacity building activities consisting of technical assistance, and minority communities, and desirers for travel of people with cognitive impairments.

(B) TRANSIT CAREER LADDER TRAINING PROGRAM.—Of the funds allocated for each fiscal year under subparagraph (A), not less than $1,000,000 shall be made available by the National Transportation and to the needs of small urbanized areas.

(C) IN GENERAL.—For carrying out public transportation capacity building activities consisting of technical assistance, and minority communities, and desirers for travel of people with cognitive impairments.
technical changes in the public transportation industry, especially in the area of maintenance. Such program shall be carried out by the Secretary through a contract with a national nonprofit organization selected on the basis of demonstrated capacity to develop and provide such programs.

(7) STRATEGIC PLANNING AND PERFORMANCE MEASURES.—For carrying out strategic planning and performance measures consisting of policy and program development, research program planning, performance, evaluation, and industry outreach—

(A) $3,500,000 for fiscal year 2005;
(B) $5,700,000 for fiscal year 2006;
(C) $10,600,000 for fiscal year 2007;
(D) $8,200,000 for fiscal year 2008; and
(E) $19,000,000 for fiscal year 2009.

(8) After making allocations under subsection (a) of this section and section 5338(d)(2) of title 49, United States Code, the remainder of funds made available by section 5338(d)(2) of such title for national research and technology programs under sections 5321, 5314, and 5322 for a fiscal year shall be allocated at the discretion of the Secretary to other transit research, development, demonstration and deployment projects authorized by sections 5321, 5314, and 5322 of such title.

SEC. 3034. RELATIONSHIP TO OTHER LAWS.

(a) Review of Cooperative Procurement; Authority to Increase Federal Share.—

(1) In general.—Not later than 6 months after the expiration of this Act, the Secretary shall undertake a 30-day review of efforts to use cooperative procurement to determine whether benefits are sufficient to formally incorporate cooperative procurement into the mass transit program. In particular the Secretary shall review the progress made under the pilot program authorized under section 166 of division F of the Consolidated Appropriations Act, 2004 (49 U.S.C. S. 3507; note; 118 Stat. 309), based on experience to date in the pilot program and any available reports to Congress submitted under such section, to consider whether such benefits are sufficient to warrant making such changes, and to consider such other information as it may request.

(2) Review of Cooperative Participation by States.—The Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of the results of the review required under paragraph (1), including a finding of sufficient benefit or insufficient benefit and the reasons for that finding.

SEC. 3044. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total obligations from amounts available under the Mass Transit Account of the Highway Trust Fund, and amounts appropriated under sections 5328(a)(2) and 5329(a)(2) of title 49, United States Code, shall not exceed—

(A) $7,266,000,000 for fiscal year 2004;
(B) $7,646,300,000 for fiscal year 2005;
(C) $6,726,600,000 for fiscal year 2006;
(D) $9,042,000,000 for fiscal year 2007;
(E) $9,639,000,000 for fiscal year 2008; and
(F) $7,900,000,000 for fiscal year 2009.


(a) In General.—Notwithstanding any other provision of law, the Secretary shall ensure that the total apportionments and allocations made to a designated grant recipient under section 5338 of title 49, United States Code, for fiscal year 2005 shall be reduced by the amount apportioned to that grant recipient pursuant to section 8 of the Surface Transportation Extension Act of 2004, Part V.

(b) Fixed Guideway Modernization Adjustment.—In making apportionments described in subsection (a), the Secretary shall adjust the amount apportioned to each urbanized area for fixed guideway modernization for fiscal year 2005 to reflect the method for apportioning funds under section 5337(a) of title 49, United States Code.

SEC. 3046. SPECIAL RULE FOR FISCAL YEAR 2004.

In any case in which an amount is authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation for fiscal year 2004 for a program, project, or activity in any provision of the Surface Transportation Extension Act of 2004, Part V (Public Law 108-37; 118 Stat. 309), including any amendment made by such Act, the amount referred to in such Act shall be the amount authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation.

TITLE IV—MOTOR CARRIER TRANSPORTATION AND SAFETY

Subtitle A—Motor Carrier Safety

SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.

(a) Administrative Expenses.—Section 31104 of title 49, United States Code, is amended by adding the following at the end:

(1) Authorization of Appropriations.—There are authorized to be appropriated the following sums for the following Federal motor carrier safety programs:

(A) $173,450,000 for fiscal year 2004;
(B) $254,849,000 for fiscal year 2005;
(C) $215,000,000 for fiscal year 2006;
(D) $220,000,000 for fiscal year 2007;
(E) $234,000,000 for fiscal year 2008; and
(F) $249,000,000 for fiscal year 2009.

(2) Use of amounts.—Any amounts authorized by this subsection shall be used for personnel costs; administrative infrastructure; rent; information technology; programs for research and technology; deployment (including a medical review board); the administration of the performance and registration information system management, and outreach and education; other operating expenses; and such other expenses as may from time to time become necessary to implement statutory mandates of the Administration not funded from other sources.

(3) Period of Availability.—The amounts made available under this section shall remain available until expended.

(4) Initial Date of Availability.—There shall be made available on the initial date of availability to the Federal Motor Carrier Safety Administration—

(A) $173,450,000 for fiscal year 2004;
(B) $254,849,000 for fiscal year 2005;
(C) $215,000,000 for fiscal year 2006;
(D) $220,000,000 for fiscal year 2007;
(E) $234,000,000 for fiscal year 2008; and
(F) $249,000,000 for fiscal year 2009.

(5) Certification.—Any amounts made available under this subsection shall be used for personnel costs; administrative infrastructure; rent; information technology; programs for research and technology; deployment (including a medical review board); the administration of the performance and registration information system management, and outreach and education; other operating expenses; and such other expenses as may from time to time become necessary to implement statutory mandates of the Administration not funded from other sources.

(6) Period of Availability.—The amounts made available under this section shall remain available until expended.

(7) Use of amounts.—Any amounts authorized by this subsection shall be used for personnel costs; administrative infrastructure; rent; information technology; programs for research and technology; deployment (including a medical review board); the administration of the performance and registration information system management, and outreach and education; other operating expenses; and such other expenses as may from time to time become necessary to implement statutory mandates of the Administration not funded from other sources.

(b) State Plan Contents.—Section 31102(b)(1) of title 49, United States Code, is amended—

(1) by striking paragraph (A) and inserting the following:

"(A) implements performance-based activities, including deployment of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;"

(2) by striking paragraph (P) and inserting the following:

"(P) the State will include in its commercial motor carrier safety grant program:

(V) provides that the State will enforce the provisions of title 1, subtitle IV, part C, and title 5, subtitle IV, part C, of title 49, United States Code, including a finding of sufficient benefit or insufficient benefit and the reasons for that finding.

SEC. 3044. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total obligations from amounts available under the Mass Transit Account of the Highway Trust Fund by, and amounts appropriated under subsections (a) through (f) of section 5338 of title 49, United States Code, shall not exceed—

(1) $7,266,000,000 for fiscal year 2004;
(2) $7,646,300,000 for fiscal year 2005;
(3) $6,726,600,000 for fiscal year 2006;
(4) $9,042,000,000 for fiscal year 2007;
(5) $9,639,000,000 for fiscal year 2008; and
(6) $7,900,000,000 for fiscal year 2009.


(a) In General.—Notwithstanding any other provision of law, the Secretary shall ensure that the total apportionments and allocations made to a designated grant recipient under section 5338 of title 49, United States Code, for fiscal year 2005 shall be reduced by the amount apportioned to that grant recipient pursuant to section 8 of the Surface Transportation Extension Act of 2004, Part V.

(b) Fixed Guideway Modernization Adjustment.—In making apportionments described in subsection (a), the Secretary shall adjust the amount apportioned to each urbanized area for fixed guideway modernization for fiscal year 2005 to reflect the method for apportioning funds under section 5337(a) of title 49, United States Code.
[...]

(b) USE OF GRANTS TO ENFORCE OTHER LAWS.—Section 3102 of this title is amended—

(1) by striking subsection (c) and inserting the following:—

"(c) USE OF GRANTS TO ENFORCE OTHER LAWS.—A State may use amounts received under a grant under subsection (a) for the following:

(1) the activities described in subsection (a) that are connected with an appropriate inspection of the commercial motor vehicle to enforce Motor Carrier Safety Act, Chapter 6, Title 49, of the United States Code, or for audits of commercial vehicles operated in connection with such an inspection; and

(2) the activities described in subsection (a) that are connected with an appropriate inspection of the commercial motor vehicle to enforce National Motor Vehicle Safety Standards, Chapter 8, Title 49, of the United States Code, or for audits of commercial vehicles operated in connection with such an inspection; and

(3) in the case of a State that is in substantial compliance with the requirements of section 31311 and that has no outstanding debts owed to the United States, the Secretary may pay up to 10 percent of the cost of the State for audits of new entrant motor carriers under section 31144(g)."

(c) TECHNICAL AMENDMENTS.—Sections 3102(b)(2) and 3102(a) of such title are amended—

(1) by striking "10 percent" and inserting "up to 10 percent"; and

(2) by striking subsection (c) and inserting the following:—

"SEC. 4105. BORDER ENFORCEMENT GRANTS.—

(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended—

(1) by striking the heading for subchapter I and inserting the following:—

"SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS": and

(2) by striking section 31107 and inserting the following:—

"31107. Border enforcement grants.—

(a) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant in a fiscal year to a State that shares a land border with another country for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

(b) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this section only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of amounts from the United States, for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years of the State ending before the date of enactment of the Transportation Equity Act: A Legacy for Users.

(c) FUNDING.—The Secretary shall reimburse a State under a grant made under this section an amount that is not more than 100 percent of the costs incurred by the State during those 2 fiscal years for demonstrated activities, projects relating to border enforcement grants, and related border activities.

(d) AVAILABILITY AND REALLOCATION OF AMOUNTS.—All amounts remaining available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years will be available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are available to the Secretary for reallocation under this section.

(e) CONFORMING AMENDMENTS.—

(1) ITEM RELATING TO SUBCHAPTER I.—The analysis may be separated into subchapter I and inserting the following:—

"SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS":

(2) ITEM RELATING TO SECTION 31107.—The analysis for this section may be separated into subsections and inserting the following:—

"31107. Border enforcement grants":

SEC. 4104. COMMERCIAL DRIVER LICENSE IMPROVEMENTS.—

(a) STATE GRANTS.—Chapter 313 of title 49, United States Code, is amended by inserting after section 31312 the following:—

"31313. Grants for commercial driver license program improvements.—

(a) GRANTS FOR COMMERCIAL DRIVER LICENSE PROGRAM IMPROVEMENTS.—

(1) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant to a State in a fiscal year—

(A) only if the grant is for a purpose directly related to its implementation of its commercial driver license program, and

(B) in the case of a State that is in substantial compliance with the requirements of section 31311 and that has no outstanding debts owed to the United States, the Secretary may pay up to 10 percent of the cost of the State for audits of new entrant motor carriers under section 31144(g)."

(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—A State may use grants under paragraph (a) for expenses directly related to its compliance with section 31311 except that a grant under paragraph (1)(B) may be used for improving implementation of the State's commercial driver's license program, including expenses for computer hardware and software, publications, testing, personnel training, and quality assurance. A grant may not be used to rent, lease, or buy land or buildings.

(c) APPLICATION.—In order to receive a grant under this section, a State must submit an application for such grant that is in such form, and contains such information, as the Secretary may require. The application shall include the Secretary's assessment of its commercial driver license program.

(d) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this section only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of amounts from the United States, for carrying out commercial driver license safety programs and related activities will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years of the State ending before the date of enactment of the Transportation Equity Act: A Legacy for Users.

(e) FUNDING.—The Secretary may make a grant to a State in a fiscal year only if the State agrees that the Secretary shall reimburse the State under a grant made under this section an amount that is not more than 100 percent of the costs incurred by the State during those 2 fiscal years for demonstrated activities, projects relating to commercial driver license safety programs and related enforcement activities and projects.

(f) AVAILABILITY AND REALLOCATION OF AMOUNTS.—All amounts remaining available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are available to the Secretary for reallocation under this section.

(b) CONFORMING AMENDMENTS.—

(1) ITEM RELATING TO SUBCHAPTER I.—The analysis for this section may be separated into subchapter I and inserting the following:—

"SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS":

(2) ITEM RELATING TO SECTION 31107.—The analysis for this section may be separated into subsections and inserting the following:—

"31107. Border enforcement grants":

SEC. 4105. HOBBS ACT.—

(a) JURISDICTION OF COURT OF APPEALS OVER COMMERCIAL MOTOR VEHICLE REGULATIONS AND OPERATORS AND MOTOR CARRIER SAFETY.—Section 2342(3)(A) of title 49, United States Code, is amended by inserting after "of" and before "49":—

"ARTICLE 10, Section 311, chapter 311, chapter 313, or chapter 315":

(b) JUDICIAL REVIEW.—Section 351(a) of title 49, United States Code, is amended by striking "Federal Highway Administration" and inserting "Federal Motor Carrier Safety Administration".

(c) AUTHORITY TO CARRY OUT CERTAIN TRANSPORTATION AND OPERATORS AND MOTOR CARRIER SAFETY ACT.—Section 355 of title 15, United States Code, is amended by striking "Federal Highway Administration" and inserting "Federal Motor Carrier Safety Administration".

SEC. 4106. PENALTY FOR DENIAL OF ACCESS TO RECORDS.—

Section 3211(b) of title 49, United States Code, is amended—

(1) by striking "(b)(1)(A) If the Secretary": and inserting the following:—

"(b)(1)(A) If the Secretary":
“(b) Violations relating to Commercial Motor Vehicle Safety Regulation and Operators.—

(1) Notice.—

(A) In general.—If the Secretary, promptly upon demand, requests a registrant or operator, by personal service, or by publication in a newspaper of general circulation in the locality in which the registrant or operator resides or maintains a place of business, to inspect, copy, and/or access records, to inspect, copy, and access, and examine equipment, buildings, and other property, shall be liable to the United States for a civil penalty not to exceed $1,000 for each offense. Each day the Secretary is denied the right to inspect and copy any record, inspect and examine equipment, lands, buildings, and other property shall constitute a separate offense; except that the total of all civil penalties against any violator for all offenses related to a single violation shall not exceed $10,000. It shall be a defense to such penalty that the records did not exist at the time of the Secretary’s request or could not be timely produced without unreasonable expense or effort. Nothing in this subparagraph shall be construed as amending or superseding any remedy available to the Secretary under section 502(d), section 508, or section 509 of this title.”.

SEC. 4107. MEDICAL REVIEW BOARD.

Section 113 of title 49, United States Code, is amended by adding at the end the following:

“MEDICAL REVIEW BOARD.

(1) Establishment and function.—The Administrator shall establish a Medical Review Board as an advisory committee to provide the Administrator with medical advice and recommendations on driver qualification medical standards and guidelines, medical examiner education, and medical research.

(2)组成.—The Medical Review Board shall consist of 5 members appointed for a term not to exceed 3 years by the Secretary from the medical institutions and private medical practice. The membership shall reflect expertise in a variety of medical specialties relevant to the functions of the Administrator.”.

SEC. 4108. INCREASED PENALTIES FOR OUT-OF-SERVICE VIOLATIONS AND FALSE RECORDS.

(a) Recordkeeping and Reporting Violations.—Section 521(b)(3)(B) of title 49, United States Code, is amended—

(1) in clause (i) by striking “$500” and inserting “$1,000”; and

(2) by striking “$5,000” each place it appears and inserting “$10,000”; and

(b) Violations of Out-of-Service Orders.—Section 31309(c)(2) of title 49, United States Code, is amended—

(1) in clause (i) by striking “Not later than December 18, 1992, the” and inserting “The”;

(2) in paragraph (A)—

(A) by striking “90 days” and inserting “180 days”;

(B) by striking “$1,000” and inserting “$2,500”;

(3) in subparagraph (B)—

(A) by striking “one year” and inserting “2 years”;

(B) by striking “$1,000; and” and inserting “$5,000; and”;

(4) in subparagraph (C) by striking “$10,000.” and inserting “$25,000.”; and

(b) PURPOSE.—The program shall advance the technological capability and promote the deployment of intelligent transportation system applications for commercial motor vehicle operations, commercial carrier-specific information systems and networks.

(c) Core Deployment Grants.—

(1) In General.—The Secretary shall make grants to eligible States for the deployment of commercial vehicle information systems and networks.

(2) Amount of Grants.—The maximum aggregate amount the Secretary may grant to a State for the core deployment of commercial vehicle information systems and networks is $2,500,000.

(d) Expanded Deployment Grants.—

(1) In General.—From funds remaining after the Secretary has made grants under subsection (c), the Secretary may make grants to each eligible State, upon request, for the expanded deployment of commercial vehicle information systems and networks.

(2) Eligibility.—Each State that has completed the core deployment of commercial vehicle information systems and networks in such State is eligible for an expanded deployment grant under this subsection.

(3) Amount of Grants.—Each fiscal year, the Secretary may distribute funds available for expanded deployment grants equally among the eligible States, but not to exceed $1,000,000 per State.

(e) Use of Funds.—A State may use funds from a grant under subsection (d) only for the expanded deployment of commercial vehicle information systems and networks.

(f) Eligibility.—To be eligible for a grant under this section, a State—

(1) shall have a commercial vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State level that need to be refined, revised, upgraded, or expanded to accomplish deployment of core capabilities;

(2) shall certify to the Secretary that its commercial vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

(A) are consistent with the national intelligent transportation systems and commercial vehicle information systems and networks architecture and available standards; and

(B) promote interoperability and efficiency to the extent possible;

(3) shall agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial vehicle information systems and networks; and

(f) Federal Share.—The Federal share of the cost of a project payable from funds made available to carry out this section shall not exceed 50 percent of the cost of a project payable from all eligible sources shall not exceed 80 percent.

(g) Definitions.—In this section, the following definitions shall apply:

(1) Commercial Vehicle Information Systems and Networks.—The term “commercial vehicle information systems and networks” means the information systems and communications networks that provide the capability to—

(A) improve the safety of commercial motor vehicles;

(B) increase the efficiency of regulatory inspection processes to reduce administrative burdens by improving technology to facilitate inspections and increase the effectiveness of enforcement efforts;

(C) advance electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information;

(D) enhance the safe passage of commercial motor vehicles across the United States and across international borders; and

(E) promote the communication of information among the States and encourage multistate cooperation and corridor development.

(2) Commercial Motor Vehicle Operations.—The term “commercial motor vehicle operations” means motor carrier operations and motor vehicle regulatory activities associated with the commercial motor vehicle movement of goods, including hazardous materials, and passengers; and

(3) "State" means a State eligible for an expanded deployment grant under subsection (d).
(a) IN GENERAL.—The Secretary shall—

(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles, utilizing among other things the accident records of the motor carrier, the accident record and safety inspection record of such owner or operator in operations that affect interstate commerce; and

(2) periodically update such safety fitness determinations;

(3) make such final safety fitness determinations publicly available to the public; and

(4) prescribe by regulation penalties for violations of this section consistent with section 521.

(b) PROHIBITED TRANSPORTATION.—The first subsection (c) of such section 31144 is amended by adding at the end the following:

(5) DETERMINATION OF UNFITNESS BY A STATE.—Owners or operators of commercial motor vehicles prohibited from operating in interstate commerce pursuant to paragraphs (1) through (3) may not operate any commercial motor vehicle that affects interstate commerce until the Secretary determines that such owner or operator is fit.

(c) EXCEPTION OF UNFITNESS BY A STATE.—Such section 31144 is further amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively;

(2) by inserting after the first subsection (c) the following:

"(i) DETERMINATION OF UNFITNESS BY A STATE.—If a State that receives a grant under section 3102 determines, by applying the standards prescribed by the Secretary under subsection (b), that an owner or operator of commercial motor vehicles that has its principal place of business in that State and operates in intrastate commerce is unfit under such standards described in this paragraph, the owner or operator from operating such vehicles in interstate commerce until the State determines that the owner or operator is fit.

"(ii) DUTIES OF EMPLOYERS AND EMPLOYEES.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements for chapter 312 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

"(iii) COST SHARING.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this subsection shall not exceed 50 percent, except that if the activity serves a substantial public interest or benefits associated with the user's activity, the Secretary may approve a greater Federal share.

"(iv) TREATMENT OF DIRECTLY INCURRED NONFEDERAL COSTS.—All costs directly incurred by the non-Federal partners, including personnel, facilities, and time, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710i et seq.)."

SEC. 4112. MOTOR CARRIER RESEARCH AND TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Section 31108 of title 49, United States Code, is amended to read as follows:

"§31108. Motor carrier research and technology program

(1) RESEARCH, TECHNOLOGY, AND TECHNOLOGY TRANSFER ACTIVITIES.—

(A) the causes of accidents, injuries, and fatalities involving commercial motor vehicles;

(B) improving commercial motor vehicle and motor carrier safety, and industry efficiency, through technological improvements;

(C) improving technology used by enforcement officers when conducting roadside inspections and compliance reviews to increase efficiency and information transfers; and

(D) increasing the safety and security of hazardous materials.

(2) TESTS AND DEVELOPMENT.—The Secretary may test, develop, or assist in testing and developing any material, invention, patented article, or process related to the research and technology program.

(3) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this subsection, including the technology, its research, and resulting royalties may be licensed and the resulting royalties may be distributed by the Secretary, subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710i et seq.).

(b) CONFORMING AMENDMENT.—The analysis for chapter 311 of such title is amended by striking the item relating to section 31108 and inserting the following:

"31108. Motor carrier research and technology program."

SEC. 4113. INTERNATIONAL COOPERATION.

(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended by adding at the end the following:

""§31161. International cooperation

The Secretary of Transportation is authorized to use funds made available by section 31104(a)(i) to participate and cooperate in international activities to enhance motor carrier, driver, and highway safety by such means as exchanging information, conducting research, and examining needs, best practices, and new technology.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"Subchapter IV—Miscellaneous

§31161. International cooperation.

SEC. 4114. PERFORMANCE AND REGULATION INFORMATION FORMATION SYSTEM MANAGEMENT.

(a) DESIGN AND CONDITIONS FOR PARTICIPATION.—Section 31106(b) of title 49, United States Code, is amended by striking paragraphs (2), (3), and (4) and inserting the following:

"(2) DESIGN.—The program shall link Federal motor carrier safety information systems with State motor carrier registration and licensing systems and shall be designed to enable a State to—

(A) determine the safety fitness of a motor carrier registrant, while registering the registrant or motor carrier or while the license or registration is in effect; and
SEC. 31109. Performance and registration information system management.

(a) In General.—The Secretary of Transportation shall require States, as a condition of participation in the program, to—

(1) comply with the uniform policies, procedures, forms, and operational standards prescribed by the Secretary under subsection (a)(4); and

(2) possess or seek the authority to deny, suspend, or revoke commercial motor vehicle registrations based on the issuance of an operating license, certificate, or permit required to operate a commercial motor vehicle in interstate commerce.

(b) Availability of amounts.—Amounts made available under this section remain available until expended.

(c) Conforming Amendment.—The analysis for chapter 145 of such title in such section, is amended—

(1) by striking subsection (a); and

(2) by striking subsection (b), and inserting the following:

"(1) in Subchapter I of chapter 311 of title 49, United States Code, is amended by striking—

(B) the period at the end of subsection (b) to each partner to provide resources and expertise to the truck or truck tractor in front of it.

(c) Program Elements.—The program shall include, at a minimum, the following:

(1) A program to promote a more comprehensive and coordinated outreach to commercial motor vehicle drivers and passenger vehicle drivers about how commercial motor vehicle drivers and passenger vehicle drivers can more safely share the road with each other.

(2) A program to establish a public-private partnership to provide resources and expertise for the development and dissemination of information relating to the sharing the road referred to in paragraphs (1) and (2) to each partner's customers and the public through the use of brochures, videos, paid and public advertisements, the Internet, and other media.

(d) Federal Share.—The Federal share of the cost for which a grant is made under this section shall be 90 percent.

(e) Termination Date.—The advisory committee shall remain in effect until September 30, 2009.

SEC. 4124. SAFETY DATA IMPROVEMENT PROGRAM.

(a) In General.—The Secretary shall make grants to States for projects and activities to improve the accuracy, timeliness, and completeness of commercial motor vehicle safety data recorded by the States.

(b) Eligibility.—A State shall be eligible for a grant under this section in a fiscal year if the Secretary determines that the State has—

(1) conducted a comprehensive review of its commercial motor vehicle safety data system within the preceding 2 years;
(2) developed a plan that identifies and prioritizes its commercial motor vehicle safety data needs and goals; and
(3) identified performance-based measures to determine compliance toward those goals.
(c) AUTHORIZATION OF APROPRIATIONS.—
There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $3,000,000 for each of fiscal years 2006 through 2009.
(d) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by this section shall be available for ob- ligation in the same manner as if such funds were authorized under section 102 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using such funds shall be 80 percent and such funds shall remain available until ex-
pended.
(e) BICENTRAL REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary shall transmit to Congress a report on the activities and results of the program carried out under this section, to-
gather with any recommendations the Secretary determines appropriate.
SEC. 4125. COMMERCIAL DRIVER’S LICENSE IN-
FORMATION SYSTEM MODERNIZATION.
(a) GENERAL AUTHORITY.—The Secretary may make a grant to a State or organization re-
presenting agencies and officials of a State in a fiscal year to modernize its commercial driver’s license information system in accordance with subsection (c) if the State is in substantial con-
formity with the requirements of section 31311 of title 49, United States Code, and this section, as determined by the Secretary. The Secretary shall establish criteria for the distribution of grants and notify each State annually of such criteria.
(b) MODERNIZATION PLAN.—No later than 120 days after the date of enactment of this Act, the Secretary shall publish a comprehensive na-
tional plan to modernize the commercial driver’s license information system. The plan shall be developed in consultation with representatives of the motor carrier industry, State safety enforce-
ment agencies, and State licensing agencies designated by the Secretary.
(c) USE OF GRANT.—A State may use a grant under this section to implement improvements that are consistent with the moderniza-
tion plan developed by the Secretary.
(d) PILOT PROGRAM.—
(1) The Secretary may conduct grants under this section a 3-year pilot program in no more than 3 States to evaluate a system for sharing driver’s license information on all commercial and noncommercial driver’s li-
censes issued in each participating State.
(2) FUNDING.—The Secretary may use no more than 50 percent of the funds available to carry out this section for the pilot program in any fis-
cal year.
(3) REPORT.—Not later than 1 year after the last day of the pilot program, the Secretary shall transmit to Congress a report on the re-
sults of the pilot program.
(e) GOVERNMENT SHARE.—A grant under this section shall be paid in accordance with section 5305 of title 49, United States Code, except that the Secretary shall include in-kind con-
tributions of the State.
(f) AUDIT.—The State or organization designated by the Secretary shall have the right to conduct an independent audit to ensure that the State or organization in a fiscal year in im-
plementing the modernization program developed by the Secretary, In determining these costs, the Secretary shall include in-kind con-
tributions of the State.
(g) CONTRACT AUTHORITY AND AVAIL-
ABILITY.—
(1) PERIOD OF AVAILABILITY.—The amounts made available under subsection (f) shall remain available until expended.
(2) INITIAL DATE OF AVAILABILITY.—Amounts authorized to be available in subsection (a) from the Highway Trust Fund (other than the Mass Transit Ac-
count) by subsection (f) shall be available for obligation on the date of their apportionment or allocation on or after October 1 of the fiscal year for which they are authorized, whichever occurs first.
(3) CONTRACT AUTHORITY.—The Secretary, or the Secretary’s designee, shall enter into a contract under subsection (a) with the State for the purpose of carrying out the modernization program designed by the Secretary.
SEC. 4126. MAXIMUM HOURS OF SERVICE FOR OP-
ERATORS OF GROUND WELL WATER DRILLING RIGS.
Section 365(h) of the National Water Well Association Act of 1955 (49 U.S.C. 31136 note; 109 Stat 613) is amended by adding at the end the following: “Except as required in sec-
tion 365.3 of title 49, Code of Federal Regula-
tions, as in effect on the date of enactment of this sentence, no in-service off-duty time shall be required in order to operate such vehicle.”.
SEC. 4127. SAFETY PERFORMANCE HISTORY SCREENING.
(a) IN GENERAL.—The Secretary shall provide persons conducting preemployment screening services the means to electronically access to the following reports contained in the Motor Carrier Management Information System:
(1) Commercial motor vehicle accident reports.
(2) Inspection reports that contain no driver-
related safety violations.
(3) Serious driver-related safety violation in-
spection reports.
(b) CONDITION ON PROVIDING ACCESS.—Be-
fore providing a person access to the Motor Car-
rier Management Information System under subsection (a), the Secretary shall:
(1) ensure that the person will not conduct a screening without the operator-applicant’s writ-
ten consent;
(2) require that any information that is re-
leased to such person will be in accordance with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and all other applicable Federal law;
(3) ensure that such person will conduct a screening that the operator-applicant’s writ-
ten consent;
(4) ensure that any information that is re-
leased to such person will be in accordance with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and all other applicable Federal law;
(5) require that such person will not conduct a screening without the operator-applicant’s writ-
ten consent;
(6) ensure that any information that is re-
leased to such person will be in accordance with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and all other applicable Federal law;
(7) ensure that such person will not conduct a screening without the operator-applicant’s writ-
ten consent;
(8) require that such person will not conduct a screening without the operator-applicant’s writ-
ten consent;
(9) ensure that such person will not conduct a screening without the operator-applicant’s writ-
ten consent.
(10) require that such person will not conduct a screening without the operator-applicant’s writ-
ten consent.
SEC. 4128. INTERMODAL CHASSIS ROADABILITY.
(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, after providing notice and opportunity for com-
ment, shall promulgate a rule making a program to ensure that intermodal equipment used to transport intermodal containers is safe.
(b) MOTOR CARRIER SAFETY REGULATIONS.—The regulations under this section shall be issued as part of the Federal motor carrier safe-
ty regulations of the Department of Transpor-
tation.
SEC. 4132. TECHNICAL CORRECTIONS.

SEC. 4133. INTRASTATE AND FOREIGN OPERATIONS.

SEC. 4134. OPERATORS OF VEHICLES TRANSPORTING AGRICULTURAL COMMODITIES AND FARM SUPPLIES.

SEC. 4135. OPERATIONS OF VEHICLES TRANSPORTING AGRICULTURAL COMMODITIES AND FARM SUPPLIES.

SEC. 4136. SPECIAL RULE FOR FISCAL YEAR 2004.

SEC. 4137. EXEMPTION OF MOVIE PRODUCTION SITES.

SEC. 4138. EXEMPTION OF MOVIE PRODUCTION SITES.
(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and
(2) by inserting before subparagraph (B) (as so redesignated) the following: ‘‘(A) the shipper was not advised by the carrier during the claim settlement process that a dispute settlement program was available to resolve the dispute;’’.

SEC. 4205. CIVIL PENALTIES RELATING TO HOUSEHOLD GOODS BROKERS AND UNAUTHORIZED TRANSPORTATION

Section 14901(d) of title 49, United States Code, is amended—
(1) by striking ‘‘If a carrier’’ and inserting the following—
‘‘(1) IN GENERAL.—If a carrier’’; and
(2) by adding at the end the following:
‘‘(2) BROKER WITHOUT CARRIER AGREEMENT.—If a broker for transportation of household goods subject to jurisdiction under subchapter I of chapter 135 makes an estimate of the cost of transporting any such goods before entering into an agreement with a carrier to provide transportation of household goods subject to such jurisdiction, the broker is liable to the United States for a civil penalty of not less than $10,000 for each violation.

(3) UNAUTHORIZED TRANSPORTATION.—If a person provides transportation of household goods subject to jurisdiction under subchapter I of chapter 135 or provides broker services for such transportation without being registered under such subchapter, such person shall provide such transportation or services as a motor carrier or broker, as the case may be, such person is liable to the United States for a civil penalty of not less than $5,000 for each violation.

SEC. 4204. CIVIL PENALTY FOR HOLDING HOUSEHOLD GOODS HOSTAGE.

(a) IN GENERAL.—Chapter 149 of title 49, United States Code, is amended by adding at the end the following:

‘‘§14915. Holding household goods hostage

‘‘(a) HOLDING HOUSEHOLD GOODS HOSTAGE DEFINED.—For purposes of this section, the term ‘holding household goods hostage’ means the knowing and willful refusal to relinquish possession of a shipment of household goods described in section 13120(2)(A) upon payment of not more than 100 percent of a binding estimate, or, in the case of a nonbinding estimate, not more than 110 percent of the estimated charges for such shipment.

(b) VIOLATION.—Whoever is found holding a household goods shipment hostage is liable to the United States for a civil penalty of not less than $10,000 for each violation. If such person is a motor carrier that provides such transportation or services as a motor carrier or broker, the Secretary may suspend for a period of not less than 6 months the registration of such carrier or broker under chapter 135. (c) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

‘‘14915. Holding household goods hostage.’’

SEC. 4205. WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a working group of State attorneys general, Federal and local law enforcement officials for the purpose of developing and procedures to enhance the Federal-State partnerships in enforcement efforts, exchange of information, and coordination of enforcement efforts with respect to interstate transportation of household goods and of making legal recommendations to the Secretary concerning such enforcement efforts.

(b) CONSULTATION.—In carrying out subsection—
(1) the working group shall consult with industries involved in the transportation of household goods.

(c) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under subsection (a).

(d) TERMINATION.—The working group shall remain in effect until September 30, 2009.

SEC. 4206. CONSUMER HANDBOOK ON DOT WEBSITE.

Not later than 1 year after the date of enactment of this Act, the Secretary shall take such action as may be necessary to ensure that publication of the Consumer Protection Handbook entitled ‘YOUR RIGHTS AND RESPONSIBILITIES WHEN YOU MOVE’ is prominently displayed, and available in language that is readily understandable by the general public, on the Web site of the Department of Transportation.

SEC. 4207. RELEASE OF HOUSEHOLD GOODS BROKER INFORMATION.

Not later than 1 year after the date of enactment of this Act, the Secretary shall modify the regulations contained in part 375 of title 49, Code of Federal Regulations, to require a broker that is subject to such regulations to provide shippers with the following information when there are contact with a shipper or potential shippers:

(1) THE DEPARTMENT OF TRANSPORTATION NUMBER OF THE BROKER.

(2) THE EPA 03005 PUBLICATION REFERRED TO IN SECTION 4206 OF THIS ACT.

(3) A LIST OF CARRIERS PROVIDING TRANSPORTATION OF HOUSEHOLD GOODS USED BY THE BROKER AND A STATEMENT THAT THE BROKER IS NOT A MOTOR CARRIER PROVIDING TRANSPORTATION OF HOUSEHOLD GOODS.

SEC. 4208. CONSUMER COMPLAINT INFORMATION.

(a) ESTABLISHMENT OF SYSTEM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) establish a system for filing and logging consumer complaints relating to motor carriers providing transportation of household goods and for compiling information gathered by the Department of Transportation and the States with regard to such carriers, a database of the complaints, and a procedure for the public to have access to aggregated information and for carriers to challenge duplicate or fraudulent information in the database; and

(2) issue regulations requiring each motor carrier of household goods to report, on a quarterly basis a report summarizing—

(A) the number of shipments that originate and are delivered for individual shippers during the reporting period and;

(B) the number and general category of complaints lodged by consumers with the carrier;

(C) the number of claims filed with the carrier for loss and damage in excess of $500;

(D) the number of such claims resolved during the reporting period;

(E) the number of such claims declined in the reporting period; and

(F) the number of such claims that are pending at the close of the reporting period.

(b) USE OF INFORMATION.—The Secretary shall consider information in the data base established under subsection (a) in its household goods compliance and enforcement program.

SEC. 4209. INSURANCE REGULATIONS.

(a) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall undertake a review of the current Federal regulations regarding insurance coverage provided by motor carriers providing transportation of household goods and revise such regulations in order to provide enhanced protection for shippers in the case of loss or damage as determined necessary.

(b) DETERMINATIONS.—The review shall include, but not be limited to, a determination of—

(1) whether the current regulations provide adequate protection for shippers; and

(2) whether an individual shipper should purchase insurance as opposed to the carrier; and

(3) whether there are abuses of the current regulations that leave the shipper unprotected in loss and damage claims.

SEC. 4210. ESTIMATING REQUIREMENTS.

Section 14106(b)(7) of title 49, United States Code, is amended to read as follows:

‘‘(7) REQUIRED TO BE IN WRITING.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, every motor carrier providing transportation of goods as described in section 13102(10)(A) subject to jurisdiction under subsection (a) of chapter 135 shall conduct a physical survey of the household goods that are being transported by the respective individual shipper and shall provide the shipper with a written estimate of charges for the transportation and all related services.

(B) WAIVER.—A motor carrier shall provide a physical survey under this paragraph by written agreement signed by the shipper before the shipment is loaded. A copy of the waiver agreement must be retained as an addendum to the bill of lading and shall be subject to the same record inspection and preservation requirements of the Secretary as are applicable to bills of lading.

‘‘(C) ESTIMATE.—

‘‘(i) IN GENERAL.—Notwithstanding a waiver under subparagraph (B), a carrier’s statement of charges for transportation of goods shall be based on the estimate provided to the shipper in writing and shall indicate whether it is binding or nonbinding.

(ii) BINDING.—A binding estimate under this paragraph must indicate that the carrier and shipper are bound by such charges. The carrier may impose a charge for providing a written binding estimate.

(iii) NONBINDING.—A nonbinding estimate under this paragraph must indicate that the actual charges will be based upon the actual weight of the individual shipper’s shipment and the carrier’s lawful tariffs. The carrier may not impose a charge for providing a nonbinding estimate.’’

SEC. 4211. IMPLEMENTATION OF STATE CONSUMER PROTECTION LAWS TO CERTAIN HOUSEHOLD GOODS CARRIERS.

(a) STUDY.—The Comptroller General shall conduct a study on the current consumer protection authorities and actions of the Department of Transportation and the impact on shippers and carriers of household goods involved in interstate transportation of allowing State attorneys general to apply State consumer protection laws to such transportation.

(b) MATTERS TO BE CONSIDERED.—In conducting the study, the Comptroller General shall consider, at a minimum—

(1) the level of consumer protection being provided to consumers through Federal household goods regulations and how household goods regulations relating to consumer protection compare to regulations relating to consumer protection for other modes of transportation regulated by the Department of Transportation;

(2) the history and background of State enforcement of State consumer protection laws on household goods carriers providing intrastate transportation and what effects such laws have on the ability of intrastate household goods carriers to operate;

(3) what operational impacts, if any, would result if household goods carriers engaged in interstate commerce being subject to the State consumer protection laws; and

(4) the potential for States to regulate rates or other business operations if State consumer protection laws applied to interstate household goods movements.

(c) CONSULTATION.—In conducting the study, the Comptroller General shall consult with the Secretary, State attorneys general, consumer protection agencies, and the household goods industry.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study.
of Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report on the results of the study.

SEC. 4212. AUTHORITY TO HOUSEHOLD GOODS MOTOR CARRIERS.

(a) In general.—The provisions of title 49, United States Code, and this Act (including any amendments made by this Act) relating to the transportation of household goods shall only apply to household goods motor carriers.

(b) Household Goods Motor Carrier Defined.—In this section, the term ‘‘household goods motor carrier’’ means a motor carrier as defined in section 13102(12) of title 49, United States Code, which, in the ordinary course of its business carries household goods for hire or reward, and includes all of the following additional services: binding and nonbinding estimates, inventoring, protective packing and unpacking of individual items, and loading and unloading at personal residences.

SEC. 4213. VIOLATIONS OF OUT-OF-SERVICE ORDERS.

Section 32109(12) of title 49, United States Code, is amended by adding at the end the following:

‘‘(c) Criminal penalty.—Any employer that knowingly and willfully allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall, upon conviction, be subject for each offense to imprisonment for a term not to exceed one year or a fine under title 18, or both.’’.

SEC. 4214. CRIMINAL PENALTY FOR HOLDING HOUSEHOLD GOODS HOSTAGE.

Section 1845 of title 49, United States Code, as added by section 4204 of this Act is amended by adding at the end the following:

‘‘(c) Criminal penalty.—A motor carrier that has been convicted of knowingly and willfully holding household goods hostage by falsifying documents or demanding the payment of charges for services that were not performed or were unnecessary in the safe and adequate movement of a shipment of household goods shall be fined under title 18, or imprisoned not more than 2 years, or both.’’.

TITLE V—TRANSPORTATION RESEARCH AND EDUCATION

Subtitle A—Funding

SEC. 5101. AUTHORIZATION OF APPROPRIATIONS.

(a) In general.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT, AND DEPLOYMENT PROGRAM.—To carry out sections 502, 503, 506, 507, 509, and 510 of title 23, United States Code, and sections 5207, 5210, 5211, and 5402 of this title—

(A) $183,000,000 for fiscal year 2004;

(B) $239,500,000 for fiscal year 2005;

(C) $239,500,000 for fiscal year 2006;

(D) $239,500,000 for fiscal year 2007;

(E) $239,500,000 for fiscal year 2008; and

(F) $239,500,000 for fiscal year 2009.

(2) TRAINING AND EDUCATION.—To carry out sections 504 of title 23, United States Code, and section 5211 of this Act, $24,500,000 for fiscal year 2004 and $33,500,000 for each of fiscal years 2005 through 2009.

(3) REALITY OF TRANSPORTATION STATISTICS.—For the Bureau of Transportation Statistics to carry out section 111 of title 49, United States Code, $31,000,000 for fiscal year 2004 and $32,000,000 for each of fiscal years 2005 through 2009.

(4) UNIVERSITY TRANSPORTATION RESEARCH.—To carry out sections 5505 and 5506 of title 49, United States Code, $50,000,000 for fiscal year 2004 and $71,000,000 for each of fiscal years 2005 through 2009.

(5) INTELLIGENT TRANSPORTATION SYSTEMS (ITS) IMPLICATIONS.—To carry out subsection P of this title, $115,000,000 for each of fiscal years 2004 through 2009.

(6) ITS DEPLOYMENT.—To carry out sections 5208 and 5209 of the Transportation Equity Act for the 21st Century (112 Stat. 458; 112 Stat. 460), $100,000,000 for fiscal years 2004 and 2005.

(b) Authorization of Appropriation.—

(1) APPLICABILITY TO HOUSEHOLD GOODS MOTOR CARRIERS.—Funds authorized to be appropriated by subsection (a) shall be available for obligation in the same manner as if such funds were appropriated under chapter 1 of title 23, United States Code; except that the Federal share of the cost of a project or activity carried out using such funds shall be 80 percent, unless otherwise determined by the Secretary, and such funds shall remain available until expended and shall not become available after December 31, 2009.

SEC. 5102. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Highway Trust Fund (other than the Mass Transit Account) by sections 5101(a) and 5401 of this Act shall not exceed $100,000,000 for fiscal year 2004, $183,000,000 for fiscal year 2005, $230,000,000 for fiscal year 2006, $230,000,000 for fiscal year 2007, $480,000,000 for fiscal year 2008, and $487,000,000 for fiscal year 2009.

SEC. 5103. FINDINGS.

Congress finds the following:

(1) Research and development are critical to developing and maintaining a transportation system that meets the goals of safety, mobility, environmental protection, efficiency, and environmental protection.

(2) Federally sponsored surface transportation research and development has produced many breakthroughs. The development of rubber strips has increased safety; research on materials has increased the lifespan of pavements, saving money and reducing the disruption caused by construction; and Geographic Information System improved the management and efficiency of transit fleets.

(3) Despite these important successes, the Federal surface transportation research and development investment represents less than one percent of overall government spending on surface transportation.

(4) While Congress increased funding for overall transportation programs by about 40 percent in the Transportation Equity Act for the 21st Century, funding for transportation research and development–related activities has remained relatively flat.

(5) The Federal investment in research and development should be balanced between short-term applied and long-term fundamental research needs. The investment should also cover a wide range of research areas, including research on materials and construction, research on operations, research on transportation trends and human factors, and research addressing the institutional barriers to deployment of new technologies.

(6) Therefore, Congress finds that it is in the United States interest to increase the Federal investment in transportation research and development, and to conduct research in critical research gaps and emerging issues with national implications.

(7) Performance Review and Evaluation.—To the maximum extent practicable, all surface transportation research and development projects shall include a component of performance measurement and evaluation. Performance measurement shall be established during the proposal stage of a research and development project and shall, to the maximum extent possible, be outcome-based. All evaluations shall be made readily available to the public.

(8) Competition and Peer Review.—Except as otherwise provided in this Act, the Secretary shall award all grants, contracts, and cooperative agreements for research and development under this Act based on open competition and peer review of proposals.

(9) Recruitment of Research, Development, and Technology Transfer Activities.—Section 502(b)(5) of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

‘‘(5) Technical and financial support.—The Secretary may carry out research, development, and technology transfer activities related to transportation—

(A) independently; or

(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or

...
"(C) by making grants to, or entering into contracts, cooperative agreements, and other transactions with one or more of the following: the National Academy of Sciences, the American Association of State Highway and Transportation Officials, any Federal laboratory, Federal agency, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, or any other person.

(d) Transportation Pooled Fund Program.—Section 502(b) of such title (as redesignated by subsection (b) of this section), is amended by adding at the end the following:

"(6) POOLED FUNDING.—

"(A) Cooperation.—To promote effective utilization of resources, the Secretary may cooperate with a State and an appropriate agency in funding research, development, and technology transfer activities of mutual interest on a pooled funds basis.

"(B) Secretary as agent.—The Secretary may enter into contracts, cooperative agreements, grants, and other transactions as agent for all participating parties in carrying out such research, development, or technology transfer.

"(E) Operations Elements in Research Activities.—Section 502 of such title is further amended—

(1) in subsection (b)(1)(B) (as redesignated by subsection (b) of this section) by inserting "transportation system management and operations" after "operations"; and

(2) in subsection (d)(5)(C) (as redesignated by subsection (b) of this section) by inserting "system management and" after "transportation";

and

(5) by inserting at the end of subsection (d) (as redesignated by subsection (b) of this section) the following:

"(12) Investigation and development of various operational methodologies to reduce the occurrence and impact of recurrent congestion and disruption and increase transportation system reliability.

"(13) Investigation of processes, procedures, and technologies to secure container and hazardous material transport, including the evaluation of regulations and the impact of good security practices on commerce and productivity.

"(14) Research, development, and technology transfer related to asset management.

(f) Facilitating Transportation Research and Technology Deployment Partnerships.—Section 502(c)(2) of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

"(2) Cooperation, grants, contracts, and agreements.—Notwithstanding any other provision of law, the Secretary may enter into agreements, cooperative research and development agreements (as defined in section 12 of the Stevenson-Fuller Technology Innovation Act of 1980 (15 U.S.C. 3715a)), and other transactions to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, and their agents to conduct joint transportation research and technology efforts.

(g) Exploratory Advanced Research Program.—Section 502(e) of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

"(e) Exploratory Advanced Research.—

"(1) IN GENERAL.—The Secretary shall establish an exploratory advanced research program, consistent with the surface transportation research and technology development strategic plan developed under section 508 that involves and draws upon basic research results to provide a means to solve problems and develop innovative solutions. In carrying out the program, the Secretary shall strive to develop partnerships with public and private sector entities.

"(2) Research Areas.—In carrying out the program, the Secretary may make grants and enter into cooperative agreements and contracts in such areas of surface transportation research and technology as the Secretary determines appropriate, including the following:

"(A) Transportation of materials used in highway infrastructure, including analytical techniques, microstructure modeling, and the deterioration processes.

"(B) Assesses the effects of transportation decisions on human health.

"(C) Development of surrogate measures of safety.

"(D) Environmental research.

"(E) Data acquisition techniques for system condition and performance monitoring.

"(F) The development of systematic information processing needed to assess the day-to-day operational performance of the system in support of hour-to-hour operational decision-making.

(h) Long-term Pavement Performance Program.—

(1) IN GENERAL.—Section 502(f) of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

"(1) Long-term Pavement Performance Program.

"(1) Authority.—The Secretary shall carry out the 20-year long-term pavement performance program established under section 307(d) (as in effect on June 8, 1998).

"(2) Grants, Cooperative Agreements, and Contracts.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts.

"(A) monitor, material-test, and evaluate test bridges;

"(B) analyze the data obtained under sub-paragraph (A); and

"(C) prepare products to fulfill program objectives.

(2) Funding.—Of the amounts made available by section 510(a)(1) of this Act, $10,000,000 for fiscal year 2004 and $15,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 502(j) of title 23, United States Code."

(b) Innovative Bridge Research and Deployment Program.—

(1) IN GENERAL.—Section 503(b)(1) of such title is amended to read as follows:

"(1) Innovative Bridge Research and Deployment Program.

"(1) Authority.—The Secretary shall carry out the 20-year long-term bridge performance program established under section 307(d) (as in effect on June 8, 1998).

"(2) Grants, Cooperative Agreements, and Contracts.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts.

"(A) monitor, material-test, and evaluate test bridges;

"(B) analyze the data obtained under sub-paragraph (A); and

"(C) prepare products to fulfill program objectives.

(2) Goals.—Section 503(b)(2) of such title is amended to read as follows:

"(2) Goals.—The goals of the program shall include—

"(A) the development of new, cost-effective, innovative highway bridge applications;

"(B) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

"(C) the development of engineering design criteria for innovative products, materials, and structural systems for use in highway bridges and structures;

"(D) the reduction of maintenance costs and life-cycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

"(E) the development of highway bridges and structures that will withstand natural disasters;

"(F) the documentation and wide dissemination of effective evaluations of the performance and benefits of these innovative designs, materials, and construction methods;

"(G) the effective transfer of existing information and technology; and

"(H) the development of improved methods to detect bridge scour and economical bridge foundation designs that will withstand bridge scour.

(3) Funding.—

(A) IN GENERAL.—Of the amounts made available by section 510(a)(1) of this Act, $20,000,000 for each of fiscal years 2004 through 2009 shall be available to carry out section 503(b) of title 23, United States Code; and

"(C) Development of High Performance Concrete Bridge Technology Research and Deployment.—The Secretary shall obligate $2,000,000 of the amount described in subparagraph (A) for each of fiscal years 2004 through 2009 to conduct research and deploy technology related to high-performance concrete bridges.

SEC. 5003. SURFACE TRANSPORTATION ENVIRONMENTAL AND PLANNING COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 507 of title 23, United States Code, is amended to read as follows:

"507. Surface Transportation environment and planning cooperative research program.

"(a) Establishment.—The Secretary shall establish a program to carry out research and development of innovative, public-private surface transportation environment and planning cooperative research programs.
Transportation Association, who shall serve in
American Association of State Highway and
agencies;

shall be composed of
committee shall be appointed by the Secretary and
(B) representatives of State environmental
agencies and other environmental organiza-
tions;

(2) representatives of the transportation pri-

portant sector;

(D) transportation and environmental sci-

eists and engineers; and

(E) representatives of the Federal Highway
Administration, Federal Transit Administration,
Environmental Protection Agency, United States
Fish and Wildlife Service, Corps of Engineers,
American Association of State Highway and
Transportation Officials, and American Public
Transportation Association, who shall serve in
an ex officio capacity.

At least the majority of the commit-
tee’s voting members shall be representatives of
government transportation agencies.

(4) MEETINGS.—The National Academy of
Sciences shall convene meetings of the com-
mittee.

(d) GOVERNANCE.—The program established
under this section shall include the following
administrative and management elements:

(1) NATIONAL RESEARCH AGENDA.—The advi-
sory committee, in consultation with interested
parties and periodically update research and
development called for in the Transpor-
tation Research Board Special Report 283, entitled ‘Surface Transportation Environ-
mental Research: A Long-Term Strategy’ and
published in 2002, as described in subsection (e).

The national research agenda shall include a
multiaxial strategic plan.

(2) INVOLVEMENT.—Interested parties may

(A) submit research proposals;

(B) participate in merit reviews of research
proposals and peer reviews of research products;
and

(C) receive research results.

(3) OPEN COMPETITION AND PEER REVIEW OF
RESEARCH PROPOSALS.—The National
Academy of Sciences shall invite interested
parties, including the public, to submit
research contracts and grants through open com-
petition and merit review conducted on a reg-
ular basis.

(4) EVALUATION OF RESEARCH.—

(A) PEER REVIEW.—Research contracts and
grants may allow peer review of the research re-
sults.

(B) PROGRAMMATIC EVALUATIONS.—The Na-
tional Academy of Sciences may conduct peri-
odic programmatic evaluations on a regular basis.

(5) DISSEMINATION OF RESEARCH FINDINGS.—The
National Academy of Sciences shall dissemi-
nate research findings to researchers, practi-
cioners, and decisionmakers, through con-
cferences and seminars, field demonstrations,
workshops, training programs, presentations,
testimony to government officials, World Wide
Web, and publications for the general public.

(e) CONTENTS.—The national research agen-
da for the program required under subsection (d)(1) shall include research in the following areas:

(1) HUMAN HEALTH.—Human health to estab-
lish the links between transportation activities
and human health; substantiate the linkages be-
tween transportation, land use, livable commu-
nations, and health impacts; examine the potential
health impacts from the implementation and op-
eration of transportation infrastructure and
services; develop strategies for avoidance and re-
duction of these impacts; and develop strategies
to understand the economic value of health im-
provements for incorporating health considera-
tions into valuation methods.

(2) ECOLOGY AND NATURAL SYSTEMS.—Ecol-
ogy and natural systems to anticipate transpor-
tation’s short- and long-term impact on natural
systems; develop ecologically based performance
measures; develop insight into both the spatial
interaction with transportation and natural systems; study the relation-
ship between highway density and ecosystem in-
tegrity, including the impacts of highway den-
sity on and overall ecosystem health; develop a rapid assessment methodology
for use by transportation and regulatory agen-
cies in determining the relationship between
highway density and ecosystem integrity; and
develop ecologically based performance tech-
niques to evaluate the success of highway project mitigation and enhancement measures.

(3) ENVIRONMENTAL AND SOCIOECONOMIC RELA-
TSHIPS.—Environmental and socio-

economic relationships to understand dif-
ferences in mobility, access, travel behavior, and travel preferences among different popu-

cations; develop improved planning approaches that bet-

ter reflect and respond to community needs; im-

prove evaluation methods for examining the in-
educational and economic benefits and cost of research, development, and technology
transfer activities concerning innovative mate-

rials.

(B) APPLICATIONS.—To receive a grant under
the program, an entity described in paragraph (A) shall submit an application to the
Secretary. The application shall be in such form and contain such information as the Secretary
may require. The Secretary shall select and ap-

prove an application based on whether the
project that is the subject of the grant meets the
purpose of the program described in paragraph (2) and

(4) by striking paragraph (8) and inserting the fol-
lowing:

(7) OTHER RESEARCH AREAS.—Other research
areas to identify and address the emerging and
future surface transportation research needs re-
tained to planning and environment.

"(f) FEDERAL SHARE.—The Federal share of the

The Secretary shall ensure that the infor-

mation and technology resulting from research
conducted under paragraph (7) is made avail-
ble to State and local transportation depart-
ments and other interested parties as specified
by the Secretary.

(b) INNOVATIVE PAVEMENT RESEARCH AND
DE-
“(2) GOALS.—The goals of the innovative pavement research and deployment program shall include—

(A) the deployment of new, cost-effective, innovative materials, recycled materials (including taciturn tailings and foundry sand), and practices to extend pavement life and performance and to improve customer satisfaction;

(B) the demonstration of cost savings and life cycle costs of pavements, including the costs of new construction, replacement, maintenance, and rehabilitation;

(C) the deployment of accelerated construction techniques to increase safety and reduce construction time and traffic disruption and congestion;

(D) the deployment of engineering design criteria and specifications for innovative practices, products, and materials for use in highway pavements;

(E) the deployment of new nondestructive and real-time pavement evaluation technologies and techniques;

(F) the evaluation, refinement, and documentation of the performance and benefits of innovative technologies deployed to improve life, performance, cost effectiveness, safety, and customer satisfaction;

(G) effective technology transfer and information dissemination to accelerate implementation of technologies that improve life, performance, cost effectiveness, safety, and customer satisfaction; and

(H) the development of designs and materials to reduce water runoff.

(3) RESEARCH TO IMPROVE NHS PAVEMENT.—The Secretary shall obligate not less than $2,000,000 for fiscal year 2004 and $6,000,000 for each of fiscal years 2005 through 2009 from the amounts made available by section 510(a)(1) of this Act, $5,000,000 for fiscal year 2004 and $15,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 503(d) of title 23, United States Code.

(4) AUTHORITY TO PURCHASE PROMOTIONAL ITEMS.—Section 503 of such title is further amended by adding at the end the following:

“(e) PROMOTIONAL AUTHORITY.—Funds authorized to be made available by section 510(a)(1) of this Act shall include an amount necessary to pay for expenses for administration and operation of the Federal Highway Administration shall be available to purchase promotional items of nominal value for use in the recruitment of individuals and to promote the programs of the Federal Highway Administration.”.

(5) WOOD COMPOSITE MATERIALS DEMONSTRATION PROJECT.—

(1) FUNDING.—Of the funds made available by section 510(a)(1), $1,000,000 shall be made available by the Secretary for each of fiscal years 2005 and 2006 for conducting a demonstration of wood composite materials in the value for use in the recruitment of individuals and to promote the programs of the Federal Highway Administration.

(6) RESEARCH TO IMPROVE PAVEMENTS.—The Secretary shall make grants to, and enter into cooperative agreements with, colleges, private sector entities, and nonprofit organizations for research, development, and demonstration of technologies that are necessary to ensure that the information and technology resulting from research conducted under paragraph (3) is made available to State and local transportation departments and other interested parties as specified by the Secretary.

(2) FUNDING.—Of the amounts made available by section 510(a)(1) of this Act, $5,000,000 for fiscal year 2004 and $15,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 503(d) of title 23, United States Code.

(7) AUTHORITY TO PURCHASE PROMOTIONAL ITEMS.—Section 503 of such title is further amended by adding at the end the following:

“(e) PROMOTIONAL AUTHORITY.—Funds authorized to be made available by section 510(a)(1) of this Act shall include an amount necessary to pay for expenses for administration and operation of the Federal Highway Administration shall be available to purchase promotional items of nominal value for use in the recruitment of individuals and to promote the programs of the Federal Highway Administration.”.

(8) WOOD COMPOSITE MATERIALS DEMONSTRATION PROJECT.—

(1) FUNDING.—Of the funds made available by section 510(a)(1), $1,000,000 shall be made available by the Secretary for each of fiscal years 2005 and 2006 for conducting a demonstration of wood composite materials in multiload transportation facilities.

(2) FEDERAL SHARE.—The Federal share of the cost of the demonstration under paragraph (1) shall be 100 percent.

SEC. 5050. TRAINING AND EDUCATION.

(a) NATIONAL HIGHWAY INSTITUTE.—

(1) IN GENERAL.—Section 504(a)(3) of title 23, United States Code, is amended to read as follows:—

“(3) COURSES.—(A) The Institute may develop and administer courses in modern developments, techniques, methods, regulations, management, and procedures in areas, including surface transportation, pavement materials, research, compliance, stewardship, and streamlining, acquisition of rights-of-way, relocation assistance, engineering, safety, transportation system management, maintenance, contract administration, inspection, and highway finance.”.

(2) FUNDING.—Of the amounts made available by section 510(a)(1) of this Act, $8,000,000 for fiscal year 2004 and $8,500,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(a) of title 23, United States Code.

(b) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Section 504(b) of such title is amended by adding at the end the following:—

“(2) FEDERAL FUNDING.—(A) GRANTS.—A grant under this subsection may be used to pay up to 50 percent of local technical assistance program costs. Funds available for technology transfer and training purposes under this title and title 26 may be used to cover the remaining 50 percent of the program costs.

(3) LOCAL TECHNICAL ASSISTANCE CENTERS.—The Federal share of the cost of activities carried out by the tribal technical assistance centers under paragraph (2)(D)(ii) shall be 100 percent.

(2) FUNDING.—Of the amounts made available by section 510(a)(2) of this Act, $12,000,000 for fiscal year 2004 and $14,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(b) of title 23, United States Code.

(c) EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—Of the amounts made available by section 510(a)(2) of this Act, $2,000,000 for fiscal year 2004 and $2,500,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 510(a)(2) of title 23, United States Code.

(d) GARRETT A. MORGAN TECHNOLOGY AND TRANSPORTATION EDUCATION PROGRAM.—

(1) IN GENERAL.—Section 504 of title 23, United States Code, is further amended by adding at the end the following new subsection:

“(g) Garage A. Morgan Technology and Transportation Education Program.—

(1) IN GENERAL.—The Secretary shall establish the Garrett A. Morgan Technology and Transportation Education Program to improve the preparation of students, particularly women and minorities, in science, technology, engineering, and mathematics through curriculum development and other related activities related to transportation.

(2) AUTHORIZED ACTIVITIES.—The Secretary shall award grant under this subsection on the basis of the competitive, peer review and evaluation process evaluated under this subsection may be used for enhancing science, technology, engineering, and mathematics at the elementary and secondary school level through such programs as—

(A) internships that offer students experience in the transportation field;

(B) programs that allow students to spend time observing scientists and engineers in the transportation field; and

(C) developing relevant curriculum that uses examples and problems related to transportation.

(3) APPLICATION AND REVIEW PROCEDURES.—(A) In general.—Applications for grants under this subsection shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Each application shall include a description of how the funds will be used and a description of how the students will be used to serve the purposes described in paragraph (2).

(B) PRIORITY.—In making awards under this subsection, the Secretary shall give priority to applicants that will encourage the participation of women and minorities.

(C) ELIGIBILITY.—Colleges and education agencies and State education agencies, which may partner with institutions of higher education, businesses, or other entities, shall be eligible to apply for grants under this subsection.

(4) DEFINITIONS.—For purposes of this subsection—

(a) the term ‘‘institutions of higher education’’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(b) the term ‘‘local educational agency’’ has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and

(c) the term ‘‘State educational agency’’ has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) AUTHORIZED ACTIVITIES.—The amounts made available by section 510(a)(2) of this Act, $500,000 for 2004 and $1,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(d) of title 23, United States Code.

(e) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION.—Section 504 of such title is further amended by adding at the end the following:—

“(e) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION.—

(1) FUNDING.—Subject to appropriation by the Secretary, a State may obligate funds apportioned to the State under sections 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(4), and 114(e) for surface transportation workforce development, training, and education, including—

(A) tuition and direct educational expenses, employee salaries, in cooperation with the education and training of employees of State and local transportation agencies;

(B) employee professional development;

(C) employee internship;

(D) university or community college support; and

(E) education activities, including outreach, to develop interest and promote participation in surface transportation careers.
``(2) FEDERAL SHARE.—The Federal share of the cost of activities carried out in accordance with this subsection shall be 100 percent.
``(3) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINEE PROGRAMS, AND EDUCATION DEFINES.—In this subsection, the term ‘surface transportation workforce development, training, and education’ means activities associated with surface transportation workforce development, training, and education, and includes trainee programs and education.
``(f) TRANSPORTATION EDUCATION DEVELOPMENT PILOT PROGRAM.—Section 504 of such title is further amended by inserting after subsection (e) the following:
``(f) Transportation Education Development Pilot Program.—This Act shall establish a program to make grants to institutions of higher education that in partnership with industry or State Departments of Transportation will develop, test, and revise new curricula and training programs to train individuals at all levels of the transportation workforce.
``(g) FREIGHT PLANNING CAPACITY BUILDING.—(1) IN GENERAL.—The Secretary shall establish a freight planning capacity building initiative to support enhancements in freight transportation planning in order to:
``(ii) better target investments in freight transportation systems to maintain efficiency and productivity; and
``(iii) strengthen the decisionmaking capacity of State transportation departments and local governments involved in transportation planning and systems.
``(2) AGREEMENTS.—The Secretary shall enter into agreements to support and carry out activities related to the governance of the freight planning capacity initiative.
``(3) STAKEHOLDER INVOLVEMENT.—In carrying out this section, the Secretary shall consult with the Association of Metropolitan Planning Organizations, the American Association of State Highway and Transportation Officials, and other freight planning stakeholders, including the other Federal agencies, State transportation departments, local governments, non-profit entities, academia, and the private sector.
``(3) ELIGIBLE ACTIVITIES.—The freight planning capacity building initiative shall include research, training, and education in the following areas:
``(A) The identification and dissemination of best practices in freight transportation.
``(B) Providing opportunities for freight transportation staff to engage in peer exchange.
``(C) Refinement of data and analysis tools used in conjunction with assessing freight transportation planning.
``(D) Technical assistance to State transportation departments and local transportation agencies reorganizing to address freight transportation issues.
``(E) Facilitating relationships
tions."
``(a) ESTABLISHMENT.—The Secretary shall establish a national cooperative freight transportation research program.
``(b) ELIGIBLE ACTIVITIES.—The Secretary shall enter into agreements to support and carry out activities related to the national cooperative freight transportation research program.
``(b) ALLOCATION OF FUNDS.—Not more than 75 percent of the funds made available for freight transportation research shall be available to carry out the activities described in subsection (b)(1)."
governance of the national cooperative freight transportation research program.

(c) ADVISORY COMMITTEE.—The National Academy of Sciences shall select an advisory committee to represent a cross-section of freight stakeholders, including the Department of Transportation, other Federal agencies, State transportation departments, local governments, nonprofit entities, academia, and the private sector.

(d) GOVERNANCE.—The national cooperative freight transportation research program established by this section shall include the following administrative and management elements:

(1) NATIONAL RESEARCH AGENDA.—The advisory committee, in consultation with interested parties, shall recommend a national research agenda for the program. The agenda shall include a multiyear strategic plan.

(2) INVOLVEMENT.—Interested parties may—

(A) submit research proposals to the advisory committee;

(B) participate in merit reviews of research proposals and peer reviews of research products; and

(C) receive research results.

(3) PROGRAMMATIC EVALUATION AND PEER REVIEW OF RESEARCH PROPOSALS.—The National Academy of Sciences may award research contracts and grants under the program through open competition and merit review conducted on a regular basis.

(4) EVALUATION OF RESEARCH.—

(A) PEER REVIEW.—Research contracts and grants awarded under this section may allow peer review of the research results.

(B) PROGRAMMATIC EVALUATIONS.—The National Academy of Sciences may conduct periodic programmatic evaluations on a regular basis of research contracts and grants.

(5) DISSEMINATION OF RESEARCH FINDINGS.—The National Academy of Sciences shall disseminate research findings to researchers, practitioners, and decisionmakers, through conferences and seminars, field demonstrations, workshops, training programs, presentations, testimony to government officials, World Wide Web, publications for the general public, and other appropriate means.

(e) CONTENTS.—The national research agenda required under subsection (d)(1) shall include research in the following areas:

(1) Techniques for estimating and quantifying public benefits derived from freight transportation projects.

(2) Alternative approaches to calculating the contribution of truck and rail traffic to congestion on transportation segments.

(3) The feasibility of consolidating origins and destinations for freight movement.

(4) Methods for incorporating estimates of public benefits derived from freight transportation planning.

(5) The use of technology applications to improve traffic congestion.

(6) Development of physical and policy alternatives for separating car and truck traffic.

(7) Ways to synchronize infrastructure improvements for transportation corridor.

(8) The effect of changing patterns of freight movement on transportation planning decisions relating to rest areas.

(9) Other research areas to identify and address the emerging and future research needs related to freight transportation by all modes.

(f) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be up to 100 percent, and such funds shall remain available until expended.

(2) USE OF NON-FEDERAL FUNDS.—In addition to using funds authorized for this section, the National Academy of Sciences may seek and accept amounts from public and private entities capable of accepting funding from the Department of Transportation, States, local governments, nonprofit foundations, and the private sector.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

“§509. National cooperative freight transportation research program.”

(c) FUNDING.—Of the amounts made available by section 510(a)(1) of this Act, $1,500,000 for fiscal years 2006 through 2009, shall be available to carry out section 509 of title 23, United States Code.

SEC. 5209. FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is further amended by adding at the end the following:

“§510. Future strategic highway research program

(1) ESTABLISHMENT.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials, shall establish and carry out, acting through the National Research Council of the National Academy of Sciences, the future strategic highway research program.

(2) COOPERATIVE AGREEMENTS.—The Secretary may make grants to, and enter into cooperative agreements with, the American Association of State Highway and Transportation Officials and the National Academy of Sciences to carry out such activities under this subsection as the Secretary determines are appropriate.

(3) PROCUREMENT.—Funds made available to carry out this section shall remain available for the fiscal year in which such funds are made available and the 3 succeeding fiscal years.

(4) PROGRAM PRIORITIES.—

(1) PROGRAM ELEMENTS.—The program evaluation section shall be based on the National Research Council Special Report 260, entitled ‘Strategic Highway Research: Saving Lives, Reducing Congestion, Improving Quality of Life’ and the results of the detailed planning work subsequently carried out in 2002 and 2003 to identify the research areas through National Cooperative Research Program Project 20-58. The research program shall include an analysis of the following:

(A) Renewal of aging highway infrastructure with minimal impact to users of the facilities.

(B) Driving behavior and likely crash causal factors to support improved countermeasures.

(C) Reducing highway congestion due to nonrecurrence of events.

(D) Planning and designing new road capacity to meet mobility, economic, environmental, and community needs.

(2) DISSEMINATION OF RESULTS.—The research results of the program, expressed in terms of technologies, methodologies, and other appropriate categories, shall be disseminated to practitioners for their use, as soon as practical.

(e) PROGRAM ADMINISTRATION.—In carrying out the program under this section, the National Research Council shall ensure, to the maximum extent practicable, that—

(1) projects and researchers are selected to conduct research for the program on the basis of merit and open solicitation of proposals and review by panels of appropriate experts;

(2) State department of transportation officials and other stakeholders, as appropriate, are involved in the governance of the program at the overall program level and technical level through the use of expert panels and committees;

(3) the Council acquires a qualified, permanent core staff with the ability and expertise to manage the program and multiyear budget; and

(4) the Council develops a strategy to coordinate between the program and any other research effort of the Department.
SEC. 5211. SURFACE TRANSPORTATION CONGESTION RELIEF SOLUTIONS RESEARCH INITIATIVE.

(a) ESTABLISHMENT.—The Secretary, acting through the Federal Highway Administration, shall establish a surface transportation congestion solutions research initiative consisting of 2 independent research programs described in subsections research initiative consisting of 2
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shall proceed in the same manner as any proceeding under chapter 171 of title 28 or action against the United States filed pursuant to section 1346(b) of title 28 and shall be subject to the limitations and exceptions applicable to such a proceeding or action.

(a) SOURCES OF PAYMENTS.—Payment of any award, settlement of an action, or proceeding with respect to a claim described in paragraph (1) shall be paid first out of insurance maintained by the United States, second from funds made available to carry out this section, and then from sums made available under section 1304 of title 31. For purposes of such paragraph, an award, compromise, or settlement shall be deemed to be a judgment, award, or settlement payable under section 2414 or 2672 of title 28. The Secretary may establish a reserve of funds made available to carry out this section for making payments under this paragraph.”.

SEC. 5215. CENTER FOR TRANSPORTATION ADVANCEMENT AND REGIONAL DEVELOPMENT.

(a) ESTABLISHMENT.—The Secretary shall establish a Center for Transportation Advancement and Regional Development to assist, through training, education and research, in the comprehensive development of small metropolitan and rural regional transportation systems that are responsive to the needs of businesses and local communities.

(b) ACTIVITIES.—In carrying out this section, the Center shall—

(1) provide training, information and professional resources for small metropolitan and rural regions to pursue innovative strategies to expand the capabilities, capacity and effectiveness of a region’s transportation network, including activities related to freight projects, transit system upgrades, roadways and bridges, and intermodal transfer facilities and operations;

(2) assist local officials, rural transportation and economic development planners, officials from agencies of transportation and economic development, business leaders and other stakeholders in developing public-private partnerships to enhance their transportation systems; and

(3) promote the leveraging of regional transportation planning with regional economic and business development planning to assure that transportation systems are integrated.

(c) PROGRAM ADMINISTRATION.—To carry out this section, the Secretary shall make a grant to, or enter into a cooperative agreement with, a consortium of institutions of higher learning that were competitively selected for grants to establish and operate a regional university transportation center.

SEC. 5302. UNIVERSITY TRANSPORTATION RESEARCH.

(a) IN GENERAL.—Section 5306 of title 49, United States Code, is amended to read as follows:

"§5306. University transportation research

(a) IN GENERAL.—The Secretary of Transportation shall make grants to nonprofit institutions of higher learning to establish and operate university transportation research centers.

(b) OBJECTIVES.—Grants received under this section shall be used by nonprofit institutions of higher learning to advance significantly the state-of-the-art in transportation research and expand the workforce of transportation professionals through the following programs and activities:

(1) RESEARCH.—Basic and applied research, the products of which are judged by peers or other experts in the field of transportation to advance the body of knowledge in transportation.

(2) EDUCATION.—An education program relating to transportation that includes multidisciplinary coursework and participation in research.

(3) TECHNOLOGY TRANSFER.—An ongoing program that makes transportation research results available to potential users in a form that can be implemented, utilized, or otherwise applied.

(4) REGIONAL, TIER I, AND TIER II CENTERS.—

(1) IN general.—For each of fiscal years 2004 through 2009, the Secretary shall make grants under subsection (a) to nonprofit institutions of higher learning to establish and operate—

(A) 10 regional university transportation centers; and

(B) 10 Tier I university transportation centers.

(2) TIER II CENTERS.—For each of fiscal years 2005 through 2009, the Secretary shall make grants under subsection (a) to nonprofit institutions of higher learning to establish and operate—

(A) 10 Tier II university transportation centers; and

(B) 10 Tier I university transportation centers.

(3) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

(4) LIMITATION.—A nonprofit institution of higher learning may not directly receive a grant under this section for more than one university transportation center.

(b) COMPETITIVE SELECTION PROCESS.—

(1) APPLICATIONS.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

(2) GENERAL SELECTION CRITERIA.—Except as otherwise provided by this section, the Secretary shall establish for each recipient of a grant under this section through a competitive process on the basis of the following:

(A) The demonstrated research and extension services available to the recipient to carry out this section.

(B) The capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

(C) The recipient’s demonstrated commitment of $1,500,000 or more in regularly budgeted institutional amounts to support ongoing transportation research and education programs.

(D) The recipient’s demonstrated ability to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program.

(E) The strategic plan the recipient proposes to carry out under the grant.

(c) PROFESSIONALS.—

(1) COMPETITION.—Not later than August 31, 2005, and not later than March 31st of each 4th year thereafter, the Secretary shall make a grant to a nonprofit institution of higher learning for grants to establish and operate the 10 regional university transportation centers referred to in subsection (c)(1)(A).

(2) SELECTION CRITERIA.—In making a grant under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of—

(A) the criteria described in subsection (d)(2);

(B) the location of the center within the Federal region to be served; and

(C) whether or not the institution (or, in the case of a consortium of institutions, the lead institution) can demonstrate that it has a well-established, nationally recognized program in transportation research and education, as evidenced by—

(i) not less than $2,000,000 in highway or public transportation research expenditures each year for each of the preceding 5 years;

(ii) more than 10 graduate degrees awarded in professional fields closely related to highways and public transportation for each of the preceding 5 years; and

(iii) at least 2 tenure-track faculty members who specialize on a full-time basis in professional fields closely related to highways and public transportation who, as a group, have published in refereed journal publica-
year thereafter, the Secretary shall complete a competition among nonprofit institutions of higher learning for grants to establish and operate the 10 Tier I university transportation centers referred to in subsection (c)(1)(B).

“(2) SELECTION CRITERIA.—In conducting a competition under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of the criteria described in subsection (d)(2); and

“(B) whether or not the institution (or, in the case of a consortium of institutions, the lead institution) can demonstrate that it has an established, recognized program in transportation research and education, as evidenced by—

(i) not less than $1,000,000 in highway or public transportation research expenditures each year for each of the preceding 5 years or not less than $6,500,000 in such expenditures during the 5 preceding years;

(ii) not less than 5 graduate degrees awarded in professional fields closely related to highways and public transportation each year for each of the preceding 5 years; and

(iii) not less than 3 tenure or tenure-track faculty members who specialize on a full-time basis in professional fields closely related to highways and public transportation who, as a group, have published a total at least 20 refereed journal publications on highway or public transportation research during the preceding 5 years.

“(3) GRANT RECIPIENTS.—After selecting a nonprofit institution of higher learning as a grant recipient on the basis of the criteria conducted under this subsection, the Secretary shall make a grant to the recipient to establish and operate a Tier I university transportation center in each of the first 4 fiscal years beginning after the date of the competition.

“(4) SPECIAL RULE FOR FISCAL YEARS 2005, 2006, AND 2007.—For each of fiscal years 2005, 2006, and 2007, the Secretary shall make a grant under this section to each of the 10 nonprofit institutions of higher learning that were competitive selected for grant awards by the Secretary under this section in May 2002 to operate university transportation centers (other than regional centers).

“(5) AMOUNT OF GRANTS.—A grant made by the Secretary to a nonprofit institution of higher learning for a fiscal year shall be not more than $1,000,000 for fiscal years 2005 through 2009.

“(6) Tier II University Transportation Centers.—

“(1) COMPETITION.—Not later than 60 days after the date of enactment of the Transportation Equity Act: A Legacy for Users, not later than March 31, 2008, and not later than March 31st of every 4th year thereafter, the Secretary shall complete a competition among nonprofit institutions of higher learning for grants to establish and operate the 10 Tier II university transportation centers referred to in subsection (c)(2).

“(2) SELECTION CRITERIA.—In conducting a competition under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of the criteria described in subsection (d)(2).

“(3) GRANT RECIPIENTS.—After selecting a nonprofit institution of higher learning as a grant recipient on the basis of a competition conducted under this subsection, the Secretary shall—

(A) in the case of the competition to be completed not later than 60 days after the date of enactment of the Transportation Equity Act: A Legacy for Users, make a grant to the recipient to establish and operate a Tier II university transportation center in each of fiscal years 2005 through 2009;

(B) in the case of each subsequent competition, make a grant to the recipient to establish and operate a Tier II university transportation center in each of the first 4 fiscal years beginning after the date of the competition.

“(4) AMOUNT OF GRANTS.—For each of fiscal years 2005 through 2009, the Secretary shall make a grant by the Secretary to a nonprofit institution of higher learning for a fiscal year to establish and operate a Tier II university transportation center shall not exceed $1,000,000 for each of fiscal years 2005 through 2009.

“(k) PROGRAM COORDINATION.—

“(1) COORDINATION.—The Secretary shall coordinate the research, education, and technology transfer activities that grant recipients carry out under this section, disseminate the results of the research, and establish and operate a clearinghouse to disseminate the results of the research.

“(2) ANNUAL REVIEW AND EVALUATION.—At least annually, and consistent with the plan developed under section 508 of title 23, the Secretary shall review and evaluate programs of grant recipients.

“(l) PROGRAM ADMINISTRATION.—

“(1) ADMINISTRATION.—The Secretary shall—

(A) annually, and consistent with the plan developed under section 508 of title 23, the Secretary shall review and evaluate programs of grant recipients;

(B) in consultation with the Secretary of Transportation, make grants to (i) appropriate nongovernmental institutions; (ii) local governments; persons to carry out research, development, and construction.

“(m) LIMITATION ON AVAILABILITY OF FUNDS.—

Sec. 5507. Advanced heavy-duty vehicle technologies research program.

“(a) In General.—The Secretary of Transportation shall conduct research, development, demonstration, and testing to integrate emerging advanced heavy-duty vehicle technologies in order to provide seamless, safe, secure, and efficient transportation and to benefit the environment.

“(b) CONSULTATION.—At least 50 percent of the funding for projects carried out under this section shall be provided by non-Federal sources.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out subsection (a) $1,000,000 for fiscal year 2004 and $3,000,000 for each of fiscal years 2005 through 2009.

“(d) COST SHARING.—The funds appropriated to be appropriated for grants under section (e) shall be available for obligation in the same manner as if such funds were appropriated under chapter 1 of title 23 and shall be subject to any limitations on obligations imposed on funds made available to carry out title V of the Transportation Equity Act: A Legacy for Users.

“(e) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 55 of title 23 is amended by adding at the end the following:

“§5507. Advanced heavy-duty vehicle technologies research program.


“(a) In General.—The Secretary shall establish and carry out a program to validate commercial remote sensing products and spatial information technologies for application to national transportation infrastructure development and construction.

“(b) PROGRAM.—

“(1) NATIONAL POLICY.—The Secretary shall develop and carry out a program to validate commercial remote sensing products and spatial information technologies for the implementation of the national policy established and maintained under paragraph (1).

“(2) PARTNERSHIP.—The Secretary may establish the program in partnership with appropriate nongovernmental institutions.

Sec. 5509. University Transportation Centers.

“(a) In General.—For each of fiscal years 2005 through 2009, the Secretary shall make grants by the Secretary to a nonprofit institution of higher learning for a fiscal year to establish and operate a Tier II university transportation center.
SEC. 5501. BUREAU OF TRANSPORTATION STATISTICS

(a) ESTABLISHMENT.—There is established in the Research and Innovative Technology Administration a Bureau of Transportation Statistics.

(b) DIRECTOR.—
(1) APPOINTMENT.—The Bureau shall be headed by a Director who shall be appointed in the competitive service by the Secretary.

(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the collection, analysis, and use of transportation statistics.

(c) RESPONSIBILITIES.—The Director of the Bureau shall serve as the Secretary’s senior advisor on data and statistics, and shall be responsible for carrying out the following duties:

(1) PROVIDING DATA, STATISTICS, AND ANALYSIS TO DECISIONMAKERS.—Ensuring that the statistics compiled under paragraph (3) are designed to support transportation decisionmaking by the Federal Government, State and local governments, metropolitan planning organizations, transportation-related associations, the private sector (including the freight community), and the public.

(2) COORDINATING COLLECTION OF INFORMATION.—Working with the operating administrations of the Department to establish and implement the Bureau’s data programs and to improve the coordination of information collection efforts with other Federal agencies.

(3) DATA MODERNIZATION.—Continually improving and modernizing the collection methods to improve the accuracy and usability of transportation statistics.

(4) IMPROVING DATA STANDARDIZATION.—Encouraging the standardization of data, data collection methods, and data management and storage technologies for data collected by the Bureau and by the operating administrations of the Department of Transportation, States, local governments, metropolitan planning organizations, and private sector entities.

(5) IMPROVING TRANSPORTATION STATISTICS.—Compiling, analyzing, and publishing a comprehensive set of transportation statistics on the performance and impacts of the national transportation system, including statistics on

(A) productivity in various parts of the transportation sector;

(B) traffic flows for all modes of transportation;

(C) other elements of the Intermodal Transportation Database established under subsection (g); and

(D) travel times and measures of congestion;

(E) vehicle weights and other vehicle characteristics;

(F) demographic, economic, and other variables influencing traveling behavior, including choice of transportation mode, and goods movement;

(G) transportation costs for passenger travel and goods movement;

(H) mobility and use of mass transit (including the number of passengers served by each mass transit authority) and other forms of for hire passenger travel;

(I) availability and use of vehicle and transportation facility repairs and other interruptions of transportation service;

(K) consequences of transportation for the human and natural environment;

(L) the Federal Government’s and the States’ conditions of the transportation system, building on the National Transportation Atlas Database developed under subsection (g); and

(M) transportation-related variables that influence the domestic economy and global competitiveness.

(g) NATIONAL TRANSPORTATION DATA INFRASTRUCTURE.—Building and disseminating the transportation layer of the National Spatial Data Infrastructure, including coordinating the development of transportation data standards, compiling intermodal geospatial data, and collecting geospatial data that is not being collected by others.

(7) ISSUING GUIDELINES.—Issuing guidelines for the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (5) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis.

The Bureau shall review and report to the Secretary of Transportation on the sources and availability of any data collected or statistical information published by the heads of the operating administrations of the Department as shall be requested by the Secretary.

(b) BUDGET.—
(1) IN GENERAL.—There is provided to the Secretary of Transportation for each fiscal year, beginning with fiscal year 2004 and $9,000,000 for each of fiscal years 2005 through 2009, such sums as the Secretary of Transportation, including the Secretary of Housing and Urban Development, the Secretary of Transportation, the Secretary of Commerce, and the Secretary of Energy, as the Secretary of Transportation may determine to be necessary, for the purpose of carrying out the functions of the Bureau.

(2) USE.—The data base shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

(c) CONTENT.—The data base shall include—

(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movements, by all modes of transportation and intermodal combinations, and by relevant classification;

(B) information on travel times and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes) and intermodal combinations, and by relevant classification;

(C) information on the location and connectivity of transportation facilities and services; and

(D) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

(g) NATIONAL TRANSPORTATION AGENCIES LIBRARY.—
(1) IN GENERAL.—The Director shall establish a National Transportation Agenes Library, which shall contain a collection of statistics, data, and other information on transportation decisionmaking at the Federal, State, and local levels.

(2) ACCESS.—The Director shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Director to make statistics readily accessible under subsection (c)(6).

(3) COORDINATION.—The Director shall work with other transportation libraries and other transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

(h) NATIONAL TRANSPORTATION ATLAS DATA BASE.—
(1) IN GENERAL.—The Director shall develop and maintain geospatial data bases that depict—

(A) transportation networks;

(B) flows of people, goods, vehicles, and craft over the networks; and

(C) social, economic, and environmental conditions that affect or are affected by the networks.

(2) INTERMODAL NETWORK ANALYSIS.—The data bases shall be able to support intermodal network analyses.

(3) MANDATORY RESPONSE AUTHORITY FOR FREIGHT DATA COLLECTION.—Whoever, being the owner, official, agent, person in charge, or...
assistant to the person in charge of any corporation, company, business, institution, establishment, or organization of any nature whatever, neglects or refuses, when requested by the Director or his authorized officer or contractor of the Bureau, to answer completely and correctly to the best of his or her knowledge all questions relating to the corporation, company, business, institution, establishment, or other organization, or to make available records or statistics in his or her official custody, contained in a data collection request prepared under the authority of subsection (c)(1), shall be fined not more than $500; but if he or she willfully gives a false answer to such a question, he or she shall be fined not more than $1000.

(i) RESEARCH AND DEVELOPMENT GRANTS.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education) to reduce the authority of any other officer of the Department of Transportation to collect and disseminate data independently.

(j) Special electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (f); and

(k) development and improvement of methods for sharing geographic data, in support of the coordination, management, integration, dissemination, interpretation, and analysis.

(2) demonstration programs by States, local governments, and metropolitan planning organizations, or other public bodies, for electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (f); and

(3) development and improvement of methods for sharing geographic data, in support of the National transportation atlas database under subsection (g) and the National Spatial Data Infrastructure developed under Executive Order No. 12906.

(l) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

(1) to authorize the Bureau to require any other department or agency to collect data; or

(2) to require any other officer, employee, or contractor of the Department of Transportation to collect and disseminate data independently.

(m) PROHIBITION ON CERTAIN DISCLOSURES.—(1) No officer, employee, or contractor of the Bureau may make any disclosure in which the data provided under any statute or any organization under subsection (c) is identified.

(2) use the information provided under subsection (c) for a nonstatistical purpose; or

(3) permit such data or any portion thereof or information organized under subsection (c) to be identified.

(n) P ROCEEDS OF DATA PRODUCT SALES. —(1) The Director shall retain and allocate, for the purposes of funds available for research and development, a certain percentage of the proceeds of the sale of data products, to be determined by the Director in accordance with paragraph (2) and consistent with the purposes of this title.

(2) The Director shall retain and allocate, for the purposes of funds available for research and development, a certain percentage of the proceeds of the sale of data products, to be determined by the Director in accordance with paragraph (2) and consistent with the purposes of this title.

(o) ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.—(1) Establishment.—The Director of the Bureau of Transportation Statistics shall establish an Advisory Council on Transportation Statistics.

(2) Members.—The Advisory Council established under this subsection shall consist of not more than 25 members, of whom at least 1 member shall have expertise in transportation, at least 1 member shall have expertise in economics, and at least 1 member shall have expertise in transportation safety. At least 1 member shall be a senior official of a State department of transportation. Members shall include representation of a cross-section of transportation community stakeholders.

(3) TERMS OF APPOINTMENT.—(A) Except as provided in subparagraph (B), members shall be appointed to staggered terms not to exceed 6 years. A member may be reappointed for a second term of the same duration. No individual may serve for more than 2 terms. Members serving on the Advisory Council on Transportation Statistics as of the date of enactment of the Transportation Equity Act: A Legacy for Uniformity shall serve until the end of their appointed terms.

(4) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall apply to the Advisory Council established under this subsection, except that section 14 of such Act shall not apply to such Advisory Council.

(5) APPLICABILITY.—(A) In general.—No department, bureau, agency, or any other officer, employee, or contractor of the Bureau (except the Director in carrying out this section) may require, for any reason, a copy of any report that the Director has classified under paragraph (c) with the Bureau or retained by an individual respondent.

(6) APPLICABILITY.—(A) In general.—No department, bureau, agency, or any other officer, employee, or contractor of the Bureau (except the Director in carrying out this section) may require, for any reason, a copy of any report that the Director has classified under paragraph (c) with the Bureau or retained by an individual respondent.

(b) REPORTS OF BUREAU OF TRANSPORTATION STATISTICS.—Section 111(k) of title 49, United States Code, as amended by section 5901 of this Act, is amended by inserting after paragraph (1) the following:

(2) COPIES OF REPORTS.—(A) In general.—No department, bureau, agency, or any other officer, employee, or contractor of the Bureau (except the Director in carrying out this section) may require, for any reason, a copy of any report that the Director has classified under paragraph (c) with the Bureau or retained by an individual respondent.

(b) LIMITATION ON JUDICIAL PROCEEDINGS.—A copy of any report that the Director has classified under paragraph (c) with the Bureau or retained by an individual respondent.

(c) DATA ACCESS.—The Director shall have access to proprietary and transportation-related information in the possession of any Federal agency except information—

(1) the disclosure of which to another Federal agency is prohibited by law; or

(2) the disclosure of which the agency so requested determines would significantly impair the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

(d) PROCEDURES OF DATA PRODUCT SALES.—Notwithstanding section 111(k) of title 49, United States Code, as amended by section 5901 of this Act, funds received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.

(e) ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.—(1) Establishment.—The Director of the Bureau of Transportation Statistics shall establish an Advisory Council on Transportation Statistics.

(2) Members.—The Advisory Council established under this subsection shall consist of not more than 25 members, of whom at least 1 member shall have expertise in transportation, at least 1 member shall have expertise in economics, and at least 1 member shall have expertise in transportation safety. At least 1 member shall be a senior official of a State department of transportation. Members shall include representation of a cross-section of transportation community stakeholders.

(f) TERMS OF APPOINTMENT.—(A) Except as provided in subparagraph (B), members shall be appointed to staggered terms not to exceed 6 years. A member may be reappointed for a second term of the same duration. No individual may serve for more than 2 terms. Members serving on the Advisory Council on Transportation Statistics as of the date of enactment of the Transportation Equity Act: A Legacy for Uniformity shall serve until the end of their appointed terms.

(g) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall apply to the Advisory Council established under this subsection, except that section 14 of such Act shall not apply to such Advisory Council.

(h) APPLICABILITY.—(A) In general.—No department, bureau, agency, or any other officer, employee, or contractor of the Bureau (except the Director in carrying out this section) may require, for any reason, a copy of any report that the Director has classified under paragraph (c) with the Bureau or retained by an individual respondent.

(iii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

(ii) The paragraph shall apply only to reports that permit information covering an individual or organization to be reasonably determined by direct or indirect means.

Title F—Intelligent Transportation System Research

SEC. 5601. SHORT TITLE.

This subtitle may be cited as the ‘‘Intelligent Transportation Systems Act of 2005’’

SEC. 5602. GOALS AND PURPOSES.

(a) GOALS.—The goals of the intelligent transportation system program are—

(1) enhancement of surface transportation efficiency and capacity and intermodalism and international trade to enable existing facilities to meet significant future transportation needs, including public access to employment, goods, and services and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

(2) achievement of national transportation safety goals, including the enhancement of safe operation of motor vehicles and nonmotorized vehicles as well as improved emergency response to a crash, with particular emphasis on decreasing the number and severity of collisions;

(3) promotion and enhancement of the national environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments to achieve national environmental goals;

(4) accommodation of the needs of all users of surface transportation systems, including operators of commercial motor vehicles, passenger vehicles, and bicycles and pedestrians, including individuals with disabilities; and

(5) improvement of the Nation’s ability to respond to security-related or other manmade emergencies and natural disasters and enhancement of national defense mobility.

(b) PURPOSES.—The Secretary shall implement activities under the intelligent transportation system program to, at a minimum—

(1) expedite, in both metropolitan and rural areas, deployment and integration of intelligent transportation systems for consumers of passenger and freight transportation;

(2) ensure that Federal, State, and local transportation officials have adequate knowledge of and experience with intelligent transportation systems for full consideration in the transportation planning process;

(3) improve regional cooperation and operations planning for effective intelligent transportation system deployment;

(4) promote the innovative use of private resources as an incentive for investment in transportation systems;

(5) facilitate, in cooperation with the motor vehicle industry, the introduction of a vehicle-based safety enhancing systems;

(6) support the application of intelligent transportation systems that increase the safety and efficiency of commercial motor vehicle operations;

(7) develop a workforce capable of developing, operating, and maintaining intelligent transportation systems; and

(8) provide continuing support for operations and maintenance of intelligent transportation systems.

 SEC. 5603. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) SCOPE.—Subject to the provisions of this subtitle, the Secretary shall conduct an ongoing intelligent transportation system program to research, develop, and operationally test intelligent transportation systems and advance nationwide deployment of such systems as a component of the surface transportation systems of the United States.

(b) Intelligent transportation system research projects and operational tests funded pursuant to this subtitle shall encourage and
not displace private-public partnerships or private sector investment in such tests and projects.

(c) **COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.**—The Secretary shall carry out the intelligent transportation system programs in cooperation with State and local governments and other public entities, the private sector of the United States, the Federal laboratories, and colleges and universities, including historically Black colleges and universities and other minority institutions of higher education.

(d) **CONSULTATION WITH FEDERAL OFFICIALS.**—In carrying out the intelligent transportation system programs, the Secretary shall consult with the heads of other Federal departments and agencies, as appropriate.

(e) **TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.**—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

(f) **TRANSPORTATION PLANNING.**—The Secretary may provide funding to support adequate consideration of transportation systems management and operations, including intelligent transportation systems, within metropolitan and statewide transportation planning processes.

(g) **INFORMATION CLEARINGHOUSE.**—The Secretary shall establish a clearinghouse that publicizes transportation systems, within metropolitan and statewide transportation planning processes.

(h) **ADVISORY COMMITTEE.**—The Secretary shall establish an Advisory Committee to advise the Secretary on carrying out this subtitle.

(1) **MEMBERSHIP.**—The Advisory Committee shall have no more than 20 members, be balanced with respect to transportation systems and agencies, as appropriate.

(i) **REPORTING.**—Not later than February 1 of each year after the date of enactment of this Act, the Secretary shall transmit to the Congress a report including—

(A) all recommendations made by the Advisory Committee during the preceding calendar year;

(B) an explanation of how the Secretary has implemented recommendations; and

(C) for recommendations not implemented, the reasons for rejecting the recommendations.

SEC. 5603. NATIONAL ARCHITECTURE AND STANDARDS.

SEC. 5604. NATIONAL ARCHITECTURAL AND STANDARDS.

(a) **IN GENERAL.**—The Secretary shall issue guidelines and requirements for the development and evaluation of intelligent transportation system technologies and services.

(b) **GUIDELINES AND REQUIREMENTS.**—The guidelines and requirements issued under paragraph (a) shall include provisions to ensure the interoperability and efficiency of the reporting entity so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this subtitle.

(c) **INTEROPERABILITY.**—The guidelines and requirements issued under paragraph (a) shall include provisions to ensure the interoperability of the reporting entity so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this subtitle.

(d) **FUNDING.**—The guidelines and requirements issued under paragraph (a) shall establish the reporting funding levels based on the size and scope of each test or project that ensure adequate reporting of the results of the test or project.

(e) **SPECIAL RULE.**—Any survey, questionnaire, or interview that the Secretary considers necessary to the development of a recommended test or deployment project, or program assessment activity under this subtitle shall not be subject to chapter 53 of title 44.

SEC. 5605. RESEARCH AND DEVELOPMENT.

(a) **IN GENERAL.**—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development, and operational tests of intelligent vehicles and intelligent infrastructure systems and other similar activities that are necessary to carry out this subtitle.

(b) **PRIORITY AREAS.**—Under the program, the Secretary shall give higher priority to funding projects that—

(1) enhance mobility and productivity through improved traffic management, incident management, transit management, freight management, advanced traveler information, toll collection, and other systems and technologies that are necessary to carry out this subtitle.

(2) utilize interdisciplinary approaches to develop innovative management, toll collection, traveler information, and highway operations systems and remote sensing products.
(3) enhance safety through improved crash avoidance and protection, crash and other notification, commercial motor vehicle operations, and infrastructure-based or cooperative safety systems; and
(4) facilitate the integration of intelligent infrastructure, vehicle, and control technologies.
(c) FEDERAL SHARE.—The Federal share of the cost of any undertaking eligible for assistance under subsection (a) shall not exceed 80 percent.
SEC. 5606. INFRASTRUCTURE DEVELOPMENT.
Funds made available to carry out this subtitle for operational tests—
(1) shall be used primarily for the development of intelligent transportation system infrastructure; and
(2) to the maximum extent practicable, shall not be used for the construction of physical highway and public transportation infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.
SEC. 5607. ROAD WEATHER RESEARCH AND DEVELOPMENT PROGRAM.
(a) ESTABLISHMENT.—The Secretary shall establish a road weather research and development program to—
(1) maximize use of available road weather information and technologies;
(2) expand road weather research and development efforts to enhance roadway safety, capacity, and efficiency while minimizing environmental impacts; and
(3) promote technology transfer of effective road weather scientific and technological advances.
(b) STAKEHOLDER INPUT.—In carrying out this section, the Secretary shall consult with the National Oceanic and Atmospheric Administration, the National Science Foundation, the American Association of State Highway and Transportation Officials, nonprofit organizations, and the private sector.
(c) CONTENTS.—The program established under subsection (a) shall—
(1) identify and develop road weather research and development needs; and
(2) substantially coordinate with transportation weather research programs in other modes, such as aviation.
(d) ACTIVITIES.—In carrying out this section, the Secretary shall—
(1) enable efficient technology transfer;
(2) improve education and training of road weather information users, such as State and local transportation officials and private sector transportation contractors; and
(3) coordinate with transportation weather research programs in other modes, such as aviation.
(e) FUNDING.—
(1) IN GENERAL.—In awarding funds under this section, the Secretary shall give preference to applications with significant matching funds from non-Federal sources.
(2) FUNDS FOR ROAD WEATHER RESEARCH AND DEVELOPMENT.—Of the amounts made available by section 5101(a)(5), $4,000,000 shall be available to carry out this section for each of fiscal years 2004 through 2009.
SEC. 5608. DEFINITIONS.
In this subtitle, the following definitions apply:
(1) INCIDENT.—The term “incident” means a crash, a natural disaster, workforce activity, special event, or other emergency road user occurrence that adversely affects or impedes the normal flow of traffic.
(2) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term “intelligent transportation infrastructure” means electronics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.
(3) NATIONAL ARCHITECTURE.—The term “national architecture” means the common framework for interoperable intelligent transportation systems.
(4) PROJECT.—The term “project” means a undertaking to research, develop, or operationally test intelligent transportation systems or any other undertaking eligible for assistance under this subtitle.
SEC. 5609. RURAL INTERSTATE CORRIDOR COMMUNICATIONS STUDY.
(a) STUDY.—The Secretary, in cooperation with the Secretary of Commerce, State and local transportation officials, and the private sector—
(1) shall study the preliminary design for placement of fiber optic cable and wireless communication infrastructure along rural Interstate System route corridors for improved communications services to rural communities along such corridors;
(2) shall make available to Congress a report on the results of the study, including any recommendations of the Secretary.
SEC. 5610. CENTERS FOR SURFACE TRANSPORTATION EXCELLENCE.
(a) ESTABLISHMENT.—The Secretary shall establish 3 centers for surface transportation excellence.
(b) GOALS.—The centers of the goals of surface transportation excellence are to promote and support strategic national surface transportation programs and activities relating to the work of State departments of transportation in the areas of environment, rural safety, and project finance.
(c) ROLE OF CENTERS.—To achieve the goals set forth in subsection (b), the Secretary shall establish the 3 centers as follows:
(1) ENVIRONMENTAL EXCELLENCE.—To provide technical assistance, including the dissemination of best practices, and training in the use of tools and decision-making processes that can assist States in planning and delivering environmentally sound transportation projects;
(2) RURAL SAFETY.—To provide research, training, and outreach on innovative uses of technology to enhance rural safety and economic development, assess and develop on-the-ground needs to improve access to mobile emergency treatment, and develop online and seminar training needs of rural transportation practitioners and policy-makers;
(3) PROJECT FINANCE.—To provide support to State transportation departments in the development of finance plans and project oversight tools and to develop and offer training in state of the art financing methods to advance projects and leverage funds.
(d) AUTHORIZATION OF APPROPRIATIONS.—
(1) IN GENERAL.—Of the amounts made available under section 5101(a)(1), the Secretary shall make available $2,000,000 for each of fiscal years 2004 through 2009 to carry out this section.
(2) ALLOCATION OF FUNDS.—Of the funds made available under paragraph (1) of the Secretary may allocate any such amount as follows:
(A) 40 percent to establish the Center for Environmental Excellence.
(B) 30 percent to establish the Center for Excellence in Rural Safety.
(C) 30 percent to establish the Center for Excellence in Project Finance.
were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be 100 percent.

(e) PROGRAM ADMINISTRATION.—
   (1) COOPERATION.—A party to enter into a contract, cooperative agreement, or other transaction with the Secretary, or receiving a grant, to perform research or provide technical assistance, shall be selected on a competitive basis, to the maximum extent practicable.
   (2) STRATEGIC PLAN.—The Secretary shall require each local government to develop a long-range plan that identifies the Federal Highway Administration and the various other research, development, and technology transfer activities authorized by this title. Such plans shall be submitted to the Secretary by January 1, 2006, and each year thereafter.

SEC. 5611. REPEAL.


SEC. 5612. SPECIAL RULE FOR FISCAL YEAR 2004.

In any case in which an amount is authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation for fiscal year 2004 for a program, project, or activity in any provision of this title, that is different than the amount authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation for fiscal year 2004 for such program, project, or activity in any provision of the Surface Transportation Extension Act of 2004, Part V (Public Law 108-305), including any amendment made by such Act, the amount referred to in such Act shall be the amount authorized to be appropriated, made available, allocated, set aside, taken down, or subject to an obligation limitation for fiscal year 2004 for the program, project, or activity in such provision of the Surface Transportation Extension Act of 2004.

TITLE VI—TRANSPORTATION PLANNING AND PROJECT DELIVERY

SEC. 6001. TRANSPORTATION PLANNING.

(a) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by inserting after chapter 31 the following:

"CHAPTER 32—TRANSPORTATION PLANNING AND PROJECT DELIVERY"

"SUBCHAPTER A—GENERAL PROVISIONS"

"Sec. 5201. Definitions."

"SUBCHAPTER B—TRANSPORTATION PLANNING AND PROJECT DELIVERY"

"SEC. 5211. Policy.

"SEC. 5212. Definitions.

"SEC. 5213. Metropolitan transportation planning.

"SEC. 5214. Statewide transportation planning.

"SUBCHAPTER C—EFFECTIVE ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING"

"SEC. 5251. Definitions and applicability.

"SEC. 5252. Environmental procedures.

"SUBCHAPTER A—GENERAL PROVISIONS"

"SEC. 5201. Definitions.

"In this chapter, the following definitions apply:

(1) SECRETARY.—The term `Secretary' means the Secretary of Transportation.

(2) STATE.—The term `State' means a State of the United States, the District of Columbia, and Puerto Rico.

"SUBCHAPTER B—TRANSPORTATION PLANNING AND PROJECT DELIVERY"

"SEC. 5211. Policy—"

(a) IN GENERAL.—It is in the national interest to—

(1) encourage and promote the safe and efficient development of transportation systems; and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

(2) encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in sections 5211 and 5211(d).

(b) COMMON TRANSPORTATION PLANNING PROGRAM.—This subchapter provides a common transportation planning program to be administered by the Secretary of Transportation and the Federal Transit Administration.

"SEC. 5212. Definitions—"

(a) APPLICABILITY BY REFERENCE.—Unless otherwise specified in subsection (b), the definitions in section 101(a) of title 23 and section 3302 are applicable to this subchapter.

(b) ADDITIONAL DEFINITIONS.—In this subchapter, the following definitions apply:

(1) METROPOLITAN PLANNING AREA.—The term `metropolitan planning area' means the geographic area determined by agreement between the Governor and the Governor under section 5213(c).

(2) METROPOLITAN PLANNING ORGANIZATION.—The term `metropolitan planning organization' means an organization created as a result of the designation process in section 5213(b).

(3) NONMETROPOLITAN AREA.—The term `nonmetropolitan area' means a geographic area outside designated metropolitan planning areas.

(4) NONMETROPOLITAN LOCAL OFFICIAL.—The term `nonmetropolitan local official' means an elected or appointed official of general purpose local government in a nonmetropolitan area with responsibility for transportation.

(5) TIP.—The term `TIP' means a transportation improvement program developed by a metropolitan planning organization under section 5213.

(6) URBANIZED AREA.—The term `urbanized area' means a geographic area with a population of 50,000 or more, as designated by the Bureau of the Census.

"SEC. 5213. Metropolitan transportation planning—"

(a) GENERAL REQUIREMENTS.—

(1) DEVELOPMENT OF LONG-RANGE PLANS AND TIPS.—To accomplish the objectives in section 5211, metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs for metropolitan planning areas of the State.

(2) CONTENTS.—The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including access to critical and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

(3) PROCESS OF DEVELOPMENT.—The process for developing plans shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(b) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as named by the Bureau of the Census); or

(B) by appropriate State or local officials.

(2) STRUCTURE.—Each metropolitan planning organization that is designated as a transportation management area, when designated or redesignated under this subsection, shall consist of—

(A) local elected officials;

(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area; and

(C) appropriate State officials.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority of any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities to—

(A) develop the plans and TIPs for any transportation corridor, or area eligible for federal funds, in accordance with procedures adopted by a metropolitan planning organization; and

(B) develop long-range travel plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

(4) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this paragraph shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).

(5) DESIGNATION PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing urbanized population (including the largest incorporated city (based on population) as named by the Bureau of the Census) as appropriate to carry out this subsection.

(6) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.

(c) METROPOLITAN PLANNING AREA BOUNDARIES.—

(1) IN GENERAL.—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined between the metropolitan planning organization and the Governor.

(2) INCLUDED AREA.—Each metropolitan planning area—

(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation planning period; and

(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

(3) IDENTIFICATION OF NEW URBANIZED AREAS WITHIN EXISTING PLANNING AREA BOUNDARIES.—The designation by the Bureau of the Census of new urbanized areas within an existing metropolitan planning area shall not require the redefinition of the existing metropolitan planning organization.

(4) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) as of the date of enactment of this paragraph, the Governor of the metropolitan planning area in existence as of such date of enactment shall be retained; except that the boundaries may be adjusted by agreement of the Governor and other metropolitan planning organizations in the manner described in subsection (b)(5).
“(5) NSW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of this paragraph as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

“(A) shall be established in the manner described in subsection (b)(1);

“(B) shall encompass the areas described in paragraph (2)(A); and

“(C) may encompass the areas described in paragraph (2)(B) and (2)(D).

“(6) DETERMINATION OF MULTISTATE METROPOLITAN PLANNING AREAS.—

“(A) In general.—The Secretary shall define, or otherwise make readily available by the metropolitan planning organization for public review and submitted for information purposes to the Governor at such times and in such manner as the Secretary shall designate.

“(B) Development of metropolitan planning organization.—If more than 1 metropolitan planning organization is designated for a metropolitan area and the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the area for which the organization is designated.

“(C) Opportunity for comment.—In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle facilities, and other interested parties with a reasonable opportunity to comment on the proposed TIP.

“(D) FUNDING ESTIMATES.—For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

“(E) DESCRIPTIONS.—Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or purpose of the project.

“(F) CONGESTION RELIEF ACTIVITIES.—The TIP shall include a listing of congestion relief activities, including but not limited to, measures to achieve congestion relief as required by section 1309 of title 23, categorized as either under one or under three congestion relief activities.

“(G) DEDUCED PROJECTS.—

“(A) PROJECTS UNDER TITLE 23 AND CHAPTER 53.—A TIP developed under this subsection for a metropolitan area shall include projects within the area that are proposed for funding under chapter 1 of title 23 and chapter 53.

“(B) PROJECTS UNDER CHAPTER 2 OF TITLE 23.—Projects proposed for funding under chapter 2 of title 23 shall be identified individually in the TIP.

“(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project consistent with the long-range transportation plan developed under subsection (g) for the area.
"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available within the time period contemplated for completion of the project.

(4) NOTICE AND COMMENT.—Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any interested public transportation operator, shall provide citizens, affected public agencies, representatives of public transportation employees, freight shipping providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of the disabled, representatives of users of public transportation facilities, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

(5) SELECTION OF PROJECTS.—

(A) IN GENERAL.—Except as otherwise provided in subsection (k)(4) and in addition to the TIP development required under paragraph (1), the selection of federally funded projects in metropolitan areas shall be carried out, from the approved TIP—

(i) in the case of projects under title 23, the State; and

(ii) in the case of projects under chapter 53, the designated recipients of public transportation funding; and

(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a metropolitan planning organization for public review. The listing shall be made available by the metropolitan planning organization serving the area in consultation with the State and any affected public transportation operator.

(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects, including boundaries of a metropolitan planning area serving a transportation management area, on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program under title 23 shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator.

(C) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.

(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

(A) NO REQUIRED SELECTION.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.

(7) PUBLICATION.—

(A) PUBLICATION OF TIPS.—A TIP involving Federal participation shall be published or otherwise made available by the metropolitan planning organization for public review.

(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—An annual listing of projects for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the metropolitan planning organization for public review. The listing shall be consistent with the categories identified in the TIP.

(I) TRANSPORTATION MANAGEMENT AREAS.—

(A) DESIGNATION.—The Secretary shall designate a transportation management area each urbanized area (as defined by the Bureau of the Census) with a population of over 200,000 individuals.

(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

(2) TRANSPORTATION PLANS.—In a metropolitan planning area, transportation plans shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transportation operators.

(2) CONGESTION MANAGEMENT PROCESS.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section shall advance congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new, improved, and existing transportation capacity, eligible for funding under title 23 and chapter 53 through the use of travel demand reduction and operational management strategies and shall identify congestion relief activities under section 139 of title 23 to meet the requirements of this section. The Secretary shall establish an appropriate performance schedule for compliance with the requirements of this section but no sooner than one year after the identification of a transportation management area.

(4) SELECTION OF PROJECTS.—

(A) IN GENERAL.—All federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area, on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program under title 23 (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program under title 23) shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator.

(B) RESERVATION OF FUNDING.—Funds made available by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator shall be continuing, cooperative, and comprehensive to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

(5) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or TIPs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under section 107 of title 23 or section 5305(h) of title 23.

(6) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

(A) IN GENERAL.—In carrying out any other provision of title 23 or chapter 53, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act, Federal funds may not be advanced in such area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles unless the project is assessed through a congestion management process.

(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (c).

(B) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under title 23 or chapter 53.

(7) FUNDING.—

(A) SET-ASIDES.—Funds set aside under section 104(f) of title 23 or section 5309(h) shall be available to carry out this section.

(B) OTHER FUNDING.—Funds made available under section 5321(c) shall be available to carry out this section.

(8) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and TIPs described in this section are subject to a reasonable opportunity for public comment, individual projects included in plans and TIPs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and decisions by the Secretary concerning plans and TIPs described in this section shall not be considered to be a Federal action subject to review under such Act.

Section 5323. Statewide transportation planning

(a) GENERAL REQUIREMENTS.—

(1) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the objectives stated in section 5321, each State shall develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State subject to section 5321. Such program shall cover a period of 4 years and be updated every 4 years or more frequently if the Governor elects to update more frequently.

(2) CONTENTS.—The statewide transportation plan and the transportation improvement program developed for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

(3) PROCESS OF DEVELOPMENT.—The process for developing the statewide plan and the transportation improvement program shall provide for consideration of all modes of transportation and the policies stated in section 5321, and shall be continuing, cooperative, and comprehensive to achieve the purposes of this section.

(4) REGULATORY CONSTRUCTION.—Nothing in this section shall be construed to alter in any way the regulatory requirements established by the Secretary, or any other governing rule.
“(h) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—A State shall—

(1) coordinate planning carried out under this paragraph, transportation planning activities carried out under section 5213 for metropolitan areas of the State and with statewide trade and economic development planning activities and related interstate planning efforts; and

(2) develop the transportation portion of the State transportation plan as required by the Clean Air Act (42 U.S.C. 7401 et seq.).

“(d) SCOPE OF PLANNING.—

(1) IN GENERAL.—Each State shall carry out a statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will—

(A) support the economic vitality of the United States, the States, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

(B) increase the safety and security of the transportation system for motorized and nonmotorized transportation;

(C) increase the accessibility and mobility of people and freight;

(D) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planning growth and economic development patterns;

(E) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;

(F) promote efficient system management and operation; and

(G) emphasize the preservation of the existing transportation system.

(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under title 23 or this title, subsection (h) of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a statewide transportation plan, the transportation improvement program, a project or strategy, or the certification of a planning process.

(3) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall consider, at a minimum—

(A) with respect to nonmetropolitan areas, the comments of local affected officials with responsibility for transportation;

(B) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

(C) coordination of transportation plans, the transportation improvement program, and planning activities with related planning activities being carried out outside of metropolitan planning areas and between States.

(4) LONG-RANGE STATEWIDE TRANSPORTATION PLAN.—

(1) DEVELOPMENT.—Each State shall develop a long-range statewide transportation plan, with a 20-year forecast period for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

(2) CONSIDERATION WITH GOVERNMENTS.—

(A) METROPOLITAN AREAS.—The statewide transportation plan shall be developed for each metropolitan area in the State in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5213.

(B) NONMETROPOLITAN AREAS.—With respect to nonmetropolitan areas, the statewide transportation plan shall be developed in consultation with affected nonmetropolitan officials with responsibility for transportation. The Secretary shall not review or approve the consultation process in each State.

(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the statewide transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the statewide transportation plan, the State shall—

(A) provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, users of park and ride transportation, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the proposed plan; and

(B) identify transportation strategies necessary to efficiently serve the mobility needs of people.

(4) FINANCIAL PLAN.—The statewide transportation plan may include a financial plan that demonstrates how the adopted statewide transportation plan can be implemented, indicates resources from public and private sources that are reasonably available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, without limitation, additional projects that would be included in the adopted statewide transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

(5) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—A State shall not be required to select any project from the illustrative list of additional projects included in the financial plan described in paragraph (4).

(6) EXISTING SYSTEM.—The statewide transportation plan shall include capital, operations and maintenance, federal assistance, and alternative transportation plans that are made available to carry out the transportation improvement program, and recommends any additional financing strategies for needed projects and programs. The State may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

(7) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

(i) NO REQUIRED SELECTION.—Notwithstanding subparagraph (E), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan in paragraph (E).

(ii) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E) for inclusion in an approved transportation improvement program.

(G) PRIORITIES.—The transportation improvement program shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, required by title 23 and chapter 53.

(H) PRIORITY OF CONGESTION RELIEF PROJECTS.—The transportation improvement program shall reflect the priorities for congestion relief activities included in the metropolitan transportation plan to meet the requirements of section 139 of title 23.

(2) PROJECT SELECTION FOR AREAS OF LESS THAN 5,000 POPULATION.—Projects carried out in areas with populations of less than 5,000 individuals shall be selected from the approved transportation improvement program (excluding projects carried out on the National Highway System and projects carried out under title 23 or sections 5310, 5311, 5316, and 5317) under the bridge program or the Interstate maintenance program under title 23 or sections 5310, 5311, 5316, and 5317, by the State in cooperation with the affected nonmetropolitan local officials with responsibility for transportation. Projects carried out in areas with populations of less than 50,000 individuals on the National Highway System or under the bridge program or the Interstate maintenance program under title 23 or sections 5310, 5311, 5316, and 5317 shall be selected, from the approved statewide transportation improvement program, by the State in cooperation with the affected nonmetropolitan local officials with responsibility for transportation.
be a Federal action subject to review under such Act as of January 1, 1997, and any other law implementing any approval based on such document, whether or not the Secretary’s action or approval results in Federal funding.

(2) ENSURING COMPLIANCE.—The Secretary shall ensure that the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared in accordance with this subsection and that such document is appropriately supplemented if project changes become necessary.

(4) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making an approval to the same extent that such Federal agency could adopt or use a document prepared by another Federal agency.

(6) STATE TRANSPORTATION DEPARTMENT.—(1) In general.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection.

(7) INVITATION.—The lead agency shall identify, as early as practicable in the environmental review process, other Federal and non-Federal agencies that may have an interest in the project, and shall invite such agencies to become participating agencies in the environmental review process for the project. The invitation shall set a deadline for responses to be submitted. The deadline may be extended by the lead agency for good cause.

82521. Definitions and applicability

(a) Definitions.—In this section, the following definitions apply:

(1) Agency.—The term ‘agency’ means any agency, department, or other unit of Federal, State, local, or Indian tribal government.

(2) Environmental Impact Statement.—The term ‘environmental impact statement’ means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) Environmental Review Process.—(A) In general.—The term ‘environmental review process’ means the process for preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) Inclusions.—The term includes the process for and completion of any environmental permit, approval, review, or study required for a project under section 5213 or any other Federal law other than under section 5338(c).

(4) LEAD AGENCY.—The term ‘lead agency’ means the Department of Transportation and, if applicable, any State or local governmental entity serving as a joint lead agency pursuant to this section.

(5) MULTIMODAL PROJECT.—The term ‘multimodal project’ means a project funded, in whole or in part, under title 23 or chapter 53 and involving the participation of more than one Department of Transportation administration or agency.

(6) PROJECT.—The term ‘project’ means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.

(7) PROJECT SPONSOR.—The term ‘project sponsor’ means the agency or other entity, including any appropriate entity, that seeks approval of the Secretary for a project.

(8) STATE TRANSPORTATION DEPARTMENT.—The term ‘State transportation department’ means any statewide agency of a State with responsibility for one or more modes of transportation.

(b) Applicability.—This subchapter is applicable to all projects for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). This subchapter may be applied, to the extent determined appropriate by the Secretary, to other projects for which an environmental document is prepared pursuant to such Act. Any authoritative impact in this subchapter may be exercised for a project, class of projects, or program of projects.
(2) DEFINITION.—Following participation under paragraph (1), the lead agency shall define the project's purpose and need for purposes of any document which the lead agency is responsible for the project.

(3) OBJECTIVES.—The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, and shall form the basis in part of any document which the lead agency is responsible for the project.

(A) achieving a transportation objective identified in an applicable statewide or metropolitan transportation plan;

(B) adverse effects on the use, use, economic development, or growth objectives established in applicable Federal, State, local, or tribal plans; and

(C) adverse effects on national security, or other national objectives, as established in Federal laws, plans, or policies.

(e) ALTERNATIVES ANALYSIS.—As practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in determining the range of alternatives to be considered for a project.

(2) RANGE OF ALTERNATIVES.—Following participation under paragraph (1), the lead agency shall make available for consideration in any document which the lead agency is responsible for preparing for the project.

(METHODOLOGIES.—The lead agency also shall determine, in collaboration with participating agencies at appropriate times during the study process, the methodologies to be used and the lead agency shall determine in the analysis of each alternative for a project.

(4) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of the preferred alternative and compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review process.

(f) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project.

(1) Comments by agencies and the public on a draft environmental impact statement, a period of no more than 60 days from the date of public availability of such document, unless

(A) a feasibility study set forth a different project, or

(B) the deadline is extended by the lead agency for good cause.

(2) For all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period of no more than 30 days from availability of the documents on which comment is requested, unless

(A) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

(B) the deadline is extended by the lead agency for good cause.

(g) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or could result in denial of any approvals required for the project.

(2) LEAD AGENCY RESPONSIBILITIES.—The lead agency shall make information available to the participating agencies as early as practicable regarding the environmental and socioeconomic resources located within the project area and

the general locations of the alternatives under consideration. Such information may be based on existing data sources, including geographic information systems mapping.

(3) PREFERENCE RULES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern to the Federal agencies that are environmental, socioeconomic impacts. In this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting or approving any other approval that is needed for the project.

(4) ISSUE RESOLUTION.—Whenever issues of concern are identified or at any time upon request of the lead agency, the preferred alternative or the project shall promptly convene a meeting with the relevant participating agencies. If a resolution cannot be achieved within 30 days following such a meeting and a determination by the lead agency that all information necessary to resolve the issue has been obtained, the lead agency shall notify the heads of all Federal agencies involved in the meeting and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and shall publish such notification in the Federal Register.

(h) PARTICIPATION OF STATE AGENCIES.—For any project eligible for assistance under title 23 or chapter 53, a State may require, under procedures established by State law, that all State agencies that have jurisdiction by State or Federal law over environmental-related issues that may be affected by the project, or that are required to issue any environmental-related regulations, views, analyses, opinions, or determinations on issuing any permits, licenses, or approvals for the project, be subject to the coordinated environmental review process established under this section unless the Secretary determines that a State agency's participation would not be in the public interest. A State participating in the review process shall notify State agencies with jurisdiction to be subject to and comply with the review process to the same extent as a Federal agency.

(i) ASSISTANCE TO AFFECTED STATE AND FEDERAL AGENCIES.—

(1) In general.—For a project that is subject to the environmental review process established under this section, funds made available to a State under title 23 or chapter 53, the Secretary may approve a request by the State to provide funds so made available to affected Federal agencies (including the Department of Transportation), State agencies, and Indian tribes participating in the environmental review process for the project. Such funds may be provided only to entities that directly and meaningfully contribute to expediting and improving transportation project planning and delivery. Such activities may include dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements. The Secretary may also use funds made available under this section to provide any assistance in order to meet the purpose set forth in subsection (c)(2) with respect to the environmental review process for the project.

(2) AMOUNTS.—Requests under paragraph (1) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process for the project.

(3) CONDITION.—A request under paragraph (1) to expedite time limits for environmental review is approved only for the additional amounts that the Secretary determines are necessary for such review.

(j) STUDIES.—In carrying out section 106 consultation, the Council shall make such a determination if petitioned to do so by a section 106 consulting party, unless the Council affirmatively finds that the views of the requesting party have been adequately considered and that section 106 compliance will adequately protect historic properties.

(k) SPECIAL RULES FOR HISTORIC SITES.—

(1) IN GENERAL.—The requirements of this section do not apply in any case in which the treatment of a historic site has been agreed upon in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

(2) ADVERSE EFFECT.—The term ‘‘adverse effect’’ means altering, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register of Historic Places.

(l) PROCEDURAL STANDARDS.—The Council shall make such a determination if petitioned to do so by a section 106 consulting party, unless the Council affirmatively finds that the views of the requesting party have been adequately considered and that section 106 compliance will adequately protect historic properties.

(m) DEFINITIONS.—In this subsection, the following terms shall have the meanings given them in this section unless the Secretary determines that a term does not apply in any case in which the treatment of a historic site has been agreed upon in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f).
the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.

SEC. 6004. EXEMPTION OF INTERSTATE SYSTEM.
Section 5213(f), as inserted by section 6001(a) of this Act, is amended by adding at the end the following:

‘‘(5) EXEMPTION OF INTERSTATE SYSTEM.—
(A) IN GENERAL.—Except as provided in subparagraph (B), a metropolitan planning organization shall not be considered to be a historic site under section 303 of title 49 or section 138 of this title, regardless of whether the Interstate System or portions of it are listed on, or eligible for listing on, the National Register of Historic Places.

(B) INDIVIDUAL ELEMENTS.—Subject to subparagraph (C), a portion of the Interstate System that possesses an independent feature of historic significance (such as a historic bridge or a highly significant engineering feature) that is listed on, or eligible for listing on, the National Register of Historic Places.

(C) CONSTRUCTION, MAINTENANCE, RESTORATION, AND REHABILITATION ACTIVITIES.—Subparagraph (B) does not prohibit a State from carrying out construction, maintenance, restoration, or rehabilitation activities for a portion of the Interstate System referred to in subparagraph (B) upon compliance with section 303 of title 49 or section 138 of this title, as applicable.

SEC. 6006. DEVELOPMENT OF TRANSPORTATION PLANS.
Section 5213(d), as inserted by section 6001(a) of this Act, is amended by inserting after paragraph (1) the following:

‘‘(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this Act as the activities pertain to interstate areas and localities within the States; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

(3) LAKE TAHOE REGION.—

(A) DEFINITION.—In this paragraph, the term ‘Lake Tahoe region’ has the meaning given the term ‘region’ in subsection (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96-531 (94 Stat. 3251).

(B) TRANSPORTATION PLANNING PROCESS.—

The Secretary shall—

(i) establish within the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section and section 5214.

(3) STATE LAND MANAGEMENT AGENCIES.—

(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the acreage within the region (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

(ii) REPRESENTATION.—The policy board of a metropolitan planning organization designated under paragraph (i) shall include a representative from each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

(3) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of title 23 and under chapter 35, not more than 1 percent of the amounts made available under section 202 of title 23 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

(3) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

(ii) may, in accordance with chapter 2 of title 23, be selected for funding from funds available under section 202 of title 23.

(4) RESERVATION OF RIGHTS.—The right to alter, amend or repeal interstate compacts entered into under this subsection is expressly reserved.

SEC. 6008. REGULATIONS RELATING TO TRANSPORTATION.
Section 6008, as inserted by section 6001(a) of this Act, is amended by adding at the end the following:

‘‘(3) DISPLACEMENT OF HISTORIC SITES.—Section 5213(g), as inserted by section 6001(a) of this Act, is amended by adding at the end the following:

‘‘(II) EXEMPTION OF INTERSTATE SYSTEM.—

(A) IN GENERAL.—Nothing in this section shall preempt or interfere with—

(i) any practice of seeking, considering, or approving projects or plans that facilitate the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

(ii) any new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 50b of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute or regulation.

(B) Any power, jurisdiction, responsibility, or authority that a Federal, State, or local government, agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provision of law applicable to projects, plans, or programs.

(4) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

‘‘(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a hazardous materials transportation project shall be barred unless it is filed within 90 days after the permit, license, or approval is final and the claimant is on notice that the action was taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed. Nothing in this subsection shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

‘‘(2) NEW INFORMATION.—The information obtained after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 50b of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute or regulation shall be considered to be made to a section or other provision of title 49, United States Code.

TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION
SEC. 7001. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 7002. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds with respect to hazardous materials transportation that—

(1) approximately 4,000,000,000 tons of regulated hazardous materials are transported each year and approximately 1,200,000 movements of hazardous materials are granted by the Department of Transportation estimates;

(2) the movement of hazardous materials in commerce is necessary to maintain economic viability and meet consumer demands and must be conducted in a safe and efficient manner;

(3) accidents involving, or unauthorized access to, hazardous materials in transportation may result in the release of such materials and pose a serious threat to public health and safety;

(4) many States and localities have enacted hazardous materials transportation laws and regulations, and these laws and regulations often establish standards and contain enforcement procedures that attempt to comply with multiple regulatory requirements;
(5) because of the potential risks to life, property, and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials is necessary and desirable; 

(6) in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels and to ensure that standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable; and 

(7) in order to provide reasonable, adequate, and cost-effective protection from the risks posed by the transportation of hazardous materials, a network of well-trained State and local emergency response personnel and hazmat employees is essential.

(b) PURPOSE.—The text of section 5101 is amended to read as follows: “The purpose of this chapter is to protect against the risks to life, property, and the environment that are inherent in the transportation of hazardous materials in intrastate, interstate, and foreign commerce.”

SEC. 7003. DEFINITIONS.

Section 5102 is amended—

(1) in paragraph (1) by inserting “or” at the end of subparagraph (A); 

(A) by striking “or” at the end of paragraph (1); 

(B) by striking the period at the end of paragraph (1); and 

(C) by inserting at the end the following: “(C) a United States registered aircraft.”

(2) in paragraph (8) by striking “as defined in section 31101” licensed in the United States a commercial motor vehicle transporting hazardous material until the operator has undergone a background records check similar to that required for operators of commercial motor vehicles licensed in the United States to transport hazardous materials.”

(3) by redesignating subparagraphs (11), (12), and (13) as paragraphs (12), (13), and (14), respectively; and

(4) by inserting after paragraph (10) the following: “(a) ‘Secretary’ means the Secretary of Transportation.”

SEC. 7004. GENERAL REGULATORY AUTHORITY.

(a) TECHNICAL AMENDMENTS.—Section 5103(a) is amended—

(1) by striking “etiologic agent,” and inserting “infectious substance,”; and

(2) by striking “poison,” and inserting “toxin”.

(b) REGULATIONS FOR SAFE TRANSPORTATION.—Section 5103(b)(1)(A) is amended—

(1) in clause (i) by striking “transporting” and inserting “that transports”; and

(2) in clause (ii) 

(A) by striking “causing” and inserting “that causes”;

(B) by striking “or” at the end; and

(C) by striking clause (iii) and inserting the following:

(iii) that designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs, or tests a package or container that is represented, marked, certified, or sold by that person as qualified for use in transporting hazardous material in commerce;

(iv) that prepares or accepts hazardous material for transportation in commerce;

(v) that is responsible for the safety of transporting hazardous material in commerce;

(vi) that certifies compliance with any requirement of this chapter; or

(vii) that misrepresents whether the person is engaged in any of the activities described in this subparagraph; and;

(c) TECHNICAL AMENDMENT.—Section 5103(b) is amended—

(1) by moving subparagraph (C) from the end of paragraph (1) and inserting it after paragraph (2); 

(2) by redesignating such subparagraph as paragraph (3); and

(3) by moving such paragraph (3) 2 ems to the left.

SEC. 7005. CHEMICAL OR BIOLOGICAL MATERIALS.

Section 5103(a) is amended—

(1) in paragraph (2) by striking “this subsection” and inserting “paragraph (1)”; and

(2) by adding at the end the following:

(3) STANDARDS.—The Secretary shall prescribe uniform standards (including standards used to disqualify applicants) governing—

(A) the collection by States of background information authorized by paragraph (1);

(B) the collection, transmission, and review of background information; and

(C) the notification of an applicant of the results of the background check.

(4) FEES.—A State may impose and collect an appropriate fee to carry out paragraph (1) consistent with section 5125(f).

(5) OPERATORS REGISTERED IN MEXICO AND CANADA.—No operator of a commercial motor vehicle (as defined in section 31101) licensed in Mexico or Canada may operate in the United States to transport hazardous materials licensed in the United States to transport hazardous materials.”.

SEC. 7006. REPRESENTATION AND TAMPERING.

(a) REPRESENTATION.—Section 5104(a) is amended—

(1) by striking “A person is” and inserting “No persons are”;

(2) in paragraph (1) by striking “only if” and all that follows through “meets” and inserting “if it does not conform to”; and

(3) in paragraph (2) by striking “only if” and inserting “unless”.

(b) TAMPERING.—Section 5104(b) is amended by striking “A person may not” and inserting “No person may not”.

SEC. 7007. TECHNICAL AMENDMENTS.

(a) ELIMINATION OF COMPLETED STUDY.—Section 5105 is amended—

(1) by striking the subsection heading and in- 

serting “section (d).”

(2) in paragraph (g)(2) (as so redesignated) by striking “5106(a) and (b)” and inserting “5106(a)(1) and (b).”

(b) CLASSIFICATION OF EXPLOSIVES.—Section 5105(b)(1)(B) is amended by striking “class A or B” and inserting “class A, B, or C.”

SEC. 7008. TRAINING OF CERTAIN EMPLOYEES.

Section 5107 is amended—

(a) by redesignating subsections (f) and (g) as subsections (g) and (f), respectively;

(b) in subsection (g)(2) (as so redesignated) by striking “sections 5106, 5108(a)(1) and (h), and 5109 of this title” and inserting “section 5106”;

(c) by striking subsection (h); and

(d) by inserting after subsection (g) the following:

(1) TRAINING OF CERTAIN EMPLOYEES.—The Secretary shall ensure that maintenance-of-ways employees and railroad signalmen receive general awareness/familiarization training and safety training pursuant to section 172.704 of title 49, Code of Federal Regulations.”.

SEC. 7009. REGISTRATION.

(a) PERSONS REQUIRED TO FILE.—Section 5108(a) is amended—

(1) in paragraph (1) by striking “manufacturing, fabricating, marking, reconditioning, repairing, or testing” and inserting “designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing”; and

(2) by aligning the left margin of paragraph (4) with the left margin of paragraph (3).

(b) FILING SCHEDULE.—Section 5108(b) is amended—

(1) by striking the subsection heading and inserting “FILING SCHEDULE”;

(2) in paragraph (1) 

(A) by striking “must file the first” and inserting “shall file that”; 

(B) by striking “not later than March 31, 1992” and inserting “before the Secretary issues regulations under subchapter II of this chapter; and

(C) by striking the second sentence.

(c) FEES.—Section 5108(c) is amended—

(1) by striking “may” and inserting “shall”;

(2) in paragraph (2)(A) by striking “$5,000” and inserting “$2,000”; and

(3) by adding at the end the following:

(2) FEES FOR EXEMPT PERSONS.—Notwithstanding subsection (a)(4), the Secretary shall require that a person who is required to register under this section but who is otherwise exempted by the Secretary from paying any fee under this section. The fee shall be used to pay the cost of the Secretary in processing registration statements filed by such persons.”.

(e) HAZMAT REGISTRATION NOTIFICATION.—As soon as practicable, the Pipelines and Hazardous Materials Safety Administrator of the Department of Transportation shall transmit to the Federal Motor Carrier Safety Administration hazardous material registrant information obtained before, on, or after the date of enactment of this Act under section 5108 of title 49, United States Code, together with each Department of Transportation identification number for each registrant.

SEC. 7010. PROVIDING SHIPPING PAPERS.

Section 5110 is amended—

(1) in subsection (a) by striking “under subsection (b) of this section” and inserting “by regulation”; and

(2) in subsection (e) by striking “1 year” and inserting “2 years after the date of preparation of such the shipping paper”.

SEC. 7011. RAIL TANK CARS.

Section 5111, and the item relating to such section in the analysis for chapter 31, are repealed.

SEC. 7012. UNSAFEWORKING SAFETY RATING.

That part of section 5113 is amended to read as follows: “A person who violates section 5114(c)(3) shall be subject to the penalties in sections 5123 and 5124.”

SEC. 7013. TRAINING CURRICULUM FOR THE PUBLIC SECTOR.

(a) REQUIREMENTS.—Section 5115(b)(1)(C) is amended by striking “under other United States Government grant programs, including those” and inserting “with Federal financial assistance, including programs”.

(b) TRAINING ON COMPLYING WITH LEGAL REQUIREMENTS.—Section 5115(c)(3) is amended by inserting before the period at the end the following: “and such other voluntary consensus standard-setting organizations as the Secretary deems appropriate.”

(c) DISTRIBUTION AND PUBLICATION.—Section 5115(d) is amended—

(1) in the matter preceding paragraph (1) by striking “’national response team’ “ and inserting “’National Response Team’ “;

(2) in paragraph (1) by striking “Director of the Federal Emergency Management Agency” and inserting “Secretary”;

(3) in paragraph (2) —

(A) by inserting “and distribute” after “pub- lish”;

(B) by striking “programs that uses” and all that follows before the period at the end inserting “programs and courses developed under this section”;

SEC. 7014. PLANNING AND TRAINING GRANTS, MONITORING, AND REVIEW.

(a) FACTORS TO CONSIDER IN DETERMINING NEEDS.—Section 5116(b)(4) is amended—

(1) by striking “and” at the end of subparagraph (D); 

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

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

(5) COMPLIANCE WITH CERTAIN LAW.—Section 5116(c) is amended—
in the case of a State, is complying with all applicable requirements of subsection (j) and under section 5107.

(a)(1) and (b)(1) are not part of the non-Government share under this subsection.

(a)(1) by inserting “Secretary of Transportation, and Energy,” and inserting “Secretary of Energy, Director of the Federal Emergency Management Agency,” and

(b) by striking “Director of the Federal Emergency Management Agency shall” and inserting “Secretary of Transportation shall” and

(A) by striking “the Secretaries, Administrator, and Directors each shall” and inserting “the Secretary shall” and

(B) by striking “the national response team” and inserting “National Response Team.”

(b) in any case in which the hazardous material involved is a special permit relating to section 5112, for an additional period of not more than 2 years and may be renewed by the State or tribe under subsections (a)(1) and (b)(1) are not part of the non-Government share under this subsection.

(3) by inserting “the first place it appears; and

(c) the Secretary shall issue regulations to carry out the purposes set forth in subsection (b). The working group may not propose to define or amend a definition that is part of the standard or permit in effect at the time of such proposal.

(2) the Secretary shall issue regulations to carry out the purposes set forth in subsection (b). The working group may not propose to define or amend a definition that is part of the standard or permit in effect at the time of such proposal.

(2) by inserting “the special permit” and inserting “the special permit.”

(b)(2)(B) by striking “property,” after “records;” and

(c) by striking “requests” and inserting “undertakes an investigation or makes a request”.

(c) by striking “requests” and inserting “undertakes an investigation or makes a request”.

(d) by inserting paragraph (3) as paragraph (4); and

(e) by inserting after paragraph (2) the following:

“(3) to publish and distribute the Emergency Response Guidebook; and”

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(1) by striking the first sentence and inserting the following: “The Secretary shall submit to Congress and make available to the public annually a report on the allocation and use of planning grants under subsection (a), training grants under subsection (b), and grants under subsection (c) and section 5107;” and

(2) in the second sentence by striking “Such report” and inserting “The report.”

SEC. 7015. SPECIAL PERMITS AND EXCLUSIONS.

(a) SECTION HEADING.—In general—Section 5117 is amended by striking the section number and heading and inserting the following:

“§5117. Special permits and exclusions.”

(b) CONFORMING AMENDMENT.—The item relating to section 5117 in the analysis for chapter 5 is amended to read as follows:

“§5117. Special permits and exclusions."

(1) by striking “or” and inserting “or” and

(2) by striking “and” and inserting “and” and

SEC. 7017. INTERNATIONAL UNIFORMITY OF STANDARDS AND REQUIREMENTS.

(a) CONSULTATION.—Section 5206(b) is amended by inserting “and requirements” after “standards.”

(b) DIFFERENCES WITH INTERNATIONAL STANDARDS AND REQUIREMENTS.—Section 5206(c) is amended—

(1) in paragraph (1) by inserting “or requirement” after “standard” each place it appears; and

(2) in paragraph (2)—

(A) by striking “standard” or before “requirement” each place it appears; and

(B) by striking “included in a standard.”

SEC. 7018. ADMINISTRATIVE.

(a) GENERAL AUTHORITY.—Section 5212(a) is amended—

(1) in the first sentence by inserting “conduct tests,” after “investigate,” and

(2) in the second sentence by striking “After” and inserting “Except as provided in subsections (c) and (d),” and

(b) RECORDS, REPORTS, AND INFORMATION.—Section 5216(b) is amended—

(1) in paragraph (1) by inserting “and property” after “records;” and

(2) in paragraph (2) by inserting “property,” after “records;” and

(c) INSPECTIONS AND INVESTIGATIONS.—

(1) IN GENERAL.—A designated officer, employee, or agent of the Secretary—

(A) may inspect and investigate, at a reasonable time and in a reasonable manner, records and property relating to a function described in section 5103(b)(1); and

(B) in any case in which the hazardous material involved is a special permit relating to section 5103(b)(1); except in the case of packaging immediately adjacent to its hazardous material contents, may gain access to, open, and examine a package offered for, or in, transportation when the officer, employee, or agent has an objectively reasonable and articulable belief that the package may contain a hazardous material;

(C) may remove from transportation a package or related packages in a shipment offered for or in transportation for which

(i) such officer, employee, or agent has an objectively reasonable and articulable belief that the package may pose an imminent hazard; and

(ii) such officer, employee, or agent contem- poraneously documents such belief in accordance with procedures set forth in guidance or regulations prescribed under subsection (e); and

(D) may gather information from the offeror, carrier, packaging manufacturer or retailer, or other person responsible for the package, to ascertain the nature and hazards of the contents of the package;

(E) as necessary, under terms and conditions specified by the Secretary, may order the offeror of the package transported in or on the vehicle of the carrier or person responsible for the package to have the package transported to, opened, and examined; and

(F) when safety might otherwise be compromised, may authorize properly qualified personnel to assist in the activities conducted under this subsection.

(2) DISPLAY OF CREDENTIALS.—An officer, employee, or agent acting under this subsection shall display proper credentials when requested.

(3) SAFE RESUMPTION OF TRANSPORTATION.—In instances when, as a result of an inspection or investigation under this subsection, an imminent hazard is not found to exist, the Secretary, in accordance with procedures set forth in regulations prescribed under subsection (e), shall assist—

(A) in the safe resumption of transportation of the package concerned; or

(B) in any case in which the hazardous mat- erial being transported is perishable, in the safe or expedited resumption of transportation of the perishable hazardous material.”.

(d) EMERGENCY AUTHORITY FOR HAZARDOUS MATERIAL TRANSPORTATION.—Section 5212 is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by striking “emergencies” and inserting “emergencies” and

(3) by designating paragraphs (1) through (4) as paragraphs (2) through (5), respectively.
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(2) by inserting after subsection (c) the following:
‘‘(d) EMERGENCY ORDERS.—
‘‘(1) IN GENERAL.—If, upon inspection, investigation, testing, or research, the Secretary determines that either a violation of a provision of
this chapter or a regulation issued under this
chapter, or an unsafe condition or practice, constitutes or is causing an imminent hazard, the
Secretary may issue an emergency order, without notice or the opportunity for a hearing, but
only to the extent necessary to abate the imminent hazard.
‘‘(2) WRITTEN ORDERS.—An emergency order
issued under paragraph (1) shall be in writing,
describe the violation, condition, or practice
that is causing the imminent hazard, and state
the restrictions, prohibitions, recalls, or out-ofservice orders issued. The emergency order also
shall describe the standards and procedures for
obtaining relief from the order.
‘‘(3) OPPORTUNITY FOR REVIEW.—After issuing
an emergency order under paragraph (1), the
Secretary shall provide an opportunity for review of the order under section 554 of title 5 if
a petition for review is filed within 20 calendar
days after the date of issuance of the order.
‘‘(4) EXPIRATION OF EFFECTIVENESS OF EMERGENCY ORDER.—If a petition for review is filed
for an order and the review is not completed by
the end of the 30-day period beginning on the
date the petition was filed, the order shall cease
to be effective at the end of that period unless
the Secretary determines in writing that the
emergency situation still exists.
‘‘(e) REGULATIONS.—
‘‘(1) TEMPORARY REGULATIONS.—Not later
than 60 days after the date of enactment of the
Transportation Equity Act: A Legacy for Users,
the Secretary shall issue temporary regulations
to carry out subsections (c) and (d). The temporary regulations shall expire on the date of
issuance of the regulations under paragraph (2).
‘‘(2) FINAL REGULATIONS.—Not later than 1
year after such date of enactment, the Secretary
shall issue regulations to carry out subsections
(c) and (d) in accordance with subchapter II of
chapter 5 of title 5.’’.
(e) REPORT.—Section 5121(g) (as redesignated
by subsection (d)(1) of this section) is amended—
(1) in the matter preceding paragraph (1) by
striking ‘‘submit to the President for transmittal
to the Congress’’ and inserting ‘‘transmit to the
Committee on Transportation and Infrastructure of the House of Representatives and the
Committee on Commerce, Science, and Transportation of the Senate’’; and
(2) in paragraph (4) by inserting ‘‘relating to
a function regulated by the Secretary under section 5103(b)(1)’’ after ‘‘activities’’.
(f) REPEAL OF OBSOLETE PROVISION.—Section
5118, and the item relating to such section in the
analysis for chapter 51, are repealed.
SEC. 7019. ENFORCEMENT.
(a) GENERAL.—Section 5122(a) is amended by

striking the second sentence and inserting ‘‘The
court may award appropriate relief, including a
temporary or permanent injunction, punitive
damages, and assessment of civil penalties considering the same penalty amounts and factors
as prescribed for the Secretary in an administrative case under section 5123.’’.
(b) IMMINENT HAZARDS.—Section 5122(b)(1)(B)
is amended by striking ‘‘or ameliorate the’’ and
inserting ‘‘or mitigate the’’.
SEC. 7020. CIVIL PENALTY.
(a) PENALTY.—Section 5123(a) is amended—

(1) in paragraph (1)—
(A) by striking ‘‘regulation prescribed or order
issued’’ and inserting ‘‘regulation, order, special
permit, or approval issued’’; and
(B) by striking ‘‘$25,000’’ and inserting
‘‘$50,000’’;
(2) by redesignating paragraph (2) as paragraph (3); and
(3) by inserting after paragraph (1) the following:

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‘‘(2) If the Secretary finds that a violation
under paragraph (1) results in death, serious illness, or severe injury to any person or substantial destruction of property, the Secretary may
increase the amount of the civil penalty for such
violation to not more than $100,000.’’.
(b) HEARING REQUIREMENT.—Section 5123(b) is
amended by striking ‘‘regulation prescribed’’
and inserting ‘‘regulation, order, special permit,
or approval issued’’.
(c) CIVIL ACTIONS TO COLLECT.—Section
5123(d) is amended by adding at the end the following: ‘‘In such action, the validity, amount,
and appropriateness of the civil penalty shall
not be subject to review.’’.
(d) COMPROMISE.—Section 5123(e) is amended
by striking ‘‘before referral to the Attorney General’’.
SEC. 7021. CRIMINAL PENALTY.

Section 5124 is amended to read as follows:
‘‘§ 5124. Criminal penalty
‘‘(a) IN GENERAL.—A person knowingly violating section 5104(b) or willfully or recklessly
violating this chapter or a regulation, order,
special permit, or approval issued under this
chapter shall be fined under title 18, imprisoned
for not more than 5 years, or both; except that
the maximum amount of imprisonment shall be
10 years in any case in which the violation involves the release of a hazardous material that
results in death or bodily injury to any person.
‘‘(b) KNOWING VIOLATIONS.—For purposes of
this section—
‘‘(1) a person acts knowingly when—
‘‘(A) the person has actual knowledge of the
facts giving rise to the violation; or
‘‘(B) a reasonable person acting in the circumstances and exercising reasonable care
would have that knowledge; and
‘‘(2) knowledge of the existence of a statutory
provision, or a regulation or a requirement required by the Secretary, is not an element of an
offense under this section.
‘‘(c) WILLFUL VIOLATIONS.—For purposes of
this section, a person acts willfully when—
‘‘(1) the person has knowledge of the facts
giving rise to the violation; and
‘‘(2) the person has knowledge that the conduct was unlawful.
‘‘(d) RECKLESS VIOLATIONS.—For purposes of
this section, a person acts recklessly when the
person displays a deliberate indifference or conscious disregard to the consequences of that person’s conduct.’’.
SEC. 7022. PREEMPTION.
(a) DUAL COMPLIANCE AND OBSTACLE TESTS.—

Section 5125(a) is amended by striking the subsection heading and inserting ‘‘DUAL COMPLIANCE AND OBSTACLE TESTS.—’’.
(b) SUBSTANTIVE DIFFERENCES.—The second
sentence of section 5125(b)(2) is amended by
striking ‘‘after November 16, 1990’’.
(c) DECISIONS ON PREEMPTION.—The third
sentence of section 5125(d)(1) is amended by inserting ‘‘and publish in the Federal Register’’
after ‘‘issue’’.
(d) INDEPENDENT APPLICATION OF EACH
STANDARD.—Section 5125 is amended by inserting after subsection (f), as redesignated by section 7024(a)(2) of this Act, the following:
‘‘(g) INDEPENDENT APPLICATION OF EACH
STANDARD.—Subsections (b), (c)(1), (d), and (g)
are independent in their application to a requirement of any State, political subdivision of
a State, or Indian tribe and shall be reviewed
independently.’’.
SEC. 7023. RELATIONSHIP TO OTHER LAWS.

Section 5126(a) is amended by striking ‘‘must
comply’’ and inserting ‘‘shall comply’’.
SEC. 7024. JUDICIAL REVIEW.
(a) REPEAL.—Section 5125 is amended—

(1) by striking subsection (f);
(2) by redesignating subsection (g) as subsection (f); and
(3) in subsection (f) (as so redesignated) by
moving paragraph (2) (including subparagraphs
(A) through (D)) 2 ems to the left.

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(b) JUDICIAL REVIEW.—Chapter 51 is amended
by redesignating section 5127 as section 5128 and
by inserting after section 5126 the following:
‘‘§ 5127. Judicial review
‘‘(a) FILING AND VENUE.—Except as provided
in section 20114(c), a person adversely affected
or aggrieved by a final action of the Secretary
under this chapter may petition for review of
the final action in the United States Court of
Appeals for the District of Columbia or in the
court of appeals for the United States for the
circuit in which the person resides or has its
principal place of business. The petition must be
filed not more than 60 days after the Secretary’s
action becomes final.
‘‘(b) JUDICIAL PROCEDURES.—When a petition
is filed under subsection (a), the clerk of the
court immediately shall send a copy of the petition to the Secretary. The Secretary shall file
with the court a record of any proceeding in
which the final action was issued, as provided
in section 2112 of title 28.
‘‘(c) AUTHORITY OF COURT.—The court has exclusive jurisdiction, as provided in subchapter II
of chapter 5 of title 5, to affirm or set aside any
part of the Secretary’s final action and may
order the Secretary to conduct further proceedings. Findings of fact by the Secretary, if
supported by substantial evidence, are conclusive.
‘‘(d) REQUIREMENT FOR PRIOR OBJECTION.—In
reviewing a final action under this section, the
court may consider an objection to a final action of the Secretary only if the objection was
made in the course of a proceeding or review
conducted by the Secretary or if there was a
reasonable ground for not making the objection
in the proceeding.’’.
(c) CONFORMING AMENDMENT.—The analysis
for chapter 51 is amended by striking the item
relating to section 5127 and inserting the following:
‘‘5127. Judicial review.
‘‘5128. Authorization of appropriations.’’.
SEC. 7025. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 (as redesignated by section 7024)
is amended to read as follows:
‘‘§ 5128. Authorizations of appropriations
‘‘(a) IN GENERAL.—In order to carry out this
chapter (except sections 5107(e), 5108(g)(2), 5113,
5115, 5116, and 5119), the following amounts are
authorized to be appropriated to the Secretary:
‘‘(1) For fiscal year 2005, $27,000,000.
‘‘(2) For fiscal year 2006, $29,000,000.
‘‘(3) For fiscal year 2007, $30,000,000.
‘‘(b) EMERGENCY PREPAREDNESS FUND.—There
shall be available to the Secretary, from the account established pursuant to section 5116(i), for
each of fiscal years 2005 through 2007 the following:
‘‘(1) To carry out section 5115, $200,000.
‘‘(2) To carry out section 5116(a), $8,000,000.
‘‘(3) To carry out section 5116(b), $13,800,000.
‘‘(4) To carry out section 5116(f), $150,000.
‘‘(5) To publish and distribute the Emergency
Response Guidebook under section 5116(i)(3),
$500,000.
‘‘(6) To pay administrative expenses in accordance with section 5116(i)(4), $150,000.
‘‘(7) To carry out section 5116(j), $1,000,000.
‘‘(c) TRAINING OF HAZMAT EMPLOYEE INSTRUCTORS.—There shall be available to the Secretary, from the account established pursuant to
section 5116(i), to carry out section 5107(e)
$4,000,000 for each of fiscal years 2005 through
2007.
‘‘(d) UNIFORM FORMS AND PROCEDURES.—
There is authorized to be appropriated to the
Secretary for making grants to States participating in the working group established under
section 5119 $1,000,000 for each of the fiscal
years 2005 and 2006.
‘‘(e) ISSUANCE OF HAZMAT LICENSES.—There
are authorized to be appropriated for the Department of Transportation such amounts as
may be necessary to carry out section 5103a.

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“(f) CREDITS TO APPROPRIATIONS.—The Secretary may credit any appropriation to carry out this chapter an amount received from a State, Indian tribe, or other public authority or private source. The Secretary may adjust the Secretary incurs in providing training to the State, authority, or entity.

(g) AVAILABILITY OF AMOUNTS.—Amounts made available by or under this section remain available until expended.”.

SEC. 7026. DETERMINING AMOUNT OF UNDECLARED SHIPMENTS OF HAZARDOUS MATERIALS ENTERING THE UNITED STATES.

(a) STUDY.—The Comptroller General shall conduct a study to propose methods of determining the amount of undeclared shipments of hazardous materials (as defined in section 5101 of title 49, United States Code) entering the United States.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 7027. COMPREHENSIVE AMENDMENTS.

Chapter 51 is amended by striking “Secretary of Transportation” each place it appears (other than the second place it appears in section 5116(b)), and in sections 5116(g), 5116(i), and 5120(a) and inserting “Secretary”.

Strike title VIII of the bill and insert the following:

TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE

SEC. 8101. DISCRETIONARY SPENDING LIMITS FOR THE HIGHWAY AND MASS TRANSPORTATION CATEGORIES.

(a) LIMITS.—(1) Redesignate paragraphs (2) through (9) of section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 as paragraphs (7) through (14), respectively, and strike paragraph (1) of such section 251(c) and insert the following new paragraphs:

“(1) with respect to fiscal year 2004—

"(A) for the highway category: $28,052,000,000 in outlays;

(B) for the mass transit category: $1,436,000,000 in new budget authority and $6,844,000,000 in outlays;

(2) with respect to fiscal year 2005—

"(A) for the highway category: $34,215,000,000 in outlays;

(B) for the mass transit category: $1,531,670,000 in new budget authority and $6,843,000,000 in outlays;

(3) with respect to fiscal year 2006—

"(A) for the highway category: $36,814,000,000 in outlays;

(B) for the mass transit category: $1,706,670,000 in new budget authority and $5,978,000,000 in outlays;

(4) with respect to fiscal year 2007—

"(A) for the highway category: $38,428,000,000 in outlays;

(B) for the mass transit category: $1,823,220,000 in new budget authority and $7,456,000,000 in outlays;

(5) with respect to fiscal year 2008—

"(A) for the highway category: $39,815,000,000 in outlays;

(B) for the mass transit category: $1,931,785,000 in new budget authority and $8,263,000,000 in outlays;

(6) with respect to fiscal year 2009—

"(A) for the highway category: $40,880,000,000 in outlays;

(B) for the mass transit category: $2,962,000,000 in new budget authority and $8,817,000,000 in outlays;

(b) DEFINITIONS.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking “Transportation Equity Act for the 21st Century and inserting ‘the Transportation Equity Act: A Legacy for Users’.”

(2) in subparagraph (C), by—

(A) inserting “(and successor accounts)” after ‘budget accounts’; and

(B) striking “the Transportation Equity Act for the 21st Century and all that follows thereafter through the semicolon inserted in the Transportation Equity Act: A Legacy for Users or for which appropriations are provided pursuant to authorizations contained in that Act;” and

SEC. 8102. ADJUSTMENTS TO ALIGN HIGHWAY SPENDING WITH REVENUES.

Subparagraphs (a), (b), and (c) of section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended to read as follows:

“(B) ADJUSTMENT TO ALIGN HIGHWAY SPENDING WITH REVENUES.—(i) When the President submits the budget under section 1105 of title 31, United States Code, OMB shall calculate and the budget shall make adjustments to the highway category for the budget year and each outyear as provided in clause (ii)(I)(cc).

(ii) In this clause, the term ‘obligation limitations’ means the estimated level of obligations for the current year and subtract the estimated level of receipts for that year.

(c) OMB shall add one-half of the sum of the amount calculated under items (aa) and (bb) to the obligation limitations set forth in the section of the Transportation Equity Act: A Legacy for Users and, using current estimates, calculate the outlay change resulting from the change in obligations for the budget year and the first outyear and from fiscal years therein by adding one-half of the sum of the amount calculated under items (aa) and (bb) for each such year.

(2) by striking “Transportation Equity Act for the 21st Century and inserting ‘the Transportation Equity Act: A Legacy for Users and, using current estimates, calculate the outlay change resulting from the change in obligations for the budget year and the first outyear and from fiscal years therein by adding one-half of the sum of the amount calculated under items (aa) and (bb) for each such year.’”.

(3) In this clause, the term ‘highway receipts’ means the reported receipts from the highway account of the Highway Trust Fund.

(E) OMB shall consult with the Committees on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of the study.

SEC. 8103. TRANSFER OF FEDERAL TRANSIT ADMINISTRATION EXPENSES.

For purposes of clauses 2 and 3 of rule XXI of the House of Representatives, it shall be in order to transfer funds, in an annual appropriation Acts to carry out the Transportation Act: A Legacy for Users (including the amendments made by that Act), the Federal Transpor-
The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BOOZMAN: After section 4134, insert the following (and redesignate the provisions to conform the table of contents, of the bill accordingly):

SEC. 4132. BREAKS DURING DAILY TOUR OF DUTY.

Section 510 of title 49, United States Code, is amended by adding at the end the following:

"(f) Breaks During Daily Tour of Duty.—Notwithstanding any other provision of law, an operator of a property carrying commercial motor vehicle shall be permitted to operate such vehicle and perform other work-related activities at the end of the 14th hour from the time the driver begins duty, for a period of time for which the driver has been off duty during the 14-hour period, not to exceed a total of 16 hours.

"(g) No Coercion.—No person shall require or coerce a motor carrier or its employees to record falsely their duty status as off-duty for any activity defined by the Secretary as on-duty.

"(h)_trail of duty.

The Acting CHAIRMAN. Pursuant to House Resolution 140, the gentleman from Arkansas (Mr. BOOZMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Chairman, I yield myself such time as I may consume.

Please, Mr. Chairman, I would like to thank the Chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), for making my amendment in order.

I would also like to express my pride as a member of the Committee on Transportation and Infrastructure, and I greatly appreciate the leadership of Chairman YOUNG and the gentleman from Minnesota (Mr. OBERSTAR).

Mr. Chairman, I think the American public wants more than anything to see us working together, and I truly do appreciate the example this committee has demonstrated in that regard.

The other thing I would like to do is thank the staff. I am in the process of an amendment that would give the truckers an additional 2 hours of break time. I think I almost need to do an amendment that would give the staff a couple of hours of break time for the last 2 weeks. So we really do appreciate them.

Mr. Chairman, I represent the Third District of Arkansas and probably have more trucking companies and truck drivers in that district than any other part of America. In visiting with my trucking companies and visiting with the drivers, they have indicated under the current hours of service rule there were times they felt it would be beneficial if they could go off the clock and occasionally take a break.

Today, when I arrived at work, and I have a tough schedule, an anybody any day. Today, yet I have the ability, if I want to go and visit with somebody and take 30 minutes, drink a cup of coffee, take a nap, do things like that, I have the ability to do that and make it up later. Our truckers do not have that ability.

The Federal Motor Carriers have had over 300 complaints lodged in that regard. So what we are trying to do is provide an amendment that gives the truckers the ability to take up to 2 hours of off-duty time during the day. The rest times are optional, voluntary. The driver does not have to take the rest time unless he wants to. In fact, I have included specific language in the amendment which protects the drivers and preserves the time for them. It is apparent that the industry at this point has become very complex. It is difficult. One size does not fit all, and that is really what we are trying to alleviate.

Last year, I offered an amendment to basically say, let us go back to the old hours of service rule because of the difficulties we were having. During the markup last year, I spoke with Chairman YOUNG and Member OBERSTAR, and in the course of that discussion I brought up the fact that the drivers, again, do not have the flexibility, they do not have the ability to take a break when they want to once the clock has gone.

Ranking Member OBERSTAR, in the course of the discussion, understood that that was a problem. So what I did was to try to craft a rule that would come back to address that problem. I understand, though, that there are concerns that are raised in this amendment. So I visited with the ranking member's staff. I visited with Annette Sandberg, the administrator of the Federal Motor Carriers, trying again to further refine this thing so we can answer all of the problems that have come about.

I want to compliment Ms. Sandberg. She is in a very difficult situation. She and her staff are working very hard to get this resolved. Hopefully, we will be able to do that in the near future.

One thing I have been disappointed in, an effort to give drivers the ability to go off the clock when they feel like they need it, heavy traffic, for whatever reason. And something that has come about is I have been targeted, Wal-Mart is being targeted. I happen to represent them, and am very proud in doing that, and yet the reality is over 40 organizations are supporting this amendment, most of them key-voting this amendment. And the reality is also hundreds of thousands of truckers are also in support. I think the amendment is designed to further erode safety on America's highways while rewarding companies such as Wal-Mart.

In April 2003 the Transportation Department promulgated a rule that gives truckers substantially more time on the road. Among other features, the rule allows truck drivers to log as many as 14 consecutive hours driving. This is an unsafe schedule, and it is little wonder that the truckers and highway safety advocates were united in their opposition to this rule. It is little wonder that for all of the work of the Court of Appeals found the rule "arbitrary and capricious because the agency neglected to consider a statutorily mandated factor—the impact of the rule on the health of drivers." As a result, DOT is now reviewing this rule in a public, transparent proceeding.

Now we are considering an amendment that would eliminate the one safety enhancement included in that 2003 rule. This amendment would allow truckers to deduct meal time and other short "break periods" from their time on the road, essentially allowing them to drive 16 consecutive hours. And once again, the truck drivers and highway safety advocates are united in their opposition.

The legal effect of this amendment is simply to lengthen the work day for truckers and shorten their rest time, without providing any improvement for safety. In fact, all the amendment does is create a loophole to extend the workday of short-haul truckers—not provide them with the opportunity for real rest.

Mr. Chairman, I support the underlying legislation, in part because one of the goals of the Interstate Highway System is to improve safety on our roads. This amendment goes in the opposite direction, and I therefore oppose it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to oppose the Boozman amendment. This amendment is an unwise attempt by special interests to interfere in an ongoing regulatory and legal process. It is designed to further erode safety on America's highways while rewarding companies such as Wal-Mart.

What about the families and their children? Do you know anyone who works a 14-hour day who'd rather change that to 16 hours? Who, in their right mind, really wants to show up for work at 7 a.m. and leave at 11 p.m.? What about the families and their children? What about time to sleep?

The Boozman amendment is a bad idea that will endanger our families on the road and decrease the quality of life for truck drivers.

I urge my colleagues to oppose this amendment.

Ms. DELAURO. Mr. Chairman, I rise to oppose the Boozman amendment. This amendment is an unwise attempt by special interests to interfere in an ongoing regulatory and legal process. It is designed to further erode safety on America's highways while rewarding companies such as Wal-Mart.

In April 2003 the Transportation Department promulgated a rule that gives truckers substantially more time on the road. Among other features, the rule allows truck drivers to log as many as 14 consecutive hours driving. This is an unsafe schedule, and it is little wonder that the truckers and highway safety advocates were united in their opposition to this rule. It is little wonder that for all of the work of the Court of Appeals found the rule "arbitrary and capricious because the agency neglected to consider a statutorily mandated factor—the impact of the rule on the health of drivers." As a result, DOT is now reviewing this rule in a public, transparent proceeding.

Now we are considering an amendment that would eliminate the one safety enhancement included in that 2003 rule. This amendment would allow truckers to deduct meal time and other short "break periods" from their time on the road, essentially allowing them to drive 16 consecutive hours. And once again, the truck drivers and highway safety advocates are united in their opposition.

The legal effect of this amendment is simply to lengthen the work day for truckers and shorten their rest time, without providing any improvement for safety. In fact, all the amendment does is create a loophole to extend the workday of short-haul truckers—not provide them with the opportunity for real rest.

Mr. Chairman, I support the underlying legislation, in part because one of the goals of the Interstate Highway System is to improve safety on our roads. This amendment goes in the opposite direction, and I therefore oppose it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to oppose the amendment as offered by the gentleman from Arkansas and
urge my colleagues to defeat it on the grounds of protecting public safety. The gentleman’s amendment seeks to extend the on-duty time of truck drivers from 14 hours to 16 hours per day.

Our unions, the Transportation Trades Department, the AFL–CIO, and the Commercial Vehicle Safety Alliance all concur on rejection of this irresponsible and irrational proposal. This amendment is, at the very least, premature and overboard given the fact that current transportation rules on the books allow employers and employees to allocate a 16-hour on-duty period every seven days. Hence, this amendment is not necessary.

More importantly, this amendment threatens the safety of millions of drivers. Under existing rules, a driver may be behind the wheel continuously for up to 11 hours over a 14-hour on-duty period. This amendment would extend this period by 2 hours. Coupled with up to 2 hours of break time, a truck driver could be behind the wheel for up to 16 hours, which increases the probability of having fatigued drivers on the road.

The Boozman Amendment would exacerbate the already high number of truck accidents attributed to driver fatigue. Truck driver fatigue has been identified as a significant cause of major crashes by the National Transportation Safety Board. In 2003, 4,986 people were killed in truck crashes and more than 39,219 were injured at a cost of $24 billion.

For the reasons stated above, Mr. Chairman, I reject this amendment and ask that my colleagues do the same.

Mr. BOOZMAN. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Pursuant to the unanimous consent of the Speaker, the Acting Chairman is granted permission to proceed to the next Speaker without waiving time.

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 109–14. AMENDMENT NO. 2 OFFERED BY MR. CONAWAY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CONAWAY: At the end of subtitle A of title IV of the bill, insert the following (and conform the table of contents of the bill accordingly):

**SEC. 4137. HOUR OF SERVICE RULES FOR OPERATORS PROVIDING TRANSPORTATION OF OIL AND GAS AND MACHINERY.**

Notwithstanding sections 31336 and 31502 of title 49, United States Code, and any other provision of law, the maximum daily hours of service for an operator of a commercial motor vehicle used exclusively in servicing the field operations of the natural gas and oil industry shall be those in effect under such sections on April 27, 2003.

The Acting CHAIRMAN. Pursuant to House Resolution 140, the gentleman from Texas (Mr. CONAWAY) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I yield myself such time as I may consume.

This amendment would reduce the regulatory burden on the good men and women of this country who are exploring for oil and natural gas.

The hours-of-service rules that this would impact really have to do with long-haul truckers, men and women who feed their families by driving trucks from one side of the country to the other. Oil and gas operators are getting caught up with this rule, and it is an unnecessary regulatory burden on them that does not add to the safety of our highways or our highways.

In general what happens, these truck drivers will leave the yards in the morning, go to a location where an oil and gas well is being drilled or completion is being done on oil and gas wells, or workover units are being worked. While driving commercial vehicles, they are typically tractors pulling either specialized trailers that perform some special function on the well, or they are driving a self-contained unit that has some special function once it gets to location.

These locations are generally within a short driving distance where these men and women are typically spending the night in their own home and getting up the next morning and going to work. The rules, as they apply to oil and gas truck drivers, are causing some undue burdens in that if they get caught on location, as operations typically happen, it is not as efficient as they are working longer than normal circumstances. Because of these rules, they cannot drive back home that night. The operator or the service company has got to hire transportation to drive out to location and pick them up and bring them home. Or even worse, they are required to spend the night overnight on location in a circumstance where they were not necessarily expecting that because of this regulation.

So with this amendment, we have the opportunity to lessen the regulatory burden on an industry that is vital to our national security. As crude oil prices reach $55 a barrel, natural gas prices are high, we obviously do not want to burden this industry any more than is necessary.

I spent 7 years in Texas writing regulations for the accounting industry. Regulations ought to control what is going on and protect what needs to be protected, but they ought to be done in a way that is cost efficient and effective for those who have to comply with the regulations.

This amendment would allow oil and gas operations exclusively to conduct their safety programs under the rule in place before the hour-of-service rules came in effect in January of 2004.

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

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

Mr. Chairman, I rise in very deep-seated feeling of opposition to this amendment. It has nothing to do with the gentleman, the offeror; but these series of attempts to undermine hours of service in the trucking sector, we went through a very extensive debate several years ago to create the Federal Motor Carrier Safety Administration. The idea was to establish within the Department of Transportation an entity whose role would be to examine the evidence in all of the many sectors of the economy, evaluate the needs for safety and then publish rules, not one rule but rules that would address each program within the sector. The driving public on the economic side of driving.

The initial rules published by the Motor Carrier Safety Administration were very complex, very difficult to understand, and raised a great deal of animosity. They went back and redid the rule; and now because some sector did not get their way in the rule-making process, they are coming to the Congress saying, fix it by law.

Look at what this proposal will do. Under the previous law, truck drivers had only 8 hours off duty. But look at that 8 hours. We had extensive hearings on this subject. A driver comes home from his or her job, gets a shower, something to eat, maybe spends a little time with his or her family. When I was a student in college, I roomed at a house where the breadwinner was a long-distance truck driver. I saw this happening before my eyes. I see it happening to families throughout our congressional district. I talked with truck drivers.

You get a little bit of time with family members, and maybe they get 5 hours of rest, and then they are back on the job again.

Unlike the inner-city bus drivers who work on regular schedules, a wide sector of the truck-driving public have irregular hours. They can work backward rotating shifts, 7 to 3 one week, 3 to 11, 11 to 7; and they never get consistent sleep. The human body has not changed in 50,000 years. We still need adequate rest.

The Department of Transportation has conducted numerous studies of fatigue among pilots, among locomotive engineers, among truck drivers, among bus operators, and found in every case they are not getting sufficient rest.

As each one of these cases comes up, it is we just have a little different situation here. Look under this amendment. A driver could start work at 8 in the morning and work until midnight with only 2 hours off, and then be expected to be back to work at 8 the next morning. It is not in the public interest. I do not care what the truck driver wants, to make a few extra bucks or get the time-and-a-half for overtime; that is not in the public interest.

Somebody is going to die as a result of driver fatigue. We should not allow this chipping away at safety.

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

Mr. CONAWAY. Mr. Chairman, I yield myself such time as I may consume.
Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. Kuhl of New York:

In section 4134 of the bill, strike “100 air mile” and insert “150 air mile”.

The Acting CHAIRMAN. Pursuant to House Resolution 140, the gentleman from New York (Mr. KUHL) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. KUHL).

Mr. KUHL of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we all realize and want to make sure that when our crops are harvested that they do not spoil before they actually get processed.

The Transportation Reauthorization Act recognizes this potential problem and attempts to address it. H.R. 3 addresses this issue and has moved to try to resolve it. It would allow for an exemption for maximum driving and on-duty time for motor carriers transferring our food supplies at the time of planting or harvest for a 100-air mile radius to the distribution point or the source of commodities.

In my district, a very large, rural district, the largest radius is 5,000 square miles which is larger than the State of Connecticut, many of the processing centers for agricultural goods fall right outside the 100-mile radius, but fall within a 150-air mile radius, so my amendment does something very simple. It simply raises that 100-mile air radius to 150-air miles, which will take care of the problem of having grapes which are a very, very precious commodity in my area being able to be processed on time and in a way which will not be deleterious to the final product. I hope Members will support my amendment.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

The legal effect of the gentleman's amendment, whether he understands it or has been wisely counseled, is exactly as I described it. A worker can start at 8 in the morning, work until midnight, have 2 hours off, and be called back at 8 the next morning. That is the legal effect of the words of this amendment. It is not in the public interest to put safety on our highways. Five thousand people a year die because of car-truck crashes, and more than half of those truck-car crashes are as a result of driver fatigue, truck driver fatigue. We must not exacerbate the problem and we should defeat this amendment.

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

The Acting CHAIRMAN. All time has been yielded back.

The question is on the amendment offered by the gentleman from Texas (Mr. CONAWAY).

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

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

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. CONAWAY) will be postponed. It is now in order to consider amendment No. 3 printed in part B of House Report 108-14.

Amendment No. 3 offered by Mr. KUHL of NEW YORK

Mr. KUHL of New York. Mr. Chairman, I offer an amendment.

The fact is, we have made an adjustment in the context of this bill, and we recognize that there are unique seasonal considerations in the agricultural sector, and we have provided for that in this legislation. There is no need for this amendment. It is an excessive chipping away at safety. I would just suggest to the gentleman, since we have already made an adjustment in H.R. 3, the underlying bill for the agricultural sector, that if the gentleman would be willing to withdraw the amendment, not press it to a vote, that we would have the flexibility to work continuously, perhaps even as we get to the manager's amendment or as we get into conference to further hear the gentleman and his concerns and resolve them. I would make that offer to the gentleman.

Mr. KUHL of New York. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for that and give him my word and the chairman my word that we will work together and understand his concerns better, in more depth, and find a way to come to a resolution.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in Part B of House Report 109-14.

Amendment No. 4 offered by Mr. MORAN of KANSAS

Mr. MORAN of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MORAN of KANSAS:

Redesignate section 4134(b) as section 4134(b) and insert after section 4134(b) the following:

(b) Review by the Secretary.—Section 345(c) of such Act (109 Stat. 613) is amended by striking “other than paragraph (2)” and inserting “other than paragraph (1) or (2) of such subsection”.

In section 4134(c) (as redesignated by this amendment) strike the matter proposed to be inserted as a quoted paragraph (7) and insert the following:

“(7) AGRICULTURAL COMMODITY.—The term ‘agricultural commodity’ means any agricultural commodity, food, feed, fiber, or livestock (including livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471)) and in stock.”

The CHAIRMAN. Pursuant to House Resolution 140, the gentleman from Kansas (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I yield myself such time as I may consume.
The amendment I offer this afternoon also is an hours of service amendment, although perhaps the most narrow of the amendments offered today.

The existing law allows for an hours of service exemption for agricultural products during time of harvesting and planting. The amendment I offer simply clarifies two things. One, it defines what an agricultural commodity is, and basically would make clear that the definition includes livestock, milk and dairy products, and also includes the language about hours of service exemption for agriculture commodities.

It does not include any products of agricultural products. So this is clearly about peanuts, not about peanut butter. It is about cotton; it is not about t-shirt production. It has been tested that the Secretary of Transportation cannot eat away at this amendment in its present form. The amendment I offer this afternoon, have been in place for a long period of time and only in 2002 did confusion arise with the issuance of a guidance memorandum from the Department of Transportation in regard to the definition of agricultural commodities. Again, I would emphasize that this is designed to make clear that all agricultural commodities, not those that are just specifically named in the past, would be eligible. The crisis that an agricultural hauler, a trucker, has in getting agricultural commodities to market is the same regardless of which crop it is. I believe this amendment simply makes clear what has been the practice in the past and also makes clear that this rule-making authority is not utilized to eliminate the exemption in the future.

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

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

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

Now, in contrast to the previous amendment, which is somewhat technical, and which I do believe we can work out an understanding as we come to a deeper grasp of the concerns of the offeror of the offeror of the previous amendment, this is not a simple technical correction. This is a serious assault on the motor carrier safety rule. It goes beyond simply seasonal exemptions.

As we worked our way through the bill last year and again this year, we came to agreements on this hours of service issue. And we worked out language in R. 3 that provides exemptions for 28,000 carriers. The pending amendment would include live animals, live fish, animal feed, products of animal origin, meat, fish, seafood, to-bacco products, meat, logs, livestock, lumber products, processed food, beverages, and truckers who no longer would have to abide by the hours of services rules, within a 100 air-mile radius. There is no justification for that. This is a quantitative and dangerously quantitative departure from the committee agreement, and must not be accepted.

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

Mr. MORAN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

I obviously respect the opinion of the gentleman from Minnesota, who has a long experience in regard to transportation, particularly hours of service issues. I am surprised somewhat by the characterization. He and I characterize my amendment differently. It is my understanding that the hours of service exemption for agricultural commodities, including the ones that are described specifically in my amendment, have been in place for a long period of time and only in 2002 did confusion arise with the issuance of a guidance memorandum from the Department of Transportation in regard to the definition of agricultural commodities.

Again, I would emphasize that this is designed to make clear that all agricultural commodities, not those that are just specifically named in the past, would be eligible. The crisis that an agricultural hauler, a trucker, has in getting agricultural commodities to market is the same regardless of which crop it is. I believe this amendment simply makes clear what has been the practice in the past and also makes certain that this rule-making authority is not utilized to eliminate the exemption in the future.

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

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

The gentleman from Kansas is a very distinguished and decent and a well-recognized member of this committee. He has offered many thoughtful amendments. We have on the committee worked together to respect the unique needs in agriculture during planting time, harvest time, within a reasonable distance of the point of production and endpoint of distribution. The purpose of the language in the committee bill was to ensure that products grown and harvested get from the farm to market in timely fashion. I understand that I have got large sectors of my congres-sional district that are and closely agricultural. We want that corn and soybeans to get to market in timely fashion. But in yielding a yard to the interests for the last decade, as I understand, and in the desire to make more clear the definition, I offer this amendment.

This amendment will clear up the confusion that exists and will prevent FMCSA from arbitrarily eliminating agricultural commodities from the exemption in the future.

Other than these changes, the agricultural exemption remains the same. It is effective only during designated months as designated and determined by the States to meet critical agricultural transportation needs.

This language is included in the base bill. The bill that I strongly support includes the language about hours of service exemption for agriculture commodities. The amendment I offer today does the two things I just mentioned: Clarifies what the definition of an agricultural commodity is, and indicates that the Secretary of Transportation cannot eat away at this amendment in its provision in its rulemaking authorities.

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

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

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

Now, in contrast to the previous amendment, which is somewhat technical, and which I do believe we can work out an understanding as we come to a deeper grasp of the concerns of the offeror of the offeror of the previous amendment, this is not a simple technical correction. This is a serious assault on the motor carrier safety rule. It goes beyond what we understood. They are including processed products, processed foods, beverages. I asked the Department of Transportation Motor Carrier Safety Administration to tell me what is included, how many additional carriers? Forty-two thousand. What is the percentage of those carriers who would be covered by this amendment? They say they have a crash rate 20 percent higher than current agriculture exemption carriers. If we just limited this to the current agricultural sector provided in the exemption in our bill, we are fine with that, but this goes far beyond what is reasonable and responsible, whether intentional or unintentioned. It is an assault upon safety in the form presented. I cannot accept it. We might find a way to work additionally with dropping out some of these pieces as we go forward in the managers' amendment or in conference, but in its current form, unless the gentleman chooses to withdraw it, I cannot accept it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. MORAN).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kansas (Mr. MORAN) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE AMENDMENT NO. 3 OFFERED BY MR. CANTOR

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 2 offered by the gentleman from Texas (Mr. CONAWAY) and amendment No. 4 offered by the gentleman from Kansas (Mr. MORAN).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 2 OFFERED BY MR. CONAWAY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CONAWAY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 226, not voting 9, as follows:

[Roll No. 56]
Mr. DICKS, Mr. GERLACH, Ms. SCHWARTZ of Pennsylvania, and Messrs. HINOJO/SA, PASTOR, DAVIS of Tennessee, MCCOTTER, SMITH of New Jersey, YOUNG of Florida, and Mrs. MILLER of Michigan, Mrs. JOHN/SON of Connecticut, Mr. CUELLAR and Mr. ORTIZ changed their vote from “aye” to “no.”

Mr. SAXTON, Mrs. BONO, and Mr. MARIO DIAZ-BALART of Florida changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. MORAN OF VIRGINIA

Mr. DICKS, Mr. GERLACH, Ms. SCHWARTZ of Pennsylvania, and Messrs. HINOJO/SA, PASTOR, DAVIS of Tennessee, MCCOTTER, SMITH of New Jersey, YOUNG of Florida, and Mrs. MILLER of Michigan, Mrs. JOHN/SON of Connecticut, Mr. CUELLAR and Mr. ORTIZ changed their vote from “aye” to “no.”

Mr. SAXTON, Mrs. BONO, and Mr. MARIO DIAZ-BALART of Florida changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DICKS, Mr. GERLACH, Ms. SCHWARTZ of Pennsylvania, and Messrs. HINOJO/SA, PASTOR, DAVIS of Tennessee, MCCOTTER, SMITH of New Jersey, YOUNG of Florida, and Mrs. MILLER of Michigan, Mrs. JOHN/SON of Connecticut, Mr. CUELLAR and Mr. ORTIZ changed their vote from “aye” to “no.”

Mr. SAXTON, Mrs. BONO, and Mr. MARIO DIAZ-BALART of Florida changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DICKS, Mr. GERLACH, Ms. SCHWARTZ of Pennsylvania, and Messrs. HINOJO/SA, PASTOR, DAVIS of Tennessee, MCCOTTER, SMITH of New Jersey, YOUNG of Florida, and Mrs. MILLER of Michigan, Mrs. JOHN/SON of Connecticut, Mr. CUELLAR and Mr. ORTIZ changed their vote from “aye” to “no.”

Mr. SAXTON, Mrs. BONO, and Mr. MARIO DIAZ-BALART of Florida changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DICKS, Mr. GERLACH, Ms. SCHWARTZ of Pennsylvania, and Messrs. HINOJO/SA, PASTOR, DAVIS of Tennessee, MCCOTTER, SMITH of New Jersey, YOUNG of Florida, and Mrs. MILLER of Michigan, Mrs. JOHN/SON of Connecticut, Mr. CUELLAR and Mr. ORTIZ changed their vote from “aye” to “no.”

Mr. SAXTON, Mrs. BONO, and Mr. MARIO DIAZ-BALART of Florida changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DICKS, Mr. GERLACH, Ms. SCHWARTZ of Pennsylvania, and Messrs. HINOJO/SA, PASTOR, DAVIS of Tennessee, MCCOTTER, SMITH of New Jersey, YOUNG of Florida, and Mrs. MILLER of Michigan, Mrs. JOHN/SON of Connecticut, Mr. CUELLAR and Mr. ORTIZ changed their vote from “aye” to “no.”

Mr. SAXTON, Mrs. BONO, and Mr. MARIO DIAZ-BALART of Florida changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DICKS, Mr. GERLACH, Ms. SCHWARTZ of Pennsylvania, and Messrs. HINOJO/SA, PASTOR, DAVIS of Tennessee, MCCOTTER, SMITH of New Jersey, YOUNG of Florida, and Mrs. MILLER of Michigan, Mrs. JOHN/SON of Connecticut, Mr. CUELLAR and Mr. ORTIZ changed their vote from “aye” to “no.”

Mr. SAXTON, Mrs. BONO, and Mr. MARIO DIAZ-BALART of Florida changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DICKS, Mr. GERLACH, Ms. SCHWARTZ of Pennsylvania, and Messrs. HINOJO/SA, PASTOR, DAVIS of Tennessee, MCCOTTER, SMITH of New Jersey, YOUNG of Florida, and Mrs. MILLER of Michigan, Mrs. JOHN/SON of Connecticut, Mr. CUELLAR and Mr. ORTIZ changed their vote from “aye” to “no.”

Mr. SAXTON, Mrs. BONO, and Mr. MARIO DIAZ-BALART of Florida changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.
Mr. CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 109–14.

AMENDMENT NO. 5 OFFERED BY MR. KUHL OF NEW YORK

Mr. KUHL of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. Kuhl of New York:

At the end of title I of the bill, insert the following (and conform the table of contents of the bill accordingly):

SEC. 1388. AMO HOUGHTON BYPASS.

(a) FINDINGS.—Congress finds the following:

(1) Amo Houghton first served his country when he volunteered for military service during World War II and served as a Private in the United States Marine Corps;

(2) Amo Houghton earned a bachelor’s degree from Harvard University and a master’s degree from the Harvard School of Business;

(3) Amo Houghton was Chief Executive Officer of Corning, Incorporated, before running for Congress and was remembered fondly for his tremendous efforts to rebuild the city of Corning, New York, and the Chemung Valley in the aftermath of Hurricane Agnes and the devastating flood of 1972;

(4) Amo Houghton spent his energy and time at Corning, Incorporated, Congress, and even after Congress working to build up the economy of the Southern Tier, Finger Lakes, and Rochester region of New York;

(5) Amo Houghton worked tirelessly with others to fund the building projects that brought New York State Route 17 to the necessary standards to be designated as Interstate Route 86;

(6) one of these major projects required to upgrade New York State Route 17 to Interstate standards and at the same time eliminate a glaring problem and safety hazard was the completion of the bypass route around the city of Corning, New York;

(7) Amo Houghton was a champion of many economic, trade, and health issues during his service on the Ways and Means Committee of the House of Representatives, including numerous tax simplification measures and successful House and Senate passage of the Clean Diamond Trade Act (Public Law 106–19) which was signed into law by President George W. Bush;

(8) Amo Houghton was an active player on the world stage as a member of the International Relations Committee of the House of Representatives through his Chairmanship of the Canada–United States Interparliamentary Group, the Asia Pacific Parliamentary Forum, the Oxford Forum, and the United States–Japan Economic Agenda Forum and Vice Chairmanship of the Africa Subcommission of the International Relations Committee;

(9) Amo Houghton served in many other capacities for the good of Congress, including his work as a founding member of the Bipartisan Retreat Committee of the House of Representatives, the Members and Family Room Committee of the House of Representatives, and as Co-Chairman of the Faith and Politics Institute; and

(10) among his colleagues in Congress, Amo Houghton will always be remembered as a man of principles, moderation, bipartisanship, and civility.

(b) DESIGNATION.—The Secretary of Transportation shall work with the State of New York to ensure that the segment of Interstate Route 86 between its interchange with New York State Route 15 in the vicinity of Painted Post, New York, and its interchange with New York State Route 352 in the vicinity of Corning, New York, is known and designated as the “Amo Houghton Bypass”.

The CHAIRMAN. Pursuant to House Resolution 140, the gentleman from New York (Mr. KUHL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. KUHL).

Mr. KUHL of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was kind of hopeful that the gentleman from Minnesota would be here because I know that he opposed the previous amendment I offered that I thought that this was perhaps one of those amendments that he would join with me in supporting.

This amendment would name part of Interstate I–86 in Upstate New York around the city of Corning, New York, which is currently known as the Corning Bypass, after my predecessor, the former gentleman from New York, Congressman Amo Houghton, who retired from Congress just this past year.

The amendment is identical to H.R. 795, a bill I introduced along with 108 co-sponsors in this House to name that section of I–86 the Amo Houghton Bypass.

Amo was elected, as many of you may know, to represent the 34th Congressional District way back in 1986, and was sworn in as a Member of the 100th class and then reelected to each succeeding Congress.

Amo was known to just about everyone in this Chamber as a man of principle, statesmanship, patriotism, moderation, bipartisanship, and perhaps most notably civility.

It will surprise no one that Amo was a Boy Scout as a child. He then started his lifelong career in the public service by volunteering as a Marine during World War II. Amo followed in the footsteps of many Houghtons by pursuing a bachelor’s degree and MBA from Harvard University. After Harvard, Amo joined the family business, Corning Glassworks in Corning, New York, now known as Corning, Incorporated. Amo eventually rose to the head of the company after his father’s death and his leadership the company invented and invested in fiber optics technology, among other technological breakthroughs.

Amo is fondly remembered in the city of Corning for his assistance in the community after the devastating flood of 1972 caused by Hurricane Agnes. Through Amo’s help and leadership, the company stayed in Corning and helped rebuild the community to be what it is today. He has spent continuous time and energy in helping to bring people together to think about ways to improve the upstate economy and certainly the economy in this country and the world.

One of Amo’s first and most important projects after being elected to Congress in 1986 was fighting for the money to construct Route 17, the Corning Bypass, a project that alleviated massive safety problems in the city and also a tremendous amount of congestion.

This project and Amo’s other efforts to complete the twinning of the roads in Chautauqua County to Pennsylvania paved the way to Route 17 being designated as Interstate 86 today.

In Congress, Amo was a champion of tax, of trade, of health issues and served on the House Committee on Ways and Means. He was involved in numerous international issues and projects through the House Committee on International Relations. He also served on the House Committee on the Budget.

Amo deeply cared for his colleagues here in the House, and he sends his regrets as I make this statement to you today, as having just talked with him a couple days ago.

As evident certainly are his efforts to form the Bipartisan Retreat Committee, his service on Members and the Family Room Committee, and as co-chair of the Faith and Politics Institute with our colleague, the gentleman from Georgia (Mr. LEWIS). Naming this bypass the Houghton Bypass is but a
small tribute to a great man, but it will serve as a permanent honor to this Congressmen, to Amo Houghton, and to his tireless service to the community and to the Nation.

Mr. Chairman, I urge my colleagues to support this amendment. This is a right and fitting thing to do.

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

Mr. DeFAZIO. Mr. Chairman, I claim the time in opposition to this amendment, but do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Oregon (Mr. DeFAZIO) will control the time.

There was no objection.

Mr. DeFAZIO. Mr. Chairman, I came to Congress at the same time as Amo Houghton. I think Congress is diminished by his departure. He was a gentleman. He was a rare spirit who was willing to stand up for what he thought was right. I believe he had to confront leaders on the other side, whether it was his own party or leaders on our side of the aisle. He spoke from his conscience and I think represented his district well.

I just had the pleasure and opportunity to be with him again last weekend with the gentleman from Georgia (Mr. LEWIS) to do the reenactment of the March For Bloody Sunday over the Pettus Bridge; and as usual, Amo was there in heart and spirit, and it was wonderful to see him again. So I wholeheartedly in support of this; and I think everyone will be in support of that.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank the gentleman for yielding me time. I thank my colleague for putting in this amendment.

The gentleman from New York (Mr. KUHL) used the word “civility” and I think that word describes Amo Houghton. If there were 435 Amo Houghtons in Congress, Congress would be enriched by that fact. He knew the spirit of bipartisanship. He knew the spirit of collegiality. I do not think I have met a nicer individual in my entire life than Amo.

Amo was one of the richest men in Congress, if not the richest; and you would never know it. If you did not know it, you would never know it. He was such a humble person. He was such a good person and a kind person and always had a good word, always had a smile, always did what was right. A couple of times I was paired to supposedly debate him on national TV, and both times it really turned into a lovefest because we agreed on so many of the issues and so many of the things, that it almost seemed as if we had staged the event. But indeed because Amo was such a good person. It was so easy to debate with him and so easy to do things for him.

It is very, very nice to have things named after you when you are still around to see them. And I am so happy that we are doing this so Amo understands just a small little bit of how well thought of he is and how much we care about him. I want to thank my colleague from New York (Mr. KUHL). Anything that is named after Amo, you can count on me to say good words because Amo is truly a special person and he deserves this great honor.

Mr. KUHL of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for introducing this amendment. I gladly accept the amendment. I am a little concerned, though, about having this bypass named after Amo Houghton. As such a gentleman and one so civil and always so friendly, I do not like to see a bypass get congested because they will start saying that Amo Houghton Bypass and does not work any more. So I hope it is big enough and new enough so that traffic will always flow through it.

It is an honor to name this after him, and I repeat all the words that all the Members have said about Amo.

Mr. DEFAZIO. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I too rise in support of the amendment. Amo Houghton was a true gentleman of the House, of great depth and charm. He helped make this a better institution in the finest tradition of Congress. Amo made our lives richer, his State a better place, and our Nation stronger.

I support the amendment, but I would say my only suggestion for improving it would be if it had somehow added the name of Priscilla Dewey Houghton, an outstanding citizen in her own right, Amo’s wife and helpmate and monster bicyclist. It is my pleasure to support the amendment, and I hope that this will be a reflection for Amo of all that he has meant to us.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support the Kuhl Amendment to TEA-LU which would seek to name a portion of Interstate 86 in upstate New York, in the vicinity of the City of Corning, the “Amo Houghton Bypass,” after Former Congressman Amo Houghton, who retired from Congress in 2004 after serving 18 years. It has always been my practice to honor my colleagues past and present who have made a real difference for their constituents and I can think of no more fitting way to honor Amo Houghton than to accept this amendment from Mr. KUHL.

Mr. Chairman, I rise to support the Kuhl Amendment to TEA-­–LU which would seek to name a portion of Interstate 86 in upstate New York, in the vicinity of the City of Corning, the “Amo Houghton Bypass,” after Former Congressman Amo Houghton, who retired from Congress in 2004 after serving 18 years. It has always been my practice to honor my colleagues past and present who have made a real difference for their constituents and I can think of no more fitting way to honor Amo Houghton than to accept this amendment from Mr. KUHL.

Amo Houghton committed his life to public service and nowhere is this more apparent than in Corning, NY. Amo Houghton came from a renowned family where he was the third generation to be in public office. He volunteered for the American Forces in World War II and served as a Private First Class in the United States Marine Corps. After honorably serving his nation he went on to earn a bachelor’s degree from Harvard University and a master’s degree from the Harvard School of Business. Then after reaching the heights of academia, he loyally returned home to Corning to work as an executive at Corning, Incorporated.

Upon winning his seat in Congress in 1987, he worked tirelessly to improve the Southern Tier, Finger Lakes, and Rochester region of New York. One of his major transportation projects was to fund the building projects that brought New York State Route 17 to the necessary standards to be designated as Interstate Route 86. Today we seek to name the juncture of that same Interstate and Amo Houghton’s beloved town of Corning in his honor. In my belief, a man can receive no greater honor than to say that he served others and truly that description fits Amo Houghton. He was a soldier and a public servant and we seek to name this stretch of road in his honor to recognize his achievements.

Mr. KUHL of New York. Mr. Chairman, if there are not any Members who wish to speak, I yield back the balance of my time.

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

The Acting CHAIRMAN (Mr. ISSA). The question is on the amendment offered by the gentleman from New York (Mr. KUHL).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 109-14.

AMENDMENT NO. 6 OFFERED BY MR. OSBORNE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. OSBORNE: At the end of subtitle A of title IV of the bill, insert the following (and conform the table of contents accordingly):

SEC. 4137. NEBRASKA CUSTOM HARVESTERS LENGTH EXEMPTION.

Section 3112(c) of title 49, United States Code, is amended by adding at the end the following:

“(5) Nebraska may allow the operation of commercial vehicle combinations of not to exceed 81 feet, 6 inches that are used only for harvesting wheat, soybeans, and milo on a contract basis for agricultural producers during the harvest months for such crops as defined by the State of Nebraska.”.

The Acting CHAIRMAN. Pursuant to House Resolution 146, the gentleman from Nebraska (Mr. OSBORNE) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I yield myself such time as I may consume.

In 1991, the ISTEA Act froze truckload and length limits at existing levels at the State level. Nebraska’s length limit at that time was 65 feet. Unfortunately, or fortunately, in Oklahoma, Kansas, and South Dakota, and Montana, all surrounding States, the length limit was 80 feet-plus.
Over the last 14 years, custom harvest equipment has grown larger, and so the average length of the custom harvest load is about 80 feet. The custom harvest starts usually in Oklahoma, goes through Kansas, Colorado, Nebraska, Iowa, Wisconsin, and Utah; and so the problem is that these loads start out at a length of 80 feet.

When they hit the Nebraska border, the trailer is dropped off, and at that point we bring the combine into Nebraska. Custom harvesting has to have a custom hauler, and pick up the trailer, the header, go back to the site, and that hopscotch maneuver continues all across the State. If they have 10 different policies where they are going to harvest, they have to make 10 different dual hauls, and this happens all the way up to South Dakota. The average custom harvester is traveling an extra 3, 4, sometimes 500 miles doubling up, trying to get his equipment across the State of Nebraska.

What we are asking here is an amendment that requests that the State of Nebraska be given authority to change the State statute lengthening it from 65 to 81.5 feet. We think this is reasonable. This is only for custom harvesters, harvesting only wheat, milo or soybeans, and this applies only during harvest season. It would be roughly the month of July and the month of October. This would save fuel. It will lessen traffic, reduce harvest expense, reduce driving time, labor, and also would be a safety factor.

This particular amendment is supported by the U.S. Custom Harvesters, National Grain Sorghum Producers, and the National Association of Wheat Growers. It affects not just the State of Nebraska but a whole corridor from Oklahoma on up into Canada and affects the whole industry. We hope very much that this would be looked upon favorably.

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

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

I appreciate the statements made by the distinguished gentleman from Nebraska, very thoughtful presentation; but I just remind colleagues that when Congress enacted ISTEA in 1991, the legislation froze size and weight of large trucks, commercial motor vehicles. That is almost 14 years in the generation. That is almost 14 years in the generation, and those vehicles have grown significantly over the last few years.

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

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

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

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

The gentleman from Nebraska (Mr. OSPORNE) is recognized for 5 minutes to offer an amendment.

Mr. OSPORNE. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the comments. What this amendment would do would be to give the State of Nebraska an opportunity to extend its length limits. It does not mandate it. It simply gives them the opportunity. It is also important to point out that this is as tight as we can make it.

The gentleman mentioned that the length of time would be much of the year. It would actually be the month of July, when most all wheat harvest occurs, and also the month of October, which would be for sorghum or milo and also some soybeans.

As far as safety is concerned, if it is unsafe in Nebraska, we have got all of the surrounding States, roughly 10 States, that have the length limit of 80 feet. So what is happening now is we are having to decouple the trailer, leave half of it at the Kansas border and then we double up. So we are causing twice the traffic across the State of Nebraska. We have to go back, get the header, take it to the field. Then we leave the header there, go to the next place, drop the combine off, go back and get the header. So what we think we are doing here is we are using way more fuel, causing more traffic. It is more of a safety problem, and we think that this really affects the whole industry.

As far as crashes are concerned, there were 4,699 large-truck crashes in 2003, and only 294 of those crashes involved the larger rigs. So we do not think this is a significant factor. We think it would be safer, and we know it would be cheaper.

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

Mr. OBERSTAR. Mr. Chairman, I yield the right to close. I am the only speaker. If the gentleman wishes to continue with his amendment, I will make the closing remarks.

Mr. OSPORNE. Mr. Chairman, I yield back my time.
The Chair recognizes the gentleman from California (Mr. Cox).

Mr. COX. Mr. Chairman, I yield myself such time as I may consume.

Before I address the substance of this amendment, I want to thank the distinguished man from Virginia, the co-author of this amendment, for working so diligently over the last several days to craft the language we are debating on the floor today. He has been at the forefront of bringing the issue to the nation and he offered the suggestions for reform that are the subject of this amendment today. Chief McDonell of the law enforcement personnel in Orange County have had to deal with the law enforcement personnel charged with protecting public safety and especially our constituents, ordinary citizens.

I want to especially like to thank the chairman and the professional staff of the Committee on Transportation and Infrastructure who have worked over backwards to work with us to put together this good amendment. The gentleman from Alaska (Chairman Young), the gentleman from Wisconsin (Ranking Member Oberstar), the gentleman from Wisconsin (Chairman Petri), and the gentleman from Oregon (Ranking Member DeFazio) all provided us with excellent support in crafting this amendment.

More than anyone, I should like to thank Bob McDonell, the chief of police in the city of Newport Beach, California. He has been vigilant in seeking reform to protect the citizens of California from what we have come to know as predatory towing.

For several years, Chief McDonell has worked to build public awareness about this issue. He educated me about this issue and about the current state of the law, and he offered the suggestions for reform that are the subject of this amendment today. Chief McDonell and other law enforcement personnel in Orange County have had to deal with road tow truck operators who are ripping off ordinary consumers by exploiting a loophole in Federal law.

In California, in particular, a ruling from the 9th Circuit Court of Appeals in 2000 has called into question two provisions of our State law that are designed to protect public safety by ensuring that tow truck operators who tow vehicles parked on private property do so with both the written authorization of the owner of the property on which the trespass occurred and with the owner or an agent of the owner being present at the time of the tow. These important safeguards protect the rights of property owners to remove trespassing vehicles, and they also ensure that the decisions are clearly made by the communities that are affected by the predation of the private property owners.

Although there is a decision of the California Supreme Court upholding these provisions of California law, the conflict between the State and Federal decisions has left the practical effect of the law in limbo. It has made the law essentially unenforceable.

This problem, Mr. Chairman, was put in stark relief just last week when the Orange County District Attorney’s office announced that they would not prosecute a tow truck operator who was in such a hurry to tow a vehicle before the owner returned that he towed a car with a sleeping 4-year-old child in the back seat.

According to the story in the Orange County Register, the deputy district attorney said that the Ninth Circuit decision was hampering her prosecution saying, “The towing companies are able to flagrantly violate the California Vehicle Code, and we cannot prosecute that until the Federal law is changed.”

What we have the opportunity to do with this amendment is to make the necessary change. The problem is not just in Orange County; it is in northern California where the co-author resides. It is in many counties across the country. A few bad apples in the towing industry are wreaking havoc, endangering citizens and compromising public safety.

The vast majority of tow truck operators and their companies are good public citizens. They work hard. And they work cooperatively with private property owners. They assist law enforcement. The reputation of these good citizens in this industry everywhere is soiled by the actions of a few rogue operators who are able to operate outside the law.

This amendment is merely designed to allow States to ensure that the bad apples come back within the reach of the law and that the confusion that has been promulgated by the courts in California, the Federal court, which has compromised our State’s ability to protect its citizens, is clarified.

I know that this amendment does not resolve all of the problems that the co-author, the gentleman from Virginia (Mr. Moran) has with predatory tow truck companies and I look forward to working with him and the Committee on Transportation and Infrastructure on this issue further as we head to conference should this amendment be accepted.

As we consider whether any further refinements are needed, however, we must be mindful that, in the main, deregulation has been a huge success for the industry and for consumers. So in our desire to ensure that States can properly carry out their Constitutional function to protect public safety and to protect consumers, we need to be careful that we not return to the status quo ante which would expose the industry and consumers to a miasma of confusion and consternation. State, county and municipal ordinances that neither protect public safety nor our pocketbooks and, instead, breed inefficiency and lead to increased costs for consumers.

I look forward to working with the gentleman from Virginia (Mr. Moran) and the Committee on Transportation and Infrastructure to ensure that the predation balance is maintained.

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

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the amendment.

As Acting CHAIRMAN. Without objection, the gentleman from Virginia (Mr. Moran) will control the time in opposition and is recognized for 5 minutes.

There was no objection.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I want to first express my appreciation to the gentleman from California (Mr. Cox). He is a friend and colleague, but most importantly, with his constituents have a very serious concern, he has shown he effectively addresses the concerns of his constituents in California. And I appreciate his crafting this amendment. It is somewhat different from the amendment that I had in a bill, but it is certainly consistent.

What gives rise to the need for this amendment is what happened back in 1994, when the Tow Truck Operators Association slipped in language in the Federal Aviation Administration Authorization that claimed that towing was interstate in nature and, thus, can only be regulated by the Federal Government, which fell under the Interstate Commerce Commission.

Then, in the next year, in 1995, the Congress passed the Interstate Commerce Commission Termination Act, and thus, there was no one to regulate towing at the Federal level.

Now, as the gentleman from California (Mr. Cox) very rightly says, most towing companies do not need regulation. They do a good job. You know, they do what they are supposed to do; they are decent people.

Unfortunately, when you have an unregulated situation, you do have a few bad apples, as the gentleman from California (Mr. Cox) has said.

And they will take advantage of that situation and act in an abusive manner. That is why I want to thank the gentleman from Alaska (Mr. Young) and the gentleman from Minnesota (Mr. Oberstar), our wonderful ranking member, for letting us bring this amendment to the floor.

It does involve transportation. It is appropriate to be included here. And, you know, nobody is trying to take too heavy a hand on any sector of the industry. But, the fact is there have been abuses.

In Arlington County alone, many of my colleagues live in Arlington County and have been the victims of abusive predation of property that have been sent to the courts in just the last 2 years. Now, a lot of this stuff, you
know, it does not need to happen. You do not need to damage a car when you tow it, letting it drag along the street.

You do not need to treat people abusively, particularly young single women who have their car towed and have to go to a remote, dark place and have to have a hundred dollars in cash in addition to being able to write out a check or show a credit card.

There have been abuses. And there have been abuses in Los Angeles. Mr. Cox and the case, what tow truck operator in their right mind, who in their right mind would tow a car with a baby in the car seat, the mother goes frantic, and the baby is towed to some tow truck lot.

Those are the kinds of abuses that we need to eliminate. And that is why the Cox amendment makes the owner of the property responsible. If the States choose, they can require that the owner be present when the vehicle is towed. That makes a lot of sense.

If the gentleman from California (Mr. COX) has agreed, we will pursue this further, until we give reasonable regulatory authority to States and localities. I think this is simply a commonsense amendment. I want to thank a former colleague, Mr. Bereuter; the gentlewoman from New York (Ms. SLAUGHTER); the gentleman from Nebraska (Mr. TERRY); they were cosponsors of the legislation.

And I look forward to working with the gentleman from California (Mr. COX) and the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Alaska (Mr. YOUNG) the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Oregon (Mr. DEFAZIO).

You know, we will come up ultimately with the kind of regulatory authority that States need to bring this under control. But, we are not after all of the towing companies. Most of the towing companies are doing the right thing, and they are behaving as they would under that situation. It is just there are some abuses. We need some regulatory authority to bring them under control.

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

Mr. MORAN of Virginia. Mr. Chairman, I would love to yield to the gentleman from Minnesota.

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

Mr. OBERSTAR. Mr. Chairman, I rise in support of the Cox-Moran amendment that does protect owners of motor vehicles from predatory towing practices as both gentlemen have explained.

Mr. MORAN of Virginia. Reclaiming my time, Mr. Chairman, may I ask how much time is remaining?

The Acting CHAIRMAN. The gentleman from Virginia has 30 seconds remaining.

Mr. MORAN of Virginia. Mr. Chairman, in the 30 seconds remaining, I want to talk about one other point on a related issue, rather than take up the committee's time later in the day.

I want to thank the chairman and the ranking member for the report language that addresses teen driver traffic accidents. It is good language. We are going to welcome any advice on what we ought to be doing with regard to teenagers being responsible for such a high percentage of fatal crashes. It has gone from 6.6 percent to almost 15 percent now.

We are going to get a report to the committee to come up with some model driving school curricula and graduated licensing requirements. That makes a lot of sense, and it is good report language.

Again, I want to thank the gentleman from California (Mr. COX) for bringing this amendment up and for the committee for entertaining it, and I trust that it will pass, hopefully, unanimously.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to offer support for the amendment that has been offered jointly by the Gentlemen from New York and California. This amendment would allow states to legislate to require towtruck operators, when they have cause to remove a vehicle from private property without consent of the owner, to (1) have written permission from the owner (or lessee, or the employer or agent thereof) of the private property authorizing the non-consensual tow; and (2) tow from private property only if the owner (or lessee, employee, or agent thereof) of the property is present.

This amendment speaks to states' rights and the ability of states to occupy a field of legislation that is completely within constitutional limits. State property law properly deals with the problems contemplated by the underlying legislation, H.R. 3 as it pertains to license to enter private property for purpose of towing. The Cox/Moran amendment is a narrower response to the nationwide challenges of predatory tow truck operators than H.R. 1173, the State and Local Predatory Towing Enforcement Act, a stand-alone bill sponsored by Rep. MORAN. This National League of Cities (NLC)-supported bill would clarify the permissible scope of state and local regulatory authority over tow truck operations to protect consumers against predatory operators.

Under current federal law, state and local governments are prohibited from enacting or enforcing laws relating to the "price, route or service" of tow truck operations, except for public safety and the pricing of non-consensual tows. An amendment to a 1994 federal law, the Federal Aviation Administration Authorization Act, classified tow truck operators as "interstate carriers" that are exempt from state and local regulation.

One year later, Congress eliminated the federal commission that oversaw interstate carriers, essentially freeing the tow truck industry from regulation. This loophole in federal law prohibits state and local governments from enacting consumer protections against predatory tow truck operators.

The federal loophole chill the abilities of municipalities from adopting consumer protection ordinances requiring tow truck operators to accept credit card payments because such an ordinance could face legal challenge as falling outside the exception to regulate only for safety or price.

Without congressional action, the courts are the only forum to decide the limits of regulatory authority over the tow truck industry. Unfortunately, the Supreme Court upheld state and local governments' ability to regulate for public safety, the Court declined to address what specific types of regulation would qualify. City of Columbus v. Our's Garage and Wrecker Service, 536 U.S. 424 (2002).

Subsequent decisions at the federal and state court levels in cases between tow companies and municipalities have generated conflicts about the specific reach of valid regulation.

The Cox/Moran amendment helps to clarify the specific types of regulation state and local governments may enact. Without legislative clarification, the courts will continue to be the forum to resolve disputes and, without judicial consensus, this would only create more uncertainty. Absent a uniform national policy direction, consumers will continue to lose.

Given the current Administration's initiative to curtail plaintiffs' ability to have their meritorious claims heard, this amendment amounts to an effort to protect innocent consumers and property owners.

Mr. Chairman, for the reasons mentioned above, I support the gentlemen's amendment and urge my colleagues to do the same.

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

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in part B of House Report 109-14.

AMENDMENT NO. 8 OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. KENNEDY of Minnesota:

Strike section 1209 of the bill and insert the following:

SEC. 1209. CONGESTION PRICING PILOT PROGRAM.

(a) Section 129 of title 23, United States Code, is amended by adding at the end the following:

"(e) CONGESTION PRICING PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection the following definitions apply:

(A) ELIGIBLE TOLL FACILITY.—The term "eligible toll facility" includes—

(i) a facility in existence on the date of enactment of this subsection that collects tolls;

(ii) a facility in existence on the date of enactment of this subsection that serves high occupancy vehicle lanes; and

(iii) a facility constructed after the date of enactment of this subsection to create additional tolled capacity (including a facility constructed by a private entity or using private funds).

(B) NONATTAINMENT AREA.—The term 'nonattainment area' has the meaning given in the term in section 171 of the Clean Air Act (42 U.S.C. 7501).

(C) ESTABLISHMENT.—Notwithstanding sections 129 and 301, the Secretary may permit a State, public authority, or a public or
private entity designated by a State, to collect a toll from motor vehicles at an eligible toll facility for any highway, bridge, or tunnel, including facilities on the Interstate System,

(A) to manage high levels of congestion; or

(B) to reduce emissions in a nonattainment area or maintenance area.

(3) LIMITATION ON USE OF REVENUES.—

(A) IN GENERAL.—All toll revenues received under paragraph (2) shall be used by a State or public authority for—

(i) debt service;

(ii) a reasonable return on investment of any private financing;

(iii) the costs necessary for proper operation and maintenance of any facilities under paragraph (2) (including reconstruction, resurfacing, restoration, and rehabilitation); and

(iv) highway projects eligible for Federal assistance under this title if the Secretary certifies that the necessary costs under clauses (i), (ii), and (iii) have been satisfied.

(B) REQUIREMENTS.—

(i) VARIABLE PRICE REQUIREMENT.—The Secretary shall require, for each facility that charges tolls under this subsection, that the tolls vary in price according to time of day, as appropriate to manage congestion or improve air quality.

(ii) HOV PASSENGER REQUIREMENTS.—A State may permit motor vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes as part of a variable toll pricing program established under this subsection, provided the State complies with the requirements under section 1208 of the Transportation Equity Act: A Legacy for Users.

(iii) REASONABLE RATE REQUIREMENT.—Variations in the toll rate between different classes of vehicles for a facility under this section shall be reasonable, as determined by the Secretary.

(iv) AGREEMENT.—

(I) IN GENERAL.—Before the Secretary may permit a facility to charge tolls under this subsection, the Secretary and the applicable State or public authority shall enter into an agreement for each facility incorporating conditions described in subparagraphs (A) and (B).

(ii) TERMINATION.—An agreement under clause (I) shall terminate with respect to a facility if the Secretary or public authority to continue the variable tolling program under this subsection for the facility.

(iii) DEBT.—If there is any debt outstanding on a facility at the time at which the decision is made to discontinue the program under this subsection with respect to the facility, the Secretary may continue to charge tolls in accordance with the terms of the agreement until such time as the debt is retired.

(iv) LIMITATION ON FEDERAL SHARE.—

The Federal share of the cost of a project on a facility tolled under this subsection, including a project to install the toll collection facility, shall be a percentage, not to exceed 80 percent, determined by the applicable State.

(v) ELIGIBILITY.—To be eligible to participate in the program under this subsection, a State or public authority shall provide to the Secretary—

(A) a description of the congestion or air quality problems sought to be addressed under (I) above; and

(B) a description of—

(i) the goals sought to be achieved under the program; and

(ii) the performance measures that would be used to gauge the success made toward reaching those goals; and

(C) such other information as the Secretary may require.

(f) AUTOMATION.—A facility created or modified under this section shall use an electronic toll collection system that uses a transponder or other means to specify an account for the purposes of collecting a toll as a vehicle passes through the collection facility.

(g) INTEROPERABILITY.—

(I) RULE.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall promulgate a final rule specifying requirements, standards, or specifications for automated toll collection systems implemented under this section.

(B) DEVELOPMENT.—In developing that rule, which shall be designed to maximize the interoperability of electronic collection systems, the Secretary shall, to the maximum extent practicable—

(i) seek to accelerate progress toward the national goal of achieving a nationwide interoperable electronic toll collection system;

(ii) take into account the use of transponders currently deployed within an appropriate geographical area of travel and the transponders likely to be in use within the next 5 years;

(iii) seek to minimize additional costs and maximize convenience to users of the toll facility and to the toll facility owner or operator.

(ii) FUTURE MODIFICATIONS.—As the state of technology progresses, the Secretary shall modify the rule promulgated under paragraph (1)(A) as appropriate.

(iii) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 1012 of the Intermodal Surface Transportation Efficiency Act (23 U.S.C. 149 note; 106 Stat. 1858; 112 Stat. 211) is amended by striking subsection (b).

(B) CONTINUATION OF PROGRAM.—Notwithstanding the amendment made by paragraph (1), the Secretary shall monitor and allow any existing project associated with a value pricing program established under a cooperative agreement in effect on the day before the date of enactment of this Act to continue.

Strike paragraph (3) of section 1603(c) of the bill and insert the following:

(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System FAST lanes program under which the Secretary, notwithstanding sections 129 and 301, shall permit a State, or a public or private entity designated by a State, to collect fees to finance the construction or expansion of an interstate highway, for the purpose of reducing traffic congestion, by constructing or reconstructing and rehabilitating Interstate highway corridors that could not otherwise be adequately maintained or functionally improved without the collection of tolls.

(ii) is necessary to integrate existing lanes with the FAST lanes;
term maintenance and operation of the FAST lanes;
(3) fees may be collected only on and for the use of FAST lanes, and may not be collected of existing lanes;
(4) use of FAST lanes shall be voluntary;
(5) revenues from fees received from operation of FAST lanes may not be used for any other project (except for establishment of a reserve account described in paragraph (2)(D) or as otherwise provided in this section);
(6) on completion of the project, and on completion of the use of fees to satisfy the requirements for use of revenue described in paragraph (2), no additional fees shall be collected;
(7) to ensure compliance with paragraphs (1) through (6), annual audits shall be conducted for each year during which fees are collected on FAST lanes; and
(8) the results of each audit shall be submitted to the Secretary.

Section 3047. CONGRESSIONAL INTENT REGARDING TRANSIT INVOLVEMENT.
It is the intention of Congress to work in determining the apportionments and allocations that any State or transportation district within a State shall be entitled to receive under or in accordance with this chapter.

Section 1838. FREEDOM FROM TOLLS.
Revenues collected from FAST lanes shall not be taken into account in determining the apportionments and allocations that any State or transportation district within a State shall be entitled to receive under or in accordance with this chapter.

Section 301 of title 23, United States Code, as amended by section 1209 of the bill, is amended by inserting after "toll facility" the following:
"FAST-lane section to only three projects, as I said; allows tolls to be charged on existing lanes in both 1209, in sections 1603 and 1604; and allows those tolls to be charged indefinitely under those programs. It allows revenues under these programs to be diverted to a variety of nonuser purposes.

Long-term FAST-style fee lanes can be a major solution to relieving congestion, but only if we preserve the trust of the driving public. The provisions included in TEA-LU could lead to the same distrust and FAST-style that has resulted in every recent State referendum on increases in gas tax being defeated. When used with FAST-style protections, it has been accepted by drivers, as witnessed by the Minnesota, Minnesota Star Tribune poll showing 69% in support of the tax. The reason that the local governments, transit agencies, AASHTO and road builders oppose this amendment.

The Acting CHAIRMAN. Pursuant to House Resolution 140, the gentleman from Minnesota (Mr. KENNEDY) and a member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KENNEDY). Mr. KENNEDY of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

This amendment addresses the big issues surrounding this year's road bill. How do we meet expanding capacity? How do we do so without increasing taxes or expanding the deficit? How do we address an over-reliance on the gas tax? The degree to which the FAST Act, introduced by myself and the gentleman from Washington (Mr. SMITH), attracted strong bipartisan support reflects the success in addressing these issues; by expanding capacity, by removing an outdated prohibition against charging fees on the interstate, and preserving the trust of the driving public by doing so only if the fees are charged on new lanes, so we have new concrete or tar; charge electronically, therefore, and to those that go away when construction and maintenance costs have been provided for.

The use of these optional lanes would be optional to drivers, and the program is optional for States to use and does not impact the funding allocations. It is estimated that the FAST provisions could provide $50 billion in additional capacity over the road bill period without increasing taxes or expanding the deficit.

The FAST Act had 73 bipartisan co-sponsors. Both the conservative Heritage Foundation and the new Democrat Progressive Policy Institute have written favorably about it. I appreciate the Chairmen's efforts to reflect FAST concepts in H.R. 3, I have been very open with him about my intent to offer this amendment, but the concerns we have with H.R. 3 are that it is drafted so that it limits the ability to increase capacity by limiting its FAST-like section to only three projects, as I said; allows tolls to be charged on existing lanes in both 1209, in sections 1603 and 1604; and allows those tolls to be charged indefinitely under those programs. It allows revenues under these programs to be diverted to a variety of nonuser purposes.

Long-term FAST-style fee lanes can be a major solution to relieving congestion, but only if we preserve the trust of the driving public. The provisions included in TEA-LU could lead to the same distrust and FAST-style that has resulted in every recent State referendum on increases in gas tax being defeated. When used with FAST-style protections, it has been accepted by drivers, as witnessed by the Minnesota, Minnesota Star Tribune poll showing 69% in support of the tax. The reason that the local governments, transit agencies, AASHTO and road builders oppose this amendment.
Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I yield myself such time as I may consume.

When I listen to the gentleman from Oregon, I am always trying to figure out whether we are on the same page or on a different page because I would agree we need to give States more flexibility.

First of all, Mr. Poole pulled his name off the letter the gentleman referred to when they saw the actual wording on our amendment. Second, value pricing, would have more use, I am convinced, at the end of the 6-year road period under our amendment than under the existing language. We allow value pricing on existing toll roads. We allow value pricing on HOT to VOV to HOT, under our amendment, different than last year. And we would allow value pricing, congestion pricing on all new FAST lanes which we do not limit to three as the very highly restrictive draft put forth by the committee, but would allow an unlimited amount using value pricing if States so wish because we grant them that flexibility if it meets those simple criteria to honor the trust of the driving public.

Precipitate Privatization. It is bad policy. It is bad policy to set aside the public trust when it is not the public's right. It is bad policy to use toll roads as a source of income to the private sector.

An example of this is the Kennedy-Smith amendment is the Highway Users Association, which makes this their top priority, is the 108,000 small business owner-operator individual drivers of America, is AAA. All of these would be affected by the provisions of the Kennedy-Smith amendment.

Those that are supporting the Kennedy-Smith amendment is the Highway Users Association, is the American Trucker, Association which makes this their top priority, is the 108,000 small business owner-operator individual drivers of America, is AAA. All of these would be affected by the provisions of the Kennedy-Smith amendment.

Mr. Chairman, this is pro-capacity, and this is pro-give-States-flexibility, and this is to make sure that we add more infrastructure to add more capacity to our lanes.

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

Why would we dictate to them how they are going to design their use of toll revenues?

And adding a lane to a bridge or to a freeway is not just a single lane. If we are going to deal with congestion, which our chairman and the ranking member are concerned with, we need to do this in a comprehensive fashion. The adoption of this amendment will predihibit that. It limits it very narrowly, takes away the resources from people that have it, it prevents value pricing in any broader context.

Most fundamentally, there is no good reason to deny the flexibility to deal comprehensively and comprehensively with our transportation needs. As a supporter of the use of tolls and value pricing where it is appropriate, where local governments want it, there is no reason why we should adopt this amendment. If we restrict provisions under the existing law. I think our chairman and the ranking member have proposed ways to explore moving forward, and we ought to reject this amendment.

Mr. Chairman, I include for the RECORD the letter I referred to earlier.

The American Association of State Highway and Transportation Officials (AASHTO), which represents state transportation departments, today aligned with the group Environmental Defense, the construction industry, and other organizations to strongly oppose an amendment that would cripple state and local ability to use tolling to meet transportation needs and manage traffic problems.

Rep. Mark Kennedy (R-MN) proposes the amendment to H.R. 3, the highway and transportation bill expected to come to the House floor tomorrow. The proposed amendment would restrict toll revenues for highway use only, deleting the 6-year road period under our amendment.

AASHTO, ENVIRONMENTAL DEFENSE OPPOSE TOLLING MEASURE THAT LACKS FLEXIBILITY

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The Kennedy amendment continues to restrict toll revenues for highway use only, denying agencies the opportunity to fund new improved transportation projects.

The Kennedy amendment would reverse a growing trend in which states are experimenting with tolls to cut congestion and air pollution. Secretary of Transportation, Transportation Director for Environmental Defense. "San Diego is using tolls on the I-15 corridor to pay for new express-bus services. New York uses tolls to raise hundreds of millions of dollars for bridges, tunnels and rapid rail transit. Congress should give states the freedom to use tolls to cut congestion and pollution and boost access—not take the tools away."

Properly placed transit projects remove a great Pavement Association (NAPA), the National Stone, Sand and Gravel Association, the International Bridge, Tunnel & Turnpike Association (IBTTA) and the National Council for Public-Private Partnerships.

Other members of the Tolling Coalition include Koch Performance Roads Inc., Peter Kiewit Sons', Butcher Knoll LLP, Parsons Brinckerhoff, the Bay Area Council, the Ybarra Group, Ashland Inc., Secretary of Transportation Whittington Clement of the Commonwealth of Virginia, the Colorado Department of Transportation, the Texas Department of Transportation, the Maryland Department of Transportation, Gabriel Roth, and Robert W. Poole of the Reason Public Policy Institute.

Environmental Defense, a nonprofit dedicated to breakthrough solutions to environmental problems, and many other groups. These include the American Road & Transportation Builders Association, the Regional Plan Association, the Tri-State Transportation Campaign, the American Planning Association, the American Society of Landscape Architects, the Independent Institute, the Center for Neighborhood Technology in Chicago, the Oregon Environmental Council, the Appaloosa Alliance, the Thunderbird Alliance, the Vermont Bicycle & Pedestrian Coalition and Lee County Commissioner John Albion of Florida.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

When I listen to the gentleman from Oregon, I am always trying to figure out whether we are on the same page or on a different page because I would agree we need to give States more flexibility.

First of all, Mr. Poole pulled his name off the letter the gentleman referred to when they saw the actual wording on our amendment. Second, value pricing, would have more use, I am convinced, at the end of the 6-year road period under our amendment than under the existing language. We allow value pricing on existing toll roads. We allow value pricing on HOT to VOV to HOT, under our amendment, different than last year. And we would allow value pricing, congestion pricing on all new FAST lanes which we do not limit to three as the very highly restrictive draft put forth by the committee, but would allow an unlimited amount using value pricing if States so wish because we grant them that flexibility if it meets those simple criteria to honor the trust of the driving public.

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An example of this is the Kennedy-Smith amendment is the Highway Users Association, which makes this their top priority, is the 108,000 small business owner-operator individual drivers of America, is AAA. All of these would be affected by the provisions of the Kennedy-Smith amendment.

Those that are supporting the Kennedy-Smith amendment is the Highway Users Association, is the American Trucker, Association which makes this their top priority, is the 108,000 small business owner-operator individual drivers of America, is AAA. All of these would be affected by the provisions of the Kennedy-Smith amendment.

Mr. Chairman, this is pro-capacity, and this is pro-give-States-flexibility, and this is to make sure that we add more infrastructure to add more capacity to our lanes.

Mr. Chairman, I reserve the balance of my time.
Mr. OBERSTAR. Mr. Chairman. I yield 2 minutes to the gentleman from Alaska (Chairman YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I reluctantly but strongly rise in opposition to this amendment. I have to tell you that the people have contacted me, every State department of transportation because it does not give them flexibility. I thought that is what the gentleman was trying to do. They say it does not do that.

We have American Road Builders, Transportation Construction Coalition, State highway and transportation officials, and Public Transportation Association all opposing the amendment. That tells me something.

I am one that believes in toll roads, contrary to my good friend, but this amendment takes away States rights to expand, including Texas. Last year our majority leader was supportive of the amendment, and now he informs me that he opposes the amendment. The State department of transportation says it will hamstring what they have been able to do.

I would love to work with the gentleman to try to figure this out. I think we are on the right track as far as this amendment restricts it instead of giving flexibility, and in doing so, takes away States’ ability to leave in the tolling concept and maintain.

That is one of our biggest problems, we have not in fact put the money in maintenance. If we were to put a toll road in under this provision, and under his provision they take the tolling out when the road is paid for, who do Members think is going to pay for the toll road later on down the line? They will be back to Congress saying we need the money to maintain the road paid for by a toll.

My argument is there is no such thing as a free road. The roads have to be paid for after they are paid for to maintain them so they can be used. So, again, I respect the gentleman’s work and his belief and effort, but to have this amendment take away the flexibility and have it opposed by every VDOT, we know something is wrong with the amendment as drafted. Again, I thank the gentleman for yielding, and I wish the gentleman would continue to work with us to work to solve this problem.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

I respect the leadership of the chairman and his commitment to work to try to figure out whether we can have tolls be part of the solution in a financially responsible way. I would suggest it is not every DOT that is opposing it. Minnesota is supporting it. With regard to Texas, all eight projects in Texas have allowed that they are working on doing that.

Our amendment allows more capacity because instead of restricting FAST-type lanes to only three projects around the country, there can be an unlimited number in place around the country. This frankly gives more capacity, not less. Katie Freeway, for example, is one of those that allows Highway Interstate 69 that they are trying to build is allowed. There may be some misinformation that is being spread on this amendment. This is a responsible expansion of fee-type lanes being built now more than the underlying amendment. This does give, maybe in different ways than the committee drafted, but more flexibility to the States. It also allows more lanes to be built.

If the goal is to put tolls on existing lanes, which we restrict further in this amendment, there is ability to put more tolls in existing lanes in the committee draft. But if the question is whether we can put more tolls on new expansion of highway capacity, there is unquestionably greater flexibility offered under this amendment.

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

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I just received a call from the Texas Department of Transportation saying it is very much opposed to this amendment. I want to clarify that because the call just came in. We do need the flexibility, but they want the flexibility to remain with the State rather than authorizing something here.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I rise to oppose this amendment. Our State department of transportation is very opposed to the language in the Kennedy amendment and would ask that the House defeat this amendment and use the language that is in the main bill.

In Texas, we have such a unique problem because we have such a large geographic footprint, second only to Alaska. Yet at the same time, we receive nowhere near the Federal funding the State of Alaska receives. As a consequence, our Department has been and is constantly looking for ways to finance necessary and needed road projects in my State.

We have farm-to-market roads and State highways in my State that carry traffic, burdens of traffic they were never intended to carry, and they cannot be financed with the gas tax alone. We need the flexibility to take the money from a toll road and move it to a near neighbor, near-time project, which I understand that this amendment would preclude.

Finally, we cannot allow the sunsetting of the tolls on a toll project. The prototype for that was the Dallas-Fort Worth Turnpike 30 years ago. That was a 1960s solution, and we have a 21st-century problem.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

First of all, there was a statement of opposition from the State of Texas written, really saying no opposition, and so I have a call in and have not yet had a return call from the commissioner in Texas. We would be happy to work with them to make sure they have the flexibility they need. This provides more flexibility, and I agree with the chairman, we want to be having an expansion of construction using these types of lanes, which is what we are for. But a big part of the disagreement is whether we want to put a toll on existing lanes and just make it more painful to drive, or whether we want to actually build and add construction and add capacity and use fee-type revenues to help facilitate that expansion, which this unquestionably would not add significantly greater capital. I encourage support of the amendment.

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

Mr. OBERSTAR. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, let me be clear, the Florida Secretary of Transportation is in town today, along with Commissioner Lazaro, and they are both opposed to this amendment.

The U.S. Department of Transportation has said that we need to invest $375 billion just to keep up with the needs of this Nation’s transportation infrastructure. Yet we have a bill on the floor today at $284 billion. Obviously, this is not enough of an investment we need to keep up with our transportation system.

This amendment will tie the hands of the State departments of transportation and would deny them the flexibility they need to fund important projects in their State. My home State of Florida is experiencing tremendous population growth, and we use tolls to cover many of the high costs related to maintaining an adequate transportation system. Without these additional revenues, there is no question that current improvement projects will not be funded. In other words, no tolls, no roads.

The current tolling provisions in this bill were carefully worked out in a bipartisan manner and were developed to allow States the flexibility to build new roads, reduce congestion, and invest in transit. We authorize this major transportation bill every 6 years so we can make major investments in infrastructure and improve the national transportation system, but the Kennedy amendment does the opposite.

We are taking money from the States and limits their ability to creatively finance major projects. In closing, no tolls, no roads.
Mr. KENNEDY of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

I would just respond, I agree with the gentlewoman. We ought to be giving more capacity to the States. Our amendment provides the ability to add capacity by a study done by Mr. Poole, of Texas. I would say, $50 billion. So we are turning away, by opposing this amendment, the $50 billion it could generate.

This is really a debate about whether we want to toll existing lanes and just bring more revenue, or whether we want to add capacity. The Kennedy amendment adds more capacity.

In closing, I would just reiterate to try to clarify some of the factual errors that have potentially been espoused on behalf of this amendment. First of all, we do not affect existing tollways in the least. We do not effect the HOT to HOT conversions. We allow the three projects that were currently in law to allow new expansions, conversion of existing lanes to tolls. But beyond that, we put a limit so we stop the further expansion of just putting tolls on existing lanes, and we unquestionably provide far more authority than the underlying bill to add new lanes, new tar, and new concrete because the existing bill only allows two to three projects where there is an unlimited amount of increased projects funded by fees, providing they are new lanes charged electronically so there are no toll booths, and fees go away when it is paid for.

Agreed, I plead with Members to look at the underlying facts of the bill and look at the ones that are supported by highway users across the board and look at the ones supported by those looking for responsible government.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time. My colleagues to resist the sirens call of tolls. It all sounds so simple: We will add more lanes; we will add more concrete and asphalt if all you will let us do is impose a toll on it. The very first tolling facility in the western world, apart from that in ancient India, was King Edward III in permanent to cover the cost of the bridge. It was to be temporary to cover the cost of the bridge. Four hundred years later, the British Parliament removed the toll from that bridge. Tolls just do not go away. Once you put them on, they are there forever. To toll the interstate that we have already paid for is an insult to the drivers of this country. This is the wrong thing to do. We have provided reasonable tolling in this bill that is pending before us. It is sensible, but to go in this direction would impose tolls on those who can least afford it, would have more revenue going to the interstate for which we have already paid. It does not guarantee that States will not contract away their right to build other roads in proximity to toll roads as happened in California. They got sued by the tolling authority.

This is the wrong thing to do. We have got a reasonable bill. What we really need, and I would invite my dear friend and good colleague from Minnesota, support the $375 billion bill that this committee introduced. That is the way to get more concrete and asphalt poured on America's roadways. Defeat the tolling amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Minnesota because of its direct and detrimental effect on the State of Texas. The amendment that seeks to provide the authority to charge tolls on new lands and dedicate toll revenues to user fee purposes, and restrict the authority to convert existing non-toll interstate Highway lanes into tolled roads and then indefinitely toll those roads.

This amendment is an overboard proposal to address a smaller problem. Overall, it will diminish existing state jurisdiction, tolling authority, decisions regarding the time limit on tolls, and the use of toll revenues. Specifically, the Kennedy Amendment would hinder the State's ability to expand the expansion of the Katy Freeway because of the undue burden that it would levy.

Toll credits are a significant resource for transit providers because they can use them in lieu of a federal match—thereby greatly expediting the development of major projects that serve the communities. This amendment would cripple the value of the toll credit program.

Without the revenue from toll credits, Texas will have less funding for the reduction of congestion and the improvement of air quality. Mr. Chairman, I oppose this amendment and urge my colleagues to join me.

The Acting CHAIRMAN. The Chair understands the amendment. The Acting CHAIRMAN. The Clerk will designate the amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY) will be postponed.

The Chair understands the amendment No. 9 will not be offered at this time.

It is now in order to consider amendment No. 10 printed in part B of House Report 109-14.

AMENDMENT NO. 10 OFFERED BY MR. GRAVES. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. Graves:

At the end of subtitle D of title I, add the following (and conform the table of contents accordingly):

SEC. 14. RENTED OR LEASED MOTOR VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30106. Rented or leased motor vehicle safety and responsibility

(a) IN GENERAL.—An owner of a motor vehicle who rents or leases a motor vehicle to a person (or an affiliate of the owner) shall not be liable under the law of any State or political subdivision thereof, by reason of being the owner of the vehicle (or an affiliate of the owner), for harm to persons or property that results or arises out of the use, operation, or possession of the vehicle during the period of the rental or lease, if—

(1) the owner (or an affiliate of the owner) is engaged in the trade or business of renting or leasing motor vehicles; and

(2) there is no negligence or criminal wrongdoing on the part of the owner (or an affiliate of the owner).

(b) FINANCIAL RESPONSIBILITY LAWS.—Nothing in this section shall preclude any provision of law of any State or political subdivision thereof—

(1) imposing financial responsibility or insurance standards on the owner of a motor vehicle for the privilege of registering and operating a motor vehicle; or

(2) imposing liability on business entities engaged in the trade or business of renting or leasing motor vehicles for failure to meet the financial responsibility or liability insurance requirements under State law.

(c) APPLICABILITY AND EFFECTIVE DATE.—Nothing in this section shall apply with respect to any action commenced on or after the date of enactment of this section without regard to whether the harm that is the subject of the action, or the conduct that caused the harm, occurred before such date of enactment.

(d) DEFINITIONS.—In this section, the following definitions apply:

(A) AFFILIATE.—The term ‘affiliate’ means any person other than the owner that directly or indirectly controls, is controlled by, or is under common control with the owner. In the preceding sentence, the term ‘control’ means the power to direct the management and policies of a person whether through ownership of voting securities or otherwise.

(B) OWNER.—The term ‘owner’ means a person who is—

(a) a record or beneficial owner, holder of title, lessor, or lessee of a motor vehicle;

(b) entitled to the use and possession of a motor vehicle subject to a security interest in another person; or

(C) a lessor, lessee, or a bailee of a motor vehicle, in the trade or business of renting or leasing motor vehicles, having the use or possession thereof, under a lease, bailment, or otherwise.

(D) PERSON.—The term ‘person’ means any individual, corporation, company, limited liability company, trust, association, firm, partnership, society, joint stock company, or any other entity.

(2) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 30105 the following:

"§ 30106. Rented or leased motor vehicle safety and responsibility

The Acting CHAIRMAN. Pursuant to

House Resolution 140, the gentleman from Missouri (Mr. Graves) and the
Mr. Chairman, I rise in opposition to this amendment. As was just pointed out, this insurance that is added to protect the company is added to every single person that rents a car, those very same people that the gentleman from Missouri pointed out able to show proof of their own insurance. This arbitrary regulation costs small and large companies more than $100 million each year. In turn, small companies are getting run out of this business, and also this limits choices and competition for the customers when that happens.

The gentleman from Missouri’s amendment will establish a fair national standard for liability: A rental or leasing company will only be liable in instances where the company is negligent or at fault. I think we can all agree, Mr. Chairman, that it makes good sense and will help limit the cost of renting cars to consumers. I ask my
colleagues to support this important reform.

Mr. DeFAZIO. Mr. Chairman, I yield myself 30 seconds.

The gentleman would preempt States’ rights which is, I do not believe, what Congress intends to be taking, but he said, don’t worry, those States require some sort of minimum of insurance and people would be covered. If people would be covered, then why is the potential liability or the actual liability as according to the previous speaker so large to those companies? It must mean that the levels of insurance are pretty inadequate. If they had adequate insurance or if they were required to carry adequate insurance, then this might be a supportable position, but to defer to the States who might have inadequate insurance and then leave potential injured persons hanging out there and preempt the States, I think, is unconscionable for this Congress.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member on the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I thank you for yielding me this time, and I want to commend him and the ranking subcommittee member, the gentleman from New York (Mr. NADLER), for their excellent work in rebuffing the notion offered by the gentleman from Missouri (Mr. BOUCHER) who is a cosponsor of this legislation, that we ought not to require this backup from the car rental industry and the leasing industry. That is what this is. Because what is wrong with requiring that the rental and leasing car companies assume responsibility when uninsured drivers they rent to cause injury and cannot compensate the victim? This is another one of a long line of issues, legal, in which we reduce the supports of the citizen and make them more open and more vulnerable. If a driver harms and is held not responsible and cannot compensate for their injury, the rental company should do so. What is wrong with that? Vicarious liability guarantees that the victims are not left to shoulder the costs of injuries unforeseen and prevent.

It is also important to note that the issue of preemption is not under the jurisdiction of the Committee on the Judiciary, of which I am the Ranking Member, and no hearings have been held to examine the appropriateness of the language which would be included in the legislation should the amendment pass. It is irresponsible to allow this provision to be debated on the House floor without a committee of jurisdiction’s careful review. I also object to the retroactive and unfair nature of the amendment. As a matter of equity, it is unfair to change the rules of litigation in the middle of the game. If a victim brings a lawsuit based on a particular set of laws and principles, it is simply unfair to alter those rules and principles after the fact. In addition to suffering a harm, the plaintiff may have expended significant time and resources in the litigation, and it is inequitable for Congress to unilaterally dismiss that claim without providing the harmed party with his or her day in court. Additionally, the principles of federalism dictate that in all but the most exceptional cases, tort law should be left to the states. Tort law is a state law matter. The state legislature, state legislators, and court systems under a framework established by our founders. In fact, there are fifteen states that are ably handling this issue of vicarious liability. Congress should not depart from its long tradition of letting courts decide new cases before considering stepping in to alter the law where it believes the results are contrary to the public interest.

This amendment has no other purpose than to protect big rental and leasing companies at the expense of accident victims. I am appalled at the effort to leave innocent bystanders without recourse and believe this amendment has no place in this Transportation Reauthorization legislation that is before us today. I strongly urge my colleagues to oppose this amendment and vote no.

Mr. GRAVES. Mr. Chairman, I yield myself 15 seconds. Mr. Chairman, vicarious liability does not protect against uninsured drivers. It simply provides higher compensation solely on the theory that the individual owns the vehicle. We are not absolving these companies of liability if they are at fault. What we are doing is eliminating vicarious liability simply because they own the vehicle.

Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Virginia (Mr. BOUCHER) who is a cosponsor of this legislation.

Mr. BOUCHER. Mr. Chairman, I thank the gentleman for yielding me time, and I am pleased to join him in offering this amendment today and to urge its adoption in the committee. It will eliminate antiquated vicarious liability statutes and, at the same time, benefit the consumers who rent automobiles.

Vicarious liability laws for rental cars in a handful of States drive up costs for consumers nationwide by an average of $100 million annually. These laws allow unlimited damages against companies that rent vehicles solely because the company owns the vehicle that is involved in the accident, not because the company has done anything wrong. These companies are not negligent; they are not at fault, they could have done nothing to prevent the accident.

Consumers pay $100 million annually resulting from these unfair laws because companies must bill the costs of these arbitrary damage awards into rental and lease rates. Regardless of where a car or truck rental company is headquartered or where the vehicle is rented or leased, the company is subject to vicarious liability when its vehicle is driven to a vicarious liability State and is then involved in an accident. Therefore, the laws of a mere handful of States are driving up the rental rates for rental consumers nationwide.

The amendment offered by the gentleman from Missouri (Mr. GRAVES), which I am pleased to cosponsor, will eliminate these unwarranted vicarious liability laws and broadly benefit the renters of automobiles nationwide. I commend the gentleman for introducing the amendment, and I urge its adoption in the committee.

Mr. DeFAZIO. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would just address a question to the gentleman. You say they are already covered. Well, if someone rents a car in a State that has $10,000/$20,000 liability insurance, $10,000,000/$20,000,000 they drive next door to a State that has $100,000/$300,000 and they have an accident, I guess you only get 10/20. So you
are saying it only affects these States. It would affect all States, if you remove this liability as they cross State lines. 

Mr. Chairman, I would yield on the gentleman's own time to answer that question, if he would.

Mr. GRAVES. Mr. Chairman, I yield 1 1/2 minutes to my friend, the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Missouri for yielding me time, and I do support the Graves-Boucher amendment.

This commonsense amendment would prevent car and truck rental companies from being held liable for personal injury and property damage in situations where they are not at fault. Currently, some States allow vehicle rental companies to be held vicariously liable. This means they are held responsible even when they are not at fault.

When a company rents a car or truck and has no way to foresee or prevent an accident, they should not be held liable simply because they have deep pockets. The Graves-Boucher amendment would create a federal standard, providing that vehicle rental companies can only be held liable in situations where they have actually been negligent. This amendment in no way lets companies off the hook when they have been negligent.

Mr. Chairman, I support the Graves-Boucher amendment because it requires the legal system to treat vehicle rental companies fairly.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, this is a very specious argument that we have before us. The rental company has insurance, so that makes everything fine. Let me make the point that the gentleman believes the rental company of the liability on their insurance, except in the case of negligence. That does not make any sense whatever.

If I have a company and allow someone else to use that vehicle and that person has an accident, I am the one that is liable. Why should a car rental company be any different than the individual? The answer is they have got a good lobby and they are lobbying for this amendment. They are lobbying to free themselves of responsibility and liability. That is not right.

States have different rules. What is wrong with respecting State rules? States have adopted a policy that has concluded that without the kind of protection the gentleman would like to remove, harm to innocent children, harm to bystanders, would go totally uncompensated, even if the rental car company leased the vehicle to an obvious negligent driver. They should be liable for the action of their drivers.

The facts are that there are no uninsured vehicles on the road. In the case of an individual's car, you have a choice of who you are going to loan that car to. A rental company has to rent to a qualified driver. If they have a driver's license and they meet the State's minimum requirements, they have to rent to them.

Mr. Chairman, it is frustrating when there is so much misinformation out there about bills like this. There are three points that I want to make and I want to be very clear on.

Just remember, rental car companies do not put drivers on the road. States do. Rental car companies put cars on the road. They should not be liable for the action of the drivers. They should be liable for the negligence or for their equipment. They should not be liable for the action of their drivers.

Second, there are no uninsured rental vehicles on the road today. Those vehicles, before they can even be registered, have to meet the State's minimum requirements for insurance. That is up to the States. Let the States deal with that, just as what was pointed out. But there are no uninsured rental vehicles on the roads today. There is compensation or means for compensation to folks out there who might be harmed.

The third thing, and let us be very, very clear on this, this proposal would not exempt rental and leasing companies from the liability involved with their equipment. They are still liable and should be liable for negligence when it deals with their equipment, but they should not be liable for the actions of drivers. If you rent a vehicle from a rental company in New York or in New Jersey or in New Mexico, for example, you are liable, unlimited liability, just because they own the car. That is not right.

Mr. Chairman, I urge adoption of this and hope my colleagues can support me.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again the gentleman did not answer my question. Rent a car in a 10/20 State, drive it into a 100/300 State, that can be totally uninsured for the purposes of that State.

Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. NADLER).

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

Mr. Chairman, the gentleman from Missouri says why should a company that rents a car to an individual, the company is not negligent, the individual is negligent, why should they be liable for the results of his or her negligence?

The answer is that is up to the State legislature. The State legislature may prefer that the person who must pay the medical bills should be the insurance company of the lessor company, rather than the innocent victim who is walking along with her baby stroller. We want people to be protected. There are States that are insured to $10,000 and $20,000, they drive into a State with a high cost of living, with a high cost of medical care, that requires of its own domestic drivers $100,000 and $300,000, and there is no guarantee.

So the real answer is why should not New York or California or these other States be able to say we want to protect our citizens against non-resident drivers who are negligent, against foreign tourists from France who are negligent.

The real question is, should the insurance company bear the risk, the insurance company of the lessor company bear the risk, or should the woman with the baby stroller bear the risk? If I were running for the State legislature here, I would say to the insurance company. Here I say it is up to the legislature, not to us. Vote against this amendment.

The Acting CHAIRMAN (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Missouri (Mr. GRAVES).

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

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri (Mr. GRAVES) will be postponed.

The point of no quorum is considered withdrawn.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment offered by Mr. OSBORNE of Nebraska; amendment offered by Mr. KENNEDY of Minnesota; and amendment offered by Mr. GRAVES of Missouri.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. OSBORNE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 6, printed in part B of House Report 109-14, offered by the gentleman from Nebraska (Mr. OSBORNE), on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.
A recorded vote was ordered.
The vote was taken by electronic device, and there were—ayes 236, noes 184, not voting 13, as follows:

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The vote was taken by electronic device, and there were—ayes 155, noes 265, not voting 13, as follows:

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The Acting CHAIRMAN (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. KENNY), on which further proceedings were postponed and on which the noes prevailed by voice vote. The Clerk will redesignate the amendment. The Clerk redesignated the amendment.

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The Acting CHAIRMAN. A recorded vote has been demanded. A recorded vote was ordered. The Acting CHAIRMAN. This will be a 5-minute vote.

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The acting chairman is male.
from Missouri (Mr. Graves) on which further proceedings were postponed and on which the ayes prevailed by voice vote. The Clerk redesignated the amendment. The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded. A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were votes 218, noes 201, not voting 15, as follows:

[Roll No. 60]

AYES—218

Aderholt
Akin
Alexander
Alden
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Anderholt
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Alexander
Alden
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Norwalk
Nanuet
Norwalk
Nanuet

so the amendment was agreed to.

The vote was taken by electronic device, and there were votes 218, noes 201, not voting 15, as follows:

[Roll No. 60]

AYES—218

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PERMISSION FOR MEMBER TO INSERT EXCHANGE OF LETTERS DURING CONSIDERATION OF H.R. 3. TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to insert into the Record an exchange of letters regarding myself and the gentleman from Texas (Chairman Barton) regarding H.R. 3.

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

There was no objection.

LEGISLATION ADDRESSING THE SCHIAVO CASE

Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material on H.R. 3.

Mr. PITTS. Mr. Speaker, as a result of a judge’s decision, next week, March 17, Terry Schiavo is scheduled to have her feeding tube removed, thus sentencing her to a very slow, painful death from starvation and dehydration.

Mr. Speaker, I will submit for the Record the entire statement of Terry’s attorney. It is a moving account of her visit with Terry. Here is a brief excerpt. From the moment we entered the room, my impression was that Terry was very purposeful and interactive, very curious about the presence of strangers in her room. When she heard their voices, particularly her mother’s voice, Terry instantly turned her head towards them and smiled. Terry established eye contact with her family, particularly her mother, who spent the most time with her during our visit.

Obviously, she is not comatose. I hope that Congress will expeditiously consider the legislation introduced by the gentleman from Florida (Mr. WELDON) to address the gentleman’s type of case so that she does not have to die a very painful death, in accordance with this judge’s decision.
firsthand those conditions that make her life more difficult, but that would be correctable with little effort.

When we were preparing to leave, the interaction with Terri changed. First, she went through the joke routine with her father and the “lemon face.” When her niece said goodbye to her, Terri did not react. Nor did she react in response to Attorney Gibbs when we said our goodbyes to her. When her sister went to say goodbye, Terri’s verbalizations changed dramatically. Instead of the sound “um” and “uh uh” she had been having throughout the visit, her verbalizations at those goodbyes changed to a very low and different sound that appeared to come from deep in her throat and was almost like a growl. She first made the sound when her sister said goodbye and then, amazingly to me, she made exactly the same sound when her mother said goodbye to her. It seemed Terri was visibly upset that they were leaving. She almost appeared to be trying to cling to them, although this impression came only from her changed facial expression and sounds, since her hands cannot move. It appeared like she did not want to be alone and knew they were leaving. It was during this time that we realized there was more to her emotions than we had perceived—when she was happy and enjoying herself, when she was amused, when she was resting from her exertion to communicate, and when she was sad at her guests leaving. It was readily apparent and surprising that her mood changed so often in a short 45-minute visit.

I was pleasantly surprised to observe Terri’s purposeful and varied behaviors with the various members of her family and with Attorney Gibbs and myself. I never imagined Terri would be so active, curious, and purposeful. She watched people intently, obviously trying to communicate with each one in various ways and with various facial expressions and sounds. She was definitely not in a coma, not even close. This visit certainly shed more light for me on firsthand these conditions that make her life more difficult, but that would be correctable with little effort.

The SPEAKER pro tempore. Under the Speaker’s announced order of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DeFazio) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I read from a story today in The Washington Post, page A8, “Senator Lindsey Graham, Republican, South Carolina, who has spent weeks attempting to recruit Democratic support for a plan to restructure Social Security, said yesterday that Republicans ‘made a strategic mistake’ by initially focusing on a proposal to create individual investment accounts,” and, as he says, “We’ve now got this huge fight over a sideshow. It’s always been a sideshow, but sold it as the main event.”

What he is talking about is that, as the President himself has admitted, the privatization of Social Security is and has nothing to do with fixing potential future financing problems in Social Security. It is a battle, in fact, if it was won under the President’s terms, that would divert income from Social Security and, in fact, accelerate its financial problems from 40 years in the future to a mere 10 or 20 years in the future.

Senator GRAHAM, Republican from South Carolina, has come to the conclusion that, as many of us have been saying on this side of the aisle, we should fix Social Security first, then engage in a debate on how best to encourage or assist Americans in having more private resources through IRAs, 401(k)s or other sorts of devices for their retirement.

The basic vision of the founders of Social Security still holds: President Roosevelt said that he wanted to have a program that was not a dole; that had its own source of funding that would be guaranteed, and it would be a Lifetime television channel that would emphasize the issues to educate not only Americans but also the world. This is Stop Violence Against Women Week, and I stand to acknowledge the great strides women in Afghanistan and Iraq have made, as cochair of the Congressional Caucus on International Violence against Women. I acknowledge violence still peppers and perpetuates itself around the Nation.

In my State of Texas, nearly 2 million Texans, almost 13 percent of the State population, have been sexually assaulted. In Texas, every 2 minutes someone is sexually assaulted, and two women are killed each week by their intimate partner. It is time to stop the violence.

This week I will also emphasize my bill, Good Time Release Act of 2005, that speaks to the early release of prisoners. And I want to address the treatment of women in our Nation’s prisons, women who have not perpetrated violent acts. I also stand and acknowledge violence in Sudan, women who are raped, brutalized, and torn away from their children. We must stand up to this kind of violence. It is not only in America; it is around the world.

Marian Wright Edelman, president of the Children’s Defense Fund, said, “Justice is not cheap. Justice is not quick. It is not ever finally achieved.”

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SPECIAL ORDERS

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SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DeFazio) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Ms. JACKSON-LEE of Texas. Mr. Speaker, how appropriate as we stand and acknowledge International Women’s Day and realize that maybe 20 years or 30 years ago there would not be victims of sexual crimes, and help them along an emotional recovery. Also, the Texas Council on Family Violence, which has connected more than 15,000 Texas victims of domestic violence with emergency shelter and protection.

I am proud to be here, and grateful to these organizations and their hard work. But this does not start here. Sexual assault and violence affects all racial and ethnic groups. These victims are our selves, our families, neighbors and coworkers. Together we must take a stand and work together for women’s rights. We must work on building a brighter future, and make gender based violence a thing of the past. One day or week or month is not enough to do it all, but it’s a beginning. Marian Wright Edelman, the founder and President of the Children’s Defense Fund said, “Justice is not cheap, justice is not quick. It is not ever finally achieved.”
earned. Earned. And that is what Social Security is, an earned guaranteed benefit that not only covers people in retirement as long as they might live, unlike many other plans and programs out there, like the privatized accounts, but it also provides for survivor benefits or disability benefits or other benefits. It cannot. There is no way to do it under privatized accounts.

You opt into a private, so-called opt, because people would be coerced into these because otherwise they would see dramatically reduced benefits and they would try to bet money to win back under this plan, but they would say, at age 18, you opt in and you do really well for 6 years. You are working as hard as you can. You put away the maximum amount per year. Then you become totally disabled at age 24, and you have $12,000, if you did really, really, really well in your investments in your privatized account. There it is, $12,000. If you are totally disabled, have a good life.

That is not going to work. So they have not dealt with that issue. They say, oh, those people would still get their regular benefits. Well, if they are still going to get their regular benefits but you are diverting all this money from the program, then the problems of Social Security become yet worse again.

So Senator Graham has finally hit on something, and hopefully other Republicans will come to the same realization. We have not just been saying, no, we do not want to improve the lot of everybody who earns less than $94,000 a year.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Jones) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. Woolsey) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to take the time of the gentlewoman from California (Ms. Woolsey).

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

There was no objection.

IRAQ SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Pallone) is recognized for 5 minutes.

Mr. PALLONE, Mr. Speaker, as Congress prepares to debate another $80 billion war supplemental next week, I call on my Republican colleagues to join Democrats in including amendments to hold the Bush administration accountable for the billions of dollars of taxpayers' money being sent to Iraq. The $81 billion the administration is now asking for comes on top of an additional $200 billion already spent in Iraq since the beginning of the war 2 years ago.

Mr. Speaker, it was not supposed to be this way. The Bush administration never leveled with the American people about the type of sacrifices they would have to make in order to fight this war. You will remember that, before the war, President Bush and his war cabinet said the sacrifices would be minimal. In fact, the Bush administration told this very House that Iraq could pay for its own reconstruction.

Two years ago this month, Defense Secretary Rumsfeld and his Deputy Secretary Wolfowitz testified before the House Committee on Appropriations that the minimal American funds that would be needed to reconstruct Iraq. Secretary Rumsfeld told the Committee on Appropriations, and I quote, "I don't believe the United States has the responsibility for reconstruction, in a sense. Reconstruction funds can come from those various mentioned: frozen assets, oil revenues and a variety of other things."

Mr. Speaker, the Bush administration either deceived this Congress and the American people or woefully underestimated the cost of the Iraq war. Either way, Congress should hold them accountable for their mistakes, and that simply is not happening. Congress should also be demanding that Secretary Rumsfeld explain where the $200 billion already appropriated has been spent.

Unfortunately, Republicans have abdicated their oversight responsibility and are giving the Bush administration a free ride on the enormous miscalculations we have all witnessed in the Iraq war.

Mr. Speaker, during World War II, then Senator Harry Truman created a war investigating committee charged with exposing any fraud or mismanagement in our Nation's war efforts in both the Pacific and the Atlantic. Truman was a Democratic Senator serving in a Democratic Senate majority overseeing the Democratic administration of President Franklin Roosevelt. Truman never worried about the fact he was investigating a president from his own party. He refused to allow politics to get in the way of good government. And, as a result, his investigation saved the American taxpayer more than $15 million.

Now, that is a lot of money in 1940, but it is also a lot of money today. I wonder just how much more money we could save the American taxpayers if congressional Republicans took their oversight responsibility for the war seriously?

One Republican, the gentleman from Iowa (Mr. Leach), sees the real need for a committee like the one Senator Truman created more than 60 years ago. He and the gentleman from Massachusetts (Mr. Tierney) introduced House Resolution 116, which creates a select committee to investigate both the awarding and carrying out of contracts in our continued war efforts in Iraq.

For more than a year, I have been strongly advocating the creation of such an investigative committee, and today, I also became a cosponsor of this legislation that I hope we can include in the Iraq supplemental next week.

For more than a year, I have been strongly advocating the creation of such an investigative committee, and today, I also became a cosponsor of this legislation that I hope we can include in the Iraq supplemental next week.

Mr. Speaker, every Member of Congress should want to vote for this legislation. After all, one of our main functions in the legislative branch is to
oversee exactly where the executive branch is spending funds we appropriate. As Senator Democratic demonstrated during World War II, this has absolutely nothing to do with party politics. Instead, it has everything to do with ensuring that the administration’s spending is not wasting the American taxpayers’ money.

I still cannot understand why congressional Republicans, with the one exception of the gentleman from Iowa (Mr. LEACH), are so afraid of overseeing the administration’s funding of the war in Iraq. I am hopeful that Republicans will finally remember why they were sent to Washington and join us in creating this investigative committee. It is high time we look at the potential for war profiteering and abuse of these contracts and the money we are spending in Iraq.

We need to have oversight. We need to have accountability. It does not matter that there happens to be a war. It does not matter that it happens that we have a Republican president and a Republican Congress. We should all join together on a bipartisan basis to ensure there is accountability for this money before we proceed in spending any more of it.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS
Mr. BURGESS. Mr. Speaker, I ask unanimous consent to take my time out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?
There was no objection.

SOCIAL SECURITY
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, we hear a lot of talk about Social Security and what is the right word to use. Is it a crisis? Is it just a problem? Is there no problem with a system awash in cash that perhaps just needs some minor adjustments down the road?

Well, Mr. Speaker, I do believe there is a crisis, or at least a serious problem that is looming. There is no question we are held captive by our demo-
Mr. Speaker, it has been 70 years since Social Security was founded. Here in this House, let me just give a quote: ‘‘It is proposed that the Federal Government assume one-half of the cost of the old age pension plan which ultimately ought to be supplanted by self-supporting annuity plans.’’ The words were spoken in this House in a joint address before Congress by President Franklin Roosevelt in 1935. I think he had it right, and I think it is time for us to work on that.

The SPEAKER pro tempore (Mr. DENT). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING DR. JOSEPH M. STOWELL.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, today I rise to acknowledge and commemorate the accomplishments of Dr. Joseph M. Stowell, the outgoing president of the Moody Bible Institute. It is with great pleasure that I rise to honor Dr. Stowell for his 18 years of dedicated servitude to the Moody Bible Institute.

Mr. Speaker, the Bible says in the Book of Matthew 20 and 27: ‘‘And whatsoever he shall give to thee to do, thou shalt do; and whatsoever thou shalt require of him, he will give to thee.’’

Mr. Speaker, by his steadfast commitment to his ministry, I believe Dr. Stowell is servanthood personified.

Dr. Stowell, devoted husband and a committed family man, is a man known for his compassionate leadership style. In fact, his love for his students and belief in their capacity to make a difference in the life of the community and for Christ have been the hallmark of his tenure as president.

Under his leadership and by the grace of God, various Moody Bible Institute ministries have been strengthened. These ministries have focused on methods that embraced the diversities in the body of Christ, including color, caste, and class distinctions; and has sharply focused attention to the ministry needs of urban centers.

In addition, the MBI graduate school has made significant strides with a Master of Divinity program and other academic majors that are designed to prepare students for ministry in a changing and diverse world. Dr. Stowell’s most recent contributions at MBI led to a restructuring of its many ministries to emphasize the unique contributions of the work of Christ through education, broadcasting, and publishing. His leadership did not just stop there. In 2001 the Distance Learning Online Testing Center was launched which now has students enrolled throughout 28 countries. And over the past 18 years, MBI Broadcasting Network has expanded from 11 to 33 owned and operated radio stations which broadcast award-winning radio ministry known as ‘‘Proclaim.’’

Mr. Speaker, Dr. Stowell has authored many books, including the recent Gold Medallion-winning book entitled, ‘‘The Trouble with Jesus.’’

Dr. Stowell has earned tremendous respect from all people who know him. His unique leadership style, his love for the ministry, and his faithfulness in spreading the gospel of Christ was admired by the faculty, students, and others in ministry and in the community.

Dr. Joseph Stowell was one of the most effective presidents in the history of Moody Bible Institute. His warm and welcoming smile was always on his face. And the smile was never deeper than when he was surrounded by his grandchildren.

Mr. Speaker, there is an old adage that states: ‘‘When you start to benefit more than the people you serve, you are no longer a servant.’’ I submit today that Dr. Joseph Stowell has exemplified genuine servanthood and he has impacted the lives of those around him more than he will ever know.

He has now come to his next season of servanthood to advance the cause of Christ, and he leaves Moody Bible Institute with a tremendous legacy. So today, I rise to recognize and commend the legacy of true servanthood which will never be forgotten. I commend Dr. Joseph Stowell.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SAFETY FOR AMERICANS FROM NUCLEAR WEAPONS TESTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. MATHESON) is recognized for 5 minutes.

Mr. MATHESON. Mr. Speaker, today I reintroduce legislation that I first introduced in the last Congress called the Safety for Americans From Nuclear Weapons Testing Act. Let me tell you a brief story that has brought me to introducing this legislation.

From 1951 to 1992, over 1,000 tests were conducted at the Nevada test site. At the time, the government told people in this country that the tests were safe. What we now know is the government lied. In fact, only testing took place when the winds blew the fallout in the least populated direction from the test site, which happened to be southern Utah. These findings were discovered in the 1970s when my father, who was Governor of Utah at the time, received more and more information about the high cancer rates in southern Utah. He got documents declassified at that time and he knew there was risk with the testing and only did the testing when the fallout was blowing in the least populated direction.

Now, history is pretty clear. We know that the government knew people were at risk. We know the government lied to our citizens, and we know that thousands of people have died of cancer from the fallout from nuclear weapons testing, and yet the last test was in 1992. So why are we talking about this today? We are talking about this because the Federal Government is taking steps to resume nuclear testing.

One thing Members may hear about nuclear testing is the dangerous ones were above ground. It is now underground. The picture next to me took place in 1970. It was an underground nuclear weapons test. The Banneberry Shot is called. In this picture, we see debris 10,000 feet in the air above the valley floor of the test site.

The DOE's own data shows that underground testing does not contain the fallout. In fact, fallout is emitted into the atmosphere.

This is not just a southern Utah issue or a Western issue. In fact, the National Cancer Institute completed a study looking at concentrations of iodine 131, the isotope that causes thyroid cancer, and looked at the country from the testing. And from the Nevada test site going north and east, Members can see it has crossed the country, and even some counties in upstate New York and Vermont received higher concentrations of fallout than some counties close to the test site. So this is indeed an issue of national importance and national scope.

I have introduced legislation that I think is very responsible in terms of ensuring safety before any nuclear weapons testing can take place again. This legislation calls for a full environmental review, an environmental impact statement, before testing can happen so we can establish all of the health and safety risks and how they can be addressed before testing can happen. That has never been done before.

It also calls for setting up an extensive nationwide monitoring system so we can detect any radiation and fallout from the testing. It will not just be a government-run system; we will have a second monitoring system run by independent third parties through our university system to ensure that we understand the truths about what is going on with nuclear testing and exposure.

I think this is a responsible step. We cannot go down the path again of nuclear weapons testing. If Members do
not think that we face the potential for nuclear weapons testing, let me repeat a quote from an article in the February 15, 2005, Salt Lake Tribune. The article discusses Energy Secretary Samuel Bodman’s testimony before the Senate Committee on Armed Services. Bodman said the administration remains convinced the “readiness posture” of the nuclear proving ground must be enhanced. He said, “We will continue our efforts to maintain the ability to conduct underground nuclear testing and complete the transition to the 18-month readiness posture that is mandated by Congress.”

Two new kinds of nuclear weapons have been discussed for development. If we are going to develop those nuclear weapons, I fear they are going to be tested. The Department of Energy has projected over half a bill dollars of expenditure over the next 5 years for testing of this new type of nuclear weapon.

If we are going to go down that path, which I do not think we ought to go down for a number of reasons, we surely ought to ensure safety if any nuclear weapons are going to be tested. That is why this legislation I have introduced is a responsible approach. Everyone in America ought to want to make sure that we ensure safety, and do not blanket this country with cancer-causing fallout, as happened once before.

The SPEAKER pro tempore (Mr. DENT). Under a previous order of the House, the gentleman from California (Ms. MILLER-MCDONALD) is recognized for 5 minutes.

(Mr. FLAKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. MILLER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from California (Ms. MILLER-MCDONALD).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

PETROLEUM PRICES AND PRICES AT THE GAS PUMP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, here we go again. According to Reuters news agency today, oil prices held just below record highs on Wednesday as fund buying continued to dominate the market even though the United States Government said crude oil stocks had risen to their highest level for 8 months.

Looks like the Saudi campaign promised to keep prices low before the election has now come to pass. Now that we are past the inauguration, oil prices are going through the roof.

Today, U.S. light crude rose 11 cents to $54.70, within a dollar of record highs last week as prices are up, the dollar is down, and our economy is sputtering. And the demand for oil is just about to increase with summer and vacations coming on.

The stock market fell by more than 100 points on investors’ fears about these rising oil prices. The price at the pump has also gone up significantly in the last few weeks if you have not noticed. According to the U.S. Department of Energy, the average price at the pump this week is $1.99, up seven cents from the end of February and a 26-cent increase from 1 year ago.

What a down draft on economic growth that is. In fact, the gas price increase alone is up 15 percent. That is more than five times the rate of inflation.

Ohio’s gasoline price at the pump today is 11½ cents up from the last week of February. Currently, Ohioans are paying over $2.05 for their gasoline and the upward trend is not going to stop there. We in the Midwest are facing the highest increases in gasoline prices in the last year, with an increase of over 32 cents a gallon. That is over four cents higher than any other region of the country. Residents in Cleveland are paying today more than $2.07 a gallon, an increase of over 12 cents from the last week of February and over 33 cents per gallon from a year ago.

What is truly dangerous and tragic about this trend is our continued dependence on imported sources of oil. It means that our Nation is strategically vulnerable to disruptions in those with over half of the petroleum we use imported. That is why, when I asked Secretary Donald Rumsfeld this week when he was before our defense committee what he was doing as the Secretary of the largest Cabinet agency in the government of the United States to help lead America to a new energy era, I was very surprised to hear his answer, which I quote from the record: The Department of Defense has no authority to do anything about oil. Needless to say, we don’t get funds appropriated by this committee for doing things that relate to reducing our Nation’s dependence on oil.

I was shocked at his answer because we were considering the supplemental appropriation bill this week for the Defense Department, and just in the supplemental, there is over $1.411 billion related to unforeseen fuel price increases, for fuel delivery costs. For instance, the Defense Logistics Agency is going to pay $742,300,000 more just in the supplemental; the Marine Corps, $311,380,000; and the list goes on and on. Indeed, the Institute of Local Self-Reliance, in a report done just a few years ago, says that in any fiscal year, our government spends over $100 billion just allowing oil to flow into this country. We are not inventing any new energy sources. We are just becoming more dependent every day.

Imagine an America that was energy independent again and where energy independence rose to be a real national priority. Biofuels that our farmers can grow could displace a huge amount of imported petroleum in the short term.

Not 10 years from now, but within 3 years, we could displace 25 percent of what we currently burn in our tanks with ethanol-based fuel and biodiesel-based fuel and other derivatives. Yet the Bush administration, is it trying to move America in a more independent direction? No. They are cutting their support for biofuels, the minimal amount of research and development dollars in the Department of Agriculture, by over $100 million this year alone. Grain-based ethanol and grain-based biodiesel truly can help America wheel her way to a new energy future.

The American people need a new Declaration of Independence. We need to cut the umbilical cord to Saudi Arabia and every other undemocratic regime around this earth to which we are attached because of our oil dependence. There is no better time than now to begin. I just wish someone in the Bush administration was paying attention to the gouging going on at the pumps across this country and the fact that Americans cannot buy biodiesel and ethanol even when they want it and when Detroit is manufacturing cars that can use it. Ask yourself, who has got a lockout at the pumps across this country? Freedom for America in the 21st century should mean freedom from dependence on imported petroleum.

AMTRAK

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 4, 2005, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized as the designee of the minority leader.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I am pretty excited about...
the fact that we are going to spend an hour discussing Amtrak. I do not think anybody in this country knows more about transportation and transportation infrastructure and the needs of transportation than the gentleman from Minnesota (Mr. OBERSTAR). I have asked him kind of a broad background, bringing us up to date as to how we arrived where we are as far as Amtrak is concerned in this country. And then we will go to the other speakers.

I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentlewoman for yielding but, more importantly, I commend her and acknowledge her courageous leadership in being such a strong and consistent advocate for passenger rail service as our senior member and ranking member on the Subcommittee on Railroads on the Committee on Transportation and Infrastructure.

America is a third world country when it comes to passenger rail service. That abysmal condition did not happen by accident. It happened by design. The slow, inexorable process of deterioration of rail passenger service began when the great railroads, which were also carrying passengers and carrying U.S. mail on the railroad post office, the RPO overnight distribution service, began to combine with the United States Postal Service to industrialize the passenger railroads because their passenger rail service was not profitable unless mail service was included in the revenue stream. So the RPO would work the mail overnight and drop it off along the route. They would pick up passengers and carry them to their ultimate destination, but if the U.S. Postal Service would drop the RPO, that line, that segment of service, would then be unprofitable. And then they could apply, the railroads, to the Interstate Commerce Commission for discontinuance on economic grounds of unprofitability.

I witnessed that process happening in our State of Minnesota and in my congressional district when I was then administrative assistant to my predecessor in Congress. By the time I was elected to Congress, passenger rail service had disappeared. The railroads shed all of their so-called unprofitable lines in cooperation with the U.S. Postal Service. The Federal Government then to ensure that there would be a vestige of passenger rail service in America took over, accepted the liability and the responsibility of carrying on with passenger rail and set up the Amtrak Corporation, American Rail Passenger Service Corporation.

But what did they get, Amtrak? They got the remnants, rundown rail cars, rundown locomotives. They got the rail service through the worst sections, the industrial, rundown, in many cases abandoned, underutilized sections of America’s cities, not the very attractive segments of rail passenger, not the High Sierras and the beautiful western routes. They got on the east coast and the center of America and urban centers, the places passengers did not want to see, that they could avoid with their automobiles. And slowly Amtrak had to plead and beg and wheedle and cajole for funds to invest in upgrading the passenger cars, upgrading the locomotives to continue these vestiges of service, both long haul and short haul.

The problem with rail passenger service in America is that Amtrak never received the investment dollars it needed to remake the entire passenger rail system. In France, President De Gaulle convened a meeting of his cabinet in 1968 and proposed that the cabinet approve funding for a study of and recommendation for a completely new high speed rail passenger service. The report came back 6 months later. The Cabinet was convened again and the report presented; the cost, $12 billion in today’s dollars. Every one of the ministers said, no, that is a threat to our defense. It will hurt health. It will hurt education. Charles De Gaulle asked one question: Does any other country in the world have high speed, 185-mile-an-hour rail passenger service? And the answer was no. De Gaulle said: Then France will be the first.

That is what I call political will. That is what it took to launch this investment. And now you have the TGV, Tres Grande Vitesse, that goes from Paris to Lyon, 288 miles, in 2 hours and 1 minute. When I was in France, President in Europe in college, I took that train. It took 4½ hours. Today, it is 2 hours and 1 minute. When I traveled from Paris to Brussels to begin my studies at the College of Europe, it was a 6-hour trip. Today, it is a 45-minute trip.

Two hundred sixty-four million people ride the Shinkansen high speed train in Japan at 186 miles an hour. They have had one accident. A portion of land subsidence occurred; no fatalities, in 30-plus years its record is spotless.

They have had one accident with the TGV. No fatalities. We have the ICE in Germany. We have the Talgo in Spain. We have high speed train service in Italy. And in America, the world’s number one economy, the best we can do is, for a few miles, 125 miles an hour on Amtrak in the Northeast Corridor? That is wrong.

We need to make the investment in passenger rail service. All it takes is political will. This administration has demonstrated, rather than stand up for and invest in rail passenger service, strengthen America’s cities, take short haul aviation out of our skies, serve those routes of 300 miles or less with high speed passenger rail; they want to 11 minutes. Where was this investment? It went into bankruptcy, wash their hands of the issue and walk away from it. That is wrong. That keeps America as a third world country.

Ms. CORRINE BROWN of Florida. Would you answer just one question for me before you leave. Can you let me know whether there is any form of transportation that pays for itself? Ms. CORRINE BROWN. Mr. Speaker, transportation is a public service. It is a means of moving people and goods in the public interest. And every industrialized nation in the world supports, with public funds, their public transportation.

Let us not fool ourselves. The freight railroads would like to say, oh, we do not use public funds. But to get the freight railroads started in America, the United States Government gave them all that land from the Mississippi River to the West Coast, the Pacific Ocean to build their railroads.

Without that land and the rights to that land and the lumber and all that property, they would not have been able to build these railroads. They are still living off the profitability of the land that they were given in the public interest to serve the public interest.

And the same with aviation. Yes, there is a passenger ticket tax that pays for a great deal of our airport improvement program, air traffic control system, but the public funds pay for at least 15 percent of air traffic control costs, pays for the research and development and new ideas in aviation.

And our highway and transit system, the passengers do not pay for every mile of road construction or every new bridge construction. A good deal of it is paid for, either at the county, State, or city level.

And maritime just as well. Our maritime freight shipping operations are supported by the operating differential subsidy and construction differential subsidy program. We have committed well over $12 billion over the years that I have served in the Congress.
So the gentlewoman's point is well taken. Transportation is a service in the public interest, and the public should give it a reasonable level of investment and support.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I thank the gentleman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I thank the gentlewoman from Florida (Ms. CORRINE BROWN) for providing this special hour on Amtrak and having this very vital discussion about Amtrak's solvency and its future and its employees.

And I certainly thank the gentleman from Minnesota (Mr. OBESTAR), the ranking member of the Committee on Transportation and Infrastructure, for that insightful overall perspective, historical perspective, of rail in the United States of America and abroad.

It is my pleasure to be here tonight with my very dear friend, the gentlewoman from Florida (Ms. CORRINE BROWN), for leading the fight to retain Amtrak and its employees.

Amtrak continues to demonstrate its value as a critical public resource, unequivocally worthy of our Federal funding. Over the years, Amtrak has been among the most successful in Amtrak's 30-year history, 34-year history.

Despite an overall downturn in the travel industry that has resulted in financial disaster for our airlines, Amtrak has managed to stay in business, to maintain its service, and to preserve the vital services for some 22,000 jobs of the Amtrak employees.

And I want to again thank the ranking member, the gentlewoman from Florida (Ms. CORRINE BROWN), for her leadership in this regard, a very vital service for the United States of America.

Ms. CORRINE BROWN of Florida. Mr. Speaker, now I would bring up the gentleman from California (Mr. COSTA). He is new to the Congress, but not new to the fight as far as passenger rail is concerned. He has a history that precedes him in the legislature in California.

Mr. COSTA. Mr. Speaker, I thank the Congresswoman from Florida for her vision and for her leadership and ensuring that the people of America understand what is at stake today in the President's proposal to cut funding for Amtrak, which I believe, Mr. Speaker and Members, is unfair and lacking in vision.

I would like to confuse my comments to focusing not only on the impact nationally as it relates to a true intermodal transportation system, but also that in the 21st Century, if we in fact are going to provide the services necessary to move goods and services and people throughout our great country, we have to have a true intermodal 21st-century system of transportation, one that allows connectivity of our cities, of our States, to ensure that we handle the growth necessary to continue to improve the economy.

And that is why the President's proposal in his budget is unfair and it is lacking in vision. We saw on 9/11 the impact when our air service across the country was virtually grounded, and how dependent we are upon our daily rail service as it relates to not just intercity travel but our commuter service as well, in which Amtrak provides a great deal of service in terms of our cities for commuter purposes.

And what we saw was a greater reliance in which the northeast corridor exceeded the amount of passenger daily usage of our air transportation for months and months and months as we attempted to reconstruct our service.

Mr. Speaker and Members, let me give you the California perspective. Amtrak operates an average of 70 commuter trains in California alone, over 200 commuter trains per day in California. In 2004, Amtrak serviced over 9.3 million people in California, providing service in 70 California cities.

It employs over 3,589 California residents. On top of that, when you look at the top five busiest corridors in Amtrak across the country, three of them, three of them are in California. Number two, the Pacific Surfliner provides service for over 2.3 million riders in California and it increases annually, 7.6 percent last year over 2003.

And number five, the San Joaquin services, which I have been involved with for many years from Bakersfield, Oakland, Sacramento provides service to over 700,000 riders annually.

And when you take into account the cutbacks in regional airline service for mid-sized and smaller communities, in many cases this is the only public transportation service people have on a regional basis.

When you add to the commuter trains that operate in California that combined carry over 66,000 commuter ridership daily in the Bay Area and Los Angeles and San Diego and Oceanside and you understand how important it is to California.

As a matter of fact, California has the second highest ridership in the Nation, second only to New York. In addition to that, our State provides, and I have been involved as was mentioned earlier, when I have served in the State Legislature over $70 million a year to enhance the existing Amtrak service.

California does more than any other State in the Union to provide additional funds to improve our inner-city and commuter service. When you look at it over the last 15 years, California has provided $1.5 billion to improve and upgrade our services. People to commute during that same 15-year period has provided over $400 million to upgrade and to improve our services.

The bottom line is we estimate in California alone in the next 20 years that we are going to have a 300 percent growth in our inner-city service and commuter service in California to sustain the population growth that is estimated to be another 15 to 17 million people.

And we are going to depend mightily on an intermodal transportation system that combines the best of our air service along with our rail service, along with our roads. And therefore it is urgent and appropriate this afternoon that we have this discussion, and I want to again thank the gentlewoman from Florida (Ms. CORRINE BROWN) for setting this time aside.

As we all know, if we use the Nation's history, that every mode of transportation going back to the 18th century has been subsidized in one form or another.

The canal system that first began to connect our States, the Erie Canal and...
the other canals, was what? The Federal Government helped finance that for the purpose of promoting interstate trade and commerce, and we continued into the 18th and 19th centuries. The great emancipator, President Lincoln, in the middle of the perhaps most difficult chapter in America’s history, the great Civil War, when inflation was running rampant and deficits were huge, decided to build the Transcontinental Railroad.

In the 20th century, we have seen the expansion of the interstate freeway system that has been subsidized by Federal, State and local revenues. Every port and harbor in America today has some form of local, State or Federal funding.

All modes of our transportation historically for three centuries have had a subsidization to what? Promote trade, commerce and move our people around. So, therefore, when we take that in light of our history and where we are today and what we want to be in the 21st century, it is absolutely essential that we be promoting and expanding our intercity rail service throughout the Nation to ensure that, in the 21st Century, Americans have the proper type of transportation and intermodal transportation system that is reflective of the world’s number one economy.

For all of those reasons, Mr. Speaker, I urge the Congress to act appropriately and to ensure that we properly fund our intercity passenger rail service throughout America today.

Ms. CORRINE BROWN of Florida. Mr. Speaker, would you believe that 66 percent of the American people support Amtrak? Not 66 percent from the Red States or the Blue States, but 66 percent from the Red States and 66 percent from the Blue States, which is an interesting thing to say that so many people take advantage of, and certainly those in my district do, is about to take it and put it in a situation which we have to make it almost impossible to operate.

So it is; I rise today to join my colleagues on both sides of the aisle in again expressing our strong support for Amtrak, our national intercity passenger rail service. Regrettably, this expression of support is necessary because the President has proposed eliminating Federal assistance for Amtrak from the fiscal 2006 budget, contrary to what the public wants, as our ranking member has just over 90 percent saying they want to see Amtrak supported, and they certainly want to see Amtrak survive.

The simple fact of the matter is that the elimination of Federal aid to Amtrak will send the system into bankruptcy, where the service could be liquified. Liquidation of Amtrak is simply not in our national interest. As a matter of fact, if we did not have Amtrak, we would have to invent it. The fiscal 2006 budget passed by Congress must include Federal aid for Amtrak at a level to support the system’s continued operation.

Unfortunately, the President’s proposal to eliminate Federal funding for Amtrak is not a new one. Particularly during the last 5 years, Amtrak has repeatedly faced threatened shutdowns and proposed elimination of its operating subsidy. These threats have done nothing to improve Amtrak’s service but have created continued uncertainty among Amtrak’s 25 million annual passengers and 20,000 employees.

I believe that it is time that we bring to a close the debate about national passenger rail service in which we have been engaged in recent years by recommitting ourselves to Amtrak and to the value of national passenger rail service.

Over the past 30 years, intercity passenger rail service provided by Amtrak has become essential to ensuring mobility in every corner of our Nation. Amtrak provides its 25 million intercity passengers to more than 500 stations in 46 States, including access to more than 100 cities that have no commercial air service.

Amtrak also provides mobility to many segments of our population who might not otherwise be able to travel. According to the results of a study outlined in a 2004 Congressional Research Service report, approximately 42 percent of Amtrak’s ridership is drawn from households with incomes less than $50,000, while 16 percent of its riders do not own their own cars.

In creating Amtrak, Congress and the Nation made a commitment to the
Mr. BISHOP of New York. Mr. Speaker, I thank the gentleman for his question. Indeed, we have got to take our beliefs and principles and that we must maintain. Then we did not have that kind of service? Myself, I wonder what they would do if they did not have that kind of service? That is the kind of sensitivity that we have and that we must maintain. Then we have got to take our beliefs and make sure we turn them into action.

Ms. CORRINE BROWN of Florida, Mr. Speaker, I thank the gentleman.

Mr. BISHOP of New York. Mr. Speaker, I thank the gentlewoman. Let me start by thanking the gentlewoman from Florida (Ms. CORRINE BROWN) for organizing this time this evening and particularly for her leadership on this and so many other issues of great importance to our Nation.

Mr. Speaker, I rise tonight in support of Amtrak. America’s national rail system. Amtrak offers riders a cost-effective way to travel throughout the country. It has over 2,000 employees, serves over 500 stations in 46 States and owns and operates over 700 miles of shared track throughout the country.

There’s a lot more to the story. Amtrak is a major industry helping to support families and towns throughout the country, and it requires our support.

The Administration budget proposal to eliminate funding for Amtrak flies in the face of common sense and the President’s stated goal of sensibly growing this Nation’s economy. The events of September 11, 2001, showed us America’s reliance on the rail system and Amtrak in particular. As planes sat grounded everywhere, goods, services and people continued to move, thanks in large part to Amtrak.

The President’s budget proposal indicates a disregard to passenger rail, we have not learned enough from that terrible day. There is hardly a more clear example of misguided priorities at the Federal level. Current plans will force a major employer to shut its doors, move people out of secure employment and cripple a transportation system that serves millions of people. We need to abandon this approach that will end national rail service and, instead, look for ways to improve upon our existing structure of supporting rail lines.

Abandoning Amtrak will destroy a system that has never been supported adequately. In comparison to the rest of the world, we rank a miserable 25th on the list of countries that provide commuter rail funding. The U.S. is outpaced by countries like Estonia, Belgium and Slovenia.

It is now my pleasure to yield to the gentleman from New York (Mr. BISHOP), also a leader on the Committee on Transportation and Infrastructure.

Mr. BISHOP of New York. Mr. Speaker, I thank the gentlewoman from Florida (Ms. CORRINE BROWN) for her kind words. Yes, I have been on this committee for 14 years, and I am more than delighted to be the gentlewoman who is now the gentlewoman who is a leader on the Committee on Transportation and Infrastructure and has been on that committee ever since I have been here in Congress for over 12 years, and I know longer, but certainly is the voice for transportation not just in the District, but in the country.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I thank the gentleman. Mr. Speaker, I would like to yield to the delegate from the District of Columbia who is a leader on the Committee on Transportation and Infrastructure and has faced, with possible loss all together of Amtrak; and I congratulate her for taking hold and having no fear, but then the gentleman is known to be fearless.

Mr. Speaker, it is unthinkable that in the post-9/11 era we are leaving large parts of our country with little or no transportation. It began with the airlines, deregulation in the 1980s and, in the 1990s, we stopped the last one of them, union controlled or not, of large airlines is now in intensive care, to be polite about how badly off they are. So much for the airlines already not serving huge blocks of the country.

West Coast communities and communities in the South are now up in arms as Greyhound is about to pull out of those communities. Because when the Federal Government took over Amtrak, we closed down half of Amtrak. So all they had was Greyhound, and now Greyhound is gone. Yet, I am on the Select Committee on Homeland Security working on security. It looks like there is no way to get out of many communities in the United States of America.

As the gentlewoman from Florida (Ms. CORRINE BROWN) knows, we just passed a major transportation bill, fine. Yet, we are still starving transportation in our country, and if I can say that about bus and airlines because, after all, they are subsidized.

Ms. CORRINE BROWN of Florida. Mr. Speaker, would the gentlewoman yield?

Ms. NORTON. I am pleased to yield to the gentleman from Florida.
Ms. CORRINE BROWN of Florida. We are working on the bill: hopefully, we will pass it tomorrow. But I want to point out, we are looking at a bill that is $284 billion, and our Department of Transportation indicated that we need only $375 billion. So we are way behind. This is rather peculiar. This Bush administration does not support the investments that we really need to make in transportation, and that is why we are 17 months behind passing a transportation bill that the country and all of the constituents, including the private sector, they all need this investment, because our infrastructure in the United States is falling apart.

Ms. NORTON. Well, I thank the gentlewoman, and I thank her for reminding us that we have not even passed this bill yet; we are supposed to get to that tomorrow. And we are 17 months late in passing this, and there is much to complain about with this bill. Even though the buses have dedicated funding, the railways and the airlines have dedicated funding through the airports, there is no dedicated funding for rail. How did rail get left out?

We are trying to be a great power on the map, because I never heard of a great power that did not have first-class rail service. We understand that apparently about airlines; that is why we subsidize the airlines. Particularly in the post-911 era, I can tell my colleagues that after the terrible tragedy at the Pentagon, there was really only one way to get out of the District of Columbia. They closed Reagan National Airport for 2 weeks. I do not know how the gentlewoman got home to Jacksonville, because she sure did not get home out of this jurisdiction.

Ms. CORRINE BROWN of Florida. Mr. Speaker, if the gentlewoman will yield, our local Coast Guard came to Jacksonville, and the Florida delegation had a meeting.

Ms. NORTON. Amazing.

Ms. CORRINE BROWN of Florida. And it took all day, because the group was stationed out of Jacksonville, so we flew from here to Miami, then we went to Fort Lauderdale, Orlando, then to Jacksonville. That was the only way we could get out of the city.

But let me mention to the gentlewoman from the District of Columbia, after September 11, there was another plane that went down in New York. I do not know whether you remember that; it went down in Queens.

Ms. NORTON. Yes.

Ms. CORRINE BROWN of Florida. I was in New York at that time. I had checked out of the hotel, and the hotel would not let us back in. We did not know what was going on. And everything shut down, like the gentlewoman said. The airport shut down; the bridges shut down. There was no way out of the city, so we went to the Amtrak station, and there I saw several Members of the Senate and the House, and that is how we were able to get out of New York City and get back into Washington, D.C. It is a safety issue. Why would the richest country in the world even consider not having a rail transportation to move people in time of crisis.

Ms. NORTON. The gentlewoman has documented that she thinks dramatically, even involving the Members of this body. We cannot afford to leave major cities of the United States dependent on one form of transportation. That is how the Capital of the United States was left. We just heard the gentlewoman from New York being left in the same way. Who would, as the gentlewoman says, want to even think that risk?

We are not alone, Madam Chair. Under the gentlewoman’s leadership, we are already seeing action in the other body. I was pleased to see that Senator CONRAD BURNS all the way out in Montana is talking about Amtrak and about saving Amtrak. Six Republicans have already joined him. There is a real concern here. The gentlewoman is going to be a huge bipartisan effort here. I think we are going to be successful, because there is no recourse. There is no alternative to making sure that we have a national railroad.

The worst part of what the administration is doing is to deliberately force Amtrak into bankruptcy.

Ms. CORRINE BROWN of Florida. Mr. Speaker, if the gentlewoman will yield, it is truly hard to believe how an administration could state that it is going to get them out of business and put them in bankruptcy. To me, it is just a clear example that we have gotten our priorities wrong.

I think that this debate should not be between Democrats and Republicans, House and Senate. I think this debate, I think it is very important for the American people to weigh in on why they think it is important. One of the things that I think has been a failure is that we have not been able to convey the importance of rail service in this country.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for making that point, because I hope we do not have to lose it before people understand how much they need it. The notion of bankruptcy, well, there is a bankruptcy of policy, if bankruptcy is all one can think about for a public service that the country cannot do without.

We know that bankruptcy has done anything for the airlines. We have had several airlines go into bankruptcy. They go, they come out, but because they are a public service, they have to go to a certain number of places. And guess what? They need some kind of subsidy, and they certainly have been some, even though we have required them to operate as businesses.

We used to require the railroads to operate as businesses; but beginning in 1971, the Congress understood that the business model did not work for railroads. It does not work for railroads anywhere in the United States. Yet that is what we have here: bankruptcy. Because policy is being determined by ideology, the ideology that says that if the private sector cannot do it, then maybe we do not need it, and that is why the gentlewoman’s point is so important.

Somebody needs to get up and tell the Congress and tell the administration that there is an ideology that should decide whether the Nation is going to have railroads; it is old fashioned American pragmatism. We took them over, eliminating half of the lines in 1971, because the private sector says, hey, there is profit in this. What makes us think there is profit in it now, when we even do not want to give a subsidy that would be required of us as a public body.

I want to alert Members here. They may think that we are talking about the Amtrak that they see here every day; you know, the Amtrak that goes to Pennsylvania Railroad, the Amtrak of Union Station, I am talking about the Amtrak that exists in 46 States, I say to the gentlewoman. That is the Amtrak I am talking about. The Amtrak that affects each and every Member of the House and Senate. I think we ought to alert Members what we are really talking about. We are talking about the national network that we call Amtrak that, in fact, serves the entire United States. If Amtrak were an airline, it would be the eighth largest airline in the United States.

The thing that most gets me about what it is that the administration apparently says it wants to do, and here I am quoting what Secretary Norm Mineta said when the President’s budget came over here, that they want to change funding responsibilities to the States on a 50–50 match. Give me a break. Hey, if the Federal Government cannot stand these costs, are we serious when the States are facing huge Medicaid costs, huge shifts of the Federal budget to them, huge effects of the tax cuts, are going to now be able to pick up Amtrak and keep it going?

This is a scandal and a scandal that we must break before it goes any further. If they think that this is like the ordinary bankruptcy where a company comes in and picks up the pieces on the cheap, yes, you can pick up the pieces on the cheap, but can you run a railroad? I think what we now know is that you cannot run a railroad without subsidy.

We will not be the first country in the world to run it without subsidy, and the reason they talk about 50–50 with the States is they know that the private sector cannot run it without a subsidy, so they want to shift the costs of the subsidy to the private sector. Watch out, everybody in the House. They are coming your way, and we have to keep the costs where the tax base is broadest, here in the House, not tax the railroader in every State which are having a hard enough time keeping their own transportation going.
Ms. CORRINE BROWN of Florida. Mr. Speaker, I want to be clear that there is no mode of transportation, including rail, that pays for itself, not only here in the United States but nowhere in the world. Public transportation is just that. We subsidize every form of transportation.

I really welcome this debate because I think we have been nickelizing and diming Amtrak to death, and now we need to put up or shut up. And I think the American people, where 66 percent, not from the blue States and the red States, but 66 percent of the American people said that they want passenger rail in this country.

Ms. NORTON. I think that is an awfully important point to make. With that supermajority it does not seem to me that the administration can succeed in eliminating Amtrak if we do our work here in the Congress. They talk about leaving the commuter rail lines there. Well, it is interesting to hear the railroad administration say that they are unable and unqualified to help operate those rail lines. I am not sure what the administration is after there. Of course, those are the parts of Amtrak that people use to get back and forth to work.

This is not very well thought out. It seems to me, if you took about 5 minutes thinking about it, you would have to come up with another solution. In fact, let us assume that I do think that the best way to come to grips with what the administration is seeking to do, let us assume that they got their way and somehow or another they went into bankruptcy and some company came and picked it up on the cheap, nothing resembling the present coverage could possibly survive. I mean, some private person, because you have a bottom line, you have stockholders, would do what you got to do, and he would pick off the profitable routes to Rural locations will be expensive and few.

I was in New York shortly after September 11th when the plane leaving JFK airport crashed into the Bronx. I along with many of my colleagues in both the House and Senate took Amtrak back to Washington. I realized once again just how important AMTRAK is to the American people, and how important it is for this nation to have alternative modes of transportation.

This is not about fiscal policy, this is about providing a safe and reliable public transportation system that the citizens of this Nation need and deserve.

Amtrak was created by Congress in 1970 to take over the money-losing passenger rail service previously operated by private freight railroad companies in the United States.

More than half of all rail passenger routes were eliminated when Amtrak began service on May 1, 1971.

Although Amtrak’s route system has remained essentially the same size, it represents a mere skeleton of what was once the United States’ passenger rail network.

During the period from Amtrak’s inception through 2003, the federal government has spent $1.89 trillion on air and highway modes. In the same time frame, Amtrak received just over $30 billion in federal subsidies.

While the United States once had a passenger rail system that was the envy of the world, a lack of capital investment has staled the advancement of corridor development throughout the country.

Dependent upon an annual federal appropriation, Amtrak’s national network is constantly threatened by under-investment, loss of a clearly articulated federal rail policy, and an uncertain future.

Amtrak operates a nationwide rail network, serving over 500 stations in 46 states on 22,000 miles of track with approximately 20,000 employees.

During FY 2004, Amtrak carried just over 25 million passengers, representing an increase of over 4 percent compared to FY 2003.
In addition to operating 300 daily intercity trains, approximately 850,000 commuters each day depend on operating agreements with Amtrak, Amtrak-owned infrastructure, or shared operations.

Amtrak’s Northeast Corridor is the heaviest traveled railroad in North America, with over 1,700 trains operating over some portion of the Washington-Boston route each day.

Compared to domestic airlines in FY 2002, Amtrak ranks 8th in ridership with a market share of 4.6 percent and 1st in passengers per frequency.

In FY 2004, Amtrak generated approximately $2.06 billion in revenues and incurred approximately $3.18 billion in expenses, covering 65 percent of its operating costs, on par with Canada, Spain and France. No passenger railroad system in the world operates without some form of public subsidy.

Outside the Northeast Corridor, five other corridors carry over one half million people annually. These corridors are: San Diego-Los Angeles-San Luis Obispo; San Jose-Oakland-Sacramento-Auburn; New York-Albany-Buffalo; New York-Boston; and Vancouver-Seattle-Portland-Eugene.

Amtrak-owned property includes 2,141 railroad cars, 425 locomotives, 20 high-speed Acela train sets, a 97 mile segment of 95 mph track in Michigan, a 62 mile segment from New London-Freshno-Bakersfield, and 104 miles of 90 mph track in Pennsylvania, and 363 miles of the Northeast Corridor connecting Washington, Philadelphia, New York and Boston; the busiest passenger line in the country.

All transportation in the United States is directly or indirectly subsidized. Unlike aviation, highways and transit, there is no dedicated fund for investing in passenger rail development. These other modes all operate on private enterprise models, modernize infrastructure, and rely on government-supported security, research, and traffic controllers.

In FY04, the United States Department of Transportation’s $59 billion budget included $34 billion for highways, $14 billion for the FAA, and $1.217 billion for Amtrak. Amtrak’s FY2004 appropriation of $1.217 billion represented 2 percent of the Department of Transportation’s $59 billion budget.

Countries with well-developed passenger rail networks but much smaller populations such as Germany and Japan invest $3–4 billion annually on passenger rail, representing over 20 percent of their total transportation spending.

In 2000, Canada announced a dedicated source of capital for five years to fund new equipment, modernize infrastructure, and improve the country’s passenger railroad network. Canada’s system is 1/3 the size of Amtrak’s and has 1/6 the ridership.

The State of California has invested approximately $100 million per year in passenger rail over the past 10 years and its state-supported trains carried 4.25 million passengers in FY 2004, representing approximately 17 percent of Amtrak’s national total. These trains are consistently achieving double-digit ridership growth, proving that investment in passenger rail will reap benefits.

The route through the Northern part of the country, the Empire Builder, which carried over 437,000 passengers last year, is the only publicly supported freight service in the United States.

Amtrak recently exited from the mail and express business, resulting in shorter and more convenient schedules, with reduced labor costs.

The repair of wreck-damaged equipment and facilities, Amtrak losses of long-distance trains.

Amtrak trains operate over a 6,000-mile route system and serve 23 states, primarily in the Northeast, Midwest and along the Pacific Coast. With the exception of some trains operating between Boston and Washington, which cover their direct operating costs but not the corridor’s significant capital costs, none of Amtrak’s corridor or state routes cover all of their expenses from fare box revenues.

Outside the Northeast Corridor, five other corridors carry over one half million people annually. These corridors are: San Diego-Los Angeles-San Luis Obispo; San Jose-Oakland-Sacramento-Auburn; New York-Albany-Buffalo; Oakland-Fresno-Bakersfield; and Vancouver-Seattle-Portland-Eugene.

Amtrak’s 5-year Strategic Plan, which was approved by its Board of Directors on June 10, 2004, specifies that approximately $1.8 billion will be required for fiscal year 2006.

According to a recent report by the Congressional Research Service, both the now defunct Amtrak Reform Council and the DOT–IG acknowledged the need for at least $1.5 billion in capital and operating support.

Seeking no funds for direct Amtrak expenses and ceding control of the railroad to a

Kansas City, has 33 stops, creating 528 possible trip combinations.

Most of Amtrak’s expenditures are due to the immense capital needs of its infrastructure, particularly the Northeast Corridor, not the operating costs of the long-distance trains.

These operating cost figures should be cited with caution.

Critics often refer to the “loss per passenger” of the long distance trains. However, each long distance passenger train is the equivalent of five short distance passengers because of the greater distances traveled. More importantly, these “loss per passenger” figures often include not only the “avoidable” costs of operating individual long distance trains (such as the cost of diesel fuel) but all of the shared costs and equipment that Amtrak incurs for the benefit of both long-distance and corridor trains (such as the cost of mechanical facilities, Amtrak’s computer systems, and stations like Los Angeles Union Station). Including shared costs produces inflated and misleading “loss” figures, since these costs will not go away if long distance trains are eliminated.

Eliminating all long distance trains would produce negligible cost savings in the first few years because of the requirement that Amtrak pay for protection to impacted employees. When these payments ended after five years, the savings would still be minimal: around $300 million annually.

Eliminating individual long distance trains produce even fewer savings, most of the shared costs of Amtrak’s long-distance network, such as the costs of maintenance facilities that serve multiple long distance trains, would remain. Additionally, Amtrak continues to make changes to its long-distance trains that will improve revenue and finances for the system.

Amtrak recently exited from the mail and express business, resulting in shorter and more convenient schedules, with reduced labor costs.

The repair of wreck-damaged equipment and facilities, Amtrak losses of long-distance trains.

Amtrak has the right to operate passenger trains over freight railroads comes from the Rail Passenger Service Act. This act states that: Amtrak has the right to access all rail lines in the U.S. to operate intercity passenger trains and; Amtrak trains have dispatching preference over freight trains.
bankruptcy trustee, whose legal responsibility is to Amtrak’s creditors, represents a drastic and unrealistic turnaround in the Administration’s policy.

Since David Gunn’s arrival, Amtrak Total Ridership has increased by 11.6 percent. The number of intercity trains operated hourly increased by 21.4 percent. The number of trains on the NEC has increased by 29.2 percent while others have increased by 17.3 percent.

Ridership on the NEC is 10 percent and other corridor trains, like the Pacific Surfliner, Capital and San Juans in California and the Cascades in Oregon and Washington have increased by 27 percent driving a 12 percent increase in ticket revenue.

Americans have chosen it as their form of travel in record numbers. In the 3 years post September 11th, Amtrak has proven its value to the nation and has increased its ridership steadily.

Last year, Amtrak carried 25 million passengers, up from the previous year’s record. When given the option, travelers choose Amtrak over other, less convenient forms of travel. In FY04 the air-rail market from DC to New York was split 50 percent to 50 percent, Los Angeles to San Diego was 30 percent to 70 percent and Portland to Seattle was 30 percent to 61 percent.

David Gunn has made real progress reforming the railing system taking the helm in January of 2002. Over the last 30 months he has decreased the workforce by more than 22 percent, removing unnecessary layers on management, increased train service and operation, eliminated and realigned routes for greater efficiency and implemented more internal reforms than any of its previous CEOs.

In fact, Amtrak’s core operating expenses are lower today than they were when he took over. David Gunn has made real reforms and has proven to be the right person to continue fixing the problems that have plagued Amtrak over the years.

HEALTH CARE

The SPEAKER pro tempore (Mr. ISOZU), Under the Speaker’s announced policy of January 4, 2005, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY. Mr. Speaker, tonight, as part of the Republican Health Care Public Affairs Team, my co-chair, the gentleman from Pennsylvania (Mr. MURPHY), and I are here with a couple of our colleagues to talk about, over the next hour, one of the most important issues in the great country, and that is health care and our health care system.

We have a great system, without question, probably the greatest health care system on Earth. But we are not going to just stand up here during this next hour or as we go forward with our Health Care Public Affairs Team and on a monthly basis, talk about different health care issues that are so important to this Nation and put ourselves on the back. We are not going to do that. We are going to talk about some problems that exist.

Tonight, we are going to focus primarily on the civil justice system and trying to solve a problem in regard to medical liability insurance and the lack of access to care. But there are so many other issues that we will be talking about as we go forward in this series of 1-hour discussions with our colleagues, Mr. Speaker. Things like Medicare, the lack of timely and necessary access to health care, when people go to the emergency room, and long waits that are not either in crisis or eight, that are not either in crisis or eight, that are not either in crisis or eight, that are not either in crisis or eight, that are not either in crisis or eight, that are not either in crisis or eight, that are not either in crisis or eight, that are not either in crisis or eight, that are not either in crisis or crisis.

We are going to just stand up here during this next hour or as we go forward with our colleagues to talk about, over the years.

When we look at 435 Members, and we know we have something less than 25 who have a background in health care, in the health care professions, and on the Senate side, we increased our number over there by 100 percent this time. We went from one to two. And, of course, I am speaking of the majority leader of the Senate, Dr. FRIST, and also, now, Senator COBURN from the great State of Oklahoma.

But we are determined to talk about this health care issue and make sure the American people know that, while we might not be large in numbers, we are going to discuss these issues. We are going to do it on a regular basis.

The Republican hour tonight, of course, we are going to get this issue in front of our colleagues, in front of the public and let them know that we care about this. It is a tremendously important issue, and it should not be partisan.

When you think about it, health care, when you have a patient, you never ask them if they are a Republican or a Democrat. And believe me, they do not ask their doctor either. President Reagan joked about that when he was shot and went to the hospital and looked up just before they put him to sleep, looked up at the anesthesiologist and said, I sure hope we got some good Republicans in here. But talking health care, we see there are ten M.D.’s in the House, three on the Democratic side, seven on the Republican side. But we are not going to let this be a partisan issue.

We are going to just talk to our colleagues and make sure that everybody understands that we need to do this for the good of the country and not for the good of a party or, in particular, not with our vision, our focus on the next election.

The issue of medical liability and the crisis that we are in. Mr. Speaker, I would like to call attention to our first slide that we have that shows the United States of America and the number of States that are either in crisis in regard to this issue or they are getting darn close.

I know that my colleagues on the other side of the aisle do not like the word crisis. And we are talking about another issue, something we are concerned to that, but let us say a serious, a very serious problem. But I think indeed a crisis.

In my State of Georgia, along with about 13 others depicted here in red, including the state in crisis and something like 25 other States depicted in yellow, showing serious problems in regard to this issue. In fact, there is just only a handful of States, maybe less than six or eight, that are not either in crisis or near crisis. And what do I mean by that?

If you think about the fact that, when people go to the emergency room
with an injured child, and maybe it is a head injury, maybe that child is unconscious, they at that point do not need a family practitioner. They do not need an OB-GYN. They do not need an oral surgeon. They need a neurosurgeon. They need someone who can immediately assess the condition of that child and if there is a serious head injury. And certainly, if the child is unconscious, that is very likely.

If there is no neurosurgeon there that can act timely and many and in some instances get that child to surgery, the damage that can be done is irreparable damage and it cannot be undone.

So we know that we have physicians like neurosurgeons, and I mentioned my specialty, OB-GYN. Doctors who are high risk, those are the ones who can be the ones who can act quickly and those are the ones who are going to make the difference in some of these cases, those high-risk obstetrical cases. I will use the word "toxemia." I am sure most of my colleagues, Mr. Speaker, do not know what that is, but all of the OB/GYNs certainly know what I am talking about, a life-threatening complication of pregnancy. If a doctor is not available to treat that condition, these people could not only lose their child but they could lose their lives. So we have some real serious problems, and I think it is just time to talk about it.

I am very thankful that my State, as I showed my colleagues on the first slide, is one of the 13 or so that is in crisis, did during this session of their General Assembly just pass a really good, a significant piece of tort reform legislation that I think is going to work because of one thing primarily and that is a cap, a cap of $250,000 on noneconomic damages, so-called pain and suffering.

It has nothing to do whatsoever with economic damages. It is just to say that without a cap that number could be infinity. It could be tens of millions of dollars, and that is wrong and that is what is driving those rates up so high. That is the model that was passed in Georgia, and that is basically what we are trying to do I think in Congress.

My colleagues might say, well, just let the States take care of it; why worry about it at the Federal level. Well, many of the States, in fact most of the States, have not taken care of this.

There are a lot of reasons why you may think that we cannot get tort reform. The trial lawyer lobby is a very strong lobby. There is no question about that. We have passed tort reform legislation, the Health Act of 2003. We passed it again here in this body, Mr. Speaker, last year in 2004; and now we have reintroduced it in the 109th in 2005, and we will pass it again. We will pass it again in this body with bipartisan support and get to the other Chamber, it has been just almost impossible.

Again, I mean, it should not be a partisan issue, but for some reason it always seems like we have to have hopes. I am not going to give up on the other body. I think that, Mr. Speaker, we have got some different faces over there this year, and I have always said to my doctor friends that say, well, what can we do, and say to them, if you cannot change their minds, you need to change their faces. Fortunately, Mr. Speaker, in this last election cycle we changed a few faces, and indeed, we elected another doctor to the United States Senate and I mentioned Dr. Coburn earlier.

So I continue, hope springs eternal, but we want to continue to make sure that we tell our colleagues about this and make sure the American people understand how serious a problem this is.

At the Federal level, and let me just frame it just for a minute, the amount of money that is spent on health care, I just want to focus my colleagues on this particularly. Nearly 45 percent of all mandatory spending is on health care. Let me say that again: nearly 45 percent of all mandatory spending is spent on health care. This pie chart, this part over here, 55 percent is nonhealth care mandatory spending; but when you talk about those numbers and I can just throw out a few, $176 billion, this is fiscal year 2004, and these numbers continue to grow; Medicaid spending, $176 billion; State children's health insurance program, the CHIP program, $5 billion; Social Security disability, $73 billion, that is 6 percent; Medicare, $297 billion, 24 percent of mandatory Federal health care spending. No small numbers.

The Federal outlay for health care continues to rise. Nearly one-third of all Federal spending goes toward health care, nearly one-third, and just look at this side. I would like my colleagues to pay close attention to this.

Starting in 1965 going forward to 2004, the percent of total Federal outlays, this is total Federal outlays, not just mandatory but also discretionary. 1965, Federal health care spending as a percent of our budget, 2.6 percent; 2004, all the way to the right, 29 percent.

We have a problem, and we have to see what the Federal government can do about that.

I hope that my colleagues can appreciate the magnitude of this, and I am very, very pleased to be, as I said at the outset, co-chairing the Republican Health Care Public Affairs Committee. We bring these issues, like the need for medical liability reform, before my colleagues. My co-chairman on this committee is the gentleman from Pennsylvania (Mr. Murphy).

We appreciate him being with us tonight, and at this time I would like to turn it over to him and let us hear about some of those issues of concern in regard to medical errors and what we can do about that.

Mr. Murphy, Mr. Speaker, I thank the good doctor from Georgia for yielding.

What I would like to do is lay out a couple of issues here and also turn it over to a couple of other colleagues who are here tonight and review some of our issues of concern. I think that this is so important, and I thank the gentleman for pointing out some of the issues of the Federal outlay of health care.

The Federal spending for health care, it is so important to note that it is growing immensely, that it has grown and continues to grow, about 45 percent of mandatory spending is in the area of health care, and it is probably going to climb to 49. By "mandatory" we mean spending and these are not necessarily the things we vote on and change every year but other outlays that take place.

I want to point out as we are going towards this that as we are talking about such things that are brought up about liability, and tort reform issues are very important, so that we also have to pay attention to is patient safety.

I would like to bring up a couple of points, and one of these is the issue, the Institute of Medicine in a landmark study in 1999 pointed out, this study was called "To Err is Human," stated that over 7,000 people die every year from medication errors alone with 44,000 to 98,000 deaths every year from medical errors in hospital practices. This is touched on the other side, that we also have to pay attention to is patient safety.
problem because they fear legal re-
ribution. In other words, hospitals, we
should have them tracking all errors,
all suspected errors, and in every case,
lead to a program within that hospital
and with health care practice in every
level of that hospital to review what
that was for. Many times the concerns
could be if those records were kept
there or if they were reviewed this will
simply be another source of suits.
What we have to be moving for in
this Nation is a goal of zero medical er-
rors, zero patient errors. Anything be-
yond that I believe is too high. It is too
high of a cost for our Nation’s health care
facilities, and we should not em-
brace a goal of 1 percent or 2 percent
or 3 percent.
Imagine a situation here if a factory
had a goal of perhaps reducing their
safety errors and injuries to their
workers down to this 3 percent. If 1 per-
cent of the workers, how many injuries
that would be, how many lost work
days, how many deaths that would be.
Would you want to go to a hospital
that had a goal of perhaps only 98 per-
cent? Would that be enough of a success? Could
every one of us in the health care field
wants to aim towards 100 percent suc-
cess, and given the chart that we saw
before about the great increases in
health care spending in the Federal
Government, it is very important that
we look at controlling health care
spending. Mr. Speaker, not just from
the idea of accounting moves to cut
down on some of those rates but also
making some major changes in what we
are paying for, not just who is pay-
ing.
Let me touch off on a couple of areas
here before I turn it back over. One is
the Pittsburgh Regional Health Care
Initiative reported that the United
States has the world’s second highest
methasone-resistant staphylococci rates
with more than 50 percent of these infections resistant to
antibiotics. They also went on to say that the
Pittsburgh Regional Health Care
Initiative at least that these hospital-acquired infections affect 5 to 10 per-
cent of all patients, or about 2 million,
per year who are admitted to acute
care facilities at a cost overall in this
Nation of $4.5 billion. Many of these in-
fec tions could have been prevented
simply having physicians wash their
hands, using anti-bacterial scrubs; and
I will use other techniques here to
make sure we had a system that was
working better.
Now, the reason I bring these up,
you think almost too simple, but there
are a couple of areas we recognize as
we are moving towards the issue of
medical liability reform. I want to
make sure that hospitals and others,
we are not just excluding that, not just
saying this is not just an issue of caps
on punitive damages. This is not just a
legal issue. This is one that we need to
recognize as a Congress and as a Fed-
eral Government embracing truly
changes in how we handle errors.
Many hospitals and doctors are con-
cerned about this, but we also see that
there are recommendations for open
and meaningful communication with
health professionals about medical er-
rors. It should be open to discussions
of what takes place. I believe the Federal
Government can be a major factor in
moving these forward; and as we con-
tinue on, we will be coming up
with more examples.
At this point, I would like to turn it
back to my colleague, the gentleman
from Georgia (Mr. GINGREY), to proceed
as we go through this evening and look
at the liability crisis that is affecting
our Nation and how patient safety
needs to work hand in hand with
working to reduce some of these lia-
 blity issues, and that will be something
that not only keeps more doctors prac-
ticing but quite frankly will save a lot
of money and save a lot of lives.
Mr. GINGREY. Mr. Speaker, I thank
my colleague from Pennsylvania for
bringing those points to us, because
what is important for our colleagues
to know is how it is affecting our
country, health care providers are in a
crisis situation, as we said at the out-
set, because of the need to practice de-
fensive medicine, inability to pay for
liability premiums that have gone
through the roof, what Dr. MURPHY, my
co-chair, has just said has to say
simply be another source of suits.
I am very pleased to introduce the
next Member, my colleague from Geor-
gia. We talked at the outset about the
number of physicians in the House and
the fact that we pick up a few while
it was indeed, Mr. Speaker, a great
pleasure to me that one of those three
new Members in this body is not only a
colleague from Georgia but also a col-
league from my own County of Cobb
and represents the district that adjoins
mine. We both have a part, a signifi-
cant part of Cobb County.

The gentleman from Georgia (Mr.
PRICE), Representative PRICE, Con-
gressman PRICE is an orthopedic sur-
genon, one of my great mentors when I
was a member of the Georgia Assem-
bly, so I am very proud to introduce
him tonight. He is going to talk about
some of the unique problems in regard
to physician workforce in our great
State of Georgia.
Mr. PRICE of Georgia. Mr. Speaker,
I thank my colleague, and it really is a
pleasure to join him and the gentleman
from Pennsylvania and others who are
talking about something that is so in-
credibly important to every single
American who is their health care.
I know we are talking about patient
safety, but I want to put a little dif-
ferent spin on patient safety. I want to
put it in a little different light. Be-
cause I know, as my colleagues do, that
if you cannot find a hospital that is
open or if you cannot find a doctor’s
office, then you cannot be safe in your
health care. So I want to talk a little
bit about the next generation care and
what is the dynamic going on that is
limiting drastically, drastically, the
access that so many individuals in our
great State, but also our Nation as
well, have to health care.
I want to point out one of the
information that is to start: Georgia is no
different than the vast majority of States in this Nation, and this report
came recently from the Georgia Board
of Physician Workforce. What that
workforce does is it reviews the entire
State and looks at where doctors are
practicing, where hospitals are open,
how many beds they have and the like,
and how capable they are of delivering
the care that is needed by our citizens.
What they found recently is that 11
Georgia hospitals have closed since
1999. Eleven hospitals have closed.
Now, I believe that the crux of the li-
ability crisis that has been talked
about tonight and that, I think, is very
real and incredibly important, but it is
not important because of the amount
of money that physicians have to pay
for their malpractice insurance. It is
important because, when that cost goes
up, it is the community hospitals that
close; doctors quit doing certain proce-
dures because they cannot afford the
insurance to cover that, or they simply
close their office. And when that hap-
ens, what is the real result? The real
result is that patients cannot have ac-
cess to the kind of quality care that
they need and that they deserve.
So I want to touch on a few very spe-
cific issues that are certainly true in
our State, and I know them to be true
because of the death certificate. As
d_mentioned, Georgia is not as different
than any other State.
We have a number of different spe-
cialties that are more at risk than oth-
ers, but any time you upset or kind of
break that chain of quality care that is
being delivered to a patient, any time a
patient cannot get the specialists they
need or the kind of doctor they need,
then that individual, that patient’s
health care is compromised. They are
not as safe in their health care. So I
want to talk about some issues with
that I know who are having significant
problems, and I will point out what
they are not doing or are not
able to do because of the liability crisis.

For example, in our State, nearly 40 percent, nearly 40 percent of the radiologists in our State are no longer performing high-risk procedures. So you say, as a high-risk procedure? Must be something that changes the patient’s life; right, immediately? I mean, in fact, that is not the case. For radiologists, mammograms are high-risk procedures. Mammograms are high-risk procedures. Something else that is a preventive health care measure is a high-risk procedure.

Now, why is that? The reason is that the technology that goes into performing a mammogram and reading a mammogram is not perfect. There is about a 10 percent error rate. If you get the best radiologist in the world reading mammograms, that individual will only be correct in his or her interpretation about 90 percent of the time, which means there is about a 10 percent chance the result of the limitation of the test itself.

Now, that means if a radiologist is performing 25 or 30 mammograms in a given day, two or three of those interpretations is not going to be correct. And so, 40 percent of the radiologists nearly in our State, and I know it is true around the Nation as well, I have said, I cannot do mammograms any longer.

Now, what does that mean? It does not necessarily limit that individual’s livelihood significantly, but what it does mean for that community is that the women of that community no longer have access to appropriate preventive health care in the form of a mammogram. And it is not just true of radiologists, though I think you get the connection between when the cost of insurance for physicians is approximately 20 percent of the bill, that payment of the bill, the important thing is not the cost of the insurance to the physician; the important thing is that we are limiting access to quality care for patients.

A pathologist is another classic example. Pap smears that pathologists interpret, many of them, it is approaching again that same number, 30 to 40 percent of pathologists will no longer interpret Pap smears. Because, again, that error rate, that inherent error rate because of the limitation of the test itself, does not allow them to interpret that with the reliability that is appropriate or that does not expose them to significant problems or significant liability.

So said very well, the only option that I have is to no longer read Pap smears. Again, what is the consequence of that? It is that women no longer have somebody who is able to perform that preventive test for them.

I know that neurosurgeons were mentioned, we want to talk a bit about that because it is an extremely important issue. My district is all northern suburban Atlanta. I have a number of hospitals in my district. It is a grand place to live. It is a great place to work and play, and it has wonderful health care provided to it, except that there are hospitals within my district and very, very close to me in the center of Atlanta or around the environment that no longer have a hospital emergency room coverage 24 hours a day, 7 days a week of a neurosurgeon. Now, the consequences of that is not that it hurts the hospital; the consequence is that it harms patients.

The problem in this case is that the technology for patients that is being compromised because of the liability crisis that we have is not even being measured because it is not recordable. I will use an example that I know to be true.

There was a gentleman in my mid-40s who fell and hit his head. So he went to the hospital. He drove himself to the emergency room. And when he was in the emergency room, his clinical course or his health status deteriorated. The hospital did not have a neurosurgeon on call that night because of the liability crisis. So what is the hospital to do? They have to put him in an ambulance and move him to a hospital that has a neurosurgeon, as a result.

The problem in this case is that that individual died on the way to the hospital. On the way to that second hospital. Now, this is a healthy gentleman who just had a fall. He had a significant injury, obviously, but the treatment for that injury is what is called a burr hole, which means you relieve the pressure on the brain where the bleeding is. And the vast majority of individuals not only survive; they recover 100 percent.

That individual’s safety, health, and life were compromised because of the liability crisis that we have in this Nation. That death will never be recorded as one that fits any of the statistics that the health care community claims that because it is not recordable, it will not be attributed to a liability crisis. Nowhere on that record will you find that the original hospital did not have a neurosurgeon available.

So these are the consequences of the incredible liability crisis that we have right now. Again, the problem is not that doctors are having to pay too much; the problem is that patients are losing their access to quality care.

Let me just use two of these slides, and then I would look forward to hearing some of the comments again from my colleagues. I mentioned this Georgia Board of Physician Workforce study that they did. This shows that 17.8 percent of Georgia physicians will stop providing high-risk procedures. You know what a high-risk procedure is for an OB doctor? Delivering a baby. Delivering a baby is a high-risk procedure. And so 17.8 percent of Georgia physicians will stop that, again, not because they want to, but because they do not want to deliver a baby; not because they forgot how to perform the procedure or to read the tests, but because they cannot do it with the current liability crisis. We talked about the issue of radiologists as well.

The consequence of that is that more than 10 percent of the obstetricians in the State of Georgia, more than 10 percent will quit delivering babies for the last 18 months. That is a huge, huge consequence, which, again, is a decrease in the quality of care that is available to patients across our State and, frankly, all across our Nation.

I simply want to close by just thanking the gentleman from Pennsylvania (Mr. MURPHY) and my colleague, the gentleman from Georgia (Mr. GINGREY), for their wonderful leadership on this issue, the patient safety issue, which encompasses so many things. I hope we continue to talk about and make certain that we work with our colleagues and push them just as hard as we can on both sides of the aisle and on both sides of the Capitol to solve this problem.

Mr. MURPHY, Mr. Speaker, I thank the gentleman from Georgia, a very insightful comments. It is very important, the point that he made, which is that the issue of health care, when you do not have health care providers practicing, is really something that leads to many problems and quite sadly, deaths.

One of the statistics that I quoted before from the Institute of Medicine is a study done a few years ago that threw...
out some broadbased numbers; somewhere between 44,000 and 100,000 people die a year from medical errors. This study has come under some question, but it is one that is often quoted by attorneys when they bring up the concern for why one needs to focus on medical suits and change these.

Some have said that no patient has ever been cured by a lawsuit. And certainly, even if it is just one, that is too many, but I would like to call upon our colleagues now, the gentleman from Texas, and to offer him a more serious approach to tracking and understanding errors as a means of improving on patient safety.

Mr. BURGESS. Mr. Speaker, I am pleased to comment on that. For a number of years, ever since the Institute of Medicine study came out, and I bought the book and read through it, I felt that their study methods were significantly flawed.

While I agree with their premise that there is one death from medical errors, that is too many, the book is worth reading if only to look through the very tortured methods that they went through to come up with the number at the end of 98,000 deaths a year. They look at two hospital wards, one back in 1984, one in 1992; and from these two wards extrapolated the data that they have.

In fact, there was a significant reduction in medical errors between 1984 and 1992, and that never got really much in the way of any headlines, but they go through this very tortured analysis; and at the end they say since we are not sure that we are underestimating the fact that they failed it. That gives Members some idea of the scientific rigor with which they approached the task.

Again I agree one death is too many, and we need to be moving toward a system that is a no-fault system. We strive for error-free medicine in a world that is sometimes all too human.

But I also feel compelled to talk about the good news. We have heard a lot of information and how serious the situation is across the country, and it is serious. I do not mean to diminish this, but there are some good news items out, and I would like to share them with this House. I am especially thankful to the Georgia medical delegation that has allowed me to appear on stage with them.

The State of Texas, which is so often a leader in so many areas across the country, 18 months ago dealt with the crisis in medical liability insurance by passing a State law that allowed for caps on noneconomic damages in medical liability suits. It was patterned after the Medical Injury Compensation Reform Act of 1975 done in California that we have all talked about here as a standard that we should aspire to. Our Texas law updated that for the 21st century.

There is a cap of $250,000 on the doctor for noneconomic damages, not for real damages, but for noneconomic damages capped at $250,000. The hospital is capped at $250,000, and a third health care entity, a nursing home or hospital, is capped at $250,000. That is a significant change from the California cap of only $250,000 that was passed back in 1975.

What have the results been in the State of Texas since this constitutional amendment passed? The results are worthy of our study here. The first thing is when I was running for Congress in 2002, we had medical insurers fleeing the State. We went from 17 to two in a very short period of time. Just like the stories we heard earlier, as I was researching for this office, a young woman who is about 40 came up to me and said, I have lost my insurance coverage because my insurance left the State, and now I cannot practice my specialty of radiology. I cannot get insurance anymore and now a stay-at-home mom. What a travesty. She had gone to a State school, so the citizens of Texas essentially paid for her education. She came to her peak earning years, her peak power, and her profession is taken away from her, and not because as the gentleman from Georgia (Mr. Price) pointed out, not because she forgot how to read a chest X-ray, but because she could not get insurance coverage.

This system has changed with the passage of the Texas liability reform law. What the Texas Department of Insurance has seen since the law was passed in September 2003 is that we have now reacquired I believe it is up to 14 liability insurers. We have gone from 17 down to two, we are back up to 14, but the most important thing is those insurers have come back into the State without the type of rate increases that we had in neighboring States. Insurers have come back into the State of Texas, but they did not up their premiums like they did in Oklahoma, and that is a terribly significant event.

The other thing that we have seen is Texas Medical Liability Trust, my old insurer of record, immediately cut its rates by 12 percent after the constitutional amendment passed. There was some discussion as to whether or not this rate reduction would hold, but in fact this year they have put on top of that an additional 5 percent rate reduction for a total of 17 percent in rate reductions. Again, remember what we are talking about; this is not cheaper insurance for doctors; what we are talking about is permitting doctors to stay in the practice of medicine because, after all, patients cannot have access to a health care system if they do not have access to a physician somewhere along the line.

The other unintended benefit from passing caps in the State of Texas has been what hospitals who self-insure, the benefits they have seen. The Christus health care system down in South Texas reported in the Dallas Morning News almost a year ago, so very shortly after these caps went into effect, that they had achieved savings that were extraordinary. Under this law, this constitutional amendment was first passed. That means $22 million going into nurses’ salaries, capital expansion. The types of things you want your community hospital to be able to do and they were able to do in, again, because of the savings brought about by simply instituting a series of caps on noneconomic damages, those awards that are for pain and suffering in medical liability suits.

The other thing that has happened which is pretty good news for Texas doctors is the number of suits has plummeted. That has been truly a significant breathing spell for the past 18 months for physicians of a State who were significantly beleaguered.

I am frequently asked, if Texas has done such a good job of solving the problem, why do you care about doing something on a national scale. I do care because it is important. As a Member of Congress, I have been privileged to travel around the country. Two years ago with the Committee on Transportation and the Infrastructure, I visited the Alaskan National Wildlife Refuge. On the way home, we stopped in Nome, Alaska. We had a chamber of commerce lunch there. When they found out there was a doctor who was a Congressman, all of the medical staff at their local hospital came out to talk with me.

What they wanted to talk about is are you going to be able to do anything about medical liability rates, because we cannot afford the insurance rates for an anesthesiologist at our hospital. I said, my gosh, how do you practice without an anesthesiologist? And they said, We do the best we can. I asked what kind of doctor he is, and the doctor said, I am an OB/GYN just like you.

I said, Wait a minute, how do you practice obstetrics without an obstetrician? What do you do for a C-section? He said, We arrange for an airplane and get the mother transferred to Anchorage.

Mr. Speaker, that is an hour and a half by air, assuming the weather is okay; and they sometimes have bad weather in Nome, Alaska. I fail to see how we are advancing the cause of patient safety by allowing this situation to continue.

The gentleman from Georgia (Mr. Gingrey) eloquently pointed out how much of our Federal budget goes for health care, and this is a key point on why we need to involve ourselves with a national solution to this problem.

A study done out in Stanford, California, estimated that the cost of defensive medicine within the Medicare system is in excess of $30 billion a year.
That is in 1996, almost 10 years ago. I bet those numbers are higher today if someone were to rerun those numbers. That is the crux of the problem. We are talking about an amount of money that would almost pay for our prescription drug benefit that we are squandering by not having electronic medical records. This is critical for us on a national level.

As I had pointed out earlier in the day, one is too many. A lot of it is because our doctors are ordering on the practice of defensive medicine because our doctors are afraid that they are going to be pulled into court and they want to be sure that their cases look good when presented on the stand. That is why this is so critical on a national level.

Mr. Speaker, I thank the doctors for putting this together. I certainly want to thank Georgia for their indulgence in allowing a non-Georgia physician to appear out here tonight. It has been a pleasure to be here. I thank you for doing this.

Mr. GINGREY. Mr. Speaker, we thank the gentleman from Texas (Mr. BURGESS) for the doctor's timely remarks, and appreciate the gentleman being here with us.

Mr. Speaker, I point out the fact that even though they have some relief in Texas and now we have a little relief, good legislation in Georgia, why are we so concerned. He said it so well, and that is as a notice they have in the hour that the total percentage of non-mandatory spending in this country that goes to health care, Federal dollars is like 45 percent.

I remember during the most recent Presidential campaign, I do not know which one of the three debates, I think maybe the last one, the President talked about this, talked about the issue of needing to do something about medical liability insurance rates and his opponent, Senator KERRY, said the insurance premiums for physicians so they can continue to practice is a minuscule amount. President Bush was so correct when he said, yes, that is a big cost per individual physician; but in the overall picture it is not a big cost, but the cost, of course, as the gentleman from Texas pointed out, is all of the tests and procedures, the defensive medicine that is being practiced. That is why we cannot sustain that and we need to do something about it. It is not just the cost, as my co-chair talked about during his time, and I want to have further discussion about that. It is a safety issue. It is very definitely a safety issue.

Mr. Speaker, I would like to ask the gentleman from Pennsylvania (Mr. MURPHY) if he would continue to discuss that with us a little bit.

Mr. MURPHY. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for continuing to bring these points out to talk about a couple of things and have you comment as a member of the medical profession.

First, I want to point out that this is an issue that the Federal Government should be driving. The Federal Government is the largest purchaser of health care in our Nation, even among very large companies that may have hundreds of thousands of employees and employees spending billions of dollars on health care. Looking at our chart again, 45 percent of mandatory spending that the Federal Government spent on health care, it is expected to climb to 49 percent, and this chart here shows the Federal outlays are climbing over time.

That being the case, if we are dealing with liability issues, it is inseparable from patient safety. There are a couple of issues that President Bush has offered to be moving forward, and they are not about liability, of all the issues our doctors can embrace. The President has included $125 million in this year's budget to help meet the goal of ensuring that most Americans have electronic medical records within the next 10 years.

Patient records are usually kept on record on paper. I know when I worked in hospitals if we needed to call upon a patient's file, sometimes that would take a good deal of time. Whether it was an afternoon or hours, that could have an effect on some of the decisions. I ask the gentleman to describe the cumbersome system in terms of what we are trying to move away from.

Mr. GINGREY. Mr. Speaker, the gentleman is so correct. I would hope, and I think that some of my colleagues probably did a little bit better job in keeping accurate records and neat charts, even though I learned to write in a very strict parochial school, the Catholic nuns at a very strict parochial school, and my penmanship was developed by them. They probably did a little bit better job in keeping accurate records so they can continue to practice in a minuscule amount. President Bush was so correct when he said, yes, that is a big cost per individual physician; but in the overall picture it is not a big cost, but the cost, of course, as the gentleman from Texas pointed out, is all of the tests and procedures, the defensive medicine because our doctors are ordering on the practice of defensive medicine, or doctors acknowledge that because there are omissions in there, if they had further information, they would have made some different recommendations for tests, for diagnoses and that, in turns, saves money. Electronic medical records are a way of keeping this. Some have even proposed having either on a card or a patient may have some other device which could be plugged into a computer when they go to visit the doctor or hospital, they can update those cards. But the whole thing is really keeping these secure and confidential.

I know the University of Pittsburgh Medical Center, for example, is investing literally hundreds of millions of dollars in this. Information Weekly magazine rated them as the top medical center in the Nation in terms of making this move into electronic medical records. I am not sure if the gentleman from Georgia has seen one of those cards, but perhaps if he could describe what happens and changing from that paper-dependent system which is very time consuming, requires a great deal of time for the doctor to keep track of what is in there as well as research those, what happens when you move towards an electronic medical records system and what that does for patient safety.

Mr. GINGREY. The point of all of that is that you know with that electronic medical record, you can be anywhere in the world literally, a patient, if we have a way with a swipe card or maybe a radio frequency identification card which would look very much like a typical credit card, about the same size and thickness, but an individual would have a particular code that was unique to him or her and would have access through a very secure fire wall system to their medical records anywhere in the world, so that if you were in another country, on vacation, and this happened too often, when a person gets sick, has a heart attack, in an automobile accident, in a remote place, the language is not the same, the communication is poor and the treatment is just not adequate. So when we get to that point, and we are there, I know the gentleman has talked about some systems. I have talked to a lot of people who are developing these cards. The President has talked about the need to go to a system like that. We have talked today about making sure it is Bill Miller form and needing to give our healthcare providers some relief so they can continue to practice medicine and our patients...
have access to that great health care system, but we have also spent a good
bit of time tonight saying that we un-
derstand that, as I pointed out earlier in
my statement, physician, heal thy-
self. We know there are some problems.
I think one of the biggest problems in
regard to the entire healthcare system
the gentleman from Pennsylvania
points out, of poor medical record-
keeping, the traditional system, the
20th century recordkeeping, if you will. It
is going to be very hard to make these changes.
The technology is there. We need to in-
estimiate. My colleague from Penn-
sylvania asked the question, what can we
do in our individual office, how can we
get doctors, either individuals or
groups, to go to that kind of a system?
It is going to be costly. That is going to be
disincentive, I think, for a lot of
them to do that. But we need to
move toward a system of reimburse-
ment, maybe under the Medicare or
Medicaid program, Federal match and
100 percent pay on Medicare. We need to be
able to incentivate individual doc-
tors and groups to go to this system.

Mr. MURPHY. The gentleman also
well knows that doing these kinds of
things saves money. The Center For In-
formatics, Pharmacy leaders esti-
imated that, if we move towards elec-
tronic health records, it could save
about $78 billion a year, or 5 percent
of the Nation’s total annual healthcare
cost. And in a time when so many busi-
nesses have seen their health care costs
climbing, sometimes up into the dou-
ble-digit amounts per year, it can do
a great deal.

I know we only have a few minutes
left, but one other thing just is what
the appetite with which we will need to
come back to at another time is elec-
tronic prescribing. No offense to the
good doctor, but very often, it is tough
for someone to read a physician’s hand-
writing. This can also lead to errors.
Pharmacists say, in fact, more about
14 percent a year they will have to call
back the physician because they may
not understand the medication; they may
question the dose. The pharmacist
may be aware of other medication that
patient is on, but the physician may
not be aware. They may be aware of
other allergies or reactions. Electronic
prescribing, however, is another tool
where doctors, at the moment they
write the prescription, they can access
that information. I wonder if the gentleman could comment on the
importance of that.

Mr. GINGREY. There is no question
about how important that is, because,
as the gentleman from Pennsylvania
pointed out, when you cannot even
read the prescription, it is bad enough,
but in many instances, a doctor is not
going to know. Maybe the particular
patient is sick in the emergency room,
high fever, not at their best mentally,
they are not going to be able to relate
that information. That is why prescrip-
tion cards are going to be so important so
that, when you write that prescription,
even if your penmanship is absolutely
perfect, you need to make sure that
you are not giving them a medication
that would react with maybe two or
three other things that they are on and
could cause a serious problem.

Tonight, as we wrap up, and I am
very thankful to be doing this with my
colleague the gentleman from Pennsyl-
vania, and we will continue to bring
subjects, healthcare issues, probably do
an hour like this on a monthly basis,
this team of Members, Republican
Members, who are either healthcare
providers, or that is a healthcare issue
in this issue for the good of the Nation.

In closing, I want to make sure that
my colleagues understand that most
healthcare providers, if a patient is in-
jured because of someone practicing
below the standard of care, then we
want them to recover. It is not about
taking away anybody’s right to a re-
dress of grievances. I look forward to
the discussion with my colleagues next
month.

THE NATIONAL ECONOMY

The SPEAKER pro tempore (Mr.
DENT). Under a previous order of the
House, the gentleman from California
(Mr. DREIER) is recognized for 5 min-
utes.

Mr. DREIER. Mr. Speaker, I want to
begin by congratulating the gentleman
from Georgia (Mr. GINGREY) and the
gentleman from Pennsylvania (Mr.
MURPHY), for their fine work focusing
on the very important healthcare
needs that exist and the challenges
that the American people have in ob-
taining quality health care.

I want to take just a few minutes to
talk about an issue which was very
critical and important in last fall’s
campaign, and I want to talk about
some of the wild inaccuracies that
came to the forefront during that cam-
paign. That is, the claims that were
made characterize what was supposed
Depression-like economy that was not
producing any new jobs was the
most prevalent issue that came to
the fore during last fall’s campaign. We
all heard it over and over and over
again, the charge that President Bush
was the first President since Herbert
Hoover to preside over a net job loss.

It became something of a mantra for
our friends on the other side of the aisle
to the parties throughout the campaign, the
first President since Herbert Hoover to
preside over a net job loss.

Now that the frenzy of the campaign
season is behind us, I hope that we can
take a calm and very rational look at
the actual facts. The basis for the Her-
bert Hoover comparison, Mr. Speaker,
was the Bureau of Labor Statistics
payroll job survey, a fitting association
since it is a Depression-era survey.

That payroll job survey was estab-
lished, the fastest pace since the 1929
market crash, to track the workforce,
and to get a sense of how the econ-
omy.

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That payroll job survey was estab-
lished, the fastest pace since the 1929
market crash, to track the workforce,
agenda and the 2003 tax cuts which were embraced by this Congress, 2005 is looking like a much better year than 2001. After 4 years of the Bush economy, unemployment is low. Stocks are rising as the Dow marches towards that 11,000 mark. Inflation is in check while interest rates have remained low, and family wealth is at an all-time high.

Mr. Speaker, does it even need to be said that this is not a Herbert Hoover economy? Does one of the strongest economies in the developed world really have to defend itself against Great Depression Era comparisons? I believe that the facts speak for themselves. The George W. Bush economy has proven to be strong, vital and resilient. I am looking forward to 4 more years of prosperity and new opportunity for all Americans.

RECESS
The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o’clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2128

AFTER RECESS
The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Cole of Oklahoma) at 9 o’clock and 28 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mrs. CAPITTO, from the Committee on Rules, submitted a privileged report (Rept. No. 109-15) on the resolution (H. Res. 144) providing for further consideration of the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE
By unanimous consent, leave of absence was granted to:
Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of official business.
Mr. HOIBY (at the request of Mr. DELAY) for today on account of official business.
Mr. RAMSTAD (at the request of Mr. DELAY) for today and the balance of the week on account of complications from eye surgery.

SPECIAL ORDERS GRANTED
By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material):
Mr. DEFAZIO, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. EMANUEL, for 5 minutes, today.
Mr. FALLONE, for 5 minutes, today.
Mr. BROWN of Ohio, for 5 minutes, today.
Mr. RUSH, for 5 minutes, today.
Mr. MATHESON, for 5 minutes, today.
Ms. MILLINDER-MCDONALD, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. NUNES) to revise and extend their remarks and include extraneous material):
Mr. SMITH of New Jersey, for 5 minutes, March 10.
Mr. FLAKE, for 5 minutes, today.
Mr. JONES of North Carolina, for 5 minutes, March 10.

ADJOURNMENT
Mrs. CAPITTO. Mr. Speaker, I move that the House do now adjourn. The motion was agreed to; accordingly (at 9 o’clock and 29 minutes p.m.), the House adjourned until tomorrow, Thursday, March 10, 2005, at 10 a.m.

NOTICE OF PROPOSED RULEMAKING

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Section 304(b)(3) of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1384(b)(3), requires that, with regard to substantive regulations under the CAA, after the Board has published a general notice of proposed rulemaking as required by subsection (b)(2), and received comments as required by subsection (b)(2), “the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.”

The Board of Directors of the Office of Compliance has adopted the proposed regulations in the Notice of Adoption of Substantive Regulations and Transmittal for Congressional Approval which accompany this transmittal letter. The Board requests that the accompanying Notice be published in both the House and Senate versions of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal. The Board also requests that Congress approve the proposed regulations, as further specified in the accompanying Notice.

Any inquiries regarding the accompanying Notice should be directed to William W. Thompson II, Executive Director of the Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, DC 20540; 202-724-9250; TDD 202-426-1912.

Sincerely,

SUSAN S. ROBFIEGEL,
Chair of the Board of Directors.
OFFICE OF COMPLIANCE

NOTICE OF ADOPTION OF SUBSTANTIVE REGULATIONS, AND SUBMISSION FOR CONGRESSIONAL APPROVAL.

Proposed Replacement of the Office of Compliance Regulations implementing exemptions from the overtime pay requirements under the Fair Labor Standards Act of 1938 (FLSA).

Procedural Summary:


Why did the Board propose these new Regulations? Section 203(c)(2) of the CAA, 2 U.S.C. 1313(c)(2), requires that the Board of Directors propose substantive regulations implementing the FLSA overtime requirements which are “the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions . . . except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulation would be more effective for the implementation of the rights and protections under this section.”

What procedure followed the Board’s initial September 29, 2004 Notice of Proposed Rulemaking?
The September 29, 2004 Notice of Proposed Rulemaking included a thirty day comment period, which began on September 30, 2004. A number of comments to the proposed substantive regulations were received by the Office of Compliance from interested parties. The Board of Directors has reviewed the comments from interested parties, made a number of changes to the proposed substantive regulations in response to comments, and has adopted the amended regulations.
What is the effect of the Board’s “adoption” of these proposed substantive regulations? Adoption of these substantive regulations by the Board of Directors does not complete the promulgation process. Pursuant to section 304 of the CAA, 2 U.S.C. 1384, the procedure for promulgating such substantive regulations requires that: (1) the Board of Directors issue proposed substantive regulations and publish a general notice of proposed rulemaking in the Congressional Record (the September 29 Notice); (2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking; and (3) after consideration of comments by the Board of Directors, that the Board adopt regulations and transmit notice of such action together with the regulations and a recommendation regarding the method for Congressional approval of the regulations to the Speaker of the House and President pro tempore of the Senate for publication in the Congressional Record. This Notice of Adoption of Substantive Regulations and Submission for Congressional Approval completes the third step described above.

What are the next steps in the process of promulgation of these regulations? Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to “include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution.” The Board of Directors recommends that the procedure used in 1996 be used to adopt these proposed overtime exemption regulations: that the House of Representatives adopt the “H” version of the regulations by resolution; that the Senate adopt the “S” version of the regulations by resolution; and that the House and Senate adopt the “C” version of the regulations applied to the other employing offices by a concurrent resolution.

Are there regulations covering overtime exemptions currently in force under the CAA? Yes. Unless and until the House of Representatives and the Senate adopt these regulations, all employing offices and covered employees continue to be required to follow the existing Part 541 Regulations which were proposed by the Board of Directors and adopted by the House of Representatives and the Senate.

If adopted, will these regulations completely replace the existing Part 541 overtime exemption regulations applicable under the CAA? Yes.

The Board’s Responses to Comments

As the result of the September 29, 2004 Notice of Proposed Regulations, and the ensuing 30 day comment period, the Office received comments from various interested parties. The Board has reviewed all comments, and has deliberated regarding the question whether comments establish “good cause” pursuant to section 203(c)(2) of the CAA, 2 U.S.C. 1313(c)(2), for varying the Office of Compliance proposed regulations from the Department of Labor regulations. The following discussion outlines the comments, and the Board’s response to them.

What changes from the regulations as proposed on September 29, 2004 have been made by the Board in response to comments received from interested parties?
Removal of private sector terminology: Several commenters pointed out that reference to such terms as "business" and "enterprise" throughout the proposed regulations should be replaced by "employing office." The Board agreed with this suggestion in part. Certain provisions of the proposed regulations of general applicability have been amended to replace terms such as "business" or "enterprise" with the term "employing office." However, other provisions, particularly those which refer to "business operations," a term relating to ubiquitous operational functions such as accounting, auditing, procurement, personnel management and the like, or those references which are descriptive or exemplary have not been so amended, since to do so would detract from the clarity of the reference.

Sec. 541.0: Commenters correctly pointed out that a principal statutory authority for adoption of these regulations was not included in the proposed regulations. Therefore, a reference was added citing section 225(f)(1) of the CAA (2 U.S.C. 1361(f)(1)) as authority for the promulgation of these overtime exemption rules. Commenters also noted that the reference in the proposed regulation to "enforcement" by the Office of Compliance of the equal pay provision found at section 6(d) of the FLSA reflected an authority not given to the Office under the CAA. The Office of Compliance is authorized to administer the dispute resolution process for employee claims of a violation of the equal pay requirement at section 6(d) of the FLSA, but not to engage in its own self-initiated enforcement of the provision. Therefore, the reference to "enforcement" of section 6(d) was deleted.

Sec. 541.1: A commenter suggested that a reference to the existing regulation which defines the term "intern" be added to the exemption regulations. The Board concurs with the comment. Therefore, a reference was added to the definition of "intern" found at section 501.102(h) of the existing FLSA regulations of the Office of Compliance.

Section 541.4: Several commenters pointed out that the proposed section maintained an erroneous requirement that employing offices must comply with "...State or municipal laws, regulations, or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the FLSA" as applied via the CAA. The Board concurs with the comment. That requirement has been deleted from the proposed regulation.

What changes to the proposed substantive regulations suggested by commenters were not made by the Board of Directors? The Board of Directors reviewed all suggestions included in comments pursuant to the statutory requirement that the regulations "shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions ... except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section." (section 203(c)(2) of the CAA, 2 USC 1313(c)(2)). If the Board declined to adopt a suggestion, it determined that there was not good cause for such a change in implementing the FLSA.

Alleged "irrelevant" regulations: Commenters broadly suggested that portions of the proposed regulations which arguably do not directly concern types or categories of employment found among employees covered by the CAA should be deleted from the proposed regulations. These commenters urged that references to such employment categories as "outside
salespersons,” “non-Federal employees in American Samoa,” “insurance claims adjusters,” work in a “factory,” etc. should be entirely removed. Several of these commenters also suggested that substantively distinct sets of new regulations be developed for the House of Representatives, the Senate, and the other employing offices, based upon the differences among the types of employees who work in each body or agency.

The Board of Directors has been aware since its initial preparation of these proposed regulations that many of the job classifications and types of work processes treated in Part 541 are probably not found within the Legislative Branch of the Federal Government, that there may be job categories in the Legislative Branch not directly reflected in Part 541, and that there are differences among the work forces in the several employing offices covered by the CAA. However, the Board has concluded that adding or removing exemplary and descriptive provisions from the regulations as applied to all employing offices would reflect a basic misunderstanding of the purpose and goal of the new Part 541 of 29 CFR, and of the Congressional mandate in the CAA that the Board issue regulations based upon the Secretary of Labor’s regulations promulgated for the private sector (see section 203(c)(2) of the CAA, 2 USC 1313(c)(2)).

While the Labor Department’s “old,” i.e. pre-2004, Part 541 overtime exemption regulations included a great deal of descriptive material, it was not binding, since almost all of the descriptive portions of 29 CFR Part 541 (Subpart B) were merely “interpretive” explanatory bulletins. Thus, the 1996 Part 541 regulations adopted by the Board of Directors and promulgated by Congress under the CAA did not include any of the Labor Department’s interpretive regulations, since those interpretive regulations had not been formally promulgated under the Administrative Procedures Act.

In revamping Part 541, the Secretary of Labor explained that the Labor Department intended to “eliminate this distinction between the formal ‘regulations’ in Subpart A and the ‘interpretations’ in Subpart B. . . . This proposed restructuring of Part 541 was intended to consolidate and streamline the regulatory text, . . . make the regulations easier to understand and decipher when applying them to particular factual situations, and eliminate the confusion regarding the appropriate level of deference to be given to the provisions of each subpart.” (69 Fed. Reg. 22126 (4/23/04)). While the new Part 541 does not directly discuss every conceivable employment situation, it does provide a broad sample of authoritative exemplary and descriptive material for many types of employers.

The key concept for purposes of explaining the Board’s decision not to delete seemingly “irrelevant” descriptive and exemplary material is the intent of the new Labor Department regulations to make the tests for exemption “easier to understand and decipher when applying them to particular factual situations.” No single employer or group of employers subject to the Part 541 regulations in the private sector employs all or even most of the categories of employees referenced in Part 541. However, the new Part 541 regulations for the first time provide a wealth of authoritative exemplary and descriptive material which can assist employers and employees to discern whether a particular position or job is exempt. The usefulness of this material does not depend upon the direct applicability of each and every provision of the regulations to each and every position or job.
The Board of Directors has concluded that employing offices and employees covered by the CAA should be accorded the same opportunity to utilize the full wealth of descriptive and exemplary material in the new Part 541 regulations as has been accorded employers and employees in the private sector. Any effort to carve this integrated body of regulations into segments which only refer to employment categories presently included within each category of employing office under the CAA would not only subvert the overall integration of Part 541, but prove to be enormously difficult in implementation.

References to “business,” “enterprise,” or other private sector employer categories. Several commenters suggested that all references in the proposed regulations to private enterprise concepts be replaced by terms derived from the CAA or governmental parlance. The proposed regulations have addressed the commenters’ concern through language in section 541.1, which includes the stipulation that “Employer, company, business, enterprise, or public agency each mean an “employing office” as defined in section 101(9) of the CAA, 2 USC 1301(9).” However, reference to such “private sector” concepts in descriptive or exemplary regulations have not been excised, because to do so could well blunt the clarity or usefulness of the description or example. Whether or not specific work processes or functions as described in the proposed regulations are applicable directly or by analogy to a particular “employing office” are questions of fact for CAA employing offices and covered employees, just as for all other categories of employers and employees covered by the Labor Department regulations, including State and local governments.

Various FLSA overtime rules for “police officers” should not apply to police officers employed by the United States Capitol Police. One commenter asserted that the new proposed regulation establishing exceptions for the application of the FLSA section 13(a)(1) exemption tests for police officers and other public safety employees at proposed section 541.3(b) should not apply to members of the United States Capitol Police in those categories because the work performed by the United States Capitol Police is not “traditional police work performed by most state and local organizations.” Rather, the commenter asserted the “unique nature of the USCP work as an organization charged with providing comprehensive and fully integrated security services which includes physical security and counter-terrorism components as well as a personal protective function, all requiring full and robust participation in the intelligence community.” The commenter also noted that some members of the Capitol Police perform office and non-manual work.

The Board has carefully considered the assertion that the Capitol Police force is unique among all law enforcement agencies otherwise covered by Part 541 of the Department of Labor Regulations. The Board takes administrative notice that other major law enforcement agencies, such as the Uniformed Division of the Secret Service, District of Columbia Metropolitan Police, and many other large urban police forces, and police forces charged with security of state and local government premises and officials, are charged with providing security services, counter-terrorism capabilities, personal protective services, participation in the intelligence community, and include employees who perform office and non-manual work. While the relative emphasis and extent of any one or another such function may vary among such law enforcement agencies, the Board has concluded that the United States Capitol Police operation is not unique in any or all of these dimensions of law enforcement work. Therefore, the Board has determined that there is not “good cause” for exempting the members of the United States Capitol Police from the
application of section 541.3(b) of the proposed substantive regulations.

Reference to section 13(a)(1) of the FLSA “as amended.” A commenter asserted that the phrase “as amended” in referencing section 13(a)(1) of the FLSA, 29 USC 213(a)(1), in the proposed substantive regulation is in error. The commenter asserted that the reference to laws being applied via the CAA is a “specific reference,” and further asserted that canons of statutory construction therefore require that the referenced statute can only be applied as it existed as of the date of the reference. Therefore, said the commenter, subsequent amendments to CAA referenced laws such as the FLSA would not apply under the CAA. The commenter also asserted that the CAA’s waiver of sovereign immunity of the United States did not include a waiver with regard to subsequent amendments to the laws applied via the CAA. In other words, the commenter argued that the statutes applied to Congress and the Legislative Branch via the CAA are “frozen” as they existed in 1995. The Board does not respond to the commenter’s suggested interpretation of the CAA at this time, because section 13(a)(1) of the FLSA has not been amended since the CAA was enacted.

Inclusion of interns for purposes of establishing supervisory status under section 541.104. One commenter pointed out that interns (as defined in section 501.102(h) of the Office’s FLSA regulations) are not “covered employees” for purposes of the CAA, but suggested that interns be counted as “employees” for purposes of application of the “direct the work of two or more other employees” test at section 541.104 of the proposed regulations. At the direction of the Board, the Office of Compliance inquired of the Department of Labor whether the Department interprets the term “employee” in regulation 541.104 to include individual workers who are not “employees” as defined under the balance of Part 541. The Labor Department responded informally that such workers are not counted as “employees” for purposes of the application of section 541.104 of the regulations. The Board has concluded that there is no good cause for varying from that practice under these proposed regulations, and has declined to include interns as “employees” for the purpose of section 541.104.

Members of the House of Representatives and Senators are not “covered employees” for purposes of the CAA. One commenter concluded that Members of the House of Representatives are not “covered employees.” Rather than limit the response to this comment to the House of Representatives, the Board has reviewed the issue both with regard to Members of the House of Representatives and Senators. The Board has concluded that Members of the House and Senators are “covered employees” for purposes of the application of the CAA. An “employee of the House of Representatives” is defined at section 101(7) to include “an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives . . . .” 2 USC 1301(7). The pay of Members of the House is disbursed by the Chief Administrative Officer of the House of Representatives. An “employee of the Senate’ includes any employee whose pay is disbursed by the Secretary of the Senate . . . .” The pay of Senators is disbursed by the Secretary of the Senate. Therefore, both Members of the House and Senators are “covered employees” for the purposes of applicability of these proposed regulations. However, Members of the House and Senators are also clearly identified at section 541.1 of the proposed regulations as exempt “senior executives” for purposes of the application of overtime eligibility.
Additional General Information

Why are there separate sets of existing FLSA regulations which have been applicable since 1996 for the House of Representatives, the Senate, and the other employing offices covered by the CAA? Section 304(a)(2)(B) of the CAA, 2 U.S.C. 1384(a)(2)(B), requires that the substantive rules of the Board of Directors of the Office of Compliance “shall consist of 3 separate bodies of regulations, which shall apply, respectively, to - (i) the Senate and employees of the Senate; (ii) the House of Representatives and employees of the House of Representatives; and (iii) the other covered employees and employing offices.” In 1996, the House of Representatives (H.Res.400) and the Senate (S.Res.242) each adopted by resolution the FLSA regulations applicable to each body. The Senate and House of Representatives adopted by concurrent resolution (S.Con.Res.51) the regulations applicable to other employing offices and employees.

Are there substantive differences in the proposed regulations for the House of Representatives, the Senate, and the other employing offices? No. While there are some differences in other parts of the existing FLSA regulations applicable to the Senate, the House of Representatives, and the other employing offices (chiefly related to the mandate at section 203(c)(3) of the CAA, 2 U.S.C. 1313(c)(3), regarding “covered employees whose work schedules directly depend on the schedule of the House of Representatives or the Senate . . .”), the existing Part 541 regulations are substantively identical. The Board of Directors has identified no “good cause” for varying the text of these proposed new regulations. Therefore, if the proposed part 541 regulations are adopted to replace the pre-existing Part 541 regulations, the prefixes “H,” “S,” and “C” will be affixed to each of the sets of regulations for the House, for the Senate, and for the other employing offices, but otherwise the text of the part 541 regulations will be identical.

How does the Board of Directors recommend that Congress approve these proposed regulations? Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to “include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution.” The Board of Directors recommends that the procedure used in 1996 be used to adopt these proposed overtime exemption regulations: the House of Representatives adopted the “H” version of the regulations by resolution; the Senate adopted the “S” version of the regulations by resolution; and the House and Senate adopted the “C” version of the regulations applied to the other employing offices by a concurrent resolution.

Are these proposed regulations also recommended by the Office of Compliance’s Executive Director, the Deputy Executive Director for the House of Representatives, and the Deputy Executive Director for the Senate? Yes, as required by section 304(b)(1) of the CAA, 2 U.S.C. 1384(b)(1), the substance of these regulations have also been recommended by the Executive Director and Deputy Executive Directors of the Office of Compliance.

Are these proposed CAA regulations available to persons with disabilities in an alternate
How To Read The Proposed Amendments

In order to make comparison of these regulations with the regulations promulgated by the Secretary of Labor, the text of the proposed regulations reproduces the text of the regulations promulgated on August 23, 2004 by the Secretary of Labor at 29 CFR Part 541, and shows changes proposed for the CAA version of these same regulations. Changes adopted by the Board of Directors of the Office of Compliance are shown as follows: [deletions within italicized brackets], and added text in italicized bold. Further changes adopted by the Board in response to comments regarding the initial proposed regulations as issued on September 29, 2004 by the Board are bolded, italicized, and underlined. Therefore, if these regulations are approved as proposed, [[bracketed text will disappear from the regulations]], and added text will remain. If these regulations are approved for the House of Representatives by resolution of the House, they will be promulgated with the prefix “H” appearing before each regulations section number. If these regulations are approved for the Senate by resolution of the Senate, they will be promulgated with the prefix “S” appearing before each regulations section number. If these regulations are approved for the other employing offices by joint or concurrent resolution of the House of Representatives and the Senate, they will be promulgated with the prefix “C” appearing before each regulations section number.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104-1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 12 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within the Legislative Branch.
TEXT OF PROPOSED OVERTIME EXEMPTION REGULATIONS
as adopted by the Board of Directors of the Office of Compliance.

NOTE: As and when approved by the House of Representatives and/or the Senate, these proposed regulations will entirely replace the current Part 541 regulations which were promulgated by the Office of Compliance and approved by the House of Representatives and the Senate in 1996. Until new Part 541 regulations are approved by the House of Representatives and/or the Senate, the 1996 regulations regarding overtime exemptions remain in full force and effect.

When approved by the House of Representatives for the House of Representatives, these regulations will have the prefix “H.” When approved by the Senate for the Senate, these regulations will have the prefix “S.” When approved by Congress for the other employing offices covered by the CAA, these regulations will have the prefix “C.”

PART 541--DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, COMPUTER AND OUTSIDE SALES EMPLOYEES

Subpart A--General Regulations Sec.
541.0 Introductory statement.
541.1 Terms used in regulations.
541.2 Job titles insufficient.
541.3 Scope of the section 13(a)(1) exemptions.
541.4 Other laws and collective bargaining agreements.
Subpart B--Executive Employees
541.100 General rule for executive employees.
541.101 Business owner.
541.102 Management.
541.103 Department or subdivision.
541.104 Two or more other employees.
541.105 Particular weight.
541.106 Concurrent duties.

Subpart C--Administrative Employees
541.200 General rule for administrative employees.
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Subpart A--General Regulations

Sec. 541.0 Introductory statement. (a) Section 13(a)(1) of the Fair Labor Standards Act (Act), as amended, and as applied pursuant to sections 203 and 225(f)(1) of the Congressional Accountability Act of 1995, 2 U.S.C. 1313 and 1361(f)(1), provides an exemption from the Act's minimum wage and overtime requirements for any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools), or in the capacity of an outside sales employee,[[ as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act.]][[ Section 13(a)(17) of the Act provides an exemption from the minimum wage and overtime requirements for computer systems analysts, computer programmers, software engineers, and other similarly skilled computer employees. (b) The requirements for these exemptions are contained in this part as follows: executive employees, subpart B; administrative employees, subpart C; professional employees, subpart D; computer employees, subpart E; outside sales employees, subpart F. Subpart G contains regulations regarding salary requirements applicable to most of the exemptions, including salary levels and the salary basis test. Subpart G also contains a provision for exempting certain highly compensated employees. Subpart H contains definitions and other miscellaneous provisions applicable to all or several of the exemptions. (c) Effective July 1, 1972, the Fair Labor Standards Act was amended to include within the protection of the equal pay provisions those employees exempt from the minimum wage and overtime pay provisions as bona fide executive, administrative, and professional employees (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools), or in the capacity of an outside sales employee under section 13(a)(1) of the Act. The equal pay provisions in section 6(d) of the Fair Labor Standards Act are also administered by the United States Equal Employment Opportunity Commission]] Office of Compliance.

Sec. 541.1 Terms used in regulations. Act means the Fair Labor Standards Act of 1938, as amended. Administrator means the Administrator of the Wage and Hour Division, United States Department of Labor. The Secretary of Labor has delegated to the Administrator the functions vested in the Secretary under sections 13(a)(1) and 13(a)(17) of the Fair Labor
Standards Act.]] CAA means Congressional Accountability Act of 1995, as amended. Office means the Office of Compliance. Employee means a “covered employee” as defined in section 101 (3) through (8) of the CAA, 2 U.S.C. 1301(3) through (8), but not an “intern” as defined in section 203(a)(2) of the CAA, 2 U.S.C. 1313(a)(2), and in section 501.102(h) of the FLSA implementing regulations of the Office of Compliance. Employer, company, business, enterprise, or public agency each mean an “employing office” as defined in section 101(9) of the CAA, 2 U.S.C. 1301(9). Senior executive includes but is not limited to a Member of the House of Representatives or a Senator.

Sec. 541.2 Job titles insufficient. A job title alone is insufficient to establish the exempt status of an employee. The exempt or nonexempt status of any particular employee must be determined on the basis of whether the employee's salary and duties meet the requirements of the regulations in this part.

Sec. 541.3 Scope of the section 13(a)(1) exemptions.
(a) The section 13(a)(1) exemptions and the regulations in this part do not apply to manual laborers or other "blue collar" workers who perform work involving repetitive operations with their hands, physical skill and energy. Such nonexempt "blue collar" employees gain the skills and knowledge required for performance of their routine manual and physical work through apprenticeships and on-the-job training, not through the prolonged course of specialized intellectual instruction required for exempt learned professional employees such as medical doctors, architects and archeologists. Thus, for example, non-management production-line employees and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers and laborers are entitled to minimum wage and overtime premium pay under the Fair Labor Standards Act, and are not exempt under the regulations in this part no matter how highly paid they might be.

(b)(1) The section 13(a)(1) exemptions and the regulations in this part also do not apply to police officers, detectives, deputy sheriffs, state troopers, highway patrol officers, investigators, inspectors, correctional officers, parole or probation officers, park rangers, fire fighters, paramedics, emergency medical technicians, ambulance personnel, rescue workers, hazardous materials workers and similar employees, regardless of rank or pay level, who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime or accident victims; preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; pursuing, restraining and apprehending suspects; detaining or supervising suspected and convicted criminals, including those on probation or parole; interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; or other similar work.

(2) Such employees do not qualify as exempt executive employees because their primary duty is not management of the [enterprise] employing office in which the employee is employed or a customarily recognized department or subdivision thereof as required under Sec. 541.100. Thus, for example, a police officer or fire fighter whose primary duty is to investigate crimes or fight fires is not exempt under section 13(a)(1) of the Act merely because the police officer or fire fighter also directs the work of other employees in the conduct of an investigation or fighting a fire.
(3) Such employees do not qualify as exempt administrative employees because their primary duty is not the performance of work directly related to the management or general business operations of the employer or the employer’s customers as required under Sec. 541.200.

(4) Such employees do not qualify as exempt professionals because their primary duty is not the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction or the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as required under Sec. 541.300. Although some police officers, fire fighters, paramedics, emergency medical technicians and similar employees have college degrees, a specialized academic degree is not a standard prerequisite for employment in such occupations.

Sec. 541.4 Other laws and collective bargaining agreements. The Fair Labor Standards Act provides minimum standards that may be exceeded, but cannot be waived or reduced. Employers must comply, for example, with any applicable Federal [Federal] laws [Federal] regulations or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the Act. Similarly, employers, on their own initiative or under a collective bargaining agreement with a labor union, are not precluded by the Act from providing a wage higher than the statutory minimum, a shorter workweek than the statutory maximum, or a higher overtime premium (double time, for example) than provided by the Act. While collective bargaining agreements cannot waive or reduce the Act’s protections, nothing in the Act or the regulations in this part relieves employers from their contractual obligations under collective bargaining agreements.

Subpart B--Executive Employees

Sec. 541.100 General rule for executive employees.

(a) The term "employee employed in a bona fide executive capacity" in section 13(a)(1) of the Act shall mean any employee: (1) Compensated on a salary basis at a rate of not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities; (2) Whose primary duty is management of the [enterprises] [employing office] in which the employee is employed or of a customarily recognized department or subdivision thereof; (3) Who customarily and regularly directs the work of two or more other employees; and (4) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.

(b) The phrase "salary basis" is defined at Sec. 541.602; "board, lodging or other facilities" is defined at Sec. 541.606; "primary duty" is defined at Sec. 541.700; and "customarily and regularly" is defined at Sec. 541.701.

Sec. 541.101 Business owner. The term "employee employed in a bona fide executive capacity" in section 13(a)(1) of the Act also includes any employee who owns at least a bona fide 20-percent equity interest in the enterprise in which the employee is employed, regardless of whether the business is a corporate or other type of organization, and who is actively engaged in its management. The term "management" is defined in Sec. 541.102. The requirements of Subpart
G (salary requirements) of this part do not apply to the business owners described in this section.

Sec. 541.102 Management. Generally, "management" includes, but is not limited to, activities such as interviewing, selecting, and training of employees; setting and adjusting their rates of pay and hours of work; directing the work of employees; maintaining production or sales records for use in supervision or control; appraising employees' productivity and efficiency for the purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used; apportioning the work among the employees; determining the type of materials, supplies, machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; providing for the safety and security of the employees or the property; planning and controlling the budget; and monitoring or implementing legal compliance measures.

Sec. 541.103 Department or subdivision. (a) The phrase "a customarily recognized department or subdivision" is intended to distinguish between a mere collection of employees assigned from time to time to a specific job or series of jobs and a unit with permanent status and function. A customarily recognized department or subdivision must have a permanent status and a continuing function. For example, a large employer's human resources department might have subdivisions for labor relations, pensions and other benefits, equal employment opportunity, and personnel management, each of which has a permanent status and function. (b) When an [enterprise] employing office has more than one establishment, the employee in charge of each establishment may be considered in charge of a recognized subdivision of the [enterprise] employing office. (c) A recognized department or subdivision need not be physically within the employer's establishment and may move from place to place. The mere fact that the employee works in more than one location does not invalidate the exemption if other factors show that the employee is actually in charge of a recognized unit with a continuing function in the organization. (d) Continuity of the same subordinate personnel is not essential to the existence of a recognized unit with a continuing function. An otherwise exempt employee will not lose the exemption merely because the employee draws and supervises workers from a pool or supervises a team of workers drawn from other recognized units, if other factors are present that indicate that the employee is in charge of a recognized unit with a continuing function.

Sec. 541.104 Two or more other employees. (a) To qualify as an exempt executive under Sec. 541.100, the employee must customarily and regularly direct the work of two or more other employees. The phrase "two or more other employees" means two full-time employees or their equivalent. One full-time and two half-time employees, for example, are equivalent to two full-time employees. Four half-time employees are also equivalent. (b) The supervision can be distributed among two, three or more employees, but each such employee must customarily and regularly direct the work of two or more other full-time employees or the equivalent. Thus, for example, a department with five full-time nonexempt workers may have up to two exempt supervisors if each such supervisor customarily and regularly directs the work of two or more of those workers. (c) An employee who merely assists the manager of a particular department and supervises two or more employees only in the actual manager's absence does not meet this requirement. (d) Hours worked by an employee cannot be credited more than once for different executives. Thus, a shared responsibility for the supervision of the same two employees in the
same department does not satisfy this requirement. However, a full-time employee who works four hours for one supervisor and four hours for a different supervisor, for example, can be credited as a half-time employee for both supervisors.

Sec. 541.105 Particular weight. To determine whether an employee's suggestions and recommendations are given "particular weight," factors to be considered include, but are not limited to, whether it is part of the employee's job duties to make such suggestions and recommendations; the frequency with which such suggestions and recommendations are made or requested; and the frequency with which the employee's suggestions and recommendations are relied upon. Generally, an executive's suggestions and recommendations must pertain to employees whom the executive customarily and regularly directs. It does not include an occasional suggestion with regard to the change in status of a co-worker. An employee's suggestions and recommendations may still be deemed to have "particular weight" even if a higher level manager's recommendation has more importance and even if the employee does not have authority to make the ultimate decision as to the employee's change in status.

Sec. 541.106 Concurrent duties.
(a) Concurrent performance of exempt and nonexempt work does not disqualify an employee from the executive exemption if the requirements of Sec. 541.100 are otherwise met. Whether an employee meets the requirements of Sec. 541.100 when the employee performs concurrent duties is determined on a case-by-case basis and based on the factors set forth in Sec. 541.700. Generally, exempt executives make the decision regarding when to perform nonexempt duties and remain responsible for the success or failure of business operations under their management while performing the nonexempt work. In contrast, the nonexempt employee generally is directed by a supervisor to perform the exempt work or performs the exempt work for defined time periods. An employee whose primary duty is ordinary production work or routine, recurrent or repetitive tasks cannot qualify for exemption as an executive.
(b) For example, an assistant manager in a retail establishment may perform work such as serving customers, cooking food, stocking shelves and cleaning the establishment, but performance of such nonexempt work does not preclude the exemption if the assistant manager's primary duty is management. An assistant manager can supervise employees and serve customers at the same time without losing the exemption. An exempt employee can also simultaneously direct the work of other employees and stock shelves.
(c) In contrast, a relief supervisor or working supervisor whose primary duty is performing nonexempt work on the production line in a manufacturing plant does not become exempt merely because the nonexempt production line employee occasionally has some responsibility for directing the work of other nonexempt production line employees when, for example, the exempt supervisor is unavailable. Similarly, an employee whose primary duty is to work as an electrician is not an exempt executive even if the employee also directs the work of other employees on the job site, orders parts and materials for the job, and handles requests from the prime contractor.

Subpart C--Administrative Employees

Sec. 541.200 General rule for administrative employees.
a) The term "employee employed in a bona fide administrative capacity" in section 13(a)(1) of the Act shall mean any employee: (1) Compensated on a salary or fee basis at a rate of not less
than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities; (2) Whose primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and (3) Whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

(b) The term "salary basis" is defined at Sec. 541.602; "fee basis" is defined at Sec. 541.605; "board, lodging or other facilities" is defined at Sec. 541.606; and "primary duty" is defined at Sec. 541.700.

Sec. 541.201 Directly related to management or general business operations.
(a) To qualify for the administrative exemption, an employee's primary duty must be the performance of work directly related to the management or general business operations of the employer or the employer's customers. The phrase "directly related to the management or general business operations" refers to the type of work performed by the employee. To meet this requirement, an employee must perform work directly related to assisting with the running or servicing of the [business/employing office], as distinguished, for example, from working on a manufacturing production line or selling a product in a retail or service establishment.
(b) Work directly related to management or general business operations includes, but is not limited to, work in functional areas such as tax; finance; accounting; budgeting; auditing; insurance; quality control; purchasing; procurement; advertising; marketing; research; safety and health; personnel management; human resources; employee benefits; labor relations; public relations, government relations; computer network, internet and database administration; legal and regulatory compliance; and similar activities. Some of these activities may be performed by employees who also would qualify for another exemption.
(c) An employee may qualify for the administrative exemption if the employee's primary duty is the performance of work directly related to the management or general business operations of the employer's customers. Thus, for example, employees acting as advisers or consultants to their employer's clients or customers (as tax experts or financial consultants, for example) may be exempt.

Sec. 541.202 Discretion and independent judgment.
(a) To qualify for the administrative exemption, an employee's primary duty must include the exercise of discretion and independent judgment with respect to matters of significance. In general, the exercise of discretion and independent judgment involves the comparison and the evaluation of possible courses of conduct, and acting or making a decision after the various possibilities have been considered. The term "matters of significance" refers to the level of importance or consequence of the work performed.
(b) The phrase "discretion and independent judgment" must be applied in the light of all the facts involved in the particular employment situation in which the question arises. Factors to consider when determining whether an employee exercises discretion and independent judgment with respect to matters of significance include, but are not limited to: whether the employee has authority to formulate, affect, interpret, or implement management policies or operating practices; whether the employee carries out major assignments in conducting the operations of the [business/employing office]; whether the employee performs work that affects business operations to a substantial degree, even if the employee's assignments are related to operation of
a particular segment of the employee's employing office; whether the employee has authority to commit the employer in matters that have significant financial impact; whether the employee has authority to waive or deviate from established policies and procedures without prior approval; whether the employee has authority to negotiate and bind the employing office on significant matters; whether the employee provides consultation or expert advice to management; whether the employee is involved in planning long- or short-term objectives; whether the employee investigates and resolves matters of significance on behalf of management; and whether the employee represents the employing office in handling complaints, arbitrating disputes or resolving grievances.

(c) The exercise of discretion and independent judgment implies that the employee has authority to make an independent choice, free from immediate direction or supervision. However, employees can exercise discretion and independent judgment even if their decisions or recommendations are reviewed at a higher level. Thus, the term "discretion and independent judgment" does not require that the decisions made by an employee have a finality that goes with unlimited authority and a complete absence of review. The decisions made as a result of the exercise of discretion and independent judgment may consist of recommendations for action rather than the actual taking of action. The fact that an employee's decision may be subject to review and that upon occasion the decisions are revised or reversed after review does not mean that the employee is not exercising discretion and independent judgment. For example, the policies formulated by the credit manager of a large corporation may be subject to review by higher company officials who may approve or disapprove these policies. The management consultant who has made a study of the operations of a business and who has drawn a proposed change in organization may have the plan reviewed or revised by superiors before it is submitted to the client.

(d) An employer's volume of work may make it necessary to employ a number of employees to perform the same or similar work. The fact that many employees perform identical work or work of the same relative importance does not mean that the work of each such employee does not involve the exercise of discretion and independent judgment with respect to matters of significance.

(e) The exercise of discretion and independent judgment must be more than the use of skill in applying well-established techniques, procedures or specific standards described in manuals or other sources. See also Sec. 541.704 regarding use of manuals. The exercise of discretion and independent judgment also does not include clerical or secretarial work, recording or tabulating data, or performing other mechanical, repetitive, recurrent or routine work. An employee who simply tabulates data is not exempt, even if labeled as a "statistician."

(f) An employee does not exercise discretion and independent judgment with respect to matters of significance merely because the employer will experience financial losses if the employee fails to perform the job properly. For example, a messenger who is entrusted with carrying large sums of money does not exercise discretion and independent judgment with respect to matters of significance even though serious consequences may flow from the employee's neglect. Similarly, an employee who operates very expensive equipment does not exercise discretion and independent judgment with respect to matters of significance merely because improper performance of the employee's duties may cause serious financial loss to the employer. Sec. 541.203 Administrative exemption examples.

(a) Insurance claims adjusters generally meet the duties requirements for the administrative exemption, whether they work for an insurance company or other type of company, if their duties
include activities such as interviewing insureds, witnesses and physicians; inspecting property
damage; reviewing factual information to prepare damage estimates; evaluating and making
recommendations regarding coverage of claims; determining liability and total value of a claim;
negotiating settlements; and making recommendations regarding litigation.
(b) Employees in the financial services industry generally meet the duties requirements for the
administrative exemption if their duties include work such as collecting and analyzing
information regarding the customer's income, assets, investments or debts; determining which
financial products best meet the customer's needs and financial circumstances; advising the
customer regarding the advantages and disadvantages of different financial products; and
marketing, servicing or promoting the employer's financial products. However, an employee
whose primary duty is selling financial products does not qualify for the administrative
exemption.
(c) An employee who leads a team of other employees assigned to complete major projects for
the employer (such as purchasing, selling or closing all or part of the business, negotiating a real
estate transaction or a collective bargaining agreement, or designing and implementing
productivity improvements) generally meets the duties requirements for the administrative
exemption, even if the employee does not have direct supervisory responsibility over the other
employees on the team.
(d) An executive assistant or administrative assistant to a business owner or senior executive of a
large business generally meets the duties requirements for the administrative exemption if such
employee, without specific instructions or prescribed procedures, has been delegated authority
regarding matters of significance.
(e) Human resources managers who formulate, interpret or implement employment policies and
management consultants who study the operations of a business and propose changes in
organization generally meet the duties requirements for the administrative exemption. However,
personnel clerks who "screen" applicants to obtain data regarding their minimum qualifications
and fitness for employment generally do not meet the duties requirements for the administrative
exemption. Such personnel clerks typically will reject all applicants who do not meet minimum
standards for the particular job or for employment by the company. The minimum standards are
usually set by the exempt human resources manager or other company officials, and the decision
to hire from the group of qualified applicants who do meet the minimum standards is similarly
made by the exempt human resources manager or other company officials. Thus, when the
interviewing and screening functions are performed by the human resources manager or
personnel manager who makes the hiring decision or makes recommendations for hiring from the
pool of qualified applicants, such duties constitute exempt work, even though routine, because
this work is directly and closely related to the employee's exempt functions.
(f) Purchasing agents with authority to bind the company on significant purchases generally meet
the duties requirements for the administrative exemption even if they must consult with top
management officials when making a purchase commitment for raw materials in excess of the
contemplated plant needs.
(g) Ordinary inspection work generally does not meet the duties requirements for the
administrative exemption. Inspectors normally perform specialized work along standardized lines
involving well-established techniques and procedures which may have been catalogued and
described in manuals or other sources. Such inspectors rely on techniques and skills acquired by
special training or experience. They have some leeway in the performance of their work but only
within closely prescribed limits.
(h) Employees usually called examiners or graders, such as employees that grade lumber, generally do not meet the duties requirements for the administrative exemption. Such employees usually perform work involving the comparison of products with established standards which are frequently catalogued. Often, after continued reference to the written standards, or through experience, the employee acquires sufficient knowledge so that reference to written standards is unnecessary. The substitution of the employee's memory for a manual of standards does not convert the character of the work performed to exempt work requiring the exercise of discretion and independent judgment.

(i) Comparison shopping performed by an employee of a retail store who merely reports to the buyer the prices at a competitor's store does not qualify for the administrative exemption. However, the buyer who evaluates such reports on competitor prices to set the employer's prices generally meets the duties requirements for the administrative exemption.

(j) Public sector inspectors or investigators of various types, such as fire prevention or safety, building or construction, health or sanitation, environmental or soils specialists and similar employees, generally do not meet the duties requirements for the administrative exemption because their work typically does not involve work directly related to the management of general business operations of the employer. Such employees also do not qualify for the administrative exemption because their work involves the use of skills and technical abilities in gathering factual information, applying known standards or prescribed procedures, determining which procedure to follow, or determining whether prescribed standards or criteria are met.

Sec. 541.204 Educational establishments.

(a) The term "employee employed in a bona fide administrative capacity" in section 13(a)(1) of the Act also includes employees: (1) Compensated for services on a salary or fee basis at a rate of not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government) exclusive of board, lodging or other facilities, or on a salary basis which is at least equal to the entrance salary for teachers in the educational establishment by which employed; and (2) Whose primary duty is performing administrative functions directly related to academic instruction or training in an educational establishment or department or subdivision thereof.

(b) The term "educational establishment" means an elementary or secondary school system, an institution of higher education or other educational institution. Sections 3(v) and 3(w) of the Act define elementary and secondary schools as those day or residential schools that provide elementary or secondary education, as determined under State law. Under the laws of most States, such education includes the curriculums in grades 1 through 12; under many it includes also the introductory programs in kindergarten. Such education in some States may also include nursery school programs in elementary education and junior college curriculums in secondary education. The term "other educational establishment" includes special schools for mentally or physically disabled or gifted children, regardless of any classification of such schools as elementary, secondary or higher. Factors relevant in determining whether post-secondary career programs are educational institutions include whether the school is licensed by a state agency responsible for the state's educational system or accredited by a nationally recognized accrediting organization for career schools. Also, for purposes of the exemption, no distinction is drawn between public and private schools, or between those operated for profit and those that are not for profit.

(c) The phrase "performing administrative functions directly related to academic instruction or
training" means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

(1) Employees engaged in academic administrative functions include: the superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program; the principal and any vice-principals responsible for the operation of an elementary or secondary school; department heads in institutions of higher education responsible for the administration of the mathematics department, the English department, the foreign language department, etc.; academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and other employees with similar responsibilities.

(2) Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunch room managers or dietitians do not perform academic administrative functions. Although such work is not considered academic administration, such employees may qualify for exemption under Sec. 541.200 or under other sections of this part, provided the requirements for such exemptions are met.

Subpart D--Professional Employees

Sec. 541.300 General rule for professional employees.
(a) The term "employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act shall mean any employee: (1) Compensated on a salary or fee basis at a rate of not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging, or other facilities; and (2) Whose primary duty is the performance of work: (i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or (ii) Requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.
(b) The term "salary basis" is defined at Sec. 541.602; "fee basis" is defined at Sec. 541.605; "board, lodging or other facilities" is defined at Sec. 541.606; and "primary duty" is defined at Sec. 541.700.

Sec. 541.301 Learned professionals.
(a) To qualify for the learned professional exemption, an employee's primary duty must be the performance of work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction. This primary duty test includes three elements: (1) The employee must perform work requiring advanced knowledge; (2) The advanced knowledge must be in a field of science or learning; and (3) The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.
(b) The phrase "work requiring advanced knowledge" means work which is predominantly
intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment, as distinguished from performance of routine mental, manual, mechanical or physical work. An employee who performs work requiring advanced knowledge generally uses the advanced knowledge to analyze, interpret or make deductions from varying facts or circumstances. Advanced knowledge cannot be attained at the high school level. (c) The phrase "field of science or learning" includes the traditional professions of law, medicine, theology, accounting, actuarial computation, engineering, architecture, teaching, various types of physical, chemical and biological sciences, pharmacy and other similar occupations that have a recognized professional status as distinguished from the mechanical arts or skilled trades where in some instances the knowledge is of a fairly advanced type, but is not in a field of science or learning. (d) The phrase "customarily acquired by a prolonged course of specialized intellectual instruction" restricts the exemption to professions where specialized academic training is a standard prerequisite for entrance into the profession. The best prima facie evidence that an employee meets this requirement is possession of the appropriate academic degree. However, the word "customarily" means that the exemption is also available to employees in such professions who have substantially the same knowledge level and perform substantially the same work as the degree employees, but who attained the advanced knowledge through a combination of work experience and intellectual instruction. Thus, for example, the learned professional exemption is available to the occasional lawyer who has not gone to law school, or the occasional chemist who is not the possessor of a degree in chemistry. However, the learned professional exemption is not available for occupations that customarily may be performed with only the general knowledge acquired by an academic degree in any field, with knowledge acquired through an apprenticeship, or with training in the performance of routine mental, manual, mechanical or physical processes. The learned professional exemption also does not apply to occupations in which most employees have acquired their skill by experience rather than by advanced specialized intellectual instruction. (e) (1) Registered or certified medical technologists. Registered or certified medical technologists who have successfully completed three academic years of pre-professional study in an accredited college or university plus a fourth year of professional course work in a school of medical technology approved by the Council of Medical Education of the American Medical Association generally meet the duties requirements for the learned professional exemption. (2) Nurses. Registered nurses who are registered by the appropriate State examining board generally meet the duties requirements for the learned professional exemption. Licensed practical nurses and other similar health care employees, however, generally do not qualify as exempt learned professionals because possession of a specialized advanced academic degree is not a standard prerequisite for entry into such occupations. (3) Dental hygienists. Dental hygienists who have successfully completed four academic years of pre-professional and professional study in an accredited college or university approved by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs of the American Dental Association generally meet the duties requirements for the learned professional exemption. (4) Physician assistants. Physician assistants who have successfully completed four academic years of pre-professional and professional study, including graduation from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant, and who are certified by the National Commission on Certification of Physician Assistants generally meet the duties requirements for the learned professional exemption. (5) Accountants. Certified public
accountants generally meet the duties requirements for the learned professional exemption. In addition, many other accountants who are not certified public accountants but perform similar job duties may qualify as exempt learned professionals. However, accounting clerks, bookkeepers and other employees who normally perform a great deal of routine work generally will not qualify as exempt professionals. (6) Chefs. Chefs, such as executive chefs and sous chefs, who have attained a four-year specialized academic degree in a culinary arts program, generally meet the duties requirements for the learned professional exemption. The learned professional exemption is not available to cooks who perform predominantly routine mental, manual, mechanical or physical work. (7) Paralegals. Paralegals and legal assistants generally do not qualify as exempt learned professionals because an advanced specialized academic degree is not a standard prerequisite for entry into the field. Although many paralegals possess general four-year advanced degrees, most specialized paralegal programs are two-year associate degree programs from a community college or equivalent institution. However, the learned professional exemption is available for paralegals who possess advanced specialized degrees in other professional fields and apply advanced knowledge in that field in the performance of their duties. For example, if a law firm hires an engineer as a paralegal to provide expert advice on product liability cases or to assist on patent matters, that engineer would qualify for exemption. (8) Athletic trainers. Athletic trainers who have successfully completed four academic years of pre-professional and professional study in a specialized curriculum accredited by the Commission on Accreditation of Allied Health Education Programs and who are certified by the Board of Certification of the National Athletic Trainers Association Board of Certification generally meet the duties requirements for the learned professional exemption. (9) Funeral directors or embalmers. Licensed funeral directors and embalmers who are licensed by and working in a state that requires successful completion of four academic years of pre-professional and professional study, including graduation from a college of mortuary science accredited by the American Board of Funeral Service Education, generally meet the duties requirements for the learned professional exemption.

(f) The areas in which the professional exemption may be available are expanding. As knowledge is developed, academic training is broadened and specialized degrees are offered in new and diverse fields, thus creating new specialists in particular fields of science or learning. When an advanced specialized degree has become a standard requirement for a particular occupation, that occupation may have acquired the characteristics of a learned profession. Accrediting and certifying organizations similar to those listed in paragraphs (e)(1), (e)(3), (e)(4), (e)(8) and (e)(9) of this section also may be created in the future. Such organizations may develop similar specialized curriculums and certification programs which, if a standard requirement for a particular occupation, may indicate that the occupation has acquired the characteristics of a learned profession.

Sec. 541.302 Creative professionals.
(a) To qualify for the creative professional exemption, an employee's primary duty must be the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as opposed to routine mental, manual, mechanical or physical work. The exemption does not apply to work which can be produced by a person with general manual or intellectual ability and training.
(b) To qualify for exemption as a creative professional, the work performed must be "in a recognized field of artistic or creative endeavor." This includes such fields as music, writing,
acting and the graphic arts.

(c) The requirement of "invention, imagination, originality or talent" distinguishes the creative professions from work that primarily depends on intelligence, diligence and accuracy. The duties of employees vary widely, and exemption as a creative professional depends on the extent of the invention, imagination, originality or talent exercised by the employee. Determination of exempt creative professional status, therefore, must be made on a case-by-case basis. This requirement generally is met by actors, musicians, composers, conductors, and soloists; painters who at most are given the subject matter of their painting; cartoonists who are merely told the title or underlying concept of a cartoon and must rely on their own creative ability to express the concept; essayists, novelists, short-story writers and screen-play writers who choose their own subjects and hand in a finished piece of work to their employers (the majority of such persons are, of course, not employees but self-employed); and persons holding the more responsible writing positions in advertising agencies. This requirement generally is not met by a person who is employed as a copyist, as an " animator" of motion-picture cartoons, or as a retoucher of photographs, since such work is not properly described as creative in character.

(d) Journalists may satisfy the duties requirements for the creative professional exemption if their primary duty is work requiring invention, imagination, originality or talent, as opposed to work which depends primarily on intelligence, diligence and accuracy. Employees of newspapers, magazines, television and other media are not exempt creative professionals if they only collect, organize and record information that is routine or already public, or if they do not contribute a unique interpretation or analysis to a news product. Thus, for example, newspaper reporters who merely rewrite press releases or who write standard recounts of public information by gathering facts on routine community events are not exempt creative professionals. Reporters also do not qualify as exempt creative professionals if their work product is subject to substantial control by the employer. However, journalists may qualify as exempt creative professionals if their primary duty is performing on the air in radio, television or other electronic media; conducting investigative interviews; analyzing or interpreting public events; writing editorials, opinion columns or other commentary; or acting as a narrator or commentator.

Sec. 541.303 Teachers.

(a) The term "employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act also means any employee with a primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an educational establishment by which the employee is employed. The term "educational establishment" is defined in Sec. 541.204(b).

(b) Exempt teachers include, but are not limited to: Regular academic teachers; teachers of kindergarten or nursery school pupils; teachers of gifted or disabled children; teachers of skilled and semi-skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music instructors. Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate or journalism are engaged in teaching. Such activities are a recognized part of the schools' responsibility in contributing to the educational development of the student.

(c) The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching
professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or unlimited) used by the State to refer to different kinds of certificates. However, private schools and public schools are not uniform in requiring a certificate for employment as an elementary or secondary school teacher, and a teacher's certificate is not generally necessary for employment in institutions of higher education or other educational establishments. Therefore, a teacher who is not certified may be considered for exemption, provided that such individual is employed as a teacher by the employing school or school system.

(d) The requirements of Sec. 541.300 and Subpart G (salary requirements) of this part do not apply to the teaching professionals described in this section.

Sec. 541.304 Practice of law or medicine.
(a) The term "employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act also shall mean: (1) Any employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and is actually engaged in the practice thereof; and (2) Any employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of the profession.
(b) In the case of medicine, the exemption applies to physicians and other practitioners licensed and practicing in the field of medical science and healing or any of the medical specialties practiced by physicians or practitioners. The term "physicians" includes medical doctors including general practitioners and specialists, osteopathic physicians (doctors of osteopathy), podiatrists, dentists (doctors of dental medicine), and optometrists (doctors of optometry or bachelors of science in optometry).
(c) Employees engaged in internship or resident programs, whether or not licensed to practice prior to commencement of the program, qualify as exempt professionals if they enter such internship or resident programs after the earning of the appropriate degree required for the general practice of their profession.
(d) The requirements of Sec. 541.300 and subpart G (salary requirements) of this part do not apply to the employees described in this section.

Subpart E--Computer Employees

Sec. 541.400 General rule for computer employees.
(a) Computer systems analysts, computer programmers, software engineers or other similarly skilled workers in the computer field are eligible for exemption as professionals under section 13(a)(1) of the Act and under section 13(a)(17) of the Act. Because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the applicability of this exemption.
(b) The section 13(a)(1) exemption applies to any computer employee compensated on a salary or fee basis at a rate of not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities, and the section 13(a)(17) exemption applies to any computer employee compensated on an hourly basis at a rate not less than $27.63 an hour. In addition, under either section 13(a)(1) or section 13(a)(17) of the Act, the exemptions apply only to computer employees whose primary duty consists of: (1) The application of systems analysis techniques and procedures, including
consulting with users, to determine hardware, software or system functional specifications; (2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications; (3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or (4) A combination of the aforementioned duties, the performance of which requires the same level of skills.

(c) The term "salary basis" is defined at Sec. 541.602; "fee basis" is defined at Sec. 541.605; "board, lodging or other facilities" is defined at Sec. 541.606; and "primary duty" is defined at Sec. 541.700.

Sec. 541.401 Computer manufacture and repair. The exemption for employees in computer occupations does not include employees engaged in the manufacture or repair of computer hardware and related equipment. Employees whose work is highly dependent upon, or facilitated by, the use of computers and computer software programs (e.g., engineers, drafters and others skilled in computer-aided design software), but who are not primarily engaged in computer systems analysis and programming or other similarly skilled computer-related occupations identified in Sec. 541.400(b), are also not exempt computer professionals.

Sec. 541.402 Executive and administrative computer employees. Computer employees within the scope of this exemption, as well as those employees not within its scope, may also have executive and administrative duties which qualify the employees for exemption under subpart B or subpart C of this part. For example, systems analysts and computer programmers generally meet the duties requirements for the administrative exemption if their primary duty includes work such as planning, scheduling, and coordinating activities required to develop systems to solve complex business, scientific or engineering problems of the employer or the employer's customers. Similarly, a senior or lead computer programmer who manages the work of two or more other programmers in a customarily recognized department or subdivision of the employer, and whose recommendations as to the hiring, firing, advancement, promotion or other change of status of the other programmers are given particular weight, generally meets the duties requirements for the executive exemption.

Subpart F--Outside Sales Employees

Sec. 541.500 General rule for outside sales employees. (a) The term "employee employed in the capacity of outside salesman" in section 13(a)(1) of the Act shall mean any employee: (1) Whose primary duty is: (i) Making sales within the meaning of section 3(k) of the Act, or (ii) Obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and (2) Who is customarily and regularly engaged away from the employer's place or places of business in performing such primary duty.

(b) The term "primary duty" is defined at Sec. 541.700. In determining the primary duty of an outside sales employee, work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall be regarded as exempt outside sales work. Other work that furthers the employee's sales efforts also shall be regarded as exempt work including, for example, writing sales reports, updating or revising the employee's sales or display catalogue, planning itineraries and attending sales conferences.
(c) The requirements of subpart G (salary requirements) of this part do not apply to the outside sales employees described in this section.

Sec. 541.501 Making sales or obtaining orders.
(a) Section 541.500 requires that the employee be engaged in: (1) Making sales within the meaning of section 3(k) of the Act, or (2) Obtaining orders or contracts for services or for the use of facilities.
(b) Sales within the meaning of section 3(k) of the Act include the transfer of title to tangible property, and in certain cases, of tangible and valuable evidences of intangible property. Section 3(k) of the Act states that "sale" or "sell" includes any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition.
(c) Exempt outside sales work includes not only the sales of commodities, but also "obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer." Obtaining orders for "the use of facilities" includes the selling of time on radio or television, the solicitation of advertising for newspapers and other periodicals, and the solicitation of freight for railroads and other transportation agencies.
(d) The word "services" extends the outside sales exemption to employees who sell or take orders for a service, which may be performed for the customer by someone other than the person taking the order.

Sec. 541.502 Away from employer's place of business. An outside sales employee must be customarily and regularly engaged "away from the employer's place or places of business." The outside sales employee is an employee who makes sales at the customer's place of business or, if selling door-to-door, at the customer's home. Outside sales does not include sales made by mail, telephone or the Internet unless such contact is used merely as an adjunct to personal calls. Thus, any fixed site, whether home or office, used by a salesperson as a headquarters or for telephonic solicitation of sales is considered one of the employer's places of business, even though the employer is not in any formal sense the owner or tenant of the property. However, an outside sales employee does not lose the exemption by displaying samples in hotel sample rooms during trips from city to city; these sample rooms should not be considered as the employer's places of business. Similarly, an outside sales employee does not lose the exemption by displaying the employer's products at a trade show. If selling actually occurs, rather than just sales promotion, trade shows of short duration (i.e., one or two weeks) should not be considered as the employer's place of business.

Sec. 541.503 Promotion work.
(a) Promotion work is one type of activity often performed by persons who make sales, which may or may not be exempt outside sales work, depending upon the circumstances under which it is performed. Promotional work that is actually performed incidental to and in conjunction with an employee's own outside sales or solicitations is exempt work. On the other hand, promotional work that is incidental to sales made, or to be made, by someone else is not exempt outside sales work. An employer who does not satisfy the requirements of this subpart may still qualify as an exempt employee under other subparts of this rule.
(b) A manufacturer's representative, for example, may perform various types of promotional activities such as putting up displays and posters, removing damaged or spoiled stock from the merchant's shelves or rearranging the merchandise. Such an employee can be considered an
exempt outside sales employee if the employee's primary duty is making sales or contracts. Promotion activities directed toward consummation of the employee's own sales are exempt. Promotional activities designed to stimulate sales that will be made by someone else are not exempt outside sales work.

(c) Another example is a company representative who visits chain stores, arranges the merchandise on shelves, replenishes stock by replacing old with new merchandise, sets up displays and consults with the store manager when inventory runs low, but does not obtain a commitment for additional purchases. The arrangement of merchandise on the shelves or the replenishing of stock is not exempt work unless it is incidental to and in conjunction with the employee's own outside sales. Because the employee in this instance does not consummate the sale nor direct efforts toward the consummation of a sale, the work is not exempt outside sales work.

Sec. 541.504 Drivers who sell.

(a) Drivers who deliver products and also sell such products may qualify as exempt outside sales employees only if the employee has a primary duty of making sales. In determining the primary duty of drivers who sell, work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including loading, driving or delivering products, shall be regarded as exempt outside sales work.

(b) Several factors should be considered in determining if a driver has a primary duty of making sales, including, but not limited to: a comparison of the driver's duties with those of other employees engaged as truck drivers and as salespersons; possession of a selling or solicitor's license when such license is required by law or ordinances; presence or absence of customary or contractual arrangements concerning amounts of products to be delivered; description of the employee's occupation in collective bargaining agreements; the employer's specifications as to qualifications for hiring; sales training; attendance at sales conferences; method of payment; and proportion of earnings directly attributable to sales.

(c) Drivers who may qualify as exempt outside sales employees include: (1) A driver who provides the only sales contact between the employer and the customers visited, who calls on customers and takes orders for products, who delivers products from stock in the employee's vehicle or procures and delivers the product to the customer on a later trip, and who receives compensation commensurate with the volume of products sold. (2) A driver who obtains or solicits orders for the employer's products from persons who have authority to commit the customer for purchases. (3) A driver who calls on new prospects for customers along the employee's route and attempts to convince them of the desirability of accepting regular delivery of goods. (4) A driver who calls on established customers along the route and persuades regular customers to accept delivery of increased amounts of goods or of new products, even though the initial sale or agreement for delivery was made by someone else.

(d) Drivers who generally would not qualify as exempt outside sales employees include: (1) A route driver whose primary duty is to transport products sold by the employer through vending machines and to keep such machines stocked, in good operating condition, and in good locations. (2) A driver who often calls on established customers day after day or week after week, delivering a quantity of the employer's products at each call when the sale was not significantly affected by solicitations of the customer by the delivering driver or the amount of the sale is determined by the volume of the customer's sales since the previous delivery. (3) A driver primarily engaged in making deliveries to customers and performing activities intended to
promote sales by customers (including placing point-of-sale and other advertising materials, price stamping commodities, arranging merchandise on shelves, in coolers or in cabinets, rotating stock according to date, and cleaning and otherwise servicing display cases), unless such work is in furtherance of the driver's own sales efforts.

Subpart G--Salary Requirements

Sec. 541.600 Amount of salary required.
(a) To qualify as an exempt executive, administrative or professional employee under section 13(a)(1) of the Act, an employee must be compensated on a salary basis at a rate of not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities. Administrative and professional employees may also be paid on a fee basis, as defined in Sec. 541.605.
(b) The $455 a week may be translated into equivalent amounts for periods longer than one week. The requirement will be met if the employee is compensated biweekly on a salary basis of $910, semimonthly on a salary basis of $985.83, or monthly on a salary basis of $1,971.66. However, the shortest period of payment that will meet this compensation requirement is one week.
(c) In the case of academic administrative employees, the compensation requirement also may be met by compensation on a salary basis at a rate at least equal to the entrance salary for teachers in the educational establishment by which the employee is employed, as provided in Sec. 541.204(a)(1).
(d) In the case of computer employees, the compensation requirement also may be met by compensation on an hourly basis at a rate not less than $27.63 an hour, as provided in Sec. 541.400(b).
(e) In the case of professional employees, the compensation requirements in this section shall not apply to employees engaged as teachers (see Sec. 541.303); employees who hold a valid license or certificate permitting the practice of law or medicine or any of their branches and are actually engaged in the practice thereof (see Sec. 541.304); or to employees who hold the requisite academic degree for the general practice of medicine and are engaged in an internship or resident program pursuant to the practice of the profession (see Sec. 541.304). In the case of medical occupations, the exception from the salary or fee requirement does not apply to pharmacists, nurses, therapists, technologists, sanitarians, dietitians, social workers, psychologists, psychometrists, or other professions which service the medical profession.

Sec. 541.601 Highly compensated employees.
(a) An employee with total annual compensation of at least $100,000 is deemed exempt under section 13(a)(1) of the Act if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee identified in subparts B, C or D of this part.
(b) (1) "Total annual compensation" must include at least $455 per week paid on a salary or fee basis. Total annual compensation may also include commissions, nondiscretionary bonuses and other nondiscretionary compensation earned during a 52-week period. Total annual compensation does not include board, lodging and other facilities as defined in Sec. 541.606, and does not include payments for medical insurance, payments for life insurance, contributions to retirement plans and the cost of other fringe benefits. (2) If an employee's total annual
compensation does not total at least the minimum amount established in paragraph (a) of this section by the last pay period of the 52-week period, the employer may, during the last pay period or within one month after the end of the 52-week period, make one final payment sufficient to achieve the required level. For example, an employee may earn $80,000 in base salary, and the employer may anticipate based upon past sales that the employee also will earn $20,000 in commissions. However, due to poor sales in the final quarter of the year, the employee actually only earns $10,000 in commissions. In this situation, the employer may within one month after the end of the year make a payment of at least $10,000 to the employee. Any such final payment made after the end of the 52-week period may count only toward the prior year's total annual compensation and not toward the total annual compensation in the year it was paid. If the employer fails to make such a payment, the employee does not qualify as a highly compensated employee, but may still qualify as exempt under subparts B, C or D of this part. (3) An employee who does not work a full year for the employer, either because the employee is newly hired after the beginning of the year or ends the employment before the end of the year, may qualify for exemption under this section if the employee receives a pro rata portion of the minimum amount established in paragraph (a) of this section, based upon the number of weeks that the employee will be or has been employed. An employer may make one final payment as under paragraph (b)(2) of this section within one month after the end of employment. (4) The employer may utilize any 52-week period as the year, such as a calendar year, a fiscal year, or an anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply.

(c) A high level of compensation is a strong indicator of an employee's exempt status, thus eliminating the need for a detailed analysis of the employee's job duties. Thus, a highly compensated employee will qualify for exemption if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee identified in subparts B, C or D of this part. An employee may qualify as a highly compensated executive employee, for example, if the employee customarily and regularly directs the work of two or more other employees, even though the employee does not meet all of the other requirements for the executive exemption under Sec. 541.100.

(d) This section applies only to employees whose primary duty includes performing office or non-manual work. Thus, for example, non-management production-line workers and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers, laborers and other employees who perform work involving repetitive operations with their hands, physical skill and energy are not exempt under this section no matter how highly paid they might be.

Sec. 541.602 Salary basis.

(a) General rule. An employee will be considered to be paid on a "salary basis" within the meaning of these regulations if the employee regularly receives each pay period on a weekly, or less frequent basis, a predetermined amount constituting all or part of the employee's compensation, which amount is not subject to reduction because of variations in the quality or quantity of the work performed. Subject to the exceptions provided in paragraph (b) of this section, an exempt employee must receive the full salary for any week in which the employee performs any work without regard to the number of days or hours worked. Exempt employees need not be paid for any workweek in which they perform no work. An employee is not paid on a
salary basis if deductions from the employee's predetermined compensation are made for absences occasioned by the employer or by the operating requirements of the business. If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

(b) Exceptions. The prohibition against deductions from pay in the salary basis requirement is subject to the following exceptions: (1) Deductions from pay may be made when an exempt employee is absent from work for one or more full days for personal reasons, other than sickness or disability. Thus, if an employee is absent for two full days to handle personal affairs, the employee's salaried status will not be affected if deductions are made from the salary for two full-day absences. However, if an exempt employee is absent for one and a half days for personal reasons, the employer can deduct only for the one full-day absence. (2) Deductions from pay may be made for absences of one or more full days occasioned by sickness or disability (including work-related accidents) if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for loss of salary occasioned by such sickness or disability. The employer is not required to pay any portion of the employee's salary for full-day absences for which the employee receives compensation under the plan, policy or practice. Deductions for such full-day absences also may be made before the employee has qualified under the plan, policy or practice, and after the employee has exhausted the leave allowance thereunder. Thus, for example, if an employer maintains a short-term disability insurance plan providing salary replacement for 12 weeks starting on the fourth day of absence, the employer may make deductions from pay for the three days of absence before the employee qualifies for benefits under the plan; for the twelve weeks in which the employee receives salary replacement benefits under the plan; and for absences after the employee has exhausted the 12 weeks of salary replacement benefits. Similarly, an employer may make deductions from pay for absences of one or more full days if salary replacement benefits are provided under a State disability insurance law or under a State workers' compensation law. (3) While an employer cannot make deductions from pay for absences of an exempt employee occasioned by jury duty, attendance as a witness or temporary military leave, the employer can offset any amounts received by an employee as jury fees, witness fees or military pay for a particular week against the salary due for that particular week without loss of the exemption. (4) Deductions from pay of exempt employees may be made for penalties imposed in good faith for infractions of safety rules of major significance. Safety rules of major significance include those relating to the prevention of serious danger in the workplace or to other employees, such as rules prohibiting smoking in explosive plants, oil refineries and coal mines. (5) Deductions from pay of exempt employees may be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules. Such suspensions must be imposed pursuant to a written policy applicable to all employees. Thus, for example, an employer may suspend an exempt employee without pay for three days for violating a generally applicable written policy prohibiting sexual harassment. Similarly, an employer may suspend an exempt employee without pay for twelve days for violating a generally applicable written policy prohibiting workplace violence. (6) An employer is not required to pay the full salary in the initial or terminal week of employment. Rather, an employer may pay a proportionate part of an employee's full salary for the time actually worked in the first and last week of employment. In such weeks, the payment of an hourly or daily equivalent of the employee's full salary for the time actually worked will meet the requirement. However, employees are not paid on a salary basis within the meaning of these regulations if they are employed occasionally for a few days, and the employer pays them a
proportionate part of the weekly salary when so employed. (7) An employer is not required to pay the full salary for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. Rather, when an exempt employee takes unpaid leave under the Family and Medical Leave Act, an employer may pay a proportionate part of the full salary for time actually worked. For example, if an employee who normally works 40 hours per week uses four hours of unpaid leave under the Family and Medical Leave Act, the employer could deduct 10 percent of the employee's normal salary that week.

(c) When calculating the amount of a deduction from pay allowed under paragraph (b) of this section, the employer may use the hourly or daily equivalent of the employee's full weekly salary or any other amount proportional to the time actually missed by the employee. A deduction from pay as a penalty for violations of major safety rules under paragraph (b)(4) of this section may be made in any amount.

Sec. 541.603 Effect of improper deductions from salary.

(a) An employer who makes improper deductions from salary shall lose the exemption if the facts demonstrate that the employer did not intend to pay employees on a salary basis. An actual practice of making improper deductions demonstrates that the employer did not intend to pay employees on a salary basis. The factors to consider when determining whether an employer has an actual practice of making improper deductions include, but are not limited to: the number of improper deductions, particularly as compared to the number of employee infractions warranting discipline; the time period during which the employer made improper deductions; the number and geographic location of employees whose salary was improperly reduced; the number and geographic location of managers responsible for taking the improper deductions; and whether the employer has a clearly communicated policy permitting or prohibiting improper deductions.

(b) If the facts demonstrate that the employer has an actual practice of making improper deductions, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. Employees in different job classifications or who work for different managers do not lose their status as exempt employees. Thus, for example, if a manager at a company facility routinely docks the pay of engineers at that facility for partial-day personal absences, then all engineers at that facility whose pay could have been improperly docked by the manager would lose the exemption; engineers at other facilities or working for other managers, however, would remain exempt.

(c) Improper deductions that are either isolated or inadvertent will not result in loss of the exemption for any employees subject to such improper deductions, if the employer reimburses the employees for such improper deductions.

(d) If an employer has a clearly communicated policy that prohibits the improper pay deductions specified in Sec. 541.602(a) and includes a complaint mechanism, reimburses employees for any improper deductions and makes a good faith commitment to comply in the future, such employer will not lose the exemption for any employees unless the employer willfully violates the policy by continuing to make improper deductions after receiving employee complaints. If an employer fails to reimburse employees for any improper deductions or continues to make improper deductions after receiving employee complaints, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. The best evidence of a clearly communicated policy is a written policy that was distributed to employees prior to the
improper pay deductions by, for example, providing a copy of the policy to employees at the time of hire, publishing the policy in an employee handbook or publishing the policy on the employer's Intranet.

(e) This section shall not be construed in an unduly technical manner so as to defeat the exemption.

Sec. 541.604 Minimum guarantee plus extras.

(a) An employer may provide an exempt employee with additional compensation without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly-required amount paid on a salary basis. Thus, for example, an exempt employee guaranteed at least $455 each week paid on a salary basis may also receive additional compensation of a one percent commission on sales. An exempt employee also may receive a percentage of the sales or profits of the employer if the employment arrangement also includes a guarantee of at least $455 each week paid on a salary basis. Similarly, the exemption is not lost if an exempt employee who is guaranteed at least $455 each week paid on a salary basis also receives additional compensation based on hours worked for work beyond the normal workweek. Such additional compensation may be paid on any basis (e.g., flat sum, bonus payment, straight-time hourly amount, time and one-half or any other basis), and may include paid time off.

(b) An exempt employee's earnings may be computed on an hourly, a daily or a shift basis, without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly required amount paid on a salary basis regardless of the number of hours, days or shifts worked, and a reasonable relationship exists between the guaranteed amount and the amount actually earned. The reasonable relationship test will be met if the weekly guarantee is roughly equivalent to the employee's usual earnings at the assigned hourly, daily or shift rate for the employee's normal scheduled workweek. Thus, for example, an exempt employee guaranteed compensation of at least $500 for any week in which the employee performs any work, and who normally works four or five shifts each week, may be paid $150 per shift without violating the salary basis requirement. The reasonable relationship requirement applies only if the employee's pay is computed on an hourly, daily or shift basis. It does not apply, for example, to an exempt store manager paid a guaranteed salary of $650 per week who also receives a commission of one-half percent of all sales in the store or five percent of the store's profits, which in some weeks may total as much as, or even more than, the guaranteed salary.

Sec. 541.605 Fee basis.

(a) Administrative and professional employees may be paid on a fee basis, rather than on a salary basis. An employee will be considered to be paid on a "fee basis" within the meaning of these regulations if the employee is paid an agreed sum for a single job regardless of the time required for its completion. These payments resemble piecework payments with the important distinction that generally a "fee" is paid for the kind of job that is unique rather than for a series of jobs repeated an indefinite number of times and for which payment on an identical basis is made over and over again. Payments based on the number of hours or days worked and not on the accomplishment of a given single task are not considered payments on a fee basis.

(b) To determine whether the fee payment meets the minimum amount of salary required for exemption under these regulations, the amount paid to the employee will be tested by
determining the time worked on the job and whether the fee payment is at a rate that would amount to at least $455 per week if the employee worked 40 hours. Thus, an artist paid $250 for a picture that took 20 hours to complete meets the minimum salary requirement for exemption since earnings at this rate would yield the artist $500 if 40 hours were worked.

Sec. 541.606 Board, lodging or other facilities.
(a) To qualify for exemption under section 13(a)(1) of the Act, an employee must earn the minimum salary amount set forth in Sec. 541.600, "exclusive of board, lodging or other facilities." The phrase "exclusive of board, lodging or other facilities" means "free and clear" or independent of any claimed credit for non-cash items of value that an employer may provide to an employee. Thus, the costs incurred by an employer to provide an employee with board, lodging or other facilities may not count towards the minimum salary amount required for exemption under this part 541. Such separate transactions are not prohibited between employers and their exempt employees, but the costs to employers associated with such transactions may not be considered when determining if an employee has received the full required minimum salary payment.

(b) Regulations defining what constitutes "board, lodging, or other facilities" are contained in 29 CFR part 531. As described in 29 CFR 531.32, the term "other facilities" refers to items similar to board and lodging, such as meals furnished at company restaurants or cafeterias or by hospitals, hotels, or restaurants to their employees; meals, dormitory rooms, and tuition furnished by a college to its student employees; merchandise furnished at company stores or commissaries, including articles of food, clothing, and household effects; housing furnished for dwelling purposes; and transportation furnished to employees for ordinary commuting between their homes and work. [NOTE: There is good cause for the inclusion of subsection (b): The regulations referenced in this paragraph at 29 CFR 531.29 are not substantive regulations, but are “interpretive” regulations which were not incorporated in Part 531 of the CAA regulations adopted in 1996. However, the Board of Directors has determined that, since these particular interpretive regulations are incorporated by reference in the new substantive regulations, employing offices and employees may reference these particular interpretive regulations as part of the new substantive regulations as proposed here.]

Subpart H--Definitions and Miscellaneous Provisions

Sec. 541.700 Primary duty.
(a) To qualify for exemption under this part, an employee's "primary duty" must be the performance of exempt work. The term "primary duty" means the principal, main, major or most important duty that the employee performs. Determination of an employee's primary duty must be based on all the facts in a particular case, with the major emphasis on the character of the employee's job as a whole. Factors to consider when determining the primary duty of an employee include, but are not limited to, the relative importance of the exempt duties as compared with other types of duties; the amount of time spent performing exempt work; the employee's relative freedom from direct supervision; and the relationship between the employee's salary and the wages paid to other employees for the kind of nonexempt work performed by the employee.

(b) The amount of time spent performing exempt work can be a useful guide in determining whether exempt work is the primary duty of an employee. Thus, employees who spend more than
50 percent of their time performing exempt work will generally satisfy the primary duty requirement. Time alone, however, is not the sole test, and nothing in this section requires that exempt employees spend more than 50 percent of their time performing exempt work. Employees who do not spend more than 50 percent of their time performing exempt duties may nonetheless meet the primary duty requirement if the other factors support such a conclusion.

(c) Thus, for example, assistant managers in a retail establishment who perform exempt executive work such as supervising and directing the work of other employees, ordering merchandise, managing the budget and authorizing payment of bills may have management as their primary duty even if the assistant managers spend more than 50 percent of the time performing nonexempt work such as running the cash register. However, if such assistant managers are closely supervised and earn little more than the nonexempt employees, the assistant managers generally would not satisfy the primary duty requirement.

Sec. 541.701 Customarily and regularly. The phrase "customarily and regularly" means a frequency that must be greater than occasional but which, of course, may be less than constant. Tasks or work performed "customarily and regularly" includes work normally and recurrently performed every workweek; it does not include isolated or one-time tasks.

Sec. 541.702 Exempt and nonexempt work. The term "exempt work" means all work described in Sec. 541.100, 541.101, 541.200, 541.300, 541.301, 541.302, 541.303, 541.304, 541.400 and 541.500, and the activities directly and closely related to such work. All other work is considered "nonexempt."

Sec. 541.703 Directly and closely related.
(a) Work that is "directly and closely related" to the performance of exempt work is also considered exempt work. The phrase "directly and closely related" means tasks that are related to exempt duties and that contribute to or facilitate performance of exempt work. Thus, "directly and closely related" work may include physical tasks and menial tasks that arise out of exempt duties, and the routine work without which the exempt employee's exempt work cannot be performed properly. Work "directly and closely related" to the performance of exempt duties may also include recordkeeping; monitoring and adjusting machinery; taking notes; using the computer to create documents or presentations; opening the mail for the purpose of reading it and making decisions; and using a photocopier or fax machine. Work is not "directly and closely related" if the work is remotely related or completely unrelated to exempt duties.
(b) The following examples further illustrate the type of work that is and is not normally considered as directly and closely related to exempt work: (1) Keeping time, production or sales records for subordinates is work directly and closely related to an exempt executive's function of managing a department and supervising employees. (2) The distribution of materials, merchandise or supplies to maintain control of the flow of and expenditures for such items is directly and closely related to the performance of exempt duties. (3) A supervisor who spot checks and examines the work of subordinates to determine whether they are performing their duties properly, and whether the product is satisfactory, is performing work which is directly and closely related to managerial and supervisory functions, so long as the checking is distinguishable from the work ordinarily performed by a nonexempt inspector. (4) A supervisor who sets up a machine may be engaged in exempt work, depending upon the nature of the industry and the operation. In some cases the setup work, or adjustment of the machine for a
particular job, is typically performed by the same employees who operate the machine. Such setup work is part of the production operation and is not exempt. In other cases, the setting up of the work is a highly skilled operation which the ordinary production worker or machine tender typically does not perform. In large plants, non-supervisors may perform such work. However, particularly in small plants, such work may be a regular duty of the executive and is directly and closely related to the executive's responsibility for the work performance of subordinates and for the adequacy of the final product. Under such circumstances, it is exempt work. (5) A department manager in a retail or service establishment who walks about the sales floor observing the work of sales personnel under the employee's supervision to determine the effectiveness of their sales techniques, checks on the quality of customer service being given, or observes customer preferences is performing work which is directly and closely related to managerial and supervisory functions. (6) A business consultant may take extensive notes recording the flow of work and materials through the office or plant of the client; after returning to the office of the employer, the consultant may personally use the computer to type a report and create a proposed table of organization. Standing alone, or separated from the primary duty, such note-taking and typing would be routine in nature. However, because this work is necessary for analyzing the data and making recommendations, the work is directly and closely related to exempt work. While it is possible to assign note-taking and typing to nonexempt employees, and in fact it is frequently the practice to do so, delegating such routine tasks is not required as a condition of exemption. (7) A credit manager who makes and administers the credit policy of the employer, establishes credit limits for customers, authorizes the shipment of orders on credit, and makes decisions on whether to exceed credit limits would be performing work exempt under Sec. 541.200. Work that is directly and closely related to these exempt duties may include checking the status of accounts to determine whether the credit limit would be exceeded by the shipment of a new order, removing credit reports from the files for analysis, and writing letters giving credit data and experience to other employers or credit agencies. (8) A traffic manager in charge of planning a company's transportation, including the most economical and quickest routes for shipping merchandise to and from the plant, contracting for common-carrier and other transportation facilities, negotiating with carriers for adjustments for damages to merchandise, and making the necessary rearrangements resulting from delays, damages or irregularities in transit, is performing exempt work. If the employee also spends part of the day taking telephone orders for local deliveries, such order-taking is a routine function and is not directly and closely related to the exempt work. (9) An example of work directly and closely related to exempt professional duties is a chemist performing menial tasks such as cleaning a test tube in the middle of an original experiment, even though such menial tasks can be assigned to laboratory assistants. (10) A teacher performs work directly and closely related to exempt duties when, while taking students on a field trip, the teacher drives a school van or monitors the students' behavior in a restaurant.

Sec. 541.704 Use of manuals. The use of manuals, guidelines or other established procedures containing or relating to highly technical, scientific, legal, financial or other similarly complex matters that can be understood or interpreted only by those with advanced or specialized knowledge or skills does not preclude exemption under section 13(a)(1) of the Act or the regulations in this part. Such manuals and procedures provide guidance in addressing difficult or novel circumstances and thus use of such reference material would not affect an employee's exempt status. The section 13(a)(1) exemptions are not available, however, for employees who
simply apply well-established techniques or procedures described in manuals or other sources within closely prescribed limits to determine the correct response to an inquiry or set of circumstances.

Sec. 541.705 Trainees. The executive, administrative, professional, outside sales and computer employee exemptions do not apply to employees training for employment in an executive, administrative, professional, outside sales or computer employee capacity who are not actually performing the duties of an executive, administrative, professional, outside sales or computer employee.

Sec. 541.706 Emergencies.
(a) An exempt employee will not lose the exemption by performing work of a normally nonexempt nature because of the existence of an emergency. Thus, when emergencies arise that threaten the safety of employees, a cessation of operations or serious damage to the employer's property, any work performed in an effort to prevent such results is considered exempt work.
(b) An "emergency" does not include occurrences that are not beyond control or for which the employer can reasonably provide in the normal course of business. Emergencies generally occur only rarely, and are events that the employer cannot reasonably anticipate.
(c) The following examples illustrate the distinction between emergency work considered exempt work and routine work that is not exempt work: (1) A mine superintendent who pitches in after an explosion and digs out workers who are trapped in the mine is still a bona fide executive. (2) Assisting nonexempt employees with their work during periods of heavy workload or to handle rush orders is not exempt work. (3) Replacing a nonexempt employee during the first day or partial day of an illness may be considered exempt emergency work depending on factors such as the size of the establishment and of the executive's department, the nature of the industry, the consequences that would flow from the failure to replace the ailing employee immediately, and the feasibility of filling the employee's place promptly. (4) Regular repair and cleaning of equipment is not emergency work, even when necessary to prevent fire or explosion; however, repairing equipment may be emergency work if the breakdown of or damage to the equipment was caused by accident or carelessness that the employer could not reasonably anticipate.

Sec. 541.707 Occasional tasks. Occasional, infrequently recurring tasks that cannot practicably be performed by nonexempt employees, but are the means for an exempt employee to properly carry out exempt functions and responsibilities, are considered exempt work. The following factors should be considered in determining whether such work is exempt work: Whether the same work is performed by any of the exempt employee's subordinates; practicability of delegating the work to a nonexempt employee; whether the exempt employee performs the task frequently or occasionally; and existence of an industry practice for the exempt employee to perform the task.

Sec. 541.708 Combination exemptions. Employees who perform a combination of exempt duties as set forth in the regulations in this part for executive, administrative, professional, outside sales and computer employees may qualify for exemption. Thus, for example, an employee whose primary duty involves a combination of exempt administrative and exempt executive work may qualify for exemption. In other words, work that is exempt under one section of this part will not defeat the exemption under any other section.
Sec. 541.709 Motion picture producing industry. The requirement that the employee be paid "on a salary basis" does not apply to an employee in the motion picture producing industry who is compensated at a base rate of at least $695 a week (exclusive of board, lodging, or other facilities). Thus, an employee in this industry who is otherwise exempt under subparts B, C or D of this part, and who is employed at a base rate of at least $695 a week is exempt if paid a proportionate amount (based on a week of not more than 6 days) for any week in which the employee does not work a full workweek for any reason. Moreover, an otherwise exempt employee in this industry qualifies for exemption if the employee is employed at a daily rate under the following circumstances: (a) The employee is in a job category for which a weekly base rate is not provided and the daily base rate would yield at least $695 if 6 days were worked; or (b) The employee is in a job category having a weekly base rate of at least $695 and the daily base rate is at least one-sixth of such weekly base rate.

Sec. 541.710 Employees of Public Agencies. (a) An employee of a public agency who otherwise meets the salary basis requirements of section 541.602 shall not be disqualified from exemption under sections 541.100, 541.200, 541.300 or 541.400 on the basis that such employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the public agency employee’s pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because: (1) Permission for its use has not been sought or has been sought or denied; (2) Accrued leave has been exhausted; (3) The employee chooses to use leave without pay. (b) Deductions from the pay of an employee of a public agency for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except on the workweek in which the furlough occurs and for which the employee’s pay is accordingly reduced.

END
EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows: 1118. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, enclosing the Department’s final rule—Spring Viremia of Carp: Payment of Indemnity [Docket No. 02-09-12]—received February 9, 2005, pursuant to 5 U.S.C. 801(a)(2) A, to the Committee on Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. CAPITO: Committee on Rules. House Resolution 144. Resolution providing for further consideration of the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes (Rept. 109-159). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. CUBBIN: H.R. 1181. A bill to amend the Mineral Leasing Act to set forth procedures for the reinstatement of leases terminated due to unforeseeable circumstances; to the Committee on Resources.

By Mr. MILLER of North Carolina (for himself, Mr. Watt, and Mr. Frank of Massachusetts): H.R. 1182. A bill to amend the Truth in Lending Act to impose restrictions and limitations on high-cost mortgages, to revise the permissible fees and charges on certain loans made, to prohibit unfair or deceptive lending practices, and to provide for public education and counseling about predatory lending, and for other purposes; to the Committee on Financial Services.

By Mr. RAHALL: H.R. 1183. A bill to require the Secretary of the Interior to provide public access to Natchez National Wildlife Refuge, and Desecheo National Wildlife Refuge; to the Committee on Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. Waxman, Mr. Owens, Mr. Markey, Mr. Payne, Mr. Hinchey, Mr. Lantos, Ms. Lee, Mr. Edwards of Ohio, Mr. Cummings, Mr. Zoe Lofgren of California, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Filner, Ms. Wasserman Schultz, Mr. Farr, Mr. Howard, Mr. Hollen, Mr. McDermott, Ms. Watson, Mr. Olver, Mr. Abercrombie, Mr. Wexler, Mr. Clyburn, Mr. Flanagan, Mr. McGovern, Mr. Capuano, Ms. Carson, Mr. Velázquez, Ms. Edshoo, Mr. Stark, Mr. Kucinich, Mr. Matherson, Mr. Gutierrez, Mr. Grijalva, Mr. Israel, Mr. Thorney, Mr. Davis of Illinois, Mr. Allen, Mr. Towns, Ms. Watters, Ms. Conyers, Mr. Watt, Mr. Neral of Massachusetts, Ms. Linda T. Sánchez of California, Ms. Baldwin, Mrs. Jones of Ohio, Ms. Jackson-Lee of Texas, Mr. Rangel, Mr. Berman, Ms. Israel, Ms. Norton, and Ms. Scott): H.R. 1184. A bill to amend the Higher Education Act of 1965 to repeal the provisions prohibiting persons convicted of drug offenses from receiving student financial assistance; to the Committee on Education and the Workforce.

By Mr. BACHUS (for himself, Ms. Hooley, Mr. Oxley, Mr. Frank of Massachusetts, Mr. Gillmor, Mr. Kanjorski, Ms. Pryce of Ohio, Mr. Levin, Mr. Jones of North Carolina, Mr. Moore of Kansas, Mr. Ryun of Kansas, Mr. Israel, Mr. Ney, Mr. Tiberi, Mrs. Biggert, Mr. G. Davis of Alabama, Mr. Hinojosa, Mr. King of New York, Mrs. McCarthy, Ms. LoBiondo, Mr. Manzullo, Mr. Neugebauer, Mr. Ford, Mr. Towns, Mr. Renzi, Mr. Clay, Mr. Gary G. Miller of California, Mr. McCurdy, and Mr. Bartlett of Maryland): H.R. 1185. A bill to authorize funds for Federal deposit insurance system, and for other purposes; to the Committee on Financial Services.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. McCrery, Mr. Huls Hopkins, Mr. Cubin, Mr. Simmons, Mr. McCaul, Mr. LaHood, Mr. Gillmor, Mr. King of New York, Mr. Fossella, Mr. Hultgren, Mr. Baker, Mr. Paul, Mr. Beauprez, Mr. Norwood, Mr. Sensenig, Mr. Boren, and Mr. Sam Johnson of Texas): H.R. 1186. A bill to amend the Internal Revenue Code of 1986 to establish a minimum tax; to the Committee on Ways and Means.

By Mr. PALROMAVAPEA: H.R. 1187. A bill to authorize the extension of the supplemental security income program to American Samoa; to the Committee on Ways and Means.

By Mr. FILNER: H.R. 1188. A bill to amend title 10, United States Code, to support disabled veterans by extending military commissary and exchange store privileges to such veterans and their dependents and by authorizing space-available travel on military aircraft for such veterans and their dependents, to the Committee on Armed Services.

By Mr. GREEN of Wisconsin: H.R. 1189. A bill to amend title 18, United States Code, to eliminate the placing of sexual explicit photographs on the Internet without the permission of the persons photographed; to the Committee on the Judiciary.

By Mr. INSLEE (for himself, Mr. Ehlers, Mr. Boehmert, Mr. Pallone, Mr. Weldon of Pennsylvania, and Mr. Allen): H.R. 1190. A bill to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage and conservation opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes; to the Committee on Resources.

By Mr. INSLEE (for himself, Mr. Ehlers, Mr. Boehner, Mr. Pallone, Mr. Weldon of Pennsylvania, and Mr. Allen): H.R. 1191. A bill to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage and conservation opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes; to the Committee on Resources.

By Mr. RENZI: H.R. 1192. A bill to amend the Hate Crime Statistics Act to require the Attorney General to acquire data analyzing the manifest evidence of prejudice based on gender; to the Committee on the Judiciary.

By Mr. MATHESON (for himself, Ms. Beasley, and Mr. Biggers): H.R. 1193. A bill to protect public health and safety, and to secure the testing of nuclear weapons by the United States, to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY: H.R. 1194. A bill to increase public safety and reduce the threat to domestic security by including persons who were exposed during military service to herbicides from receiving student financial assistance; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, and Resources, for a period to be determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ORTIZ (for himself, Mr. Bonilla, Mr. Hinojosa, Mr. G. Green of Texas, Mr. Doggett, and Ms. Jackson-Lee): H.R. 1195. A bill to improve the security clearance process along the United States-Mexico border, to increase the number of detection beds, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSBORNE: H.R. 1196. A bill to extend the water service contract for the Ainsworth Unit, Sanhills Division, Pick-Sloan Missouri Basin Project, Nebraska; to the Committee on Resources.

By Mr. PETERSON of Minnesota: H.R. 1197. A bill to authorize and direct the Secretary of the Interior, in consultation and cooperation with the City of Los Angeles, and the Los Angeles Department of Water and Power, to provide for the development, construction, and operation of a surface water storage project for the purpose of obtaining a dependable and economically sound source of water for the City of Los Angeles, including a connection to the State Aqueduct, and for other purposes; to the Committee on Resources.

By Mr. McDERMOTT (for himself, Mr. Rangel, Mr. G. Miller of California, Mr. Hinchey, Mr. Dicks, Ms. Woolsey, Mr. Falir, Mr. Weiner, Mr. Rush, Mr. Brown of Ohio, Mr. Cucinich, Mr. Schakowsky, Ms. Lee, Mr. Conyers, Ms. Carson, Ms. Millender-McDonald, Mr. Olver, Mr. Payne, Mr. Berman, Mr. Rahall, Mr. Brown of Maryland, Mr. Christensen, Ms. Baldwin, Mr. Towns, Mr. Tierney, Mr. Thompson of Mississippi, Mr. Sanders, and Ms. Linda T. Sánchez of California): H.R. 1198. A bill to amend the Hate Crime Statistics Act to require the Attorney General to acquire data analyzing the manifest evidence of prejudice based on gender; to the Committee on the Judiciary.

By Mr. RENZI: H.R. 1199. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; to the Committee on Resources.

By Mr. McDERMOTT (for himself, Mr. Rangel, Mr. G. Miller of California, Mr. Hinchey, Mr. Dicks, Ms. Woolsey, Mr. Falir, Mr. Weiner, Mr. Rush, Mr. Brown of Ohio, Mr. Culinich, Mr. Schakowsky, Ms. Lee, Mr. Conyers, Mr. Carson, Ms. Millender-McDonald, Mr. Olver, Mr. Payne, Mr. Berman, Mr. Rahall, Mr. Brown of Maryland, Mr. Christensen, Ms. Baldwin, Mr. Towns, Mr. Tierney, Mr. Thompson of Mississippi, Mr. Sanders, and Ms. Linda T. Sánchez of California): H.R. 1200. A bill to provide for health care for every American and to control the cost
and enhance the quality of the health care system; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, Government Reform, for purposes for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself, Mr. DOOLITTLE, and Mr. BARTON of Ohio): H.R. 1201. A bill to amend the Federal Trade Commission Act to provide that the advertising or sale of a mislabeled copy-protected digital audio device or software is an unfair method of competition and an unfair and deceptive act or practice; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin: H.R. 1202. A bill to suspend temporarily the duty on unidirectional (cardioid) electret condenser microphones of non-ferrous metal used in motor vehicles; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California: H.R. 1233. A bill to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to define and punish offenses affecting the life of Sister Dorothy Stang; to the Committee on International Relations.

H.R. 1235. A bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to extend the authorization of appropriations for the project for a period to be determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself and Mr. GILCHREST, and Ms. HOOLEY, Mr. EMANUEL, Mr. HOLTON, Mr. FARR, Mr. INSELBERG, Mr. CAPUANO, Mr. CHANDLER, Mr. GILCHREST, Mr. SMITH of New Jersey, Ms. HOOLEY, Mr. EMANUEL, Mr. HOOLEY, and Mr. MARSHALL): H.R. 1290. A bill to amend the Consumer Credit Protection Act to prevent credit card issuers from taking unfair advantage of full-time, traditional-aged, college students, to protect and promote collegiate student credit card holders, and for other purposes; to the Committee on Financial Services.

By Mr. TOWNS: H.R. 1209. A bill to designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the "Congressional A. Chisholm Post Office Building"; to the Committee on Government Reform.

By Mr. WEINER (for himself, Ms. CARSON, Mr. CASE, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. GLJALVA, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. MARSHALL, Mr. OWENS, Mr. PAYNE, Mr. STRICKLAND, and Mr. WEEXLER): H.R. 1210. A bill to amend the Low-Income Home Energy Assistance Act of 1985 to extend energy assistance to households headed by certain senior citizens; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. GLJALVA, Ms. EDDIE BERNICE JOHN- son of Texas, Mr. BRADY of Pennsylvania, Mrs. JONES of Ohio, Ms. CARSON, Mr. RANGEL, Mr. JACKSON of Illinois, Ms. KILPATRICK of Michigan, Ms. MILLER of Indiana, Mr. NORTON, Mr. SANDERS, Mr. OWENS, Mr. CORRINE BROWN of Florida, Ms. WATSON, Mr. LANTOS, Ms. LEE, Ms. SCHAKOWSKY, Ms. MCCOLLUM of Minnesota, Mr. MEeks of New York, Mr. BLUMENAUER, Mr. WYNN, Mr. PITTS, Mr. EVANS, Mr. TANCREDO, Mr. FALOMOVARGA, and Mr. BROWN of Ohio): H. Con. Res. 88. Concurrent resolution expressing the sense of the House of Representatives that the Congress votes in support of the National Collegiate Athletic Association (NCAA) should affirm its commitment to a policy of discouraging alcohol use among underaged students by ending all alcohol advertising during radio and television broadcasts of collegiate sports events; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, Mr. MCEON introduced a bill (H.R. 1211) for the relief of Ana Maria Moncayo-Gigax; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. GENE GREEN of Texas, Mr. ACKERMAN, Mr. FATTAH, Mr. WEINER, Mr. CROWLEY, Mr. JACKSON of Illinois, Mr. WILSON of South Carolina, and Mr. RANGEL.

H.R. 22: Mr. CARDEN and Mr. SENSE of Washington.

H.R. 29: Mr. EDWARDS.

H.R. 34: Mr. FOSSELL, Mr. RYUN of Kansas, Mrs. TAUSCHER, Mr. ISRAEL, Mr. MARSHALL, Mr. GONZALEZ, Mr. LANGVIN, Mr. AKIN, Ms. MILLER of Michigan, and Ms. McKINNEY.

H.R. 35: Mr. MCEON.

H.R. 97: Mr. McGovern and Mrs. CHRISTENSEN.

H.R. 147: Mr. MILLER of North Carolina, Mr. WESTMORELAND, Mr. LEWIS of Georgia, Mr. GUTTERREZ, Mrs. TAUSCHER, Mrs. KELLY, Ms. BALDWIN, Mr. MATHESON, Mr. MELANCON, and Mr. GOHMERT.

H.R. 198: Mrs. JO ANN DAVIS of Virginia, Mrs. LOWEY, and Mr. MARSHALL.

H.R. 200: Mr. SHAYS.

H.R. 213: Mr. BROWN of Ohio.

H.R. 269: Mr. HORSKTA.

H.R. 297: Mr. NADLER, Mr. OLIVER, Mr. LARSEN of Washington, Mr. GLJALVA, Mr. HINCHFY, Mr. ENOEL, and Mr. SWERNY.

H.R. 325: Mr. CLEAVER.

H.R. 331: Mr. MENENDEZ and Mr. WELLER.

H.R. 354: Mr. GENE GREEN of Texas.

H.R. 356: Ms. FELSOI, Mr. GREEN of Wisconsin, Mr. BARTETT, Mr. BONNER, Ms. HARRIS, Mr. FRANKS of Arizona, Mr. JENKINS, and Mr. TANCREDO.

H.R. 376: Mr. BEHRENS, Mr. ARTHUR, Mr. GOODLATTIE, Mr. SCHWARTZ of Pennsylvania, Mr. WAXMAN, and Mr. SANDERS.

H.R. 389: Mrs. BIGGERT, Mr. CONYERS, and Mr. MCNULTY.

H.R. 416: Mr. CHANDLER, Mr. UDALL of Colorado, and Mr. GILCHREST.

H.R. 521: Mrs. CHRISTENSEN.

H.R. 448: Mr. PAUL and Mr. CULBERSON.

H.R. 459: Ms. SOLIS.

H.R. 474: Mr. HINCHFY.

H.R. 475: Mr. MEKRAN, Mr. TERNNEY, and Mr. NADLER.

H.R. 500: Mr. PENCE, Mr. HALL, Mr. SOUDER, Mr. WESTMORELAND, Mr. COBLE, Mr. CULBERSON, Mr. CRENSHAW, Mrs. BONG, Ms. FOX, Mr. CASTER, and Mr. FORKES.

H.R. 524: Ms. WOOLSEY.

H.R. 536: Mr. SELKRON.

H.R. 552: Mr. MCHENRY and Mr. PETRI.

H.R. 565: Ms. TERRY.

H.R. 577: Mr. TERRY and Mr. ANDREWS.

H.R. 581: Mr. FORTUNO, and Mr. RYAN of Wisconsin.

H.R. 601: Ms. SLAUGHTER.

H.R. 606: Mrs. CAPPs, Mr. SCHIFF, Mrs. DAVIS of California, Ms. ROYBAL-ALLARD, and Mr. MEeks of New York.

H.R. 625: Mr. GORDON and Mr. SIMMONS.

H.R. 626: Mr. RAMSTAD, Mr. FOLY, and Mr. ROGERS of Michigan.
The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.
God most high, You rule forever and supervise the nations with justice. We thank You for Your grace and mercy. You are faithful to all who depend on You. Keep us from the gates that lead to ruin.
Bless our Senators; empower them to speak for justice, to love mercy, and to embrace humility. This day, give them the wisdom to plant seeds that will produce a bountiful harvest in the months ahead. Keep them in Your care and make certain that each step they take is sure.
Bless the members of each Senator’s staff. Give each of us love that will follow You into a bright future. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).
The legislative clerk read the following letter:
U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 9, 2005.
To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME
The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE
Mr. MCCONNELL. Mr. President, this morning, following the 60 minutes of morning business, we will resume debate on the bankruptcy legislation. Yesterday, by a vote of 69 to 31, we were able to invoke cloture on the bill; therefore, we will finish the bill this week. Once we return to the bill this morning, there will be 40 minutes of debate prior to a series of votes on four of the pending amendments. These four votes can be expected to begin at around 11:30 this morning.

We will continue to work through the pending germane amendments to see which are ready for rolloff votes. And I presume we will have another series of votes later on today. We encourage Senators who have pending amendments to review whether they really need to ask for a recorded vote on each of their amendments. Perhaps we can further limit the number of amendments that will require rolloff votes so we can finish this bill at a reasonable hour, even today.

I thank my colleagues for their hard work on the bill. We are on the cusp here, on the verge of completing another very important piece of legislation in the early part of this Congress. We would like to wrap it up today if at all possible.

Mr. President, I yield the floor.

MORNING BUSINESS
The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes with the first 30 minutes under the control of the majority leader or his designee and the second 30 minutes under the control of the Democratic leader or his designee.

Who yields time?
The Senator from the great State of Tennessee.

Mr. ALEXANDER. Thank you, Mr. President. I ask unanimous consent to speak for up to 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. The Senator is recognized for up to 10 minutes.

MAJORITY RULE FOR CONFIRMING JUDGES
Mr. ALEXANDER. Mr. President, during the last session of Congress, Senators on the other side of the aisle blocked an up-or-down vote 20 times on 10 of President Bush's nominees for the Federal appellate courts. Filibusters were threatened against five more judicial nominees. With one possible exception, this has never happened before. The Senate has a 200-year tradition of majority rule when it comes to confirming judges. In fact, until the last session of Congress, the idea of not voting on a President's judicial nominee once it reached the floor was unthinkable.

It would be difficult to imagine a case in which passions ran higher than during the confirmation proceedings for Justice Clarence Thomas in 1991. Yet President Bush nominated Clarence Thomas in July of 1991, and 3
months later the Senate voted to confirm him, 52 to 48. There was never any discussion of blocking his nomination by blocking an up-or-down vote.

So in the spirit of compromise, I would like to, once again, offer my solution for avoiding what some in the minority call the "nuclear option", that would change Senate rules to prevent filibusters of President Bush's judicial nominees.

In an address on this floor 2 years ago, October 29, 2003, I said I would reserve the right to vote against any judicial nominee of any President but that I would not filibuster the qualified court nominee of any President. That was before I knew whether the President would be named Bush or Kerry. This is what I said then:

Before I finish my remarks, I make this pledge. I may be here long enough, and I hope it is a while, before I have an opportunity to cast a vote for a nominee for a Federal judge, that is sent over by a Democratic President, but I can pledge now how I will cast my vote. It will be the same way I appointed 50 judges when I was Governor. I look for good character. I look for good intelligence. I look for good temperament. I look for good understanding of the law and of the potential role that this nominee would have if this nominee had the aspect of courtesy to those who come before the court. I will reserve the right to vote against some extremist, but I will make it unnecessary and unethical for the nominee to try to say to me how he or she would decide a case that might come before him or her. When it comes down to whether we think the whole examination, I will vote to let the majority decide.

That is what I said 2 years ago. I also said: In plain English, I will not vote to deny a vote to a Democratic President's judicial nominee just because the nominee may have views more liberal than mine. That is the way judges have always been selected. That is the way they should be selected.

Mr. President, that was my pledge 2 years ago. That is my pledge today. And if a few other Senators of both parties would individually make this same pledge to eventually allow up-or-down votes on all judicial nominees, then there would be an end to this discussion of the so-called nuclear option. I have no doubt that changing the Senate's cloture rule by a majority vote is clearly constitutional. Some have argued that the Senate's cloture rule, which allows just 41 of us to block up-or-down votes, carries over from one Congress to the next by rule V. But no less an authority than the distinguished Senator from West Virginia, when he was majority leader, argued very persuasively and with great common sense that this is not true. He said:

This Congress is not obliged to be bound by the dead hand of the past. The first Senate, which met in 1789, approved 19 rules by a majority vote. But these rules have changed from time to time. . . . So the Members of the Senate who met in 1789 and approved that body of rules did not for one moment think that the Senate of the 21st century would be bound by that Senate. . . . It would be just as reasonable to say that one Congress can pass a law providing that all future laws have to be passed by two-thirds vote. Any Member of this body knows that the next Congress would not heed that law and would change it and would repeal it by majority vote.

That was the Senator from West Virginia talking. So, very simply, the Constitution provides that 51 Senators can change Senate rules to allow a majority to cut off debate on a President's nominee of an appellate court judge. Now, that does not mean that we ought to rush to make a change in that way. To extend the analogy, nuclear weapons have been effective in world history because of the threat of their use, not because of their actual use. And that has been true here on this Senate floor.

In the debates on the adoption of Rule XXII on the Senate floor in 1917, and later modifications in 1933 to 1935, and then 1960 to 1975, the debate and eventual compromises were driven by the threat of the constitutional option, which we are discussing today.

The chairman of our Judiciary Committee, Senator Arlen Specter, has said he "intends to exercise every last ounce of his energy to solve this problem without the nuclear option." I hope he will continue that effort.

The Senate protects the minority party's rights for a reason. In writings about early America, Alexis De Tocqueville warned that one of the potential failings of democracy would be the "tyranny of the majority." South Africa succeeded in creating a constitutional government because the new Black majority was willing to protect the minority rights of White citizens. As we watch the people of Iraq struggle to create a constitutional government, we know that a major sign of their success will be whether they are able to include and protect the rights of the minority. So, I have said, we must cut back the power of 'nuclear option' to save this nominee from the tyranny of the majority. I hope he will continue that effort.

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say. So I have not said much. I had been planning to make my first remarks on this floor next Tuesday on the issues I care most about, which are the education of our children and teaching of our history and civics back in its rightful place in our schools so that our children can grow up knowing what it means to be an American. I am looking forward to that next Tuesday. But I have decided to make some remarks today—earlier than expected because I am disappointed in what I have heard in the debate and the votes I have seen.

Like my friend from Missouri, I have had the opportunity to preside in the last few days. That is one of the honors that are accorded to the leaders of the Senate. I have been listening very carefully. My disappointment has increased with each of these 10 days as the debate has continued. I am disappointed first because I believe our friends on the other side of the aisle are being unfair to Miguel Estrada. I am most disappointed in them because I believe if the direction of this debate continues as it is going—and I heard the comments of my friend from Missouri yesterday on this same matter—and if it is not stopped, we will be hearing about the same matter again. I think it is important for us to run the risk of permanently damaging the process by which we select Federal judges and by which we dispense justice in the United States. Our friends on the other side of the aisle have a different direction for this process. This is not what I expected when I came to the Senate.

I may be new to the Senate, but I know something. I am a lawyer. I once clerked for a U.S. Attorney General. His name was Robert Kennedy. I once clerked for a great Federal appellate judge. His name was Frankfurter. I once clerked for a great New Orleans lawyer. I once worked in this body 36 years ago for Senator Howard Baker, a great lawyer. I watched this body as it considered and confirmed judges to the Federal courts of this land. As Governor of Tennessee for 8 years, I had the responsibility of appointing—and did appoint—nearly 50 men and women to judgeships all the way from chancellorships to the supreme court. I know pretty well the process we have followed in the Senate in this country for the last couple of centuries. It is fairly simple. It can be expressed in plain English. The Executive nominates, the Senate investigates and then confirms or disapproves the nomination; and in doing so, what the Senators have always looked for, mainly, has been good character, good intelligence, good temperament, a good understanding of the law and the duties of a judge, and whether a nominee seems to have courtesy for those who may come before him or her. And it has always been assumed that it is unnecessary—and, in fact, it is unethical by the standards of most of the judicial canons in this country—for the nominee to try to say how he or she would decide a case that might come before him or her.

Then, after all that examination is done in the Senate, there is a vote. And under our constitutional traditions, the majority decides whether to approve the nomination; and in doing so, what they decide is whether what they are saying, really, is that he or she will need to get 60 votes—60 votes—instead of 51. I have had the privilege of listening to each of their arguments. As my friend from Missouri knows, they first try one argument, and it does not go so well. Then they move to another argument, and it does not stand the light of day. And then they move to another one.

But let me tell you what I have heard as I have listened carefully. First, they said—it would be hard to imagine that anyone could say this with a straight face, but we had many straight faces on the other side of the aisle saying this—that he was not qualified to be a Federal appellate judge. You do not hear that argument very much anymore because that is almost a laughable comment if it were not such a serious matter.

But let’s go over this. This man isn’t just qualified; if this were sports, he would be on the Olympic team, and he would be getting an award for “American Dream Story of the Year.”

Here is a man who came to this country at age 17 from Honduras. He had a speech impediment. He spoke very little English. And when he was about to attend Columbia University, one of the most prestigious universities in America, he didn’t get in. Then he went to Harvard Law School. Now, it is really hard to get into Harvard Law School. It has great competition. Everyone who is applying to a law school around the United States would get into the United States, and I will say to you, I know a great many of them—think about it. You do not hear that argument very much anymore because that is almost a laughable comment if it were not such a serious matter.

This young man, in a few years, was admitted to Harvard Law School. And not only Harvard Law School. He has the Harvard Law Review and graduated magna cum laude. This is a dream resume, but it is not even over. Then he went to the Second Circuit as a law clerk. Then he became a clerk for a Supreme Court Justice. Then he became a law clerk for a Supreme Court Justice. By now he was in the Solicitor General’s Office. Now, this argument is still being made. I do not know why. He was a top percent of 1 percent of all law school students in the country, with the kind of resume for a lawyer every law firm in the country would want to hire. He has a record that almost everyone would admire.

Then he went to the Southern District of New York, one of the most competitive places, to be hired for training there. Then he was in the Solicitor General’s Office. To those who are not lawyers or who do not know that, keep up. Just being in the Solicitor General’s Office might not sound like such a big deal, but those are the plum positions. The way I understand it, just being in the Solicitor General’s Office might not sound like such a big deal, but those are the plum positions. The way I understand it, the Solicitor General and his Deputy—and there are about 20 career lawyers. Miguel Estrada was one of those lawyers. He is a great lawyer. He is not just good, they are the best in America. They have the best resumes. They have been the clerks to the Supreme Court Justices. They are going to be the lawyers for us, the United States of America. It is the most competitive position in which you can be.

And there he is, Miguel Estrada, coming here, and I heard the story, making his way into there. He worked there for the Clinton administration and the Bush administration. Then he went to one of the most exclusive law firms. He has argued 15 cases before the Supreme Court of the United States.
Thurgood Marshall, the first African American who was ever appointed to the Supreme Court of the United States, He had never been a judge. And so should Thurgood Marshall have been, as Chief Justice because he had never been a judge?

When I graduated from New York University Law School, the dean came to see me and said to be a seminar, it was in New Orleans for a man that my dean, Bob McKay, said was one of the three or four best Federal judges in the country. His name was John Minor Wisdom, a great man and a great lawyer. He had never been a judge before President Eisenhower appointed him.

Neither had Elbert Tuttle from Atlanta or John Brown from Texas. The three of them became three of the greatest judges in the South, when they had been appointed by a Republican President, over the desegregation of the southern U. S. They were among the greatest judges we have ever had, and they had never been judges.

Of 108 Supreme Court Justices who have been appointed, 43 of those have never been a judge. I have a list somewhere of judges who have been judges from the second circuit, Earl Warren; Byron White; Justice Powell; Justice Rehnquist; Justice Breyer; Judge Wisdom's favorite friend on the second circuit, Henry Friendly. He had never been a judge before. Charles Clark; Jerome Frank; John Paul Stevens; Warren Burger; Harold Leventhal; Spottswood Robinson; Ruth Bader Ginsburg; Justice Breyer; Chief Justice Marshall, who had never been a judge before she was a Justice. Does that mean she wasn't qualified to sit on this Court?

Why wouldn't he be able to bring up the time that the Senate at a time when we are concerned with war in Iraq and the economy is hurting, by making that kind of argument? They are asked to sit in any court, any respect law school in America if they gave that answer. Yet they are here in the Senate trying to persuade us that it makes a point.

In 1980, I appointed George Brown of Memphis as the first African American justice in the history of the State of Tennessee. If George Brown had to be a judge before he had become a justice, I could never have appointed an African American justice, because there were no African American judges at that time. But given the diversity of Hispanics and African Americans and women who are judges, if we were to say that in order for someone to be a judge, before he or she appoint an African American judge, we would have to make some comment, I want to ask three questions. I would give him an A-plus on that. Of 50 judges and I would have listened to that argument.

These are the questions and answers, Mr. President. This is the record of the hearing of Miguel Estrada, plus a long memorandum of questions from the Senator from Massachusetts and the Senator from Illinois that he also answered. I will not take the Senator's time to read all of the questions and answers, but since they keep saying he didn't answer the questions, let me give some examples.

The chairman of the committee says: Mr. Estrada, we have heard you have held many strongly-held beliefs. You are a zealous advocate. That is great. You know, lawyers who are not zealous are not good lawyers. On the other hand, this, on the other hand, that.

They are zealous. But you also have to make sure, if you are going to enforce the laws, that your personal views don't take over the law. Senator Thurmond has asked every single nominee I have ever heard him speak to—Republican or Democrat—to speak to that effect. What is the most important attribute of a judge, and do you possess that? A very good question.

Answer: The most important quality for a judge, in my view, Senator Leahy, is to have an appropriate process for decisionmaking. That entails having an open mind, it entails listening to the parties, reading their briefs, going back behind the briefs and doing the legal work needed to ascertain who is right in his or her claim. In courts of appeals where judges sit in panels of three, it is important to engage in deliberations and give ears to the views of colleagues who may have different views. In sum, to be committed to judging as a process that is intended to give us the right answer and not a result. I can give you my level best solicitude, but I have those qualities, or else I would not have accepted the nomination.
other side. The problem is perhaps someone has not bothered to offer this book to our friends on the other side because they keep coming down here while you and I are pre-
sidng day in and day out for stripped guns and for stripped stand-
and saying Mr. Estrada has not answered the questions. My suggestion is he has answered question after question, and he has done a beautiful job of answering the written questions. Let me take a few more minutes and give examples of answering questions.

The Senator from Massachusetts: Now, Mr. Estrada, you made the case before the court that the NAACP should not be granted standing to represent the members. As I look through the record, I am finding difficulty in understanding why you believe the NAACP would not have standing in this kind of case when it has been so extraordinary in terms of fighting for those—this is the NAACP, and in this case was making the case of intervention because of their concern about the youth in terms of employment, battling drugs, and also voting.

In other words, Mr. Kennedy was saying: Mr. Estrada, how can you do this when the NAACP is on the other side?

Mr. Estrada’s answer: The laws that were at issue in that case, Senator Kennedy, and in an earlier case, which is how I got in-
volved in this with the street gangs in Chicago—the last time I checked, the mayor of the city of Chicago was a Democrat, a good mayor, but just so I would not want anyone to think this was a partisan com-
ment—which had passed by similar ordi-
nance dealing with street gangs. And I was called by somebody who worked for Mayor Daley when they needed help with the street gangs that engage in or may engage in some criminal activity. I got involved in the issue because I was a defendant in the case in Chicago—Mr. Estrada: Yes, I know the case, Senator.

The point is, the other side is he will not answer the question of whether you agree with it or not, you will follow binding case law, and I might even decide this case the way my personal view would decide it if the case was before the Supreme Court.

In other words, Mr. Estrada is giving the answer that most Americans want of their judges, regardless of what party they are in.

I will give a couple more examples, and I do this because this has gone on now 10 days. All I hear from the other side is he will not answer the question, unless one believes that the court did reject the broad theory I was arguing, and the court did reject the broad theory I was arguing, and the court did reject the broad theory I was arguing.

The Senator from California: Do you believe that Roe v. Wade was correctly decided?

Mr. Estrada: Yes, I believe Roe v. Wade was correctly decided.

There is no more a difficult question for a judge than a question of whether a law is constitutional. Here I think is a revealing question, and I think Mr. Estrada was sticking with the NAACP and the Annapolis ordinance, you were dealing with those types of laws that had been passed with significant substantial sup-
port from the minority communities. I have always thought that it was part of my duty as a lawyer to make sure that when people go to court, they are represented well and for those type of laws to be passed to make the appropriate arguments that a court might accept to up hold the judgment of the democratic process. In the context of the NAACP, that was relevant to a legal issue because one of the requirements we argued for: the power of Congress to pass statutes under the commerce clause and have them to be upheld before the Supreme Court. The case which was the companion case to Lopez, was a win for the Government on a very narrow theory, the court did reject the broad theory I was arguing on the case on this side of the Govern-
ment.

In other words, Mr. Estrada was sticking up for the NAACP and saying he will not answer their questions. He was there. That was his view, and he talks about it, and he answered the question: Even though I have the job of building on the wall that is there, I have not come to an actual case or a con-

Here we are, Mr. President, Mr. Estrada took a position that I would have voted against. I think he is wrong, but he really did not take a position that I would vote against him. He argued a case before the court that made the very best argument he could make, arguing two lines of opinions. What our friends on the other side are saying is he was arguing that the case on behalf of the United States, that somehow that reflects the point of view with which they disagree. I disagree with his brief. I would consider endorsing him or anybody else based on that kind of reason, a very complete answer.

I may will state two more. Again, I would not normally think it was necessary for me to read the questions and read the answers, except that virtually everyone from the other side who have come in has said he has not answered the questions, so I want the American people and my col-
leagues to know that if they want to know whether he has answered the questions all they need to do is go to the hearing record and read the question and read the answer.

Mr. Estrada’s answer: My view on that jud-
dicial function, Senator Feinstein, does not allow me to answer that question. That goes on to explain what he meant. I have a personal view on the subject of abortion, as I think you know. But I have noted what I think this function would require me to do in order to ascertain whether the Court got it right as an original matter. I have not listened to the parties. I have not come to an actual case or a con-

Mr. Estrada: Yes, I know the case, Senator.

As you may know, I was in the Government at the time, and I argued a companion case to Lopez that was pending at the same time and in which I took the view that the United States was winning in the Lopez case and in my case for a very expansive view of the power of Congress to pass statutes under the commerce clause and have them to be upheld before the Supreme Court.

Here is the Senator from Wisconsin: With that in mind, Mr. Estrada, I would like to know your thoughts on some of the following issues. Mr. Estrada, what do you think of the Supreme Court’s effort to curtail Congress’ power which began with the Lopez case back in 1985, the Gun-Free School Zone Act. That was a very controversial case. I remember my own view on that. I would have voted against it, even though, obviously, I am for gun-free schools. I would have said every Sen-
ator voted for it because they did not want to sound like they were against gun-free school zones. I guess, whatever the reason might have been, it was a controversial issue and a hard issue to vote on.

Mr. Estrada: Yes, I know the case, Senator. As you may know, I was in the Government at the time, and I argued a companion case to Lopez that was pending at the same time and in which I took the view that the United States was winning in the Lopez case and in my case for a very expansive view of the power of Congress to pass statutes under the commerce clause and have them to be upheld before the Supreme Court.

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ment.
Why do you believe that you are being pro-
moted by your supporters as a conservative judicial nominee? Do you believe that your judicial philosophy is akin to that of Jus-
tices Scalia and Thomas? Why or why not?

What Senator Kennedy is looking for is to find out is this a conservative lawyer. Is the suggestion that we may want conservative de-
cisions? I thought that the Senate was after fair decisions, based on precedent, based on fact. I thought we wanted judges who would be impossible for us to tell where they were coming from before they were coming.

The response from Mr. Estrada is very in-
teresting. I remember hearing the Senator from Massachu-
setts: My role as an attorney is to ad-
vocate my client’s position within ethical bounds rather than promote any particular point of view, conservative or otherwise.

A-plus for that, I would say.

Mr. Estrada says: I have worked as an at-
orney for a variety of clients, including the United States government, State and local governments, individuals charged with criminal activity.

Are we going to say criminal lawyers can-
not be nominated because they represented people who murdered people and that makes them murderers?

Large corporations, indigent prisoners seeking Federal habeas corpus, in those cases I have advocated a variety of positions that might be characterized as either liberal or conservative.

Remember, this is from a career employee in the U.S. Solicitor’s Office in the Clinton and Bush administrations. This is Miguel Estrada. While I am grateful for the wide ranging and bipartisan support that my nomination has received, I have no knowl-
eedge of the specific reasons that might cause a party to oppose my nomination to promote my candidacy for judicial office. As a judge I would view my job as trying to reach the correct answer to the question be-
fore me without being guided by any pre-
conceptions or speculations as to how any other judge or justice might approach the same issue.

If all of the Senators would take the time to read Miguel Estrada’s answers, some of them might end up in a textbook of appro-
piate answers, if they believe a judge’s job is to be a judge and consider the facts and come to a fair decision.

Miguel Estrada is qualified, and he is not just qualified, he is one of the most qualified persons I ever saw appointed to the Federal courts. We had a filibuster.

So Miguel Estrada is superbly qualified. Miguel Estrada has answered question after question, and he has done it very well. A ma-
jority of the Senate has signed a letter say-
ing that they are ready to vote today to confirm Miguel Estrada, and never in our history have we denied a filibuster to a circuit court judge. It is time to vote.

Before I finish my remarks, I make this pledge. I will vote — Mr. Estrada, I hope it is a while, before I have an oppor-
tunity to cast a vote for a nominee for a Fed-
eral judgeship that is sent over by a Demo-
ocratic President, but I can pledge now that I will cast my vote. It will be the same way if I appointed 50 judges when I was Governor. I look for good character. I look for good in-
telligence. I look for good temperment. I look for good understanding of the law and of the duties of judges. I will look to see if this nominee has the aspect of courtesy to those who come before the court. I will re-
explore these things, but I will assume that it is unnecessary and unethical for the nominee to try to say to me how he or she would decide a case that might come before him or her. When it comes time to vote, when we finish that whole examination, I will vote to let the ma-
jority decide.

In plain English, I will not vote to deny a vote to a Democratic President’s judicial nominee just because the nominee may have a less conservative judicial philosophy. That is the way judges have always been selected. That is the way they should be selected.

I conclude in equally plain English, and with respect, that the issue on the other side of the aisle would not deny a vote to Miguel Estrada just because they suspect his views on some issues may be more conserv-
ervative than theirs.

These are the most serious times for our country. Our values are being closely exam-
ined in every part of the world. Our men and women abroad are fighting a war in another part of the world. How we administer our system of justice is one of the most important values they are defend-
ing. We must constrain our partisan in-
stincts to get them under control. We need to avoid a result that changes the way we se-
ject judges. In my view, we permanently damage our process of selecting Federal judges.

The PRESIDING OFFICER (Mr. VITTER). The Senator from New Mex-
ico.

Mr. DOMENICI. Mr. President, before Senator ALEXANDER leaves the Cham-
ber, I would like to say that I was late so he had to speak first and I could listen to him. His remarks were thoughtful, thought provoking, and conclusive. If Senators on the other side of the aisle will listen to what he said and think it through, they will understand that this situation is going to be resolved. If they continue to insist it be resolved their way, I believe the Senate will de-
cide that they will change procedural rules.

Having said that, I remind those who are listening and those who have lived through very recent history that there have been some tremendous things that we have considered in recent times and that the American people can vividly remember. Let me remind those listening: We had the nomination of Judge Carswell years past. That was a highly debated nomination. All kinds of things were said about his qualifica-
tions, his capacity. There was enough enthusiasm against him—rancor—that if the filibuster had been used and brought to fruition, he probably never in U.S. Senate, traditionally in the Senate, would have been defeated that way. But that did not happen. There was an up-or-down vote, and he was defeated.

Another highly debated nomination when we thor-
oughly debated Clarence Thomas, how many weeks that went on; how many days the debate went on. That con-
troversial nomination was not filibus-
tered. There was an up-or-down vote, just as we Senators on this side of the aisle are almost begging the Democrats to let happen for current nominees. It hap-
pened in the case of Clarence Thomas and he won by two votes. It is ob-
vious, that if those who opposed him had brought it to a filibuster, they would have a great deal of certainty that he should not go on the bench—would have cho-

en the course of today, they would have used a filibuster. Why didn’t they? They didn’t because historically in the Senate, then partisan views are what it takes to get confirmed by the Senate. We have to move on and go on. We need to constrain our partisan in-
stincts, our political instructions when they were coming.

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or circuit or Supreme Court nominees. That was for a number of years, not just one or two. For a number of years we were in the minority.

But the problems with requiring a super-majority is a concept that has been a part of our Founding Fathers. Alexander Hamilton wrote:

To give the minority a negative upon the majority (which is always the case where more than a majority is requisite to a decision) is, in its tendency, to subject the sense of the greater number to that of the lesser.

Obviously, that is the case. Obviously, when we look at judges and history, the Constitution talks about advice and consent and clearly requires that a majority of the Senate consent. Our rules are not the only things that talk about advice and consent. The Constitution does. Our Founding Fathers, fully aware of this Hamiltonian quote, provided in the Constitution the events when more than a majority is required.

The Constitution said to override Presidential vetoes required more than a majority; to remove Federal officers under impeachment required more than a majority; to ratify treaties required a super-majority; to confirm a House or Senate member required more than a majority; and to propose constitutional amendments required more than a majority. It did not say such was required when we are exercising our advice and consent power. Had that been the case the way our government is supposed to be run a super-majority, it would have been easy for the Founding Fathers to write that in. But they did not.

From this Senator’s standpoint, the other side of the aisle, which talks so much about closing down Government if they don’t get their way on this, ought to think it through carefully. Closing down the Government is something that ought to be used rarely. Even the words ought to be used carefully. “Closing down the Government” could mean we are going to stop funding education. It could mean we are going to close down all the national parks. It could mean we are not going to have enough money appropriated for our military. Closing down the Government, a threat from the other side of the aisle which they think would make us change our minds about this issue, is at least a two-edged sword and probably a one-edged sword. That word will be: Woe to those who close down Government over issues such as this.

Recall within the last 15 years, closing down Government was a threat. I regret to say, made by and carried out by some leadership in the House. The issue was thought by them to be paramount. But the public prevailed. The public said: The paramount issue is to keep your Government open, even if your candidate is one you believe wholeheartedly in. From my standpoint the threat is sufficient for me to seriously consider using this constitutional option so that advice and consent will be majoritarian instead of requiring 60 votes in the Senate.

The reason is easy for me. The Senate as an institution—its rules, its process—is marvelous. I have been here a long time. I support it. It is set apart by the unique opportunity to recommend. But there also is a President in our rules. There are requirements that the Senate think carefully about what they are doing regarding as important an issue as advice and consent. Some think, that Senator from New Mexico has been here too long, he has frequently said he admires and respects the rules of the Senate and has become accustomed to them. I have frequently said, for those who don’t like the rules, wait until you are here 3 or 4 years—you will think they are great. Freshmen think we ought to get things done right now; forget the rules and the procedures. But let them stay here a term, and they understand what the Senate rules mean.

Understanding all that and feeling as I do about these issues, it seems to me we cannot continue to deny a man like Miguel Estrada a seat in the judiciary when there is more than a majority of the Senate who, after hours of debate, will vote to have a vote. They already knows that such a vote has a majority of support so they prevent a vote from occurring. You can’t keep doing that and expect the majority to sit by and say: It is just the current rules, you can’t change them; don’t worry about it. In fact, that is a dangerous proposition.

The bell will toll. If this is continued, there will be Members such as this Senator who will end up saying: We have had enough. We are willing to abide by the same rules when we are in the minority. It will apply to both Democrats and Republicans. We know some say we will be in the minority one day. Some of us are willing to say: Let it be the case for both, and let us rule by majority vote with reference to judicial appointees.

I yield the floor and suggest the absence of a quorum.

Mr. McCONNELl. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELl. Mr. President, I rise to offer an historical perspective on the very important issue of the Senate exercising its advice and consent responsibilities regarding judicial nominations. It has been the subject of considerable discussion, and I wanted to offer some thoughts on the subject myself. I have been around here long enough, in both the majority and the minority, to understand that a Senate may from time to time use a vote on a judicial appointment to protest the nomination or a particular course of action. But what we saw in the 108th Congress was a wholesale departure from the norms and the traditions of the Senate, whereby the use of the judicial filibuster became a commonplace device to stop the President’s circuit court nominees.

For the first time in history, a minority of the Senate, on an unprecedented partisan, and systematic basis, has prevented the Senate as a whole from discharging its constitutional obligation to provide advice and consent on judicial nominations.

This level of obstructionism is truly unprecedented. As justification, those who support this approach have pointed to several nominees of President Clinton on whom it was necessary to file cloture. I was here during that period. I remember exactly what happened.

The fact is it was the Republican leadership in the majority who filed cloture on these very controversial Clinton nominees. This does not show that the Republican Conference was trying to prevent their consideration. Rather, Republicans, who were Members of the opposition party of the President, filed cloture to advance their consideration—to advance their consideration.

If there is any doubt, one need only look at the cloture votes on two of the most controversial Clinton nominees, Marsha Berzon and Richard Paez, and then compare those cloture votes with the votes on the nominations themselves. Doing so reveals two important points.

First, the cloture vote on these nominees was overwhelmingly in favor of ending debate—of ending debate—and proceeding to their confirmation. The cloture vote on the Berzon nomination was 85 to 14. So obviously there were 13 Senators trying to prevent Ms. Berzon from becoming a Federal judge. The cloture vote on the Paez nomination was 85 to 14. Indeed, the vast majority of the Republican Conference—in fact, a supermajority of about 70 percent of our conference—voted for cloture. The plain facts dispute the notion that the Republican Conference was filibustering the Berzon and Paez nominations.

In short, if I could be a bit poetic, a cloture vote does not a filibuster make. A cloture vote does not a filibuster make.

A second point is even more telling. Many of the very same members of our conference who voted for cloture on these nominations then turned around and voted against confirmation because we had serious concerns about the Paez and Berzon nominations. Senator Lott, who was majority leader at the time, did that, and so did I, voted for cloture, believing that judges should not be filibustered for the purpose of ending their nomination—and that voted against the judges on the up-or-down vote to which all judges are entitled. The confirmation vote on the Berzon nomination was 64 to 34. The
confirmation vote on the Paez nomination was 59 to 39. Obviously, the opponents of Paez could have killed that nominee by a filibuster if they had chosen to do so. Both times we approached the filibuster level of 41 votes, I know how to count votes, and if we whittled down to filibuster the Paez and Berzon nominations, I suspect we could have and probably stopped them both. But the Republican leadership did not whip our caucus to filibuster these two nominations. In fact, it did the opposite. I opposed both the Berzon and Paez nominations, I suspect we could have and probably stopped them both. But the Republican leadership did not whip our caucus to filibuster these two nominations despite the strong opposition to them within our conference.

That is why Judge Paez and Judge Berzon have been sitting on the ninth circuit for the last 5 years. In fact, today is the fifth anniversary of their confirmation. They were confirmed on March 9, 2000. And for those who point to the Paez and Berzon nominations to try tojustify their filibusters, I emphasize again we are talking about Judge Paez and Judge Berzon. So given that many of my Republican colleagues and I opposed both the Berzon and Paez nominations as shown by our votes against the nominations themselves, why did we vote for cloture? We did so because we were mindful of a long-standing Senate norm and precedent that the Senate does not filibuster judicial nominations. That is an unwritten rule even if one strongly disagrees with the nomination, the proper course of action under Senate norms and traditions, as they have consistently been understood and applied, is not to filibuster the nominee but to vote against him or her. That is precisely what a supermajority of my conference and I did on the Paez and Berzon nominations, who were two of the most controversial — these were extraordinarily controversial judges that President Clinton had named to the Ninth Circuit. My Republican colleagues and I honored Senate tradition. We followed the constitutional directive set forth in article II, section 12, that the Senate as an institution as reflected by the will of the majority of its Members, render its advice and consent on the President’s nominees. We put propriety over partisanship. But that precedent has now been changed. Those norms and traditions have been upon us.

Therefore, I ask my colleagues to consider the ramifications of continuing down this path of institutionalizing this use of the judicial filibuster as a tool of obstruction. For more than 200 years we have recognized the careful balance our Founding Fathers struck among our three branches of Government. Judicial filibusters pose a danger to this constitutionally required separation of powers.

I believe it is not too late to turn back. It is in the best interests of both great parties and the Senate itself that we restore the norms, traditions, and precedents of the past 200 years that have served this country so well. It is extraordinarily shortsighted. Our friends on the other side of the aisle will have the White House again one day, and the shoe will be on the other foot. They will rue the day, if this precedent is set right, that they set this precedent. I think it is time we stood back, took a breath and thought about this institution and respected its norms and traditions.

Mr. President, I yield the floor.

EXPRESSING THE SENSE OF THE SENATE ON TERRORIST ATTACKS AGAINST THE PEOPLE OF SPAIN

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 76, submitted earlier today by Senators Lieberman, Allen, and Dodd.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

The resolution (S. Res. 76) expressing the sense of the Senate on the anniversary of the terrorist attacks launched against the people of Spain on March 11, 2004,

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements related to the resolution be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 76) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 76

Whereas on March 11, 2004, terrorists associated with the al Qaeda network detonated a total of 10 bombs at 6 train stations in and around Madrid, Spain, during morning rush hour, killing 191 people and injuring 2,000 others;

Whereas like the terrorist attack on the United States on September 11, 2001, the March 11, 2004 attacks in Madrid were an attack on freedom and democracy by an international network of terrorists;

Whereas the Senate immediately condemned the attacks, joining with the President in expressing its deepest condolences to the people of Spain and pledging to remain shoulder to shoulder with them in the fight against terrorism;

Whereas the United States Government has continued to work closely with the Spanish Government to pursue and bring to justice those who were responsible for the March 11, 2004 attacks in Madrid;

Whereas the European Union, in honor of the victims of terrorism in Spain and around the world, has designated March 11 an annual European Day of Civic and Democratic Dialogue;

Whereas the people of Spain continue to suffer attacks by other terrorist organizations, including the Basque Fatherland and Liberty Organization (ETA);

Whereas the Club of Madrid, an independent organization of democratic former heads of state and government dedicated to strengthening democracy around the world, is convening an International Summit on Democracy, Terrorism, and Security to commemorate the anniversary of the March 11, 2004 attacks in Madrid; and

Whereas the purpose of the International Summit on Democracy, Terrorism, and Security is to build a common agenda on how the community of democratic nations can most effectively confront terrorism, in memory of victims of terrorism around the world: Now, therefore, be it

Resolved, That the Senate—

(1) expresses solidarity with the people of Spain as they commemorate the victims of the despicable acts of terrorism that took place in Madrid on March 11, 2004;

(2) commends the March 11, 2004 attacks in Madrid and all other terrorist acts against innocent civilians;

(3) welcomes the decision of the European Union to mark the anniversary of the worst terrorist attack on European soil with a Day of Civic and Democratic Dialogue;

(4) calls upon the United States and all nations to continue to work together to identify and prosecute the perpetrators of the March 11, 2004 attacks in Madrid;

(5) welcomes the initiative of the Club of Madrid in bringing together leaders and experts from around the world to develop an agenda for fighting terrorism and strengthening democracy; and

(6) looks forward to receiving and considering the recommendations of the International Summit on Democracy, Terrorism, and Security for strengthening international cooperation against terrorism in all of its forms through democratic means.

SUPPORTING THE PEOPLE OF LEBANON

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 77 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 77) condemning all acts of terrorism in Lebanon and calling for removal of Syrian troops from Lebanon and supporting the people of Lebanon in their quest for a truly democratic form of government.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table in the negative.

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

The resolution (S. Res. 77) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 77

Whereas since December 29, 1979, Syria has been designated a state sponsor of terrorism by the Secretary of State;

Whereas on December 12, 2003, the President signed the Syria Accountability and Lebanese Sovereignty Restoration Act of...
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2003 (22 U.S.C. 2151 note), which declared the sense of Congress that the Government of Syria should halt its support for terrorism and withdraw its armed forces from Lebanon, endorsed efforts to secure meaningful change in Syria, and authorized the use of sanctions against Syria if the President determines that the Government of Syria has not met the performance criteria included in that Act;

Whereas the President has imposed the sanctions mandated by that Act, which prohibit the export to Syria of items on the United States Munitions List and the Commerce Control List, and has already imposed 2 of the 6 types of sanctions authorized by that Act, thereby exhibiting the export to Syria of products of the United States (other than food or medicine) and prohibiting aircraft of any air carrier owned or controlled by Syria to take off from or land in the United States;

Whereas the United Nations Secretary General, Kofi Annan, recently stated that Syria continues to maintain more than 14,000 troops in Lebanon;

Whereas United Nations Security Council Resolution 1559 (September 2, 2004) calls for the withdrawal of all foreign forces from Lebanon, and the resolution was unanimously adopted in an act of terrorism in Beirut, Lebanon;

Whereas on February 14, 2005, the former Prime Minister of Lebanon, Rafik Hariri, and 22 others, including Lebanon’s pro-Syrian Government; Now, therefore, be it

Resolved, That the Senate—

(1) condemns all acts of terrorism against innocent people in Lebanon and around the world;

(2) condemns the continued presence of Syrian troops in Lebanon and calls for their immediate removal;

(3) urges the President to consider imposing additional sanctions on Syria under the Syria Accountability and Lebanese Sovereignty Assistance Act of 2003 (22 U.S.C. 2151 note); and

(4) supports the people of Lebanon in their quest for a truly democratic form of government;

Mr. MCCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. I thank the Chair.

The remarks of Mr. NELSON of Florida pertaining to the introduction of S. 57 are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”

Mr. NELSON of Florida, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. Mr. President, we are in morning business on the Democratic side, as I understand it, for the next 11 minutes; is that correct?

The PRESIDING OFFICER. That is correct; 10½ minutes.

SOCIAL SECURITY

Mr. DURBIN. Mr. President, the President of the United States is on the road today. He is taking his case for privatization of Social Security around the United States. It is an interesting debate. It is a good debate because it gets down to the heart of the question.

I joined with some Democratic Senate leadership—HARRY REID, BYRON DORGAN, and several other colleagues—and we went on the road last week to New York, Philadelphia, Phoenix, and Las Vegas to talk about this issue. We are engaging the American people because we believe it is an important debate.

I think we should start the debate by agreeing on some very basic points, and the first thing we should agree is that at the end of the debate, Social Security will still be there, it will survive, and we are all committed to it. Any proposal that comes from anyone of either political party that weakens Social Security and lessens the likelihood that it will be there as a safety net for America should be summarily rejected. That is why we on the Democratic side have said we want to sit down with President Bush and the Republican leadership to make Social Security secure. We have to take privatization of Social Security off the table because privatization of Social Security, as the President is proposing, will weaken Social Security, it will not strengthen it. It takes trillions of dollars out of the Social Security trust fund, a trust fund that has already been raided by politicians for years. It would be devastated by taking out this much money.

The President is calling for taking the money from the Social Security trust fund that is going to be used to pay off retirees in the years to come. How do they make up for this? The President’s White House proposes cutting the benefits for retirees as much as 50 percent. So if someone is receiving $1,200 today, had the President’s plan been in effect from the beginning of Social Security, they would be receiving around $500. It is a dramatic cut the President is talking about. It pushes many seniors citizens into poverty, not to mention add dramatically to our national debt, a debt which is already too large, will be increased this year by our deficit spending, and a debt which is financed by foreign countries, China, Japan, Korea, and Taiwan hold America’s mortgage.

President Bush’s privatization plan means that mortgages will grow substantially, from about $8 trillion to at least $15 trillion by the President’s calculations. That means our children, who are supposed to be benefited by this so-called privatization, will not only have to gamble their retirement in the stock market, but also face the payment of this debt. That is fundamentally unfair.

Many people have said: Why don’t the Democrats come forward with a plan on Social Security? I will tell my colleagues the Democratic plan in three words: Social Security. If any plan to strengthen Social Security does not guarantee that this safety net and the benefits people can count on for retirement will be there in the years to come, it is not a plan we should consider. Privatization cannot meet that guarantee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MURRAY. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There is 6 minutes 50 seconds remaining.

Mr. MURRAY. Mr. President, I concur with the remarks of the Senator from Illinois about Social Security. We have heard a lot of talk on this floor. We have heard a lot of talk on the television shows and all around the country in recent weeks about Social Security. We have heard about a supposed crisis in this program, that it will be flat busted or broke, we have heard about the President’s view that this social insurance program must be radically restructured, and we have heard about privatization Social Security is the only way to go.

Now we hear that the President is embarking on a 60-stop campaign tour in support of his privatization plan to the American people. The American people are not buying this risky privatization scheme.

From the day this debate began, I have consistently said that any proposal put forward to privatize Social Security must meet a few basic standards. It has to preserve Social Security’s guaranteed benefit. It has to preserve Social Security’s protections for workers when they are disabled, it has to protect against inflation, especially for women, minorities, and others, and it has to protect our budget from ever-growing deficits.

This week in the Senate we saw the first bill that purports to reform Social Security, and, unfortunately, that new legislative proposal fails my simple test in a few not-so-simple ways. First, preservation of the guaranteed benefit has to be our top priority. The bedrock of Social Security is the guaranteed benefit, and the President’s plan calls for cutting benefits by one-third or more. That is a huge hit to every retiree who depends on this system. Like Bush’s plan, the new Senate bill will also slash benefits. That plan has a further 7 percent reduction in benefits for early retirees relative to current law that is phased in between 2024 and 2028. In conjunction with the two pieces of the plan that raise the retirement age, the proposal would reduce benefits for retirees by 4 percent by the year 2035, by 6 percent by the year 2040, and it will reduce them by 56 percent by the year
many of my colleagues are going to stand right alongside me in this fight. Finally, there is another important issue I will talk about today that no one on the other side of the aisle or the other side of Pennsylvania Avenue cares about. That is those Social Security plans will add trillions of dollars to an already massive Federal debt, a debt that we are just handing over to the generation coming behind us.

In traveling the country to sell his privatization plan, President Bush has been saying we have an obligation and a duty to confront problems and not pass them on to future generations. Well, many of us on both sides of the aisle agree with him. We should not create new problems for the next generation to handle. The trouble is, the President’s plan actually adds to the problems of the next generation. It does nothing to solve them.

This new Republican plan, just like President Bush’s, would add trillions of dollars in debt to our country’s financial sheets in the next two decades alone. In fact, the Center on Budget and Policy Priorities said that the privatization proposal will create nearly $5 trillion in new debt over the next 20 years. That money is going to have to come from somewhere, and it is naive to think that huge new borrowing will not affect current retirees. It is also naive to think that massive new borrowing will be as clean as Medicare and Medicaid that really do need our attention. It is naive to think we will simply go along and pass on these massive new problems to our children and our grandchildren.

So once again we are left to consider privatization plans that run up massive new debt on the country’s credit card while pulling money away from the Social Security system and ending the bedrock of the program—the guaranteed benefit. That is a recipe for disaster.

The President and his friends in the Senate are fixated on private accounts, even though they will do absolutely nothing to address the long-term solvency of the Social Security program.

Last week, I joined with 41 of my colleagues to ask President Bush to take this risky scheme off the table before moving forward with any Social Security reform discussions. The promise of Social Security reform is based on the bedrock of the program and ending the program—the guaranteed benefit. That is a recipe for disaster.

The President and his friends in the Senate are fixated on private accounts, even though they will do absolutely nothing to address the long-term solvency of the Social Security program.

The Privatization proposal is on the table, we believe it will represent a first step towards undermining the program’s fundamental goals. Therefore, so long as this proposal is on the table, we believe it will be impossible to establish the kind of cooperative bipartisan process we need to truly address the challenges facing the program many decades in the future.

We will not stand for the President’s plan for social insecurity. We will continue to stand for future generations against a private solution that simply adds trillions of dollars in debt to future generations. We want to be proud of what we pass along to our children and grandchildren.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The PRESIDING OFFICER. Mr. President, I do not know if it is appropriate at this time to ask that we return to S. 256, the pending business of the Senate.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The President business is closed.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 256, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 256) to amend title 11 of the United States Code, and for other purposes.

Pertinent:

Dorgan/Durbin amendment No. 45, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Reid (for Baucus) amendment No. 50, to amend section 524(g)(1) of title 11, United States Code, to predicate the discharge of debts in bankruptcy by a vermiculite mining company meeting certain criteria on the establishment of a health care trust fund for certain individuals suffering from an asbestos-related disease.

Dodd amendment No. 52, to prohibit extensions of credit to undermine consumers.

Dodd amendment No. 53, to require prior notice of rate increases.

Kennedy (for Leahy/Sarbanes) amendment No. 63, to modify the definition of disadvantaged person in the Bankruptcy Code.

Harkin amendment No. 66, to increase the accrual period for the employee wage priority in bankruptcy.

Dodd amendment No. 67, to modify the bill to protect families.

Dodd (for Kennedy) amendment No. 68, to provide a maximum amount for a homestead exemption under State law.

Dodd (for Kennedy) amendment No. 69, to amend the definition of current monthly income.

Dodd (for Kennedy) amendment No. 70, to exempt debtors whose financial problems were caused by failure to receive alimony or child support, or both, from means testing.

Dodd (for Kennedy) amendment No. 72, to ensure that families below median income are not subjected to means test requirements.

Dodd (for Kennedy) amendment No. 71, to strike the provision relating to the presumption of luxury goods.
Dodd (for Kennedy) amendment No. 119, to amend section 522(b) of title 11, United States Code, to limit usurious claims in bankruptcy.

Akaka amendment No. 105, to limit claims in bankruptcy by certain unsecured creditors.

Feingold amendment No. 67, to amend section 109 of title 11, United States Code, to include certain provisions in the triennial inflation adjustment of dollar amounts.

Feingold amendment No. 88, to amend the plan filing and confirmation deadlines.

Feingold amendment No. 90, to amend the provision relating to fair notice given to creditors.

Feingold amendment No. 91, to amend section 303 of title 11, United States Code, with respect to the sealing and expungement of court records relating to fraudulent involuntary bankruptcy petitions.

Feingold amendment No. 92, to amend the credit counseling provision.

Feingold amendment No. 93, to modify the disclosure requirements for debt relief agencies providing bankruptcy assistance.

Feingold amendment No. 94, to clarify the application of the term disposable income.

Feingold amendment No. 95, to amend the provisions relating to the discharge of taxes under chapter 13.

Feingold amendment No. 96, to amend the provisions relating to chapter 13 plans to have a 5-year duration in certain cases and to amend the definition of disposable income for purposes of chapter 13.

Feingold amendment No. 97, to amend the provisions relating to chapter 13 plans to have a 5-year duration in certain cases and to amend the definition of disposable income for purposes of chapter 13.

Feingold amendment No. 98, to modify the disclosure requirements for debt relief agencies providing bankruptcy assistance.

Feingold amendment No. 99, to provide no bankruptcy protection for insolvent political committees.

Feingold amendment No. 100, to provide authority for a court to order disgorgement or other remedies relating to an agreement that is not enforceable.

Feingold amendment No. 101, to amend the definition of small business debtor.

Talent amendment No. 121, to deter corporate fraud and prevent the abuse of State self-settled trust law.

Schumer amendment No. 129 (to amendment No. 121), to limit the exemption for asset protection trusts.

Durbin amendment No. 110, to clarify that the means test does not apply to debtors below median income.

Durbin amendment No. 112, to protect disabled veterans from means testing in bankruptcy under certain circumstances.

Boxer amendment No. 62, to provide for the potential disallowance of certain claims.

The PRESIDING OFFICER. Under the previous order there will be 10 minutes of debate equally divided on each of the following amendments: amendment No. 110, Amendment No. 66, amendment No. 62, and amendment No. 67.

Mr. DURBIN. Mr. President, if you will please notify me when I have 1 minute remaining of my 5 minutes allocated, I would appreciate it.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. DURBIN. The argument behind this amendment is that it is not going to affect people in lower income categories. Senators on the other side of the aisle have come to the floor and said: Don’t worry about this bill. Yes, it is stricter, you have to file more documents, it will cost more in legal fees, but if your income is lower than the median income and you file for bankruptcy, it does not affect you. You are exempt from it.

Senator SESSIONS of Alabama on the floor yesterday: Is that your understanding, that if you are below median income you do not have to file all the papers to go through the means test? You don’t have to go through some of the most harsh provisions of the bankruptcy bill? And he said yes, that was his understanding.

My amendment is very simple. It clarifies what has been said over and over again, that the means test does not apply to debtors who go into bankruptcy court whose incomes fall below the median level. It adds only two sentences to the bill. It makes it clear that if the median income debtors only have to show the court, first, the documentation already required under chapter 7, and then their monthly income. Once they show the monthly income, if it is below the median income in that area, they are exempt from the means test. That is all my amendment says.

Frankly, if colleagues on the other side of the aisle will not accept this amendment, I have to wonder whether they really will exempt the lower income people. If it does not, it means everybody walking into bankruptcy court, not just those who can repay but many who have much lower salaries and incomes and cannot, is going to have to go through all of the procedural hooks and ladders set up by this S. 256. I don’t think that is reasonable. It certainly is not the way this bill has been explained for the last 2 weeks. It is important that we read and recount what Senator HATCH said on February 28:

Let me tell you at the outset, the poor are not affected by the means test. The legislation provides a safe harbor for those who fall below median income.

The Republican leader came to the floor, and here is what he said:

This bankruptcy reform act exempts anyone who earns less than the median income in their State.

Those are the words of Senator Feingold. Senator Sessions: I remind all of my colleagues that people who are economically distressed and have incomes below the median income already will be exempt from the means test.

If this is true, and I hope it is, there is no reason this amendment should not pass overwhelmingly, in fact by a voice vote. But if those who drew up this bill really believe that they have protected people, including those in the lowest income category, that is another story altogether.

We know that half the people who go to bankruptcy court today are there because of medical bills. They are people who ended up with a mountain of debt because of an illness in their family. Do you know what else? Three-fourths of those people filing for bankruptcy because of medical bills had health insurance. They thought they had protection to keep what their families. They didn’t have enough health insurance or they lost their job after the diagnosis. It happens.

What we are saying is if you are in one of those terrible situations where things have gone terribly wrong for your family and you are facing bankruptcy and you are in a low-income category, for goodness’ sakes, why would we heap more procedural requirements, more paperwork, more demands on the poorest among us?

This amendment says what three Republican Senators have said on the floor word for word. If you are below the median income you do not have to fill out the papers for the means test. I hope my colleagues, those who came to the floor and said this over and over again, agree to this amendment.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. DURBIN. Thank you for notifying me of that.

We are going to have several amendments this morning. Each one of these amendments tries to clarify this bill. This bill is being driven by the credit card and banking industry, you know, the same people who fill your mailbox with credit card applications you never asked for, the same people who show up at the Big Ten football game trying to peddle their credit cards to students—the same people are pushing this bill. They want folks to get deep in debt and if they file for bankruptcy never get out from under the debt—keep paying it for a lifetime: a literal debtors’ prison.

If we truly want to exempt the lowest income Americans from the worst provisions and toughest provisions of this bill, I encourage all of my colleagues to support amendment No. 110. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa is recognized.

AMENDMENT NO. 68

Mr. HARKIN, Mr. President, I call up amendment No. 66 on behalf of myself, Senators Rockefeller, Leahy, Dayton, and Kennedy.

The PRESIDING OFFICER. The amendment is pending.

Mr. HARKIN. The amendment is pending?

The PRESIDING OFFICER. Correct.

Mr. HARKIN. I understand under the rule I have 5 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Mr. President, this is a straightforward amendment that protects the ability of workers to receive their pay, including vacation and sick pay and severance pay, when their company goes bankrupt. Under bankruptcy law, wages owed have long been
during the entire time a worker works have ruled that severance pay is earned simply strikes the 180-day limitation. filing for bankruptcy. My amendment gets first-in-line priority preference for the bill a worker gets this preference, given an extremely high priority, as back-time limit. You may have been laid off, but am sorry, you are out of luck. Why? You are getting about half of what you normally would get. Last, we have the issue of when does the 180-day clock start ticking. A lot of times, a company will file for bankruptcy long after it has closed a division here or a division there or closed an operation someplace and they have laid off people. This happens a lot. Let’s say you have worked for a division in Louisiana, and the company, a national company, closed operations in that plant and they just laid you off. They have not gone bankrupt yet; they are out of business. You are on the front line, and that is why Governor Schwarzenegger did is so vitally important. Kids today face a minefield of nutritional risks from the time they get up in the morning to the time they go to sleep at night, opportunity after opportunity to eat unhealthy foods. They are bombarded with ads all day long. Whether it is on television, signs in their schools, they are bombarded with ads to eat junk food, drink sugary beverages. When was the last time you saw an ad for an apple? When was the last time you saw an ad to eat fresh vegetables? No. You see ads to eat all kinds of unhealthy foods.

Are there other examples where there is no time period for the collection or for getting into priority preference? I would just mention two. There is a priority for creditors of grain storage facilities. Let’s say a farmer has grain in a storage facility. We are familiar with that in Iowa. This has happened many times in the past. Let’s say the storage facility goes bankrupt. The farmer gets first-in-line priority preference for the grain stored in that facility. There is no time limit. It could be 2 years, 3 years; there is no time limit whatsoever. But under this bill, for workers, there is a 180-day time limit. For the child support and alimony priority—we have heard a lot of discussion about that—there is no cap and there is no time limit. For farmers on grain stored in that facility, but there is no time limit. For child support and alimony there is neither a cap nor a back-time limit. This amendment is very simple. It just says, if your company does bankrupt, we leave the $10,000 cap. That is fair. That has been raised from $5,000 to $10,000. It was $5,000 under the old bill. But it does away with the 180-day time limit. It just takes off that time limit and lets workers get in the priority queue to get severance pay, vacation pay, sick pay—their back wages—when and if the company goes bankrupt.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. HARKIN. Mr. President, if there is no one here seeking to speak on the bill, I ask unanimous consent I be allowed to proceed as in morning business for up to 8 minutes.

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

CONGRATULATING GOVERNOR SCHWARZENEGGER

Mr. HARKIN. Mr. President, I rise to congratulate the Governor of California, Governor Schwarzenegger, who just the other day, the day before yesterday, announced his support for a California initiative to get junk food out of our schools. I refer here to a newsclip that came out on Monday. I will read from it.

Governor Arnold Schwarzenegger, a long-time advocate of healthier food in schools, said Sunday that all “junk food” in vending machines on California campuses should be replaced with nutritious snacks such as fresh vegetables. “I think we should use our vending machines in the schools—fill them with good food, with fresh vegetables, with milk and products that are really healthy for the body,” said Schwarzenegger, speaking at the annual fitness exhibition here that bears his name.

I say: Bravo Governor Schwarzenegger. Thank you. Thank you for taking the lead on this issue. I hope other Governors will follow suit and follow his leadership.

I have been concerned about our kids’ eating habits for many years now. In the 1996 farm bill, I tried to get vending machines taken out of schools. That didn’t quite happen, of course. But we are still making the effort to try to get access to healthier foods to kids in school for healthier eating. More and more, we see schools making agreements with soft drink companies for exclusive contracts. You walk down the hallways in schools: Coke, Pepsi, mountain dew everywhere. Kids are bombarded with this. The fact is, these kids in school are creating for themselves bad habits which, when they go into adulthood, lead to chronic diseases. So we have to start with our kids while they are young. And the problem is, vending machines and other sources of junk food have a profoundly negative impact on students’ nutrition.

A recent study took a group of students who ate only USDA-approved school lunches up through the fourth grade. Then they tracked them into the fifth grade, where they gained access to school vending machines, snack bars, and other food sources. Up to the fourth grade, they got only USDA-approved school lunches. In the fifth grade they got to go to vending machines and stuff like that. Guess what the study found. As fifth graders, they consumed 33 percent less fruit, 42 percent fewer vegetables, 57 percent less milk than they did as fourth graders. In addition, they ate 68 percent more deep-fried vegetables—French fries—and drank 62 percent more soft drinks and other sugary beverages. In 1 year, from fourth to fifth grade.

Our Nation spends a whopping $1.8 trillion on health care, and 75 percent of that goes to treat chronic diseases. A large share of that is preventable. If we are going to turn this situation around, we have got to break free from a current sick care system to a genuine health care system and emphasize prevention and wellness, then our schools are on the front line, and that is why Governor Schwarzenegger did is so vitally important. Kids today face a minefield of nutritional risks from the time they get up in the morning to the time they go to sleep at night, opportunity after opportunity to eat unhealthy foods.

Are kids up there? They are bombarded with ads all day long. Whether it is on television, signs in their schools, they are bombarded with ads to eat junk food, drink sugary beverages. When was the last time you saw an ad for an apple? When was the last time you saw an ad to eat fresh vegetables? No. You see ads to eat all kinds of junk food every single day. That is what our kids see.

Ninety-three percent of our teenagers exceed Government guidelines for consumption of saturated fat. One-quarter of our kids show 5 to 10 early warning signs of heart disease.

This is from the CDC. I am not making this up.

One-third of today’s children will go on to develop diabetes. This is from the Centers for Disease Control and Prevention.

Fifteen percent of America’s children and teenagers are overweight. That is 3 times what it was 20 years ago. It is higher than any other industrialized country in the world.

We are placing our kids at risk in schools. They are inundated by candy, soft drinks, snacks high in sugar, salt, and fat. And to make matters even worse, physical education is being squeezed out of schools.

I saw a recent figure that on average in the United States, grade school kids get less than 1 hour of physical activity in school. We are squeezing physical education out of our schools. If they are on the football team or the basketball team, or some other variety, they are all right. But if they are not up to that
standard, what physical activity is there for a kid in school today?

Lastly, I have worked on a bipartisan basis with members on the Senate Agriculture Committee and the Appropriations Committee to increase physical activities in school and get funding for fresh fruits and vegetables. We started this in the farm bill. It has been a great success, giving free fresh fruits and vegetables to kids. We found that when you give free fresh fruits and vegetables to kids, they eat them, it solves the hunger pain, and they study better. Guess what. They are not putting their money in the vending machines by buying junk food.

We have had 3 years of experience. We took four States and 100 schools to test this theory, and every single one of those schools has been a resounding success. Now we are up to 9 States and over 200 schools. It is growing.

I again commend Governor Schwarzenegger and hope we can get California to move ahead on that also. The Governor said they were introducing legislation to ban all junk foods in schools. I say, Congratulations, Governor Schwarzenegger. Evidently, this is being written or introduced in California to rid schools of vending machines of sodas, bad foods, and stuff such as that. I again want to congratulate the Governor of California.

He also spoke on Sunday about the “broader need for parents to pay attention to what children eat”—saying “they shouldn’t feed them 1,000-calorie cheeseburgers just to avoid an argument.”

Good for you, Governor. He said:

I know it’s easy to go in that direction. I know when I come home I don’t want to fight at home with my kids about what they give a child or what you put in your body is harmful and not good for the body. I want them to study better. Guess what. They study better. Guess what. They study better. Guess what. They study better. Guess what. They study better.

When I was growing up, my mother said, If you ever borrow anything, give it back. Try not to borrow money, but if you borrow money, give it back as fast as you can.

I think all of us here understand that to be a responsible person, you have to be responsible for your debts. There is no question about that. It is not right to borrow money and then turn your back on the person who extended that credit to you. Whether it is an individual or a credit card company or a bank. But in this bill there seems to be absolutely no bounds. It seems to be that the person who lent you the money has no responsibility whatsoever to be diligent about it, to be reasonable about it, or, frankly, to be smart about it. And the credit card companies know they have the perfect bill coming toward them. There is absolutely no responsibility placed on them.

But let me tell you about this particular egregious situation I am trying to fix. I think it would shock Americans if they understood this. The fastest growing part of the credit card business is the young people in this country. The credit card companies entice...
our young people to go into debt, go into debt, and they know the sky is the limit as to what they can charge for that debt. Is it 10 percent? No. That would be low. Is it 20 percent? That would be low. There was an amendment here that cut it at 30 percent, and that failed. We are talking about taking a young person who doesn’t have a clue and offering them credit cards.

If I were to ask you how many cards does the average young person have—people between 18 and 24—I would say one card, the answer is six credit cards. This is the fastest growing group.

That is also why the credit card companies go ahead and give more and more credit cards to people who were defaulting the most. Frankly, it is because they are still making a mint. Credit card profits have gone up in the cause they are still making a mint.

Mr. DODD. This bill deserves to make some changes. I hope our colleagues look closely at what is in the bill and support this amendment and see we can provide a sense of balance and relief for children and families who need some protection when they go through the bankruptcy process.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, let me talk about the Boxer amendment for a minute or two. The purpose of this amendment is to restrict credit availability for young adults.

Others believe that using credit cards to build a history is a laudable objective for young adults. This amendment does not distinguish between legitimate uses by young adults from other uses. It applies to any person under 21, regardless of his or her financial independence or employment situation.

Also, note that 18-year-olds can serve in the military, get married, vote, and in most States serve on juries, all without a cosigner.

This bill does address the issue of credit cards, debt and younger adults. Title XII of the bill provides for a study regarding the impact of the extension of credit to individuals who are claimed as dependents for Federal income tax purposes and are in college.

The same section provides other relevant credit card-related reforms that are the result of careful negotiation. These include several amendments to
the Truth in Lending Act which includes creating increased disclosure requirements for credit card statements and mandating the credit card companies assist borrowers in determining how long it will take to pay off their credit card balances; requiring certain additional disclosures to consumers; buying and refinancing their homes; require additional disclosures regarding credit card so-called introductory rates; extending Truth in Lending requirements to excess-based credit card solicitations; adding new disclosures related to the credit card late fees; and prohibiting cancellation of credit cards solely due to borrowers’ failure to incur finance charges.

These are good changes, in my view, and the view of the majority of the Senate. They were all carefully negotiated over the last 8 years. We do not need to come in now and make further revision to delicate compromises such as this. I urge my colleagues to vote against this amendment. It would do more harm than any good.

**AMENDMENT NO. 67**

I wish to speak against Senator DODD’s amendment 67. This is an omnibus amendment. There is nothing else to call it. It is a major part of a large, successful amendment usually targets specific provisions in the bill for improvement. And getting agreement on one of these rifleshot amendments can be like herding cats.

Quite frankly, this is a message statement. It asks us to protect families. This is a noble goal, but it is not one served by this amendment. This amendment alters the carefully negotiated means test to permit nearly all filers to avoid a presumption of abuse. In some respects, it is redundant.

For example, it lists as expenses many things that are already covered in the IRS standards used in the bill to determine appropriate expenses. In other areas, it is excessive. For example, it increases the allowable expenditures for private school education from $1,500 to $5,000.

The worst part of this is it created a category of miscellaneous expenses. This is not just a loophole. My gosh, you could drive a truck through the opening for abuse this amendment puts through the middle of the means test, a test that has the purpose of a reduction in abusive bankruptcy filings. I said it once, and I say it again. This amendment is the heart of this bill. The means test is fair. The means test has been carefully negotiated between Democrats and Republicans over 8 years of time. I have to oppose any effort to revise the means test at this late date. I urge my colleagues to vote against this amendment.

**AMENDMENT NO. 110**

I rise in opposition also to the Durbin amendment. It takes a broad swipe at the means test again. First, the very purpose of the means test is to treat genuinely impoverished filers fairly. If you are below the State median income, you are not subject to the means test. It is as simple as that. This amendment undermines the ability of a court to verify a person’s income when he or she is filing for bankruptcy. This amendment would remove the basic requirement that debtors fill out certain forms to verify their income. You have to fill out forms to get a driver’s license, to get a job, to apply for a retirement plan. For example, when an individual applies for food stamps, there is a complete application process to verify income and assets before this document is approved. Is it too much to ask that if the Government is going to allow you to liquidate all of your debts, you at least show the court definitive proof of your income?

Instead, this amendment allows a person simply to declare that his income is below the State median income. All he has to show are “calculations or other information.” In other words, take their word for it. That seems to open the door to the fraud that this bill is designed to prevent.

I believe most people are honest, but inevitably there are some applicants who will take advantage of the looser requirement. As Ronald Reagan said in a different context: Trust but verify. I urge my colleagues to vote against the Durbin amendment, as well.

**AMENDMENT NO. 66**

I oppose the Harkin amendment. This was part of a problematic Rockefeller amendment we have already voted down. My amendment addresses the mediation to the issue, but I must urge my colleagues to vote no.

I am pleased we invoked cloture yesterday by a vote of 69-31. If that is not bipartisan, I do not know what is. This bill has been in the works for 8 years now, and I hope we can soon pass it for the fifth and final time. My colleague from Wisconsin has 14 amendments pending. I also understand there are roughly another six or so Kennedy amendments and two Durbin amendments. That is 22 amendments between these Senators.

I wonder if my colleagues know how many other amendments are pending. The answer is three: one from the ranking member of the Judiciary Committee, one from Senator AKAKA, and one from Senator TALENT. What does this tell you?

I respect my colleagues from Wisconsin, Massachusetts, and Illinois, but why are they dragging out this process? Their amendments constitute roughly 88 percent of the remaining omnibus bill. I suspect that even if we accepted every one of the amendments, all three would not vote for this legislation. So this is important. I respect the right of Senators to bring up their germane amendments in postcloture situations. If they want to do it that way, they certainly can.

I oppose every one of those amendments. I think a majority of the senators should oppose those as well. We need to get this bill done. We know we have to keep it intact in order to get the House to take it and get it signed by the President. It is time to bring this to an end. We have been at it for 8 years and we have worked to accommodate everyone we possibly could. It has been a bipartisan vote every time, overwhelming bipartisan vote every time. By gosh, it is time to vote on this bill.

How much time remains?

**The PRESIDING OFFICER.** There is 13 minutes.

**Mr. HATCH.** Is that my time? I am prepared to yield back the remainder of my time and proceed to a vote. Do we have the yeas and nays on all four amendments?

**The PRESIDING OFFICER.** We do not.

**Mr. HATCH.** I ask for the yeas and nays on all four amendments.

**The PRESIDING OFFICER.** All time is yielded back.

**Is there a sufficient second?**

**There is a sufficient second.**

**The yeas and nays were ordered on all four amendments.**

**Mr. HATCH.** I ask unanimous consent that after the first 15-minute rollocall vote the remaining three votes be 10 minutes each.

**The PRESIDING OFFICER.** That order has been entered.

The question is on agreeing to the amendment of the Senator from Illinois, Mr. DURBIN.

The yeas and nays have been ordered. The clerk will call the roll. The legislative clerk called the roll.

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 31 Leg.]

**YEAS—42**

Akaka  Durbin  Lincoln
Baucus  Feingold  Milwaukee
Bayh  Feinstein  Murray
Biden  Raskin  Obama
Bingaman  Inouye  Pryor
Boxer  Jeffords  Reed
Brown  Landrieu  Salazar
Cantwell  Kerry  Sanford
Clinton  Kohl  Rockefeller
Cordy  Landry  Sarbanes
Corzine  Lautenberg  Schumer
Dayton  Leahy  Sessions
Dodd  Lott  Smith
Dorgan  Lieberman  Snowe

**NAYS—58**

Alexander  DeWine  McConnell
Allard  Dole  Murkowski
Akaka  Domenici  Nelson (NE)
Bennett  Ensign  Nelson (NL)
Bond  Risch  Roberts
Brownback  Frist  Santorum
Bunning  Graham  Sessions
Burns  Grassley  Shelby
Burr  Gregg  Smith
Carper  Hagedorn  Snowe
Chafee  Harkin  Specter
Chambliss  Hatch  Stevens
Coburn  Inhofe  Sununu
Collins  Johnson  Talent
Collins  Kyl  Thomas
Corzine  Lott  Tumulty
Craig  Lugar  Voinovich
Crappo  Martinez  Warner

The amendment (No. 110) was rejected.

**AMENDMENT NO. 66**

The PRESIDING OFFICER. Under the previous order, there will now be 2
minutes of debate equally divided on the Harkin amendment No. 66. The Senator from Iowa.

Mr. HARKIN. Mr. President, this amendment basically protects workers who are able to take a priority preference in back wages, vacation pay, severance pay, and sick pay when a company goes bankrupt.

Under the bill, there is a limit of $10,000. That is fine; I do not touch that. This amendment lifts the 180 days. For example, let’s say a worker has worked for a company for 10 years and they get $500 a year severance pay. The company goes bankrupt. Normally, you get $5,000, but because of the 180 days, you only get $250 for which you get a priority; otherwise, you get in line with the other creditors.

What this does is lift the 180 days. There are other examples. If a farmer today has a warehouse receipt for grain in an elevator, there is no time limit on that. They can go 2, 3, 4 years. For alimony there is no time limit. For child support, there is no time limit. For bankruptcy so they can attempt to avoid future financial problems. The amendment (No. 66) was rejected.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the Boxer amendment, No. 62.

Will the Chamber please be in order. The Senator from California.

Mrs. BOXER. Here are the facts, my colleagues. The fastest growing segment of bankruptcies occurs in Americans who are 25 years and younger. The average number of credit cards a college senior has is not two, three, or four, but six. The average senior in college has six credit cards and credit card companies are marketing to our young people at rock concerts, on college campuses. We want responsibility but on all sides.

My amendment puts a modicum of responsibility on the credit card companies. It simply says a bankruptcy judge should consider an appropriate response if a credit card company has given a card to a person who is under the age of 21, has no responsible co-signer, an income below the poverty level, and the person already had six credit cards.

My friends, I hope you will not march down and vote “no” against this amendment. How can you explain at home that a credit card company would have no responsibility if they have given a seventh credit card to a person below the age of 21 who has income below the poverty level? I hope you will support the Boxer amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. MCCONNELL. I yield back our time. The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clay
Collins
Conrad
Corinne
Dayton
Dodd
Dorgan

Lott
Santorum
Thune
Thomas
Vitter
Voight
Warner

YEAS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Daines
Chambliss

Lugar
Sessions
Thune
Cooper
Crabby
Coburn
Cochran
Collins
Corzine
Dodd
Durbin

Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—60

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Burr
Daines
Chambliss

Lugar
Sessions
Thune
Cooper
Crabby
Coburn
Cochran
Collins
Corzine
Dodd
Durbin

DeMint
DeWine
Markowski
Nelson (FL)
Nelson (NE)
Rush
Santorum
Sessions
Shelby
Smith
Snowe
Spector
Stabenow
Voight
Warner

NAYS—105

Mr. AKAKA. Madam President, I rise today to speak on my pending amendment, No. 105.

Section 106 of the bill does not allow consumers to declare personal bankruptcy in either Chapter 7 or Chapter 13, unless they receive a briefing from an approved nonprofit credit counseling agency within six months of filing. The bill also requires each consumer who receives bankruptcy protection to take a credit counseling instructional course. The credit counseling instructional course requirement is intended to provide financial education to consumers who declare bankruptcy so they attempt to avoid future financial problems.

Approximately one-third of all credit counseling consumers enter a debt management plan. In exchange, creditors can agree to offer concessions to consumers to pay off as many of their debts as possible. These concessions can include a reduced interest rate on the amount they owe and the elimination of fees. However, most credit card companies have become increasingly unwilling to significantly reduce interest rates for consumers in credit counseling. A study by the National Consumer Law Center and the Consumer Federation of America revealed that 5 of 13 credit card issuers increased the interest rates they offered to consumers in credit counseling between 1999 and 2003.

The amendment would amend section 520(b) of the bankruptcy code to prevent unsecured creditors, primarily credit card issuers, from attempting to collect accruing interest and additional fees from consumers in credit counseling instructions. The result was announced—yeas 40, nays 60, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—40

Akaka
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Dodd
Dorgan
Durbin

Feingold
Feinstein
Inouye
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Lautenberg
Levy
Lieberman
Lincoln
Mikulski
Murray
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

S3212
CONGRESSIONAL RECORD — SENATE March 9, 2005
counseling if the creditor does not have a policy of waiving interest and fees for debtors who enter a consolidated payment plan at a credit counseling agency.

Since it appears that Congress will require that consumers enter credit counseling before filing for bankruptcy, we must ensure that credit counseling is truly effective and a viable alternative to bankruptcy.

Credit card issuers, undermining the good intentions of consumers who enter into credit counseling, have sharply curtailed the concessions they offer to consumers in credit counseling, contributing to increased bankruptcy filings. According to a survey by VISA USA, 33 percent of consumers who failed to complete a debt management plan in credit counseling said they would have stayed on the plan if creditors had lowered interest rates or waived fees.

A large body of research, conducted by such entities as the Congressional Budget Office and the Federal Deposit Insurance Corporation, shows that aggressive lending practices by credit card issuers have contributed to the current high level of bankruptcies in this country. Credit card companies have an obligation to ensure that effective alternatives are readily available to the consumers they aggressively pursue.

As a show of support for the effectiveness of consumer credit counseling, especially as an alternative to bankruptcy, credit card issuers should waive the amount owed in interest and fees for consumers who enter a consolidated payment plan. Successful completion of a debt management plan benefits both creditors and consumers. For many consumers paying off their debt is not easy. My amendment will help them struggling to repay their obligations. I encourage all of my colleagues to support this amendment to help consumers enrolled in debt management plans to successfully repay their debts, free themselves from debt, and avoid bankruptcy.

My amendment has been endorsed by the Consumer Federation of America, U.S. Public Interest Research Group, Consumer Action, and the National Consumer Law Center.

I ask unanimous consent that a letter of support for my amendment be included in the RECORD.

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

CONSUMER FEDERATION OF AMERICA, March 7, 2005.

Re support for Akaka credit counseling and payday loan amendments to bankruptcy bill.

Hon. Daniel K. Akaka,
U.S. Senate, Washington, DC.

DEAR SENATOR AKAKA: The undersigned national consumer organizations strongly support your amendments to the bankruptcy bill (S. 256) that would encourage more responsive credit counseling and keep more consumers in credit counseling and out of bankruptcy.

MAKING CREDIT COUNSELING A MORE SUCCESSFUL ALTERNATIVE TO BANKRUPTCY

S. 256 requires consumers to seek credit counseling within six months of filing for bankruptcy. However, the credit card companies that have taken steps in recent years that undermine it as a viable alternative to bankruptcy for some consumers. By slashing funding for legitimate credit counseling agencies and charging consumers in credit counseling higher interest rates than in the past, credit card issuers are making it less attractive to seek counseling and leaving distressed Americans with few options other than bankruptcy.

If Congress is going to require that consumers enter credit counseling before filing for bankruptcy, it must ensure that credit counseling is truly an effective and viable alternative to bankruptcy. This amendment would stop a credit card company from attempting to collect on debts in bankruptcy unless the creditor has a policy of waiving interest rates for consumers who enter credit counseling.

Consumers who enter a credit counseling “debt management plan” agree to discontinue credit card use and to make one consolidated monthly payment to a credit counseling agency, which then forwards the funds to the appropriate credit card company. In exchange, creditors agree to offer two key benefits: the monthly payment is adjusted to pay off as much of their debts as possible: a reduced interest rate on the amount they owe and the elimination of fees that have accrued.

Unfortunately, credit companies in recent years have become increasingly unwilling to reduce interest rates for consumers in credit counseling, which has led to more bankruptcies. According to a study by the National Consumer Law Center and Consumer Federation of America, five of 13 major credit card issuers increased the interest rates charged consumers in credit counseling between 1999 and 2003. Currently, only two major credit card issuers (Wells Fargo and American Express) completely waive all interest for consumers in credit counseling. The majority of other major credit card companies charge interest rates in credit counseling above 9 percent, with issuers such as General Discr and Discover charging rates of 15 percent or more.

The increasing refusal of creditors to offer low interest rates causes more consumers to drop out of credit counseling and to declare bankruptcy. According to a survey by VISA USA, of consumers who failed to complete a debt management plan in credit counseling said they would have stayed on the plan if creditors had further lowered interest rates or waived fees. Moreover, almost half of those who dropped off the plan had or were going to declare bankruptcy.

It is ironic that the same creditors whose aggressive and reckless lending practices have contributed to the increase in bankruptcies in this country have weakened credit counseling in recent years. It is hypocritical for the credit industry to demand that Congress give them bankruptcy relief while closing off credit counseling as an effective alternative for many consumers.

PROHIBITING THE RECOVERY OF PREATORY FEES

This amendment would prohibit payday lenders from having a claim on these loans in bankruptcy. Lenders who entice cash-strapped consumers to write checks without funds on deposit or to sign away electronic access to their bank accounts from also using the bankruptcy courts to collect on their usurious loans.

Payday lending condones check-kiting as a financial management tool and encourages the unsafe use of bank accounts. Loans phased on check/debit-holding get paid off before other obligations, due to the severe adverse consequences of failing to make good on the check used to get a payday loan. If the consumer files bankruptcy to stop the cycle of debt, some lenders then try to convince the bankruptcy court that the payday loans should not be discharged.

Consumers need comprehensive small loan protections, reasonably-priced alternatives to payday loans, and sound financial education. In the meantime, Congress should prevent creditors from using credit card issuers to write checks without funds on deposit or to sign away electronic access to their bank accounts.

If this nation is truly going to reduce bankruptcies, lenders must first exercise more responsible lending decisions and be more responsive to consumers who show a genuine interest in resolving their debt problems. We applaud you for moving to make payday and credit card lenders more accountable in their treatment of consumers.

Sincerely,

JEAN ANN FOX,
Director of Consumer Protection, Consumer Federation of America.

TRAVIS B. PLUNKETT,
Legislative Director, Consumer Federation of America.

EDMUND MIECZKINSKI,
Consumer Program Director, U.S. Public Interest Research Group.

JOHN RAO,
Staff Attorney, National Consumer Law Center.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DeMINT). Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I would like to have the attention of the Senate. I have been discussing amendments to the bankruptcy bill. I think my colleagues are aware that I strongly oppose this bill and that I am
very disappointed in the process that has brought us to this point. I do not believe the sponsors of this bill and its supporters in the other body have dealt fairly with the proposed amendments.

I understand the Senator from Utah came here to vote against a bill, if the have an amendment you believe will make it a better bill, it is still a worthy consideration. I was told in the committee, where I wanted to offer many of these amendments, that I should not offer them, that I should wait until the bill is on the floor to offer the amendments. So in most cases that is exactly what I did, being assured there would be a good faith response and consideration of the amendments. Well, of course, that is not what has happened to date. I categorically reject the idea that simply because you do not think a bill is good, you do not have a proper role on the floor of the Senate in trying to improve it.

This has not been a legislative process worthy of the Senate. Members of the Judiciary Committee, as I just said, were implored to save their amendments for the floor. Then, when we got here, we were told no amendments could be accepted. It was a classic break with parliamentary norms. Negotiations have been minimal and pro forma. Extremely reasonable amendments were rejected supposedly because they were not drafted correctly, according to the sponsors, but there was no willingness to work on the language of the amendments so they could become acceptable.

One of the most disheartening examples of this way of dealing with good faith amendments was the treatment of the amendment offered by the Senator from Florida concerning identity theft. Senator Nelson simply wanted to give some special consideration to people who are homebound and do not have a telephone or Internet access. I wish there weren’t, but there are. Are we going to decide that those unfortunate citizens can never file for bankruptcy because they are in that situation? How about people who suffer from dementia caused by Alzheimer’s or some other disease? They sometimes have to file for bankruptcy because of massive medical bills, and they can do so through someone who has power of attorney. Do we think anything is to be gained by requiring a debtor who is ill with a terrible, incurable disease, not competent to sign legal papers anymore, to take a credit education course?

How about U.S. soldiers fighting in Iraq or Afghanistan or serving anywhere overseas? It is a tragedy that some of our young men and women serving their country have to file for bankruptcy, but that is actually happening right now every day. Yes, there is Internet access in Iraq, but we do want to require a soldier to sit down at a computer to take a credit counseling course? But we are in Iraq in order to protect his or her family back home from financial ruin?

I know my bargaining position is not strong. But I hope my colleagues will look at these amendments and realize that they are modest and might actually improve the bill in a way that wouldn’t offend anyone in this entire body from the point of view of their philosophy about what bankruptcy law should be. Writing laws that work is what the Senate is supposed to do. Here is an opportunity to do that.

Let me talk briefly about each of these amendments because I do not intend to call each one up individually for debate. Some of them are very simple. Let me reiterate that I am open to discussion on any of these amendments. If there is something about the drafting that could be improved, I urge the sponsors to work with me and help me perfect the amendments so they can become part of the bill in a managers’ package or perhaps even by unanimous consent.

The first amendment I will discuss is amendment No. 92 which has to do with section 106 of the bill on credit counseling and education. The bill requires credit counseling and credit education for people who file for bankruptcy. Section 106 of the bill requires employers to provide a credit counseling briefing before filing a bankruptcy case and to take a credit education course as a condition of receiving a discharge. However, the provisions provide no recourse for debtors who have exigent circumstances that would make it actually impossible for them to take a credit education course after filing or to get credit counseling, even during the 30-day grace period the bill now allows.

Let me give a few examples. I know these cases may be rare, but they are real. There are people in this country who are homebound and do not have a telephone or Internet access. I wish there weren’t, but there are. Are we going to decide that those unfortunate citizens can never file for bankruptcy because they are in that situation? How about people who suffer from dementia caused by Alzheimer’s or some other disease? They sometimes have to file for bankruptcy because of massive medical bills, and they can do so through someone who has power of attorney. Do we think anything is to be gained by requiring a debtor who is ill with a terrible, incurable disease, not competent to sign legal papers anymore, to take a credit education course?

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By the way, the Servicemembers Civil Relief Act does not address this problem. Nothing in that statute would excuse members of the military, even those on active duty serving overseas, from the credit counseling and education requirements. Our fighting men and women may not file bankruptcy for bankruptcy despite the protections of that law. My amendment creates simply a safety valve to address this problem by giving courts discretion—it just gives them discretion—to waive the credit counseling and education requirements based on a sworn statement filed by the debtor with the court.

The bill also fails to address the potentially prohibitive cost of credit education to some debtors. In contrast, section 111, which addresses credit counseling services, requires credit counseling organizations to provide counseling without regard to ability to pay the fee for such a service. My amendment borrows the same language, requiring credit education to be offered for a reasonable fee and offered to all persons without regard to ability to pay the fee.

These changes are essential to ensuring that the bankruptcy system is still an option available for those who truly need it. Let's not make these counseling and education requirements, which I think have a great deal of merit, into some kind of a trap for some unusually situated but still good-faith earner. The bankruptcy proceeding is actually designed to help. I know this issue is particularly important to Senator SESSIONS. I hope to be able to work with him to reach agreement. He and I have worked together well on this and a number of other issues in the past with the regard to the bankruptcy bill. I hope he will follow suit on this as well.

The amendment I have just discussed deals with the impact of this bill on a very old and very hard to help debtors. The same is true of the next amendment I want to discuss concerning current monthly income. There are actually two amendments I have filed on this topic, amendment No. 96 and amendment No. 97. I am suggesting two alternative approaches to deal with the same problem.

Section 318 requires debtors in chapter 13 whose current monthly income is over the median to file a 5-year plan rather than a 3-year plan. For some chapter 13 debtors to file a 5-year plan means it will take them longer to get back on their feet and they will end up paying more money to emerge from bankruptcy. Only those with a higher income should be subjected to this longer plan. Because of the way the income threshold is calculated in the bill, there is a great possibility of arbitrary and unfair results.

Whether this requirement applies depends on the income that debtors earn in the 6 months before bankruptcy rather than their actual income at the time of filing. In other words, the median income test is based on what you used to make, not what you make at the time of bankruptcy. To understand this problem, imagine person A has an income of $60,000 and that the State’s median income is $45,000. A month before bankruptcy, she loses her job and is forced to take a job that pays only $30,000. Under this bill, if her current monthly income works out to $5,000, even though she only makes $30,000 at the time of the bankruptcy and even if she never finds a higher paying job, she would be forced into a 5-year plan, even if she is well below the threshold the bill’s drafters apparently had in mind.

Imagine person B has an income of $40,000 before and after filing for bankruptcy. Because person B’s income is below the median, she will be allowed to enter a 3-year plan even though she actually makes more than person A. So the definition of current monthly income as the average of the prior 6 months’ income may not make sense in some cases.

My amendments provide two alternative ways to allow for a different and more accurate monthly income to be calculated. In addition, under my amendment, if a debtor’s income decreases because of a decrease in income below the median, then a debtor who is at that time on a 5-year plan can seek to have the plan reduced to a 3-year plan.

Incidentally, the bill already provides a way for calculating current monthly income in chapter 7. The court can reduce the income used for the means test if special circumstances are present. Special circumstances such as job loss or a sharp reduction in income from a home business would certainly qualify. I think it is an oversight that this was not done for chapter 13. So I hope the sponsors will simply fix this problem.

This change also needs to be made in another section of the bill where current monthly income plays a significant role; that is, in determining whether a debtor will have to use the restrictive IRS standards under the means test to figure out what living expenses will be permitted.

Again, it is unfair to someone filing in chapter 13 to make that determination based on past income rather than what the person actually makes. This is a commonsense fix. We should allow the courts to collect the latest available income from the debtor’s disposable income with very low collection costs, and older taxes are paid pro rata with other creditors for duration of the plan. Society benefits at the completion of a debtor’s chapter 13 payment plan when the debtor is able to rejoin the economic system as a tax-paying wage earner.

This is an important protection. Typical older tax cases involve debtors who had to file bankruptcy after years of economic or family displacement. The displacement is often the result of serious health or substance abuse problems, unstable employment or a marital collapse. These debtors may have drifted through many jobs over several years without keeping the W-2 or 1099 forms needed to file tax returns. Having finally found steady employment, debtors are often faced with a wage garnishment for these old taxes just at the time they are getting back on level financial ground. The debtors may need to file for bankruptcy to stop the garnishment so that they will have
enough money left from take-home pay to pay rent, child support, or other financial necessities.

But if old taxes cannot be discharged through a chapter 13 plan, as proposed in this bill, debtors will have no reason to try to switch to chapter 13 to pay through a chapter 13 plan, because they will know that at the end of the 3- to 5-year payment plan, they likely will again face an IRS garnishment for the older taxes.

My amendment addresses this problem. I should also point out that the amendment retains the bill’s prohibition on the discharge of taxes for which a fraudulent return was filed. So we are talking about discharging of back taxes that are not the result of fraud, just the result of nonpayment.

The next amendment also deals with chapter 13. It is amendment No. 94, and would correct a serious drafting error in section 102(h) of the bill that threatens to unintentionally rescind chapter 13. Refusing to remedy this error would be disastrous for the very chapter of the code that the sponsors of this bill want to encourage people to use.

In chapter 13 cases, debtors must devote to administrative expenses, secured creditors and unsecured creditors. In fact, most chapter 13 cases filed under current law are filed by debtors who make more than the median income, and it would prohibit any payments at all for administrative expenses for debtors below the median. That means that there will be no lawyers to handle chapter 13 cases at all. Chapter 13 will become a nullity.

This bill has contained a number of antilawyer provisions over the years, but I cannot imagine that the drafters of this bill intended to effectively prohibit attorney participation on behalf of debtors. My amendment will correct these drafting problems. It makes clear that the means test expense standards will be used for chapter 13 cases filed by debtors who make more than the median income. It makes sure that below median income debtors can pay their secured creditors. And it will allow administrative expenses, including attorneys’ fees, to be included in the plan payments. I urge my colleagues to support this amendment.

Another of my amendments deals with a provision that bankruptcy lawyers are very concerned about. This is amendment No. 93 on debt relief agencies. The amendment is strongly supported by the American Bar Association. This amendment would exclude lawyers from the provisions dealing with “debt relief agencies” in sections 2229-2229a of the Code. As currently written, the bill would impose a number of unnecessary burdens on the attorney/client relationship in bankruptcy proceedings. Subjecting attorneys to the “debt relief agency” provisions will add little substantive protection for consumers but require substantial amounts of extra paperwork and cost.

Requiring lawyers to call themselves “debt relief agencies” will do more to confuse the public than to protect it. I think members of the public generally understand what they mean, but the phrase “debt relief agency” is vague and unhelpful. It is also misleading, because there are significant differences between lawyers and nonlawyers, but both would be identifying themselves as debt relief agencies under this bill.

Only lawyers are permitted to give legal advice, to file pleadings, or to represent debtors in bankruptcy hearings. Perhaps most importantly, only lawyers are bound to confidentiality by the attorney-client privilege. These distinctions are important to consumers, but they would be obscured by the bill as written.

Furthermore, these provisions would apparently apply to any law firm that provides bankruptcy services, even if that law firm were primarily providing landlord-tenant advice—even to landlords—criminal defense services, or other unrelated services. Large firms with only one bankruptcy practitioner may be required to advertise themselves as “debt relief agencies.”

I think this will be immensely confusing to consumers without any apparent benefit.

The substantive provisions on “debt relief agencies” would add little to the already existing laws and regulations governing attorney conduct. Attorneys currently have extensive duties relating to disclosures, fees, and ethical obligations. These provisions would micromanage the relationship with without adding any meaningful substantive protection.

I think the intention of the bill’s drafters was to prevent attorneys from stealing consumers from bankruptcy by not telling consumers from the beginning that they work on bankruptcy issues, and then sort of springing the idea of bankruptcy on the consumer. But rather than simply prohibiting this sort of unethical behavior, the bill tries to micromanage the attorney-client relationship by requiring large amounts of additional paperwork and disclosure. Extra paperwork substantially burdens the consumer and adds to the cost of bankruptcy. Given that attorney conduct is already regulated, I believe these provisions are unnecessary as applied to attorneys and provide no clear benefit.

As mentioned, the American Bar Association strongly supports this amendment. The Federal Bar Association is also strongly in favor of it.

Mr. President, I ask unanimous consent that a letter from the Ohio Bar Association be printed in the RECORD.

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

FEDERAL BAR ASSOCIATION

Mr. President, I ask unanimous consent that a letter from the Federal Bar Association be printed in the RECORD.

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

FEDERAL BAR ASSOCIATION, Office of the President, Cincinnati, OH, February 28, 2005.


Hon. Arlen Specter, Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. Patrick Leahy, Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. Patrick Leahy, Ranking Minority Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

Dear Chairman Specter and Senator Leahy,

As members of the Senate Committee on the “Bankruptcy Abuse Prevention and Consumer Protection Act of 2005” (S. 256), I...
write to express the opposition of the Federal Bar Association to the legislation in the proposed bankruptcy code. The provisions would impose attorney liability and additional administrative burden on debtor attorneys by the legislation may be expected to generate a substantial negative impact on the quality of legal counsel in the bankruptcy system. The above-referenced provisions will discourage many attorneys from agreeing to represent debtors and significantly increase the fees and expenses of clients. The requirement that a bankruptcy attorney certify the accuracy of factual allegations in the debtor’s bankruptcy petition is an example, will essentially require the attorney to become a guarantor of the petitioner’s statements. These draconian measures may be to drive many consumer bankruptcy practitioners out of this area of practice, depriving individuals of adequate legal representation and access to the bankruptcy system itself. While these changes may not be intended by the advocates, they are foreseeable.

The spirit of the above-referenced provisions can be better satisfied by the imposition of non-dischargeability sanctions upon debtors who fail to provide their bankruptcy schedules and tougher action by bankruptcy courts and the United States Trustee to enforce Bankruptcy Rule 9011 when misconduct by a attorney is identified. I also believe that creditor as well as debtor representation is needed to achieve a more workable and acceptable outcome, whether it be creditor representation or debtor representation. Do we really want to leave in place a provision that is so obviously contradictory and unworkable and that would lead to any result at all, as the example I just described? I hope not.

I still believe that creditor as well as debtor representation is needed to achieve a more workable and acceptable outcome, whether it be creditor representation or debtor representation.

My amendment will eliminate the first notice provision of the bill and instead establish a central national registry for future notice addresses. The registry would be available to debtor’s counsel and the court on the Internet, as is already done for government creditors under the Federal Rules of Bankruptcy Procedure. The same address could be used for all notices, except when a creditor files and serves a different address for an individual case.

The bill generally provides for such a registry, and the courts are moving in that direction anyway, but the bill has two significant flaws. First, the bill is vague about whether a registry is to be maintained by each court or in a central national database, and it does not provide that the registry will be made available to the public.

Second, the bill’s current language is unworkable because counsel will have to constantly check court records in every case to see if a new address was filed with the court. My amendment requires parties to use any address that has been filed more than 120 days previously with the registry. Within that 4-month period, the addresses should be updated in various software programs that bankruptcy attorneys use to find addresses, or they can recheck the registry to find addresses if addresses have changed.

The exception to sanctions for a violation of an automatic stay violation must also be amended so it does not include creditors who have clear actual notice. As it stands now, the bill creates a loophole that will encourage rampant abuse. For example, a debtor who filed for bankruptcy the previous week might return home from work to find her car being repossessed, although she would not claim the debtor did not provide proper notice of the bankruptcy because notice was not sent to the correct address and therefore the creditor can proceed with the repossession, even if the debtor has her time-stamped bankruptcy petition in her hand and shows it to the repo man. It would not even work in that circumstance, which is an absurd result.

Finally, the language of the bill should be clarified so that actual notice is no longer required. As it stands now, it places too much of the burden on the creditor to prove that it occurred. It would not even work in that circumstance, which is an absurd result.

I also believe that creditor as well as debtor representation is needed to achieve a more workable and acceptable outcome, whether it be creditor representation or debtor representation.

My amendment is consistent with that movement. The bill is not.

One of my amendments is just a clarification of the effect of the bill and should not be controversial at all. It is amendment No. 100 on reaffirmation. Section 524(1) allows a debtor to accept payments made “before and after filing” of a reaffirmation agreement with the court. It also provides that a creditor may accept payments from a debtor under an agreement that the creditor believes in good faith to be effective. I am concerned that these provisions could allow creditors to accept and retain payments where the reaffirmation agreement is ultimately held to be invalid.

In the late 1990s, in a celebrated case, the retailer Sears was required to disgorge literally hundreds of millions of dollars in payments made by debtors.
pursuant to reaffirmation agreements that were invalid because they were never filed with the court. This bill would permit acceptance of payments before a reaffirmation agreement is filed. This will leave an ambiguity that would allow a creditor such as Sears to retain all those payments.

The current language in section 203 of the bill suggests that if Sears in good faith believes those invalid agreements to be legitimate, it could have retained the payments. This would undermine the integrity of the bankruptcy system, and I can see no policy justification at all for allowing creditors to retain payments made pursuant to invalid reaffirmation agreements.

This amendment would clarify that courts have the option to order the disgorgement of payments made pursuant to invalid reaffirmation agreements or to order other appropriate remedies. Again, it is simply a logical correction to an ambiguity in the bill. If it is not necessary, I would appreciate the sponsors saying so on the record so that the legislative history on the topic is clear.

Finally, I hope the sponsors will consider agreeing to amendment No. 87 on inflation adjustments. As a result of the efforts of Senator GRASSLEY and my efforts, one of the provisions in this bill is a lengthy overdue inflation adjustment to the dollar amounts in chapter 12, the chapter covering farm bankruptcies. Those dollar amounts were originally set in 1986. We increase the farm bankruptcy amounts to account for inflation since 1986 and then index them for future inflation.

Inflation has severely limited the usefulness of chapter 12 to family farmers, and I am pleased that this bill addresses that problem as well as others with chapter 12.

Virtually all the dollar amounts in the Bankruptcy Code are now subject to section 104, which provides for their adjustment every 3 years in accordance with current inflation. But most of them are. The reason that the family farm amounts needed to be increased so much in this bill is because they were not previously adjustable under section 104.

This bill adds a number of new sections or subsections with dollar amounts that are not indexed, including the family fisherman provision, household goods, educational savings limits, certain venue thresholds, and the applicability in chapter 13 of the additional monthly allowance for individuals over a family of four.

Again, this is just a commonsense technical issue. Almost all of the dollar values in the bill amount to what is added to section 104 and adjusted for inflation, just as the family farm values are, and the homestead exemption, and many others. I implore my colleagues: Do not make the same mistake that was made with respect to family farms back in the mid-1980s.

Do not set up a situation where 10 or 20 years from now some provision is clearly too low, but it cannot be fixed for 7 years while Congress works on another big revision to the Code.

I do hope the sponsors can accept this amendment. If there is an amount they have a real argument about that should not be indexed, I am willing to consider that. I removed one provision in this amendment having to do with the definition of financial participant when I heard from the Bond Market Association that that one should not be indexed. So I am willing to be reasonable. I believe my colleagues who have worked so hard and long on this bill over the past 8 years will be reasonable as well, as this moves to final passage.

I have taken some time in going through these amendments, and perhaps people watching would say: Why is this Senator waiting until the last minute to raise these issues?

Of course, that is not the case at all. I waited patiently in the Judiciary Committee. These amendments well in advance in almost every case for everybody to review. I started to offer the amendments in committee and make my arguments. We received no substantive response at all in the committee on almost every amendment.

When one Senator actually could not take it anymore on the other side and offered a substantive response to my amendment, he said, I apologize to the members, I am about, basically because apparently they had been instructed not to talk about these amendments.

He asked: Senator, why are you doing this? We need to get this out of committee. Why do you not wait until the floor to offer these commonsense amendments, and then we in good faith will work together to try to solve these problems?

Well, that is not what is happening. This is a slam dunk. There is no danger anymore about considering these amendments. They got cloture. There are plenty of votes. What is the harm of fixing the bill? What is the harm of doing the right thing? What is the harm of doing our job as legislators and making sure we do not stick the entire bankruptcy community with these provisions that do not make any sense? Come on, we can do this now. It is safe to go back in the water. This is going to become law, and not a single one of my provisions will do any damage whatsoever to the fundamental intent or goals of this bill.

I do thank my colleagues for their attention in this presentation. These are highly technical issues. Some may seem minor, and some may actually be minor. I do not want to take the Senate's time on these amendments, which is why I attempted to get them considered in committee and have tried to make myself available at every instance to discuss them over the past week and a half.

I look forward to discussions over the next few hours with the managers of the bill. Perhaps we can still reach agreement that will make some of these votes unnecessary.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 51

Mr. BINGAMAN, Mr. President, I call up amendment No. 51 to the bankruptcy bill.

The PRESIDING OFFICER. Is there objection?

Without objection the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

(Purpose: To amend certain provisions regarding attorney actions on behalf of debtors, and for other purposes)

On page 14, strike line 2 and all that follows through line 4 and insert the following: "tion of a party in interest, may order the."

On page 14, line 7, insert "and reasonable trustee fees based upon the trustee’s time in prosecuting the motion," after "fees."

On page 14, strike line 10 and all that follows through page 15, line 17, and insert the following: "the."

On page 28, between lines 17 and 18, insert the following:

(Additional) Ground of Nondischargeability.—Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (18) the following: "(18A) for costs or fees imposed by a bankruptcy court under section 707(b)(4) of this title, whether imposed in the current case or a former case filed under this title.

On page 28, line 18, strike "(k)" and insert "(m).

On page 59, strike lines 16 and 17 and insert the following: "(9) The declaration shall consist of the following:

On page 102, line 4, strike "EXPANSION" and insert "ENFORCEMENT".

On page 102, line 7, insert "fraud and abuse exist in the bankruptcy system and that in order to curb this fraud and abuse, Federal bankruptcy courts should vigorously enforce” after “that.”

On page 102, line 8, strike “(App.)” and insert “(App.)."
certifies the decision to do so is voluntary and will not create undue hardship for the debtor.

As drafted, S. 256 would require attorneys, where there is a presumption of hardship, to certify that debtors would be unable to make payments under the agreement. Attorneys are not accountants and would have to conduct extensive audits of their client’s finances in order to determine if the client is able to make the specific payments. Of course, that would drive up attorneys’ fees as well.

These additional costs would negatively impact the accessibility of legal representation and court administration. If we want to address abuse in the bankruptcy courts, let me describe what would happen if the bill passes in its current form. We would likely have to stop doing bankruptcy work for indigent clients due to the additional cost and concern related to the attorney sanction provision. Second, these costs would place additional administrative burdens on the Nation’s courts by increasing the number of individuals who would be representing themselves in the court proceeding due to their inability to afford an attorney. According to the Chief Bankruptcy Judge for the District of New Mexico, cases involving pro se debtors, debtors who are representing themselves, can take up to 10 times longer to process as cases where debtors are represented by counsel. And, as such, even a small increase in the number of cases being processed without counsel could create substantial administrative burdens on our bankruptcy courts.

So the amendment I have called up would do three things. First, it would replace the attorney liability language in section 102 of the bill with new language that would impose nondischargeable sanctions on attorneys who lie on their bankruptcy schedules. Second, it would urge bankruptcy courts to more vigorously enforce existing rules regarding the sanctioning of attorneys where misconduct has been demonstrated. These changes would properly address abuse in the bankruptcy system by holding debtors responsible for intentional misrepresentations in listing the worth of their assets and holding attorneys responsible if they engage in any such abuse. Last, the amendment would maintain existing law with regard to the certification of reaffirmation agreements by attorneys. I understand the need to punish attorneys for the bankruptcy process but there are ways to do this without unnecessarily driving up the cost of legal representation. This, in my view, is an amendment that is reasonable. The American Bar Association has endorsed it. I urge my colleagues to support it as well.

I have talked to various of my colleagues in the Senate. I have watched the amendments being debated in the Senate for the last several days. I believe I am correct that every single amendment that has been offered to this bill has been defeated, many of them on pretty much a party-line vote. So it is clear to me that offering this amendment and amending the bill is a vote on it will not be productive.

I do believe it is a significant issue. It is an issue that should be addressed before this bill is completed and goes to the President for signature. I hope my colleagues will address this issue and make changes in the bill. But, because of the lack of support, at this point I will not ask for a vote on the amendment.

AMENDMENT NO. 51 WITHDRAWN

I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, the amendment here in the bankruptcy bill. I want to talk about an amendment I had offered to this legislation that does not get a vote now as a result of cloture being invoked.

The amendment I offered on behalf of myself and Senator DURBIN was offered on a timely basis and the majority decided they did not want to have a vote on the amendment. So when cloture prevailed—and I voted against cloture—this amendment fell also. As a result of that, I do not intend to vote for the underlying bill. The Senate should have voted on my amendment. It was in order. Admittedly it was non-germane to the underlying bill, but still, under the rules, it was in order for me to offer it.

The amendment was an amendment that would create a special committee to investigate contracting waste, fraud, and abuse in the country of Iraq.

We have had almost no oversight hearings here in the authorizing committees of the Senate is being spent with respect to contracting in Iraq. But we have held some Democratic Policy Committee hearings and have heard from a good many whistleblowers and others about what is happening to American taxpayers’ money in the country of Iraq. Let me describe some of the testimony we have heard.

This picture is perhaps the best description. At the last hearing I chaired, this person—his face is not seen in this picture, but this person standing here this morning brought this photograph with him. This is $2 million. This $2 million wrapped in Saran wrap in $100 bills was provided to
a contractor. The contractor was doing business in Iraq with our Government and the Coalition Provisional Authority, which was our Government as well. Our witness, who worked for the Coalition Provisional Authority, said that people were told when they needed to get paid and they needed to get food, they need cash. Being a bag. Just bring the bag and you get loaded with cash.

The witness said he heard there was a vault with billions of dollars in cash. At any rate, on the day this picture was taken, a contractor showed up and collected $2 million in cash in a bag.

Let me describe this contractor, by the way, because there is some legal action with respect to this contractor. I will not use names, but the names were part of the hearing. It was on C-Span. This contractor was a firm started by two individuals, formerly in one of the branches of our service, retired, who showed up in Iraq and wanted to be a contractor. They didn’t have any money themselves. I guess they had $450, according to news reports, and they wanted to go into business. So they proposed to get a contract to provide security at an airport in Iraq.

They got the contract. They got $2 million of government money delivered to them. That is how they started the business. But their business was not necessarily on the level. A couple of their employees decided to become whistleblowers because they were so sickened by what they saw happening. The whistleblowers allege that this company was taking forklift trucks off the airport property, painting them blue, and then taking forklift trucks, sending them off to a warehouse to paint them, and shipping them back to the Coalition Provisional Authority—which, by the way, was us; Ambassador Bremer and us, the American taxpayer.

So this company, these two fellows running this company, were taking forklift trucks, sending them off to a warehouse to paint them, and shipping them back and reselling them to us, the American taxpayer.

The people who blew the whistle on this received death threats, they said, and were quite scared. But despite all the obvious problems, this company was given $100 million in contracts in Iraq.

Listening to the witnesses at our DPC hearings describe what was going on in Iraq, it was unbelievable. There were brand new $85,000 trucks used by contractors. When the tires went flat, what do they do with the truck? They leave it on the road to be torched; brand new $85,000 trucks. If something plugs up the fuel pump, they leave it; just abandon it. How about a company that decides to buy hand towels for soldiers ordered by the U.S. Army, small hand towels. The company that gets the contract to do it decided to nearly double the price of the hand towels because they wanted to put their company logo on the hand towels used by soldiers. Or the company that orders 25 tons—yes, 50,000 pounds—of nails to be sent to Iraq for construction. The nails were the wrong size. They ordered the wrong size, and 50,000 pounds of nails are sitting on the sands of Iraq paid for by the American taxpayer.

The contractor that gets the contract to put in air conditioning units in buildings in Iraq paid for by the American taxpayer, went to another subcontractor, who goes to another neighborhood crew, and they pass all this money along, and pretty soon what was to have been air conditioners is just a couple of fans in a room, while the American taxpayer pays for air conditioners.

It is unbelievable what is happening with respect to waste, fraud, and abuse, and nobody cares. It is the American taxpayers that are taking a bath.

You can’t get oversight hearings in this Senate. Do you know why? Because it would be embarrassing to the administration.

A couple of the contracts I just talked about involve Halliburton. People say when you talk about Halliburton you are going after the Vice President. Not at all. When you talk about Halliburton you are talking about the company that bought giant no-bid contracts, and there is no accountability for the money. The Heritage Foundation said Halliburton was charging the taxpayers for 42,000 meals a day served to U.S. soldiers. The problem is they were only feeding 14,000 soldiers a day. They were overcharging the American taxpayer by $20,000 a day.

Where is the accountability? Who cares about that? When is this Congress going to decide it matters?

We passed a nearly $20 billion reconstruction bill. I didn’t support it. I offered the amendment to strip the $20 billion for reconstruction in Iraq. But the majority voted to authorize that spending. The reason I didn’t support the funding was Iraq has the second largest reserves of oil in the world. A country could be starving, in a depression in the sand one day and the soles of their shoes got black from oil. This is a country with the second largest reserves of oil in the world. It could easily securitize future oil that will be pumped from under the sands of Iraq and use that money to reconstruct Iraq. That ought not be the American taxpayers’ job.

But this Senate and this Congress crafted legislation which was signed by the President saying they were going to actually send over nearly $18 billion. Twenty-billion dollars was the request. Senator Wyden and I got an amendment passed that cut wasteful spending by $1.8 billion. But there is still over $18 billion in the spending pipeline, $15 billion of which has not yet been spent.

I talked to this fellow holding this wad of cash which he was about to put in a bag for the people who have allegedly cheated the American taxpayers. You talk to these folks, and they will tell you that they are like passing an ice cube around. Pass it to three or four hands, and pretty soon you have a lot less. It melts away.

That is what is happening to the American taxpayers’ money with respect to reconstruction in Iraq.

These are some of the headlines about Halliburton and those contracts with the Department of Defense: Uncle Sam Looks into Meal Bills; Uncle Sam Faces Criminal Investigation; Pentagon Proving Alleged Overcharges for Iraq Fuel.

By the way, the recently retired person in the Pentagon who purchased fuel was his job in the world and deliver it in war zones; he did it for over 30 years—testified that American taxpayers are being overcharged by a dollar a gallon in Iraq. A buck a gallon, adding up to tens of millions of dollars. The American taxpayers got hosed here. Nobody seems to care.

The question is, what do we do about all of that?

In 1941, on the eve of the Second World War, there was a Democratic Senator in Sacred Heart, Arkansas, who was the Majority Leader, while there was a Democrat in the White House, that Democratic Senator got in a car and drove around the country to military bases and said there is massive waste and abuse going on, and we ought to get to the bottom of it. He convinced the Congress to create a special committee. The Senator was Harry S Truman, and the committee was eventually called the Truman Committee. They saved an estimated $15 billion by exposing waste. That was a Democratic Senator with a Democrat in the White House.

But the fact is, you can’t get hearings now because we have one party that controls the White House, the House, and the Senate, and nobody wants to embarrass anybody.

It is not my intent to embarrass anybody. It is my intent to provide accountability and get to the bottom of how this money is being spent.

Remember the company that got the money shown in this picture, the one where whistleblowers had their lives threatened? The whistleblowers filed suit under the False Claims Act alleging that this company is defrauding the American taxpayer. But the United States Justice Department decided they would not intervene. Do you want to know why? The United States Justice Department said, Well, if they were defrauding something, it was the Coalition Provisional Authority in Iraq, and the Coalition Provisional Authority is not the same as the United States government. The Justice Department’s position, according to an assistant U.S. Attorney, was that defrauding the United States is not the same as defrauding the United States taxpayers. The Coalition Provisional Authority in Iraq was created by an ex-felon former al-Qaeda terrorist and a former Taliban leader. The Treaty Department of the United States Justice Department took the position that defrauding the Coalition Provisional Authority—
which is us—is not the same as de-
frauding the American taxpayer is Dys-
tantine.

The question is, why do we not allow a vote on an amendment to create a special committee of the U.S. Senate? This would be a committee with four
members selected by the majority party and three members by the minor-
ity party, with subpoena power to have the kind of investigation and the kind of
oversight that the American tax-
payers ought to expect of this Con-
gress. Why don’t we have a vote on
that?

I offered the amendment on time, and
the majority party did not wish to have a vote on it.

Perhaps if we had oversight hearings we would hear more about that which I
have already heard, the American tax-

payers paying $45 for cases of what I
have already heard, the American tax-

we would hear more about that which I
have a vote on it.

The money that belongs to the
Iraqi people, with subpoena power to have
members selected by the majority
special committee of the U.S. Senate?

I offered the amendment on a timely
amendment that I offered on a timely
port it this time. But because I was
now they can find it, don’t know
where it is, and don’t know what hap-
pended to it.

The question is, does anybody here

care? If so, why would we not vote on

an amendment to set up the kind of
committee I would suggest?

As OF I know, we are rushing headlong to have a vote on bankruptcy.

We will have that vote. But there is ap-
parently no interest in trying to get to the bottom of some of these questions I asked. According to the Inspector General of the Coalition Provisional Authority, there was one Iraqi ministry that had 8,206 guards on the payroll, which was the responsibility of the CPA. The problem is there are only 602 working
where; 8,206 were being paid for by the
CPA, but only 602 were working. The Coalition Provisional Authority actu-
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If you have another serious health need, it will do the same. If you have important needs for children, such as spina bifida, autism, or other kinds of significant and important children’s diseases, it will run into tens of thousands.

What we have seen in our study of these bankruptcies is half of the bankruptcies are caused by these medical disasters. Yet, we are unprepared to give any kind of consideration to these hard-working people who have taken out health insurance to try to provide for their families and, through no fault of their own, have been caught up in these dramatic health care bills. They are struggling and try to avoid bankruptcy and meet their responsibilities. But once they get caught in this net that is included in the bill, they will be punished—and I say “punished”—by the provisions in this bill which are unduly harsh and I believe unduly unfair.

But not Ken Lay. Not Ken Lay. Here it is: In a mansion penthouse condominium in Houston’s River Oaks neighborhood, with 12 rooms and covering 12,800 square feet.

Or Andrew Fastow, the former chief financial officer of Enron, who recently built a large house in River Oaks valued in the millions, his home will not be taken. He will be able to go home every night to that home and be able to live there while we are seeing the homes taken from working families whose only problem was that their family was hit by cancer or another serious illness. We are seeing their homes taken, when we see individuals who have basically violated the trust of their company and of the workers get a free ride in the form of millions of dollars.

You call that fair? You call that fair? All this amendment says is, we will have a uniform standard. We have a uniform standard in this amendment. We are going to have a uniform standard with regard to the equity in the house. We are not going to let these individuals go off and be able to shield all of their income.

We find Jeffrey Skilling, Enron’s former president and chief executive officer, lives in a 15-room house in River Oaks valued at over $4 million.

WorldCom’s chief financial officer, Scott Sullivan, who was charged with falsifying the books by more than $3.8 billion, used $19 million from a no-interest loan to buy a 4-acre, $15 million penthouse condominium in Boca Raton, FL, called, ironically, Sancora.

Dennis Kozlowski, the former CEO of Tyco International, who is said to have used $19 million from a no-interest loan from his company to pay part of the cost of a $30 million compound in Boca Raton, FL, called, ironically, Sanctuary. So $30 million he has been able to put away there.

There are hundreds of thousands of workers who have lost their jobs, lost their savings, lost their health care, lost their pensions—but he is going to be protected by this legislation. Where is the fairness in this legislation when it comes to this issue in terms of homes?

We have a law firm in hock for $100 million. Former Baseball Commissioner Bowie Kuhn moved to a mansion in Ponte Vedra Beach, FL, and immediately sought protection from the creditors. And the list goes on and on and on.

What is the current situation with regard to the homes and homesteads? Well, if you get caught up with a claim, you’re out there in your home and in danger of losing your homes?

So we have to ask ourselves, why are we spendthrifts looking to escape their bankruptcy because they did not receive the child and spousal support that were entitled to? Why are we unduly harsh provisions of this bankruptcy bill. Single mothers are 50 percent more likely than married people to go bankrupt and three times more likely than childless people to go bankrupt. That statistic tells a great deal about the reality of why people are in bankruptcy.

The proponents of this bill argue that people file for bankruptcy because they are spendthrifts looking to escape their financial obligations. But this stereotype is terribly wrong. The bankruptcy courts are filled with the cases of hard-working people who were pushed over the financial brink because of a family health crisis, a lost job, or a failure to receive child support. These are the people this bill will try to squeeze out a few more dollars for the credit card companies.

The amendment focuses on this last group, on single parents trying to raise their children without the financial support they were supposed to receive from the absent parent. It would exempt from the onerous means test a single parent who failed to receive child support or spousal support that was entitled to receive pursuant to a court order within 12 months of receiving notice that the spousal or child support was due. It calls a great deal about the reality of why people are in bankruptcy.

She was never paid more than a third of the income she expected over an entire year to help raise her children, to provide for their basic needs and well-being. Under those circumstances, she had no choice but to fall back on borrowing to support her family. She was not irresponsible. What she did was unavoidable.

In 2004, $95 billion in child support—$95 million—was uncollected. Failure to receive that child support...
support put millions of single-parent families in a deep financial hole through no fault of their own, and it is the children who suffer the most in these situations. Why on earth would we want to make things even more difficult for these families? Most single moms have to struggle to make ends meet. They are working in low-wage jobs without good benefits. Over three quarters, 78 percent, of them are concentrated in four typically low-wage occupational categories. When the economy is tough, they are often the first ones let go.

The poverty rate for single moms is nearly 40 percent as compared to 19 percent for single fathers. It is no wonder that single mothers are now more likely to go bankrupt than any other demographic group—more than the elderly, more than divorced men or married couples, more than minorities or people living in poor neighborhoods. Yet this legislation would deny traditional financial relief to millions of single-parent families who never received the child support they were owed. Instead, they would have to keep paying those credit card bills for another 5 years. Is that fair? I can’t believe that a majority of my Senate colleagues think it is.

I am asking them to extend a little compassion to these single mothers struggling to raise their children.

Mr. President, the women’s and children’s organizations continue to oppose this bill: The National Women’s Law Center, the National Partnership for Women and Families, National Organization for Women, Parents for Children, YWCA, Business and Professional Women, the Children’s Defense Fund, Voices for America’s Children. They do so because of the particularly harsh provisions of this bankruptcy bill and the heavy weight it puts upon women generally and most particularly on women whose circumstances are such that they are being denied child support and alimony and because they, through no fault of their own, run into this kind of a financial crisis. This legislation will impose harsh provisions upon them, and they will be treated not just in bankruptcy but they will be treated with the harsh provisions that will effectively put them in indentured servitude for the next 5 years.

The National Women’s Law Center, in writing to urge opposition to S. 256, says it is harsh on economically vulnerable women and their families. They point out that the bill would inflict additional hardship on over 1 million economically vulnerable women and families who are affected by the bankruptcy system each year—1 million women, the majority of whose only problem is that their husbands have failed to provide alimony and child support. And we are going to wrap them in with the spendthrifts who run up credit with their credit. These are innocent individuals. We are saying that the harsher provisions of this bankruptcy law—that is going to indenture these women for 5 years; they can get judgments against them for 5 years—will exist for these families, women forced into bankruptcy because of family breakups, factors which account for 9 out of the 10 filings of women who are owed child and spousal support by men who file for bankruptcy.

It is going to be more difficult for the women to even get the alimony from their husbands who may be in bankruptcy but needing to owe alimony to their ex-spouses. Husbands are going to be subjected to the provisions in this legislation and that is going to make the wife compete with the credit card companies. So that is going to be another burden which these individuals are going to have to face.

I hope we can find some support for this amendment because we are talking about perhaps among the most innocent group of people who will be caught in this. We have talked about single mothers. This bill is about the National Guard and Reserve. We have talked about those who have been hit by the medical bankruptcy. All, through really no fault of their own or very little fault of their own, are going to be facing this future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the names.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 69

Mr. KENNEDY. Mr. President, next I will address amendment No. 69, which I believe is pending.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, one of the extraordinary phenomenons we are facing at this time is the outsourcing of American jobs, the movement of American manufacturing jobs out of this country—and large to the Far East but to other countries—and the growth of what we call “temps”—companies that provide temporary workers. Those temporary workers have few, if any, benefits. So, obviously, when they run into challenging health crises and more limited incomes, they are facing the brunt of bankruptcy.

That is why I am offering this amendment—to ensure that workers who have lost their jobs or who have an illness or injury that prevents them from working are not unfairly thrown into the harsh means test created by this bill. This means test puts additional burdens on the debtors already trying to get their lives and finances back together after a difficult period.

The means test applies to those debtors whose average income for the 6-month period prior to filing for bankruptcy is above the median income. Some debtors forced to file for bankruptcy because they lost their jobs are already exempt because they had no income in the last 6 months, but those who lose their jobs within 6 months before the filing for bankruptcy can be fairly included in the means test based on income they are no longer earning. My amendment would ensure this provision would exist for the particular circumstances that have been happening in the economy, particularly to those individuals who are unemployed, many of them have been looking for employment for some period of time. If we look at the numbers of unemployed workers in January 2001, it was 6 million. In February 2005, it is 8 million. We are in a period where those who are unemployed are unemployed for a longer period than at any time in recent history.

This chart shows what happens in recoveries. The recoveries before 1991—the increase in terms of the employment and recoveries beginning in 1991 are here, and our current recovery shows that it is very light in terms of the total number of jobs that are created.

This is one of the important charts, Mr. President. This has 8 million Americans competing for 3.4 million jobs. That means the unemployment for workers in this country: 8 million people are looking for 3.4 million jobs. Obviously, there are going to be many millions of Americans who are not going to be able to get those jobs. When they can’t get the jobs, they don’t have the unemployment compensation, and they are unable to provide for their families, what happens? They end up in bankruptcy.

We are trying to say that for those individuals—and large individuals are lost, the notion of outsourcing—the best projection is that we are going to lose 3.4 million jobs; 3.4 million jobs are at risk of being shipped overseas. 540,000 jobs in 2004; 830,000 in 2005; 1.7 million in 2010; and 3.4 million in 2015. Basically, when the manufacturing jobs go overseas, individuals lose their income, or if they are able to get some income, it is as a part-time worker with no health coverage. Their income goes down dramatically. What happens to those individuals? They end up in bankruptcy through no fault of their own. These are Americans who want to work.

From 2001, we have seen 2.8 million manufacturing jobs lost; 2.8 million jobs were lost. These are the jobs with good benefits, good wages, the jobs that are the backbone of America. When you take 2.8 million of these jobs out of the market and you have 8 million people chasing 3.4 million jobs, we know there are going to be millions of individuals who are going to find increasing pressure in providing for their families. That is what is happening today.
What we are saying is, if these workers are going to be forced into bankruptcy because they have lost their jobs, they are not going to have to fall into the cruelest part of the bankruptcy. That is all we are saying. We have done this. I have been here when we have a trade adjustment assistance. We said some industries were adversely affected because of imports. We provided some consideration for those workers. We are finding out now that we are losing hundreds of thousands and millions of jobs that are being moved overseas. The result is that many of these individuals are unable to have the kind of income they need, and they are forced into bankruptcy. When they are forced into bankruptcy, we are saying that they don’t go into chapter 13; they go in and meet their responsibilities and get a fresh start. They don’t go into a chapter 13, which will force them to continue to pay for 5 years.

If you look at this chart, you will see that 49 of the 50 States have lost manufacturing jobs. So this reaches the whole dimension of this legislation because this legislation is national. This particular challenge is national. There is obviously a great deal more focus on this in the industrial heartland. In New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, and many of those States, and even in Massachusetts we have lost 83,000 manufacturing jobs. There are plenty of other jobs, such as in North Carolina where they lost 163,000 jobs.

So we have to ask ourselves, what happens to these individuals? We know what happens to them. We know that if they can get a job, they are going to be paid a good deal less. If they cannot, they will run out of unemployment compensation. We are not providing extended unemployment compensation, and we know that the final catch is that in this economy, the health insurance is up, housing is up, and gas is up. It is forcing these individuals into bankruptcy.

All we are saying for these individuals who have lost their jobs—jobs that have gone overseas, lost manufacturing jobs—and are unable to get those jobs and are forced into bankruptcy, that they will not have the harshest provisions of bankruptcy directed upon them. We ought to show some consideration to them. These are not spendthrift individuals. These are hardworking Americans who, 5 years ago, would not be facing this particular challenge, and now they are. We ought to at least give them some consideration.

Mr. President, I think I have until 2:45.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, we in the Senate were elected to serve the people. It is our solemn duty to fight for the American people every single day, for the values they share and the priorities they care about most. Above all else, the American people expect us to stand for fairness, freedom, and opportunity. Those values are the cornerstone of the American dream. We believe that if you live right and work hard, you should be able to care for your family. You should be able to afford a safe home and a safe neighborhood. You should be able to put your children through school and in college. You should have time to spend with your family, practice your faith, and contribute to your community.

We also believe that when life throws you an unexpected setback, you can count on your neighbors to pitch in. If you lose your job or you fall seriously ill, we all want to help out. You should be given a second chance to pick yourself up, dust yourself off, work hard, and reclaim the American dream for you and your family. That is the American way. That is the American spirit. That is what our bankruptcy courts should be about: giving average Americans who have lived responsibly a second chance.

This bill before us turns the American dream into the American nightmare. This bankruptcy bill turns its back on our most basic values as Americans. It is not a bill of the people, by the people, or for the people. It is a bill of the credit card companies, written by the credit card companies, and for the credit card companies, and it has no place in America.

This bill is greed. It is about the most profitable corporations in America—the credit card companies—using the Senate to enhance their profits, even more by shaking down hard-pressed Americans in bankruptcy court. It stacks the deck in favor of the credit card companies, and against American families who do everything right but find themselves in bankruptcy because they lose a job, fall ill with cancer, or get divorced.

I am reminded of the words of Leviticus in the 23rd chapter: If one of your brethren becomes poor, and falls into poverty among you, then you shall help him, like a stranger or sojourner, that he may live with you. Take no usury or interest from him, but fear your God, that your brother may live with you. You shall not lend him your money for usury; nor lend him your food at a profit.

But this bill ignores those words. It allows that 'card companies that charge outrageous interest rates, exorbitant fees, and force you into bankruptcy to still win back almost every dime in bankruptcy court against Americans who have fallen on hard times. This is literally the middle class must come to an end.

Today we will pass a bankruptcy bill that rewards the credit card companies at the expense of average Americans. Last month, we passed a class action bill that makes it harder for average corporations to be accountable, and we have a President who wants to give your Social Security away to Wall Street.

Credit card companies, big corporations, Wall Street—when is this President and this Republican Congress finally going to give the American people just 1 minute to debate their issues? When are we going to make their health care more affordable so they don’t have to worry every night if one of their children gets sick? When are we going to make college more affordable so parents can proudly send their children to college to build their own futures? When are we going to fight for clean water and clean air so we can raise our families in health? When are we going to compete for good jobs, not by lowering the pay but by raising our skills in the global economy? When are we going to fight for a secure retirement for Americans who have lived responsibly and worked hard all of their lives? When is the Senate finally going to stand up and fight for the American people?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. CLINTON. Mr. President, I rise to encourage my colleagues to support two amendments to provide some protections to families who face the devastation of medical bankruptcy.

I thank Senator KENNEDY for offering these amendments that I am proud to be a cosponsor of. The first would exempt from the means test debtors whose severe medical expenses have caused their financial hardship and forced them to file for bankruptcy, and the second would provide a homestead exemption to medically distressed debtors of $75,000 in equity in their primary residence.

These amendments are critical and will help ensure that families do not have to declare bankruptcy and lose their homes just because they get sick.

Medical bankruptcy has skyrocketed in recent decades. In 1981, only 8 percent of personal bankruptcy filings were due to a serious medical problem. In contrast, a recent study by researchers from Harvard Law School and Harvard Medical School found that half of personal bankruptcies filed in this country are now due to medical expenses. And what is most astonishing about this is that three-quarters of the medically-bankrupt had health insurance at the onset of their illnesses.

This means that each year, 2 million families endure the double disaster of illness and bankruptcy. In my State of New York, more than 38,000 of the almost 77,000 personal bankruptcies in 2004 were caused by medical expenses, impacting more than 100,000 New Yorkers.

On average, those bankrupted by medical expenses are middle-class
Americans with children who owned their own homes, held jobs, and have completed some college education. Medical debtors are typical Americans who got sick. Their out-of-pocket costs, starting from the onset of illness, averaged almost $12,000, and in the case of bankruptcy, their out-of-pocket expenses averaged more than $3,500.

These are families who desperately tried to avoid bankruptcy: more than 20 percent reported going without food; more than 30 percent had a utility shut off; more than 50 percent reported skipping needed doctor visits; and more than 40 percent failed to fill prescriptions in the 2 years leading up to their A bankruptcy filing.

The Harvard study also found that those driven into bankruptcy by medical expenses differ in an important way from other filers: they were more likely to have experienced a lapse in health coverage leading up to their bankruptcy filing. In fact, a lapse in health coverage at some point in the 2 years before filing was a strong predictor of bankruptcy, with almost 40 percent of medical debtors experiencing a lapse in coverage, compared to 10 percent of all other filers.

For those bankrupted by medical costs, illness caused financial hardship not just because of medical expenses, but also because the illness forced them to work less or lose their employment entirely. More than a quarter percent had to work less because of illness, and in many cases to care for someone else. And it is likely reduced work and even the loss of a job because of medical problems that resulted in a lapse in health care coverage.

It’s easy to see how the face of medical bankruptcy is the typical American worker. An unexpected illness or accident leaves you unable to work or unable to maintain your job full-time, which in turn leaves you with less income to pay your medical expenses. Over time your access to care is diminished because you can’t afford the cost-sharing, are not seeking needed care to avoid expenses, or have lost coverage because of reduced work hours or job loss, and ultimately your health insurance coverage lapses. Now you have no assistance with medical expenses and little or no income to pay the bills. It’s a vicious cycle. And all because you or a member of your family got sick.

Unfortunately, as rapidly rising health care costs will only exacerbate this problem going forward. The number of Americans spending more than a quarter of their income on medical costs climbed from 11.6 million in 2000 to 14.3 million in 2004. And the pressure on employers to reduce benefits and increase cost-sharing as a result of rising health costs is no less.

The solution to this problem is not to punish hard working men and women who year day to day, with difficult luck, wouldn’t be just a typical American who got sick. These Americans are already confronting difficulties because of circumstances beyond their control. Let’s not make their situations even worse. We need to adopt these amendments and begin the hard work of addressing the causes of medical bankruptcy and the serious problems that face this nation’s health care system.

Again, I thank Senator KENNEDY for his work on these amendments and urge their adoption.
Schumer amendment, is exactly the bill that Democratic leaders of the Judiciary Committee signed off on in the summer of 2002 when they controlled the U.S. Senate. I don’t know how much more compromise you can get than that. But this amendment would gut one of the compromises of this legislation that has evolved over that period of time going back to August 2002.

The bill’s homestead compromise that we have would create a Federal cap of $125,000 on the homestead exemption, but would allow those States with higher or unlimited exemptions to take advantage of them as long as they comply with the 2-year residency requirements and a 10-year fraud reachback provision.

The bill’s compromise is a good one that all parties have signed off on. The Kennedy amendment would gut it.

I ask you to kill this amendment. 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, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—47

Akaka
Bayh
Bennett
Bingaman
Bosher
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Dayton
DeWine
DeMint

NAYS—53

Alexander
Allard
Allegretti
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Colburn
Coors
Craig
Crapo
DeMint

The amendment (No. 69) was rejected.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.
We should. For goodness’ sake, they are protecting us, our families, and our homes. Is it too much to ask that we give them a break in this harsh bankruptcy bill from the worst part?

The amendment specifies the exemption for the debtor for a disabled veteran and the indebtedness occurred primarily” while they were on active duty. To qualify for this exemption, a disabled veteran must have incurred most of their indebtedness—more than 50 percent of their indebtedness—while on active duty.

The Disabled Veterans of America estimates there are 2.3 million disabled veterans. According to the Department of Veterans Affairs’ annual report, the average disabled veteran receives only $7,961 in disability compensation each year. That is not a lot on which to live. Sadly, this amount varies widely. Veterans in some States do much better than veterans in others. Unfortunately, my home State falls into the “others.”

In considering whether to support this amendment, I invite my colleagues to reflect for a moment on the physical situation and the financial situation some of our disabled veterans face. Their hardships today, combined with their earlier service, make them twice heroes, in my book. If any group of people deserves some relief from this burden-some process, it is America’s disabled veterans who suffered physical and financial devastation while they were wearing a military uniform and risking their lives for America.

I invite all my colleagues from both sides of the aisle to join me in cosponsoring this amendment and make this rather small but I think deeply worthwhile adjustment to the bankruptcy bill.

It is my understanding that Senator Lautenberg will be coming to the floor momentarily, unless Senator Grassley seeks recognition at this point.

The PRESIDING OFFICER (Mr. Coburn). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this would be a good opportunity for us to consider the general environment and the reason for this legislation.

First of all, there has not been any major rewrite of the bankruptcy legislation for more than 25 years. During that time, there has been a dramatic change in the economy, particularly the globalization of the economy. It has brought about reasons for changing parts of the Bankruptcy Code.

We have gone from around 300,000 bankruptcies a year to a high of 1.6 million or 1.7 million bankruptcies a year. So there has been an explosion of bankruptcies. Even in the best of times there has been an explosion of bankruptcies. It has become an economic problem where the average person in America is paying an additional $550 for goods and services because somebody else did not pay their bills.

All of these things have brought about reasons for changing the Bankruptcy Code. This legislation that is 500 pages that has been referred to is not something that just has been dropped on the Congress of the United States.

First of all, at least 10 years ago, the Judiciary Committee set up a commission of experts in bankruptcy, not made up of Members of Congress, a commission of people from the private sector and 1002 academia to study what needed to be done with the bankruptcy laws to bring them up to date with the global economy, to bring them up to date with the changes in our domestic economy, and to look at the problem of so many people filing for bankruptcy.

This commission worked several months—more than a year—to produce a product. That was the basis for the introduction of legislation in 1997. In that period of time, this bill has passed the Senate Judiciary Committee and the House Committee and has passed the House in several different Congresses, has been worked out in conference, an agreement between the House and Senate in several different Congresses, one of those reaching President Clinton for his signature. But it was the end of the year, and he pocket-vetted it. We did not have a chance to reconsider that veto.

The legislation before us, as I have introduced it, and basically the legislation that is before the Senate is legislation that has been so compromised, except for the Schumer amendment—and I will not go into what the Schumer amendment is—but except for that amendment, the bill we introduced and maybe four or five technical changes that were accepted in the Judiciary Committee is the legislation that was signed off on by Democrats who had a majority in the conference committee in the Senate. But there is a simple way that the Democrats controlled the Senate.

Is that exactly the way that I would write this legislation? No, it is not. There are a lot of provisions in this bill I would like to be different. But in the Congress of the United States as a whole—and particularly in the Senate where there is no limit on debate, where filibusters are possible, where the minority has rights they should have, and the only place minority rights are protected—you have to reach compromise.

I know no better compromise that I could put before the Senate than the wording of a compromise that was worked out between a Republican House and a Democratic-controlled Senate in the year 2002. That is what we have before us.

There are probably a lot of people who do not want any bankruptcy reform, but they will probably end up voting for it because this bill in different Congresses has passed by a margin of 97 to 1 on one occasion. The last time it passed the Senate, I think the vote was 85 to 12.

I think all of this is evidence of a bipartisan agreement that the bankruptcy laws need to be reformed. I do not know what more evidence I can give the American people of the way our political system works, the way the Congress works, to arrive at compromise, than the compromise that I lay before the Senate.

We recently heard from my good friend, the Senator from Illinois, the Democratic whip, that there have been many opportunities to help this group or that group or another group of people. We refer to that sort of helping this group or that group or another group as a carve-out.

My colleagues have seen amendment after amendment that was introduced to do that. We defeated that, because there ought to be uniformity of application of law across the United States, not separating something special for this group or that group or another group when it comes to justice in the bankruptcy laws, or any other laws.

If all of that up, we might not have a lot of people left who are going to be affected by what a bankruptcy judge is supposed to decide, which is justice between creditors and debtors.

In this legislation, we preserve one of the main goals of bankruptcy for the last 100 or more years, and that is the principle of a fresh start, where somebody is going to bankruptcy because they have problems that they cannot deal with. Financial problems, natural disaster, divorce, medical, whatever it takes to get into financial trouble, that might not be any fault of one’s own.

To make it clear that we are not after people who do not have an opportunity—when people are below the median income of their State, they are practically guaranteed a fresh start under this legislation, and if people are above the median income for their State, there is a simple way, a means test, where one puts down all of their income and assets and what they owe and through that makes a determination of whether they have the ability to repay some of their debt.

My friend from Illinois mentioned the figure of $150 or $175 that maybe over the next 10 years one would have to pay. If people have the ability to repay some of their debt, should they not have to repay some of their debt? It seems to me to be fair to those people from whom they do not take debt.

So we preserve the principle of a fresh start, but we also establish a principle that if one has the ability to repay some of their debt, they are not going to get off scot-free.

It is just not those two principles that ought to be looked at to understand whether Congress might be doing the right thing. I am not saying just an overwhelming vote in support of legislation is the only way that one ought to judge whether that legislation is justified, but surely the extent to which things are more bipartisan in the way they are done in this body
ought to be some justification that certain tests of justice and fairness are being done or they would not get that kind of support, because I do not know a single Senator who for the most part is not concerned about doing right for the people of his State.

So that is the sort of consideration I hope the people of this country will give to this legislation, the need for it, the justification for it, the fairness of it, and most importantly those two principles of a fresh start for those who deserve it and the principle that if one has the ability to repay some of their debt that they are not going to get off scot-free.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, am I correct that amendment No. 83 is pending?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, I ask unanimous consent that Senator WARNER, the senior Senator from Virginia, be added as a cosponsor to amendment No. 83.

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

Mr. LEAHY. Mr. President, I am joined by friends and colleagues, the senior Senator from Maryland, Mr. SARRANES, and the senior Senator from Virginia, Mr. WARNER, in offering a bipartisan amendment that will moderate the current conflict-of-interest standards for investment banks. We are doing this to safeguard the integrity of the bankruptcy process.

Section 414 of the underlying bill would severely weaken the disinterested persons rule. That was an important conflict-of-interest standard. It has actually been part of the Bankruptcy Code since 1938. It has been there before I was born. We believe that the standard embodied in current law is critical to protecting the interests of investors and the public.

So our bipartisan amendment is a modest compromise. It limits the conflict-of-interest prohibition, not a total exclusion but just 5 years prior to the filing of the bankruptcy petition. In other words, a prohibition which has been the bankruptcy law forever would now be cut back just to apply in the 5 years immediately preceding the bankruptcy. I think it is a reasonable compromise.

The current disinterested persons standards are intended to ensure that professionals who advise a company in bankruptcy have no conflicts of interest, are neutral, and when we consider how large some of these bankruptcy proceedings have been, Enron and others, we want somebody without a conflict of interest; we want somebody who can be neutral.

Since bankruptcy proceedings involve reexamining prior transactions, an investment bank that underwrote those prior transactions could not be expected to act as a neutral, disinterested party. It is almost like saying, I wrote these transactions when you went into this multimillion or multi-billion-dollar bankruptcy but do not worry, I will now be the disinterested party to advise you where we go now.

I think we have the current standard, the reason it has worked well for nearly 7 decades, is because it has helped maintain public confidence in the bankruptcy system.

Section 414 of the bill before us eliminates the current conflict-of-interest standard. It is a standard that prohibits investment banks that have had a close financial relationship with the debtor from playing a major role in the bankruptcy process.

I have talked to a lot of people who are far more knowledgeable on this than I, and they tell me you cannot expect that an investment bank that served as an underwriter of a bankrupt company’s securities would then provide an independent assessment of that company. In the days of the Enron bankruptcy of the company. In other words, you want to find somebody who can give you an independent, neutral assessment in bankruptcy of the underwriting. You don’t go to the person who has been in the middle of a conflict. They are going to say: Great job. Man, that person did a great job, whoever it was—oh, that was me? Boy, I did a great job.

The investors, especially in these huge bankruptcies, the pensioners who have suffered financial damage through the bankruptcy, deserve neutrality. They don’t deserve somebody where it looks as if it is such a cozy deal there is no way they are going to recover.

If the bill is passed in its current form, the investment banks that advised or underwrote securities for companies such as Enron or WorldCom prior to bankruptcy, having advised or underwritten those securities, could then be hired to represent the interests of the defrauded creditors during the bankruptcy proceeding. Just think of this. The people who were involved in putting the creditors and the investors and the people whose pension money was in there, the people who were involved putting all their money at risk, can now be hired to represent their interest.

There is a blatant conflict of interest and that is why it has been forbidden for several decades. Firms that had a part in this should not then end up staying on the payroll in bankruptcy and they could make huge profits, sometimes from their own fraud.

What kind of message are we sending to those everyday Americans who invested for their kids’ college or their own pensions, who suffered as a result of corporate misdeeds, if we then say that is OK, now we are going to give a whole lot of money to the people who set this mistake up in the first place?

We talked to the National Bankruptcy Review Commission. They strongly recommended that Congress keep the current conflict-of-interest standards in place. Actually, in their report they concluded:

Strict disinterestedness standards are necessary because of the unique pressures inherent in the bankruptcy process.

These are the people who understand that better than anybody in this Chamber.

Supporters of the underlying bill have voiced their opposition to the inclusion of section 414. I wish they would listen to what a member of the Fifth Circuit Court of Appeals Judge Edith Jones is said. She is a member of the commission. She asked us to remove section 414. She said:

If professionals who have previously been associated with the debtor continue to work for the debtor during a bankruptcy case, they will often be subject to conflicting loyalties that undermine their foremost fiduciary duty to the creditors.

Section 414, in removing investment bankers from a vigorous standard of disinterestedness, is out of character with the rest of this important legislation and . . . it should be eliminated.

Again, if you have a bankruptcy of a WorldCom, an Enron, something like that, and you have all these people with the pension money in it, the kids’ college funds in there, their own retirement in there, you cannot then turn around and say we are going to let the same people decide what happens to you in bankruptcy as the people who did the things that put us into bankruptcy in the first place.

William Donaldson is the Chairman of the Securities and Exchange Commission. He wrote to us to express the opposition of the SEC to section 414 of the bill. He said:

[We believe] that it would be a mistake to eliminate the exclusion in a similar one-size-fits-all manner at a time when investor confidence is fragile.

Keep that in mind. It does something further. Not only do we end up hurting the people who had to rely on the bankruptcy court being honestly run, but he also wants to keep up investor confidence. He was joined in that position by his predecessor Arthur Levitt, and by a number of nationally renowned experts. National consumer organizations have written to us to warn of the danger of weakening conflict-of-interest controls, as this bill would allow:

If the participants in Enron’s earlier financial dealings had maintained a prohibition, it is quite legitimate to wonder how many of these financial misdeeds would have come to light in the first place. Without existing conflict-of-interest prohibitions in place, it is possible that some of the same firms that have come under investigation by the SEC for illegal activities in the current corporate scandals might very well have been allowed to serve as “objective” advisers in this and other bankruptcy proceedings.

I ask unanimous consent a letter from the Consumer Federation of America, the Consumers Union, U.S. Public Interest Research Group, and the National Consumer Law Center be printed in the Record.
Mr. LEAHY. This is not the time to weaken conflict-of-interest standards. If we are doing anything, we ought to be strengthening conflict-of-interest standards. The provisions Senators SARBANES and WARNER and I seek to modify are fundamentally at odds with the work of the Congress and the SEC, fundamentally at odds with the work to restore public confidence in financial and corporate transactions. I thank them for offering this with me.

All we want to do is to make sure we increase the confidence and accountability in our public markets for millions of Americans whose economic security is threatened by corporate greed. We would not have the SEC put an imprimatur on the use of people with enormous conflicts of interest, especially when consumers are hurting so badly.

I see the senior Senator from Maryland. He is far more familiar with how these things have worked in these major corporations. He is the author of the Sarbanes-Oxley bill. I yield the floor to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

MR. SARBANES. Mr. President, I thank the very able Senator from Vermont, the ranking member of the Judiciary Committee. I am pleased to join with him in offering an amendment to the Bankruptcy Act. This amendment addresses a provision in the bill that would weaken the conflict-of-interest protections of the Bankruptcy Code in regard to investment banks.

Section 414 of this bill makes sweeping changes in the conflict-of-interest requirements of the bankruptcy process in regard to investment banks. These changes are opposed by the Securities and Exchange Commission, by such legal experts as Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit, and by Nancy Rapoport of the University of Houston Law Center. They were rejected by the National Bankruptcy Review Commission of 1997.

In view, section 414, if allowed to stay in the legislation as it is now written, would significantly raise the risk of fraud and therefore I think it is imperative that we undertake to modify the provision in the legislation. I am pleased to join with my colleague in seeking to do so.

I ask unanimous consent to have printed the entire letter of the undersigned national consumer organizations strongly supporting your amendment to strike a little noticed provision of pending bankruptcy legislation (S. 256) that would weaken conflict-of-interest standards in the bankruptcy code. This provision would, for the first time, allow investment bankers to offer advice in bankruptcy restructuring about companies with which they have had a close financial relationship prior to bankruptcy. As advocates for small investors, we applaud you for moving to eliminate this significant threat to the interests of investors, employees and pensioners.

Section 414 of pending bankruptcy legislation would loosen the current standard for “disinterested” parties that are allowed to advise bankruptcy management or trustees as to the structure of bankruptcy companies in a manner that is fair to investors and other creditors. Of the several parties that are automatically banned from offering advice to bankruptcy management or trustees, investment bankers are not among them. The section contains an exception for investment banking firms. This means that the same firms that underwrote and sold stocks and bonds for a bankruptcy company—firms that in some cases may have participated in structured finance deals with the company or otherwise played a significant role in financial decisions—could be asked to offer restructuring advice to the management or trustees responsible for maintaining impartiality and representing the interests of creditors.

Corporate bankruptcy experts tell us that reexamining the financial transactions that led to bankruptcy is one of the most significant responsibilities of the post-bankruptcy management (often called debtor-in-possession, or DIP, charged with the duties of a trustee) and external auditors or received lucrative consulting contracts from the same companies that they audited. But, if there is one lesson we should have learned from the recent corporate crime wave, it is that conflicts of interest matter. Investors paid dearly to learn that lesson. And the markets have paid through the loss of investor confidence.

Representatives of the securities industry have contended that this provision will merely provide bankruptcy officials with the discretion to determine whether a particular investment firm should be involved in a bankruptcy case. But what if the details of an investment firm’s involvement with a bankruptcy firm do not come to light for months or longer, as was true in the Enron case? By that time, a lot of damage could have already been done to investor interests, and the bankruptcy reorganization process would have been hopelessly undermined.

For example, the Wall Street Journal reported on May 14, 2003 that investment firm UBS Warburg had been involved in the inner workings of HealthSouth before previously disclosed and maintained an unusually close relationship with HealthSouth’s embattled founder, Richard Scrushy. Yet, if Section 414 of the bankruptcy bill had been law, it is entirely possible that UBS Warburg could have been allowed to serve as “objective” advisors in the HealthSouth bankruptcy case.

Congress and the SEC have devoted considerable time and energy over the past few years to addressing conflicts of interest. At a recent hearing held within the Committee on the Judiciary, a number of legal experts expressed concern about whether the provisions of Section 414 of the bankruptcy bill had been law, it is entirely possible that UBS Warburg could have been allowed to serve as “objective” advisors in the HealthSouth bankruptcy case.

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from Chairman Donaldson, writing on behalf of the Securities and Exchange Commission to Senator LEAHY and myself in response to our letter asking for the views of the Commission.

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


Hon. PATRICK J. LEAHY, U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. PAUL S. SARBANES, U.S. Senate, Hart Senate Office Building, Washington, DC.

Dear Senators LEAHY and SARBANES:

Thank you for requesting the Commission's views on Section 414 of H.R. 975, which would amend the "disinterested person" definition in the conflict of interest standards of the Bankruptcy Code to remove the specific provisions covering investment bankers. On May 9, I testified before the Senate Committee on Banking, Housing and Urban Affairs on the impact of the Global Settlement, and the personal views of this amendment. Now I am pleased to convey the view of the Commission, which is that, while it may be possible to draft language that would address some of the concerns of the proponents of the amendment, Congress should proceed very cautiously before loosening any conflict of interest restriction.

Chairman Donaldson of course, noted the fragility of investor confidence and the need to be very careful in easing these conflict-of-interest provisions.

The existing provision in the law: . . . was adopted at least in part in response to a 1986 study by the Securities and Exchange Commission that provided extensive documentation and analysis of abuses in corporate reorganizations.

The study concluded that a firm that served as underwriter for a company's securities should not advise the company about distributions to those security holders in a reorganization plan. It further found that such a firm should not advise the company about potential claims against those involved with the company prior to the bankruptcy, since any inquiry as to the assessment of transactions in which the firm participated.

We have strengthened, of course, bankruptcy practices and procedures over the years. We now have a dedicated bankruptcy judicial system, the establishment of a U.S. Trustees Office, and strengthening of active creditors' committees. But, nevertheless, I think we continue to have a very real conflict-of-interest problem here.

My colleague has pointed out the current standard saves the bankruptcy court from having to make time-consuming, factual findings regarding the disinterestedness of those involved. We now have the opportunity to modify the disinterestedness standard in order to accommodate the geographic growth and increasing sophistication of professional firms of all kinds involved in Chapter 11 bankruptcy. She said they rejected that in the Commission by a lopsided majority.

These were expert people on bankruptcy law. It was the wise and prudent way to proceed when we are considering making important changes of this sort. The study noted that in order to protect the integrity of the bankruptcy process, it was important to maintain this disinterestedness standard, so you don't have conflicting loyalties that may undermine the fiduciary duties of the creditors.

Furthermore, it was noted—I think this is an important point—that a standard of disinterestedness is necessary to maintain public confidence in the integrity of the bankruptcy system.

We ought not to have a situation in which allegations can be made that the conflict-of-interest situation is preventing a fair, reasoned, and objective judgment as to what ought to be done, and then they end up imputing hidden motives to the actors in the case.

It has been noted by Dean Rapoport, the Dean of the University of Houston Law Center, that one of the duties of the debtor in a bankruptcy case is to take a good, hard look at the pre-petition behavior of those who dealt with or ran the debtor to see whether that behavior contributed to the downfall of the debtor. Another duty is to see how the debtor can raise new post-petition funds in order to finance an effective reorganization. But those are very important duties or responsibilities of the debtor in the bankruptcy case. Dean Rapoport goes on to state that both of these duties—taking a good, hard look at the pre-petition behavior of those who dealt with the debtor and their categories of goods by the very nature, debtor or not, can raise new post-petition funds in order to help finance an effective reorganization—both of these duties would be compromised if the same investment bankers that were involved with the debtor in the pre-petition dealings were not only allowed to serve as the "objective, post-petition investment bankers."

Stop and think about that for a moment. Clearly, it highlights a potential conflict of a very significant dimension.

There is an argument made that the bankruptcy court would still have to review this and could make a factual finding that there was no disinterestedness present. But she noted, and I quote, "the current standard saves the bankruptcy court from having to make time-consuming, factual findings regarding the disinterestedness of those involved. We now have the opportunity to modify the disinterestedness standards are necessary because of the unique pressures in the bankruptcy process. The trustee and his professionals are required to act as a fiduciary to the estate, its creditors, and other parties in interest, and the court. The disinterestedness standard is designed to ensure that all issues relevant to the administration of the estate are properly raised and vented before the court. Therefore, we are trying to avoid a situation in which there could be a perception or an allegation of favoritism to favor one party over another, the charge that they are taking it easy on one group or group of creditors, or to refuse to pursue possible claims or avenues of inquiries because of any indirect or direct pressures.

The proponents of the provision that is in the legislation which we are seeking to modify by this amendment argue
we should simply give the discretion to the bankruptcy judge to allow investment banks to serve as advisers even if those banks underwrote securities with companies that subsequently filed for bankruptcy, leaving it to him to make a determination in that regard.

The SEC in its letter to us on that point said:

If the exclusion is eliminated entirely—

Which is what this legislation does—

we are concerned that the general protection in the statute which relies on the judge, at the outset of the proceedings, to forbid those banks with materially adverse interests to the estate, its creditors, or its equity security holders from advising a company in bankruptcy—may well be insufficient.

Dean Rapoport of the University of Houston Law Center pointed out that the current disinterestedness standard saves the bankruptcy court from having to make time-consuming, factual findings that are often not necessary. The disinterestedness of those categories which by their very nature are rife with conflicts of interest. Removing investment bankers from the exclusion list will increase the time, cost and attorney fees for every bankruptcy case without increasing the benefits to the estate as a whole.

The amendment seeks to address one of the arguments that has been raised by the proponents of section 414, which is that the current per se prohibition on investment banks that have underwritten securities of a company in bankruptcy remains in effect as long as those securities remain outstanding, no matter how many years ago it may have taken place. It may well have been many years prior to the bankruptcy and the investment bank involved might no longer have a close connection to the bankrupt company.

Senator LEAHY and I have modified the original amendment which we planned to offer which would simply go back to the current law prohibition, and instead in this amendment we are offering a prohibition on investment banks that have underwritten securities of a company within 5 years prior to the filing of the bankruptcy petition.

Mr. LEAHY. If the Senator will yield for a question without losing his right to the floor, I ask the Senator from Maryland, if the bill was passed in its current form, how many years prior to the bankruptcy and the investment bank involved might no longer have a close connection to the bankrupt company?

Senator ROCKEFELLER. About 2 years.

Mr. SARBANES. I was going to say that is absurd, but as far reaching as that sounds, the answer to the question is yes. That is one of the reasons the

potential that results from this legislation is so far reaching.

Gretchen Morgenson, on April 6, 2003, had an article in the New York Times headlined “Advisers May Get Second Chance To Fail.” She starts the article as follows:

Do you think Salomon Smith Barney, the brokerage firm that bankrupted WorldCom and advised it on business and financial strategy that failed rather spectacularly, should be allowed to represent the interests of the company’s employees, bondholders and other creditors while WorldCom is in bankruptcy?

She goes on to say:

If you answered no, you win a gold star for common sense and for knowing right from wrong.

We are just trying to get a “no” answer put into section 414 of this bill.

We have tried to make a reasonable and balanced modification that essentially preserves the basic conflict of interest protection but does allow this greater flexibility for investment banks that have not recently underwritten securities for the company to serve as advisers in the bankruptcy. But to simply remove the existing prohibition that is the whole idea of this amendment. That is to open up the possibility for abuses of major dimensions. Therefore, I very strongly support the amendment being sponsored by Senator LEAHY and by Senator WARNER.

There is no public purpose that will be served by allowing section 414 to remain in this legislation as it is currently written. In fact, to the contrary, it runs very counter to important public purposes.

Other articles of note include one by Alan Sloan in the Washington Post: “Proposed Changes In Bankruptcy Law Twist Meaning Of ‘Reform’ Beyond Recognition.” He goes on to point out the potential implications of this change.

There is also an article by Michael Krauss in the Washington Times headlined, “Bankruptcy Reform . . . With a Thorn.” He goes on to say that he supports bankruptcy reform legislation but does not support section 414 of the bill because it removes from the excluded list of people not allowed to be employed in the bankruptcy the investment bankers who have had a connection with the company.

The amendment before the Senate is a reasonable and balanced proposal. We have tried to listen to the arguments being made on the other side and respond to those that we think have some merit to them without completely doing away with the “disinterestedness” standard. You have to have confidence in the integrity of the bankruptcy system. The total elimination of the investment bankers in terms of being precluded because they have a conflict of interest situation is not going to bolster consumer and creditor confidence.

I urge my colleagues to support this amendment. It is a fair and balanced amendment. It is badly needed. To fail to enact it will carry with it a tremendous risk in terms of how our bankruptcy process functions.

The PRESIDING OFFICER. The chair of the committee, the Senator from Pennsylvania, is recognized.

SPECTER. I do not express a precise agreement of the managers to speak very briefly about another matter. It involves the Coal Act, which has provided benefit for many miners in Pennsylvania and throughout the country.

The coal miners of 1992 mandated coal operators to fulfill their promise to provide their employees and families with health benefits, and those obligations could not be modified. As an original cosponsor of this legislation, along with the Senators from West Virginia, Senator ROCKEFELLER, and Senator BYRD, I am very closely aware of the effect on 14,000 retired coal miners and their dependents in Pennsylvania.

In a new act, it affects over 60,000 individuals, including every State except Hawaii. The new benefits form a central underpinning for the medical care structure of the coalfield community. It is a tough job being a coal miner.

I have, in the course of my representing the coal miners—driving down deep underground, ridden in a cable car, crushed over like a cork screw to avoid being hit by the ceiling as the cars moved in on the long wall to perform the mining operation.

The issue of scared me forcefully home to me when I visited several hundred of the coal miners in Washington County, PA, more than a decade ago along with Richard Trumka, distinguished Pennsylvanian who had been president of the United Mine Workers and is now secretary-treasurer of the AFL-CIO.

We went to court to verify this program, which is vital for the health care of these miners.

I was very surprised to see a Federal judge enter an order which said that the bankruptcy proceeding in a case captioned Horizon Natural Resources trumped the Coal Act. It is a surprise to me that that would happen under the existing law.

I know we are operating under a unanimous consent agreement where there has been a series of amendments set aside and we are in postcloture. Senator ROCKEFELLER earlier made comments about this amendment and was unable to secure an agreement. In working through this bankruptcy bill we are laboring under a great many complications, a complication that if there are amendments unacceptable to the House, there will be a conference, and a conference resulted in the defeat of this bankruptcy bill several years ago.

This amendment is technically precluded at this time, but I wanted to take the floor. And I have discussed it with the distinguished chairing officer, Senator GRASSLEY, the principal proponent of the bankruptcy bill. In my capacity as chairman of the Judiciary Committee, I yielded to him because he
is the principal author. We have talked about it. I understand we are not going to be able to get this amendment through at this time for technical reasons, but I wanted the 14,000 Pennsylvania coal miners and the 60,000 coal miners nationally to know of the concern of Senator Rockefeller, Senator Byrd, and others. I have not had a chance to catch Senator Santorum on the floor, but he has been very solicitous and very concerned about coal miners’ interests. Well, I speak to him specifically. I would make only the generalized comment about his concern for the coal miners.

So what I intend to do at this time, recognizing there will be a successful objection, is to send this amendment to the desk and offer this amendment to the pending bill.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Mr. GRASSLEY. Mr. President, reserving the right to object, and I will object, but I would like to take just 30 seconds to explain that there are problems with the Coal Act. They are within the jurisdiction of the Senate Finance Committee. And we ought to look at all these issues in the context of a comprehensive review and a comprehensive solution.

So I would see a piecemeal approach, as is being done now through the bankruptcy process of all of America investing in the jurisdiction of the Finance Committee, which as chairman I should protect, and, secondly, making more difficult the comprehensive solutions that we ought to find. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, first, I thank my colleague from Iowa, with whom I have served since January 3, 1981. We came to the Senate at the same time with several survivors of 16 Republican Senators. I appreciate what he has said about taking a look at it. I will be filing legislation to correct this, and I will be looking forward to the opportunity for a hearing in the Finance Committee. And I think other Senators will be joining me as well.

I understand the reasons we cannot have it in now, but let the 60,000 coal miners nationwide take heart, and the 14,000 Pennsylvania coal miners, that this amendment, which I think will be prevail on, we will ultimately win this, although not today.

Again, I thank my colleagues for letting me intervene.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 81

Mr. CRAPO. Mr. President, I stand to speak in opposition to the pending amendment. The pending amendment has been discussed as if it were seeking to stop investment banking interests who are involved in working with companies that face bankruptcy from continuing some kind of fraud or inappro- priate conduct that helped to lead to the bankruptcy by prohibiting them from serving as investment bankers or investment advisers following the bankruptcy proceedings or during the pendency of the bankruptcy proceeding.

The fact is, however, section 414 of the bankruptcy bill and of the bankruptcy law does not eliminate the disinterested test for investment banks. Let me explain the way the law works at this point.

For whatever reason, when our current bankruptcy laws were put into place, a complete bar was put in place, so when a company goes into bankruptcy, its investment bankers cannot then function on behalf of the company. They cannot be appointed by the judge to continue to work as the company that works out its bankruptcy difficulties, whether it be in some kind of an ongoing bankruptcy proceeding or in a chapter 7 proceeding. Therefore, the disinterested test has never been applied because there was never any opportunity for an investment bank to serve in this role if it had had any relationship whatsoever to the company going into bankruptcy.

That presents some very serious problems. The first one is that investment banks that have no current relationship with the company and are possibly best suited to help them through their financial difficulties are conflict of the court, can fill a role in the underwriting or some underwriting relating to the company years and years and years ago. That is under current law. What this bankruptcy reform we are trying to put through is seeking to do is to address that problem.

Similarly, investment banks that are most familiar with the issues facing a distressed company and are actually working with that company in an attempt to avoid bankruptcy and are then compelled to walk away from their clients in their biggest hour of need if bankruptcy becomes necessary and the company has to make the bankruptcy filings. That is what this legislation that is being proposed is seeking to address.

The amendment would strike that and, instead of having a perpetual ban, would have a 5-year ban. Now, admittedly, the 5-year ban would solve one problem probably to preserve it so a company that 20, 30, 40, 50 years ago was involved in an underwriting would not be disqualified, but it still leaves disqualified all of the investment banks that may have been involved even in a bundled underwriting or in some effort to help it is company in its financial dealings over the last 5 years prior to bankruptcy. It eliminates those investment banks, their expertise, and their knowledge of the failing company, from consideration in helping that company as it seeks to work through a bankruptcy.

Let me make it very clear: The proposed change in the statute does not eliminate the disinterested test. In other words, a question was posed a moment ago on the floor as to whether, in the case of Enron, an investment bank that had been involved in an underwriting for Enron could then have been appointed by the court to continue working with Enron after it went into bankruptcy proceedings. And the answer that was given on the floor was, yes, that is a possibility.

First of all, the question assumes that any investment bank that had been involved with Enron was somehow involved in fraud because Enron was involved in fraud. We do not necessarily know that. But that gets to the point of what the bill we are proposing is seeking to do.

The bill maintains current bankruptcy law requirements that if an investment bank is to be appointed by the court to work with the bankrupt company, the court must make a determination that this investment bank is disinterested, that it passes the disinterested test. I would presume that if there were a participant in fraud, the court would not consider that to pass the disinterested test.

But the key point here is that what the proposal in the underlying bill seeks to accomplish is to have a judge take evidence, evaluate the issue, and make the determination of which investment bank is the best suited, passing a disinterested test, to help this company as it seeks to work through the bankruptcy issues. And there will be cases where best suited financial advisers are those who have a history of working with the company, of knowing the company’s business, and of knowing the company’s financial dealings, and being able to work with the company.

In fact, in many cases, I would assume it might be a financial adviser, an investment bank that has been working with the company for the last 3 or 4 years to help them try to work through their problem for some reason, with what I consider to be a cookie-cutter solution being proposed by this amendment, they would be disqualified simply because they tried to help or were hired to help beforehand. In fact, what we see here in this amendment is a chilling impact on companies going out and seeking investment bank advice before bankruptcy, if they know that bankruptcy is in their potential future, for some reason, because they have a choice: Do we seek the best competent investment banking advice we can get before the bankruptcy, knowing that the bankruptcy law will prohibit us from ever having the opinion of a company if they want to file or do they say: “We may have to file and, therefore, we will seek less competent advice or our second alternative so we can have our first alternative when we file bankruptcy”? Why put companies into that kind of a complex problem?

Section 414 would subject investment banks to the same disinterested test as
Mr. CRAPO. I stand corrected on that.

Mr. SARBANES. In response to a question from me, he expressed his personal views. He writes:

Now I am pleased to convey the view of the Commission.

Mr. CRAPO. Reclaiming my time, I stand corrected on that.

This will not be the first time, even in recent months, that I have disagreed with the SEC. Although I understand that your letter and the SEC, the fact is, there is one other point I want to make. That is, as is the case with a number of the amendments we have dealt with in debate over the bankruptcy bill, which we have been trying to move forward for 8 plus years, we face a situation in which we are trying to keep this bankruptcy bill clean and not have amendments that are objectionable to the House included in it so that we again run into the problem of not having the legislation. This is one of those amendments. I am confident and I have an understanding that this is one of the amendments the House would not allow and would cause us to then have to go into conference and bring down the bill.

The bottom line is, it is bad policy. We have bad policy in current law. The bill seeks to create the flexibility that will allow a judicial determination as to the best and most highly qualified and disinterested investment bank advice for companies involved in bankruptcy. We should not change the underlying bill by substituting a rigid 5-year prohibition for banks that are in the best position possible to do the best good for the company that needs their help at this point from being able to serve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I want to take a moment to respond to the Senator from Idaho. I think this is important. Elizabeth Warren, who is a distinguished professor at Harvard Law School and an expert on bankruptcy, has said there is a reason why the professionals who have worked for a business that collapses in a bankruptcy are not permitted to stay on. The company must go back after bankruptcy and re-examine its old transactions. Having the same professionals review their own work is not likely to yield the most searching inquiry.

She goes on to say about the provision in the bill: It is not a provision to enhance investor confidence or to enhance protection for employees, pensioners, or creditors of failing companies.

other professionals. This is important to know. A company’s legal advisers are not subjected to an automatic ban; they are subjected to a disinterested test. A company’s accounting advisers are not subjected to an automatic ban; they are subjected to a disinterested test. A company’s investment banking firms are required to perform a firmwide review and disclose all actual and potential conflicts in their application to the court to be retained by the debtor. All parties in interest, including debtholders and shareholders, have the opportunity to make their position known before the judge.

Another important point is, somewhere in the debate that has been going on today, we heard: The judge may not be aware of all the facts; it is going to be very expensive for the judge to have to go through and look at these investment banks to be sure that he knows whether they are culpable or whether they are simply competent investment advisers.

The fact is, the costs that are being put onto the system now by these blanket bans on investment banks are generating more costs to the restructuring process than any cost that could be generated by having the judge make a disinterested analysis. But even if the judge somehow made a mistake, even if we want to hypothesize that judges are going to make mistakes, the fact is, if they might be allowed to be an investment bank adviser or participant in a bankruptcy, any time information becomes available to make it evident that the disinterested test was not satisfied, the judge can change that ruling and terminate the professional’s engagement.

It seems to me what we need to do in our bankruptcy laws is to promote more flexibility. We need to give opportunities for all professionals review their own work is not likely to yield the most searching inquiry.

Mr. SARBANES. Mr. President, I want to take a moment to respond to the Senator from Idaho. I think this is important. Elizabeth Warren, who is a distinguished professor at Harvard Law School and an expert on bankruptcy, has said there is a reason why the professionals who have worked for a business that collapses in a bankruptcy are not permitted to stay on. The company must go back after bankruptcy and re-examine its old transactions. Having the same professionals review their own work is not likely to yield the most searching inquiry.

She goes on to say about the provision in the bill: It is not a provision to enhance investor confidence or to enhance protection for employees, pensioners, or creditors of failing companies.
Mr. LEAHY. Mr. President, since we have the list of cosponsors of the pending amendment, I ask unanimous consent that the Senator from Virginia, Mr. WARNER, be removed as a cosponsor.

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

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

Mr. BIDEN. Mr. President, yesterday, the International Criminal Tribunal for the former Yugoslavia at the Hague, known by the acronym ICTY, indicted a fellow that I met several years ago, a guy who was very much involved in the carnage that took place at the time of the war in Kosovo. His name is Ramush Haradinaj. This is a young man who looks like he could lift an ox out of a ditch. A very hard, tough guy.

Until yesterday he happened to be the Prime Minister of Kosovo. He was indicted for war crimes in Kosovo during the period of 1998 and 1999. Mr. Haradinaj declared himself entirely innocent but resigned as Prime Minister, surrendered voluntarily, and flew to the Netherlands today to turn himself in. He also did something highly unusual in the Balkans. He issued a statement calling for calm in Kosovo.

From the creation of the Hague Tribunal a decade ago, I have supported its vitally important work. Beginning with Judge Goldstone, my staff and I have met with its chief prosecutors over the past decade. I have great respect for Carla Del Ponte, the current chief prosecutor and for the court’s judges.

I am confident that Haradinaj will receive a fair trial. Without presuming to pass judgment on his innocence or guilt, though, I would like to comment—this is the first time I have ever done this—on my personal impressions of him and also to put his arrest in a larger context relating to the entire territory of the former Yugoslavia.

Let me begin with my meeting with him in Pristina in January of 2001. We discussed Kosovo’s future, and he seemed genuinely to recognize that the only way forward was for the rights of the Kosovo Serbs, and of other non-Albanian minorities, to be guaranteed. During that trip, I flew by helicopter to western Kosovo where I visited the Serbian Orthodox Visoki Decani Monastery, a 14th century architectural masterpiece which last year was named a UNESCO World Heritage site.

In late 1999, the Serbian Orthodox monks of this monastery had saved Kosovar Albanians from persecution by Serb forces. Again, these were Serbian Orthodox monks saving Kosovar Albanians most of them Muslims—from persecution by Serb forces.

Nevertheless, when I visited the Visoki Decani Monastery nearly 2 years later, Father Sava and other monks told me that there were great dangers. In fact, last year, KFOR armored personnel carriers were lined up in the snow just outside the monastery’s stone walls as a deterrent.

Knowing that the territory around Decani is Mr. Haradinaj’s political base, his arrest is a bit of a threat after I returned to Washington. In it I wrote that I was counting on him to personally guarantee and protect the Serbian Orthodox monastery I had just visited.

In March of 2004, serious riots against Serbs and other non-Albanian minorities broke out across Kosovo. Hundreds of homes were destroyed, and many medieval Serbian Orthodox churches and monasteries were burned to the ground. KFOR proved unable or unwilling to prevent this destruction. In fact, in several cases, the outrages occurred while European KFOR troops stood by. One of the few venerable monasteries that remained untouched was Visoki Decani.

Mr. Haradinaj had kept his promise.

During the 1998–1999 war, Haradinaj was a leading commander of the Kosovo Liberation Army, the KLA. Hence, his election as Prime Minister last year was greeted with considerable skepticism. From all reports, however, in his brief tenure, he has earned nearly unanimous praise, including from the head of the U.N. mission in Kosovo, for his constructive and effective leadership. I am told that even Serbian leaders in Belgrade privately acknowledge that all of the Kosovar political leaders, it is Haradinaj with whom they could potentially negotiate with the greatest degree of confidence.

Mr. Haradinaj’s call for calm, which so far has been heeded, was based upon a realization that a repeat of the violence of March 2004 would deal a fatal blow to the Kosovars’ hope that the process toward negotiations on the final status of Kosovo can begin later this year.

I have said repeatedly that self-determination by the people of Kosovo is ultimately the only realistic solution to
the problem. Since more than 90 percent of the population is ethnic Albanian, as is Mr. Haradinaj, with a collective memory of extreme persecution by the Serbian government of Slobodan Milosevic, I can’t imagine they would ever do anything to return to being governed by Belgrade.

On the other hand, I have coupled my advocacy of self-determination for Kosovo with the precondition that the personal safety and freedom of movement of all Kosovo Serbs, Ashkali, Egyptians, Turks, Bosniaks, Gorani, and other non-Albanian minorities are being provided and are guaranteed for the future. As yet, unfortunately, this has not occurred. Mr. Haradinaj stands in glaring contrast to the behavior of the three most infamous individuals indicted by The Hague, all of whom are still fugitives, resisting arrest: Ratko Mladic, former Bosnian Serb general; Radovan Karadzic, former Bosnian Serb leader; and Croation General Ante Gotovina. By their evasion of ICTY’s indictments, all three are blocking their surrender, which is thought to be in Serbia, is necessary for Serbia’s entry into NATO and EU membership. Part of the precondition for stabilizing the Western Balkans. The surrender of Mladic, who is thought to be in Serbia, is necessary for Serbia’s joining NATO’s Partnership for Peace membership for Bosnia and Herzegovina. Participation in the Partnership for Peace membership for Bosnia and Herzegovina, as is Mr. Haradinaj, with a collective memory of extreme persecution by the Serbian government of Slobodan Milosevic, I can’t imagine they would ever do anything to return to being governed by Belgrade.

Mr. Haradinaj’s willingness after his indictment to surrender voluntarily and honorably, as is Mr. Haradinaj, with a collective memory of extreme persecution by the Serbian government of Slobodan Milosevic, I can’t imagine they would ever do anything to return to being governed by Belgrade.

But then because of the concern of our Republican colleagues on one particular amendment, an amendment that would have addressed provisions in the underlying legislation that repeals the conflict-of-interest provision for major banks, suddenly the quorum call goes in and there is no further action on the issue of bankruptcy. This is absurd. Many of us have pointed out how this is special interest legislation. It was written by the credit card companies for the credit card companies. They are the principal beneficiary.

The argument for this legislation, according to the proponents, was: Look, we have a number of spendthrifts in the United States. People ought to act responsibly. This legislation will deal with it.

That was their argument. And that is an argument that those of us who have differed with this legislation would gladly accept. The percentage of spendthrifts, so to speak, is anywhere from 5 to 7 percent of the total number of people who go into bankruptcy. Those of us who have been battling this legislation for the past several days, all agree, we would join up with our colleagues in a bipartisan way to address that issue. But that isn’t what this bill is about.

This bill is about encouraging working families, primarily, who fall on difficult times, as we have pointed out. We have offered a series of amendments. A number of my colleagues have offered amendments. Every one of them has been defeated by our Republican colleagues.

Now in the final hours of consideration of this legislation, because one particular amendment is going to touch the banking industry and they understand the votes, they effectively call off all the votes for this evening. That is what is going on here in the Senate. If you want to put your finger on special interests, look what is happening in the Senate at this moment. We have the Sarbanes-Leahy-Warner amendment, the authors of which were prepared to vote on. But no, the Republicans say, no, we are not going to let the Senate vote on that, because they are not sure of the votes.

They are not sure of the votes. They are not sure that they have the votes to defeat that particular provision that would override a provision in the banking bill that repeals some conflict of interest for banking interests. Isn’t that something? Doesn’t that really show what this legislation is all about? Sure it does.

Why not call the roll? Why not call the roll? We have been listening about let’s move the banking legislation along; let’s move it along. Why do you have to take time when you are talking about what the impact of this legislation is going to be on the members of the National Guard and Reserves, who go overseas—the 20,000 that would be bankrupt this year and subject to the harsh provisions of this legislation.

And then we had a phony amendment that was accepted by the Chamber virtually nothing to protect them. What about the homestead exemption, which says that those who exist in five States are going to be able to squirrel tens of millions of dollars away so that if they go into bankruptcy they would be able to protect their million dollar homes? Why not have fairness across the country? Oh, no, we cannot do that because we have a delicate compromise. What is that delicate compromise they are talking about? I thought this legislation was going after spendthrifts. We agree to go after them, but when we know half of the people going into bankruptcy are going there because of health care bills that are run up, with 70 percent of those individuals are covered with health insurance, but because they have a heart attack in their family or because they have a stroke in their family, or because they have a child who has spina bifida in their family, they are subject to the harsh provisions of this legislation that will virtually make them an indentured servant of the credit card companies for the next 5 years. That is what is in this bill. We have pointed that out. No, we will vote that down. We will vote down and consideration of the National Guard and any consideration for the Reserve if they happen to be individuals who may be running a family business, one or two working in a particular employment or a mom-and-pop store. And they go overseas and they are going to serve for many months, and the store bellies up, then they are subject to the harsh provisions of this. No, we are not going to give consideration to those veterans. What about those individuals? It could happen to any one of us who serve in the Senate, who have very good health care. It would not happen to us. But we cannot get health care for the rest of
Mr. REID. I yield the Senator from Massachusetts want an hour of my time?

Mr. KENNEDY. Yes.

Mr. REID. Will my friend yield for a parliamentary inquiry?

Mr. REID. Would the Senator from Massachusetts want an hour of my time?

Mr. KENNEDY. I thank the Senator very much. I appreciate it.

Mr. REID. I yield the Senator from Massachusetts an hour of my time.

Mr. KENNEDY. Mr. President, I thank the Senator.

What has happened out there? We have seen the economic challenge for workers as a result of outsourcing, the mergers that have taken place, a number of them in my own State that are having a direct impact.

There are two important industries that are the fastest growing industries in America. One is the collection in- dustry, the people who spend their time dialing people who owe money on credit cards. They keep dialing—talk to the principal, talk to their children, talk to them at 3 o’clock in the afternoon when the children come back from school. That industry is growing.

The second industry is part-time workers. That is what is happening. We find with part-time workers that they do not have coverage. People are ready to work. They want these benefits. They have fought for these benefits over their lifetimes, the primary benefit being health insurance.
We find out that what has happened in the United States today is the collapse of the pension system. What we are finding today is the lowest rate of savings in 40 years. What does this administration want to do? They want to give Wall Street Social Security privatization. They took care of the major companies with the class action bill just a week ago, and now they are ready to take care of the credit card companies. But they cannot quite make up their mind whether the vote in the Senate that would restore existing conflict-of-interest provisions, which are existing law and which, if I might point out, the Securities and Exchange Commission supports—not what is in this bill, but the amendment of Senators SARBANES, LEAHY, and WARNER. They support that position. The_SEC_ supports it because of conflict of interest. But not our Republican friends. No, they cannot make up their mind. If they add that to it, the power of the banking industry would be so strong over in the House of Representatives, they will have a stalemate, and then they will not get their goodies. They will not get their goodies. This is what is happening.

Look at the profits of the industry that is going to benefit, the credit card industry. In 1990, 6.4; 1995, 12.9, 2000, 2004, look at this, $30 billion, between 2000 and 2004. Find an industry like that? No, except maybe the weak, the Guaranteed Student Loan Program, where we have a loan guaranteed by the Federal Government and lenders make 9% on some student loans. Parents wonder why the cost of going to school at the universities is so high, because the government is padding the pockets of student loan providers with tax payer dollars. These are the profits. Who are the people affected, as I mentioned before, during the course of this legislation about 1.5 million families go bankrupt annually and half of them are as a result of illness. Nonmedical causes, 54 percent; medical causes, 46 percent. But we are not going to show those. This bill was supposed to go after the spendthrifts. We can get the spendthrifts. We do not have to put these people through the mill. That is what this is really about.

We are here this evening waiting until the clock moves down. We are at our 5 o'clock—o one to deal with single women who are in bankruptcy because they are not being paid their alimony and child support. That was dismissed out of hand; you will have to take that to a vote. We are prepared to take it to a vote, and we will certainly continue to take it to a vote. If we are not successful on this, anyone who thinks we are going to let these issues go away just does not understand those of us who are opposed to this particular program.

We are also going to have an opportunity to vote on what has happened to so many of our American families as a result of outsourcing and how they have faced the economic challenges over recent weeks and months. More than 450,000 jobs have been outsourced. Over the next 10 years, we are expecting close to 4.4 million jobs to be outsourced going outside the country. We have seen what is happening in manufacturing all across this country. We all know that manufacturing jobs are the ones that have the higher pay. It is not all about the Wall Street. That was dismissed out of hand; you will have to take that to a vote. Anyone who thinks we are going to start the votes. Two places we could have done better. But the votes we have gotten on this bill, on its amendments in committee, and in previous Congresses are
as good an indication as we can ever have of the underlying reasonableness of these proposals.

As a long-time supporter of the bankruptcy bill, I was extremely pleased by the strong bipartisan vote we had on cloture Friday, 69 to 31. That was not just Republicans, there was a lot of Democrats who know this bill is the answer to a lot of the problems we have in bankruptcy in our society, and who have been working with us for 8 solid years in this fashion. I wish you could have heard some of our critics, one would think that everybody concerned, all 69 of us, are nutcakes who do not know what is going on in our society or do not care for the poor, or for the weak, or for the worker, or for the union man. Give me a break.

I am one of the few people in this body who ever held a union card. I worked for 10 years in the building construction trade unions, earned my journeyman’s card as a wood, wire, and metal carpenter, and I am damned proud of that. I think a lot about people who are not as fortunate as we are in the Senate.

As a long-time supporter of the bankruptcy bill, I was extremely pleased by the strong cloture vote, 69 to 31, today. That was a big bipartisan vote by any measure. This vote is in keeping with the long record of bipartisan support for this bill over the life of the legislation.

Let me briefly review this history: We held our first meeting on this in a Judiciary subcommittee in 1998. I want to make sure everyone heard that right: 1998. Early on, the good-faith compromises began. To give everybody an idea, these are some of the amendments we accepted in committee over the last 7 years. We modified the homestead exemption. We modified the means test. We allowed for sanctioning of attorneys who file abusive claims. We modified the provisions for filing fees. We prevented creditors from demanding repayment for debts incurred through predatory lending practices, something that has long been overdue for the poor, the weak, and the unfortunate. All of these were amendments from my Democratic colleagues. I could go through dozens of others.

Two weeks ago, the Judiciary Committee held another markup on the bankruptcy legislation. We adopted five more amendments proposed by our Democratic colleagues. If some of the amendments that have been proposed on the floor sound similar to the matters I listed, that is because they are. Taken in a vacuum, as it might sound to anyone who randomly tunes in on C-SPAN, these amendments might sound reasonable. Yet in proper context of past history and compromises, many of these amendments should be understood for what they are: more of the same.

Many of the amendments address issues we have already negotiated previously. Frequently, these amendments make this a better bill. But now after so many years of hearing the same complaints, even after we attempted to address concerns by accepting or modifying amendments, including, I repeat, five in their latest and hopefully last markup of bankruptcy reform in the Judiciary Committee, it is less than clear how these remaining amendments will improve this already fully vetted bill.

The five amendments adopted in the markup ran the gamut. One was a technical amendment to restrict a protective inflation adjustment plan. We decided to prevent corporate executives—that is corporate executives, by the way—from declaring bankruptcy to avoid paying fines for securities fraud. That does not sound like something that hurts the little guy. We are trying to stop this type of fraud.

We accepted three amendments from the senior Senator from Massachusetts, Mr. Kennedy. We clarified the means test, even in an instance where fraud is involved. We sincerely believed that the means test was already more than clear, to explain that without any debt, health and disability expenses will not be included against a filing for bankruptcy. We allowed for a trustee in cases of fraud to bring a case against the debtor. In an amendment that many think we went too far on, we even accepted a compromise version of an amendment that restricted payments to executives and businesses going into bankruptcy. Unfortunately, this amendment may discourage senior officials from taking on the task of seeing a company through a difficult financial reorganization. The unintended consequences of this might be to further limit the ability of damaged companies to emerge from bankruptcy and to keep thousands of employees on the job. They may lose those employees. Those employees may lose their jobs if we cannot keep good, competent executives there. I think this issue deserves more attention. But we agreed to it.

I am hopeful. I have been chatting with my good friend from Massachusetts and he has indicated he thinks we might be able to resolve that problem so people will not lose their jobs. But it depends upon what he thinks, not on what I think, because I accepted the amendment in committee, as the person who was in charge of the committee at that time.

Fairness demands that we work with our colleagues in the minority but this is a two-way street. Fairness also demands that large bipartisan majorities, after they have done all they can to reach agreements with the other side, be allowed to move forward. That is why we invoked cloture, so we can move on.

This bill is a case study in such accommodation. I could go through dozens and dozens more accommodations we made to the other side and to people of this side as well. This bill first passed all the way back in the 105th Congress. Let me refer to this chart. In the 105th Congress we passed this bill 97 to 1. I don’t think everybody who voted for this was an idiot, who did not care for the poor and the weak and the infirm and the downtrodden. No. We are trying to solve some of their problems. This bill passed the Senate by a strong bipartisan vote— which I think is going to hold up in the House as well. There is no denying the bipartisanship of that vote.

When we came back to the issue in the 106th Congress, we again had massive bipartisan support for this bill. That committee passed H.R. 223 on February 2, 2000, 83 to 14. I think that was a pretty good bipartisan vote. It is virtually the same bill. Then the conference report came back and on December 7, same year, 2000, we passed this by a strong bipartisan vote—which was right. That bipartisan conference report was supported by Democrats and Republicans. That was vetoed with a pocket veto by President Clinton. He had a right to do that, but he pocket-vetoed it because it did not have an amendment on it.

What about the 107th Congress? Did we give up hope? I can tell you that I did not. I just could not still cannot believe that a bill with such wide support could repeatedly fail to become law. So what did we do in the 107th Congress? Let me refer to this chart. In the 107th Congress, on March 15, 2001, this bill passed, 82 to 15, and then passed again, 82 to 16. Those are bipartisan votes. I don’t think the Democrats who voted with us are idiots or did not care for the poor. I don’t think they failed to acknowledge that the mistake we take on to help those who are unfortunate in our society. They did acknowledge that it cost every family in America $400 extra because of what is going on in this system.

All in all, the full Senate has voted favorably on bankruptcy reform legislation five times. Five times, all sweeping bipartisan votes, and the bill is not yet signed into law.

If we adopt any of these amendments from people who voted for this bill no matter what we do—they would rather criticize it than vote for it. I can criticize any aspect of this bill myself. Believe. But it is a classic working together in the best methodology that we have, to bring everybody together and get legislation done that will do a lot of good. It will cause people, who can afford to, to pay their bills, or at least pay some of their bills.

It seems to me that is the American way. We want to teach our children, our young people, that it is important to pay your bills. It is important to live up to your responsibilities.

We do a lot to make sure corporate America lives up to their responsibilities in this bill as well. The bill is not signed into law yet, but we hope we can get it through—apparently not tonight, but by tomorrow. If not tomorrow, then Friday. If not Friday, Saturday. As far as I am concerned, whatever it takes to get it done.

These reform-minded votes are not just coming from the Senate. Here is
how the House voted over the years, just so everybody knows. There are 555 Members of the House. Here is how they voted: 300 to 125; 313 to 108; 306 to 108. Overwhelming bipartisan votes, because this bill is the best we can do. It will do a lot of good, to make things right. With all due respect, these are not even close calls. They are consistent, bipartisan blowouts. But, to listen to the opposition, you would think this legislation is supported by only a small minority of Republicans in the House, Democrats or independents in the Senate. Nothing could be further from the truth.

I really do not know what else we can do. We have compromised when it was reasonable to do so. As a matter of fact, in our very first subcommittee debate on this issue we accepted an amendment from my distinguished colleague, the Senator from Illinois, that adjusted the requirements for being subject to the means test. That amendment was a safety valve for those who fall below the national median income.

This was an important amendment. This bill does not track it exactly, but our exclusion of those who fall below the State median income takes this original amendment as a guide. It materially limited the reach of the means test. It allowed a fresh start to those poor people who are drowning in a sea of debt with no way to pay it back. I said during this debate and I will say it again: 80 percent of bankruptcy filers will be excluded from the means test—80 percent. They will be permitted to file chapter 11, which will completely wipe out their debts. The supposed draconian means test has results in only one half of the mere 20 percent that it even applies to. It allows those with incomes that remain above the State median income, after numerous health and education and other expenditures, to pay back some of their debt over the course of 3 or 5 years. It gives them even a break there.

When all is said and done, the means test in this bill will only result in about 1 in 10 individuals who file bankruptcy from ever having to pay some of their past debts with future earnings. So 10 percent of 100 percent will have to do some payback because they can afford to do it. It is only right. They served our country. With all due respect, our society.

I am pleased that cloture has been invoked, giving us the opportunity to once again pass this bill. It is getting to the point where some might even forget why we initiated this legislation. We have been at it for 8 years now. Some of those who oppose the bill today and are offering final postcloture amendments are flying in the face of years and years of hard work and bipartisan compromise. By the way, the ones who bring up the amendments will never vote for this bill no matter what you do. They will never vote in, so we cannot solve the problems that are eating our country alive in bankruptcy. And they do it under the guise that they are trying to protect the weak and the infirm and those who really cannot help themselves.

Give me a break. We over here get so tired of those populist arguments. We hear them over and over and sometimes I think they think the more they yell and scream the more people must think they have a chance to do it. They hope people are listening because, my gosh, after 8 years of compromising and working and bringing people together and listening to both sides and doing everything we can to accommodate them, I have to go through all of the same amendments over and over again; they have been defeated time and time again because they deserve being defeated. Yet it happens every time—they get up and act like the world is coming to an end because their point of view is not being listened to. Unfortunately, there are people out there who really believe this stuff when somebody starts yelling, screaming, and shouting on the Senate floor.

The fact is that many of these final amendments being proposed during this debate are just further adjustments of adjustments to adjustments that were already made during this process. We have made further adjustments and refinements when we found broad consensus. Amendments have been brought up postcloture.

You would think there would be a time when you admit that you have had your shot, you have had 8 years of your shot; you have had amendment after amendment, the same thing over and over again, and the amendments have been defeated. You would think sooner or later they would come to the conclusion to stop holding up the Senate and the people’s business and let this bill go. We lost this bill even though we as liberals don’t like it. But there are liberals who do like it because they know it is right. They know what we are trying to do here will work to the betterment of the bankruptcy laws of the country.

I would like to add that during the course of the floor debate over the last week and a half we accepted more amendments that will improve this bill. The Senate agreed to the Sessions amendment that makes clear that bankruptcy judges must consider military and veteran status and health care costs when determining whether a portion of future income must be used to pay past debt.

The Sessions amendment addressed many of the issues presented by Senator DURBIN with respect to military and veteran status and health care costs.

We accepted the Specter amendment that made clear how bankruptcy judges will be paid through increased filing fees.

This important amendment stands for responsible government and eliminates any objection to the legislation based on a budget point of order.

In addition, we adopted an important amendment by Senator LEAHY that corrects some potential problems that relate to privacy of certain personal information, including Social Security numbers.

In fact, we have improved this bill on the floor in a number of important aspects. We have been open to our colleagues. We have tried to accommodate them where we can. But there are areas where we can’t and have this bill become law.

I think that the cloture vote we just took is evidence of those changes to this already moderate legislation. I understand some Senators do not think they have had an adequate hearing. At the beginning of this process, I gave them my word to at least consider amendments from all sides, and I believe we have done so. This institution is rather unwieldy, though. I think anybody who watches it or thinks about it has to admit that. That is probably putting it mildly. Unfortunately, even decent arguments, if they come at the wrong time, are going to have an uphill climb.

As I said earlier, since I was first elected I have tried my best to reach out to the other side as a good-faith actor. That is no less true with this bankruptcy bill. I have listened to more proposals and voted on more amendments that I contested, and I have held Senator GRASSLEY and Senator SESSIONS and others who have worked so hard on this issue. My hope is that as we move forward the opposition remembers the bigger picture. Even those few Senators who will not vote for final passage know that this bill was made better because we have accepted their amendments over the years.

At this late date, though, it is difficult to accept any more for procedural reasons. I oppose the amendment offered by the distinguished Senator from Massachusetts for all of these substantive reasons.

Let me give you a couple more substantive reasons. I accept Senator KENNEDY’s argument that health care costs are the key factor in bankruptcy. I have heard that for days around here; that most people go into bankruptcy because of health care costs. Much of his argument stems from the so-called Warren study. Let me talk about the Warren study cited by Senator KENNEDY and give a response to it by the
Department of Justice. Here is what the Department of Justice said. I would suggest that the Warren study has been greatly overplayed here on the floor.

They said:

Professor Warren, a long-time opponent of bankruptcy reform, and her so-called "studies," should be approached with skepticism.

Though Ms. Warren’s study claims that more than half of consumer bankruptcies are medically related, the DOJ has told us that only “the conclusion that almost 50 percent of consumer bankruptcies are ‘medical related’ requires a broad definition and is generally substantiated by the official documents filed by debtors.”

In other words, this claim that 50 percent of the bankruptcies are caused by medical expenses is pure bull.

The means test doesn’t apply to the poor or anyone without the ability to re-pay.

Anyone under the median income for their State is automatically exempt from the means test.

They can go right into chapter 7 and have every one of their debts removed; that is, the poor.

To the extent that “above median” families have ongoing medical expenses, they are permitted to use those expenses as a reason to not pay their debts. These are people above the median income level.

GAO’s 1999 analysis of the expenses allowed under the means test clearly shows that the means test permits all debtors to account for health care expenses.

For people with repayment capacity and financial resources, the bankruptcy legislation prevents abuse by requiring some of their bills to re-pay in exchange for not having to pay the full amount.

This is fair. If they can pay some, they ought to pay some. We shouldn’t just stick the hospitals and the doctors and everybody in medical care with these unpaid debts.

I was talking to one of the large hospital chains the other day. I asked them how much uncompensated debt they had every year; in other words, medical care that you have given that you receive no compensation for. It was almost $1 billion a year that they have given in free medical care for the poor and for some who game the system. Guess who pays for that. You and I, and everybody else in the final analysis because it is going to have to come back in most cases to Medicaid and Medicare. These are Federal programs that wind up with those debts. By the way, we pay for them for a variety of reasons. We don’t pay almost $1 billion to those hospitals. They don’t get anything in most cases. That uncompensated debt means they are not getting paid. They are giving emergency care. That is why some hospitals are now doing away with emergency care facilities, because they can’t keep doing it.

People who do not pay their bills raise the cost of doing business and is a student of accounting for a living. That is OK when they can’t pay their bills when they are poor. But when they can, and when they think they can just escape them by going into bankruptcy and they are capable of paying some or all of their bills, they ought to help to do it.

For people with repayment capacity and financial resources, the legislation prevents abuse by requiring some of the bills to re-pay in exchange for not having to pay the full amount.

If someone can’t pay health care debts, the bill does not force them to. The message has to go to them. If they will not do so, they should be able to pay health care debts, they should repay those debts and those bills just like everybody else has.

The Sessions amendment we adopted last week addresses this problem. It simply addresses the priority of the corporation. This bill simply extends the test, one of the material adverse interests that applies to lawyers, accountants, and other professionals to investment bankers.

This amendment makes sense. It continues to provide the courts with discretion to exclude bankers from participation in a reorganization while giving companies more flexibility as they attempt to reorganize and save themselves.

The amendment under consideration would undo this flexibility by imposing a strict 5-year exclusion on participation by investment bankers. This makes little sense, I will be voting against the amendment.

I urge my colleagues to do the same. I especially make the case that this is not special interest legislation, as my colleague says it. This is a classic message amendment. The message we should send tomorrow is to vote “no” on this amendment.

When we talk about message amendments, these are amendments that our colleagues know we cannot take for very good reasons, but they vote to score political points with the Nation. Anyone who looks at these matters carefully and understands the law would say, let’s not let these message amendments take over abuse by requiring some of the most abusive aspects of them.

We then should vote “yes” on final passage because this is a good, balanced, bipartisan, bicameral bill.

What gets me down is I have heard these arguments for 8 solid years. Most of them do not make sense. Most of them are message arguments for political reasons by people who will never vote for this bill, basically have not helped bring this bill about, and have not cooperated in trying to bring both Houses together, who are not part of the huge bipartisan consensus on this bill, and who are trying to score political points, hoping we will never come on the floor and refuse them.

I could not sit back and not come to the Senate tonight and have to quit making political points. We ought to pass this bill so we can help this country and its people go forward in ways it should.

People who can pay their debts ought to. Companies that are doing wrong ought to pay for that. Where there is fraud, this bill will attack it.

We can go through so many good aspects of this bill. Could it be better? I have never seen a bill pass here of any magnitude that could not be improved. But we have had 8 years of improvements and this is the bill that will pass if we do not amend it. We should move forward from here.

Having said that, that does not mean we should not immediately start work on the next bankruptcy bill to see if there are ways we can improve even this. As this bill becomes law, we will find ways that it may not work as well as contemplated and we ought to continually oversee this and make sure this bill works in the best interests of all Americans, that it works in the best interests of the poor, and the working people, our union men and women, people who have to make a living all over this country, and for investors and everybody else in our society. We ought to make sure we do the best we can. I assure you we will continue to try and work to continue to improve our laws in this country. That is what this body is all about.

I will briefly mention an important issue that arose from the amendment at the markup. This amendment offered by my friend from Massachusetts, Senator KENNEDY, seeks to prevent unfair and unnecessary retention bonuses to insiders in chapter 11 companies. The goal here is certainly laudable and I agree with the desire to try to do that, but it has come to light since our markup that this amendment may act to effectively prohibit responsible companies undergoing reorganization—in other words, trying to save themselves—from keeping key employees who may best be able to steer the company back into solvency.

I have a letter from the Association of Insolvency and Restructuring Advisors generating these concerns in further detail and I ask unanimous consent it be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:
The members of the board and management of the Association of Insolvency and Restructuring Advisors, March 1, 2005.

Sen. ARLEN SPECTER
Chairman Committee on the Judiciary, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The undersigned are financial and legal professionals who serve as the Board of Directors of the Association of Insolvency and Restructuring Advisors (AIRA). As board members we work to further the growth of increasing industry awareness of the organization as an important educational and technical resource for professionals in business turnaround, restructuring practice, and the courts. As members of the Certified Insolvency and Restructuring Advisor (CIRA) designation as an assurance of expertise in this area.

We respectfully request your awareness of serious concerns we have regarding a provision contained in S. 256, the “Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.” The provision in question effectively prohibits the use of key employee retention plans in Chapter 11 reorganizations. It was added during the Judiciary Committee markup and would initially elicit little attention at the time. However, we believe this provision will cause considerable harm to the number of companies that will become subject to bankruptcy proceedings, and, most importantly, to their employees, customers, and creditors.

When a company is operating in Chapter 11, a primary responsibility of management is to maintain and grow the company’s value for the benefit of all of its stakeholders. A company that is well-managed through its restructuring benefits its creditors, employees, retirees, unions, the local communities of which the company is a part. Companies that are successfully restructured in Chapter 11 are liquidated. Creditors receive pennies on the dollar and employees see their jobs and retirement savings destroyed.

When companies enter Chapter 11, it is critical that they attract and retain top management talent. But Chapter 11 is also the most difficult time to attract and retain such talent. Managers of Chapter 11 companies are faced with intense scrutiny, stress, insecurity, and an enormously complex process. Compensation and incentive tools used by non-bankrupt companies such as equity compensation programs are not available to bankruptcy judges with the discretion necessary to deny a KERP in such circumstances and bankruptcy judges do deny KERP payments in chapter 11 reorganizations. The Congress wishes to improve the operation of current law while still safeguarding the ability of the courts to approve legitimate KERPs, we believe this provision will help us achieve that end. Unfortunately, S. 256, as reported by the Committee, goes too far and should not happen, because it is the bankruptcy court’s ability to determine what is in the best interest of each individual bankruptcy estate.

Mr. Chairman, we thank you for considering our views on this important matter. We would be pleased to address any questions you or other members of the Committee on the Judiciary may have.

Sincerely,

Sonneet R. Kapila, CIRA, Kapila & Company; President, AIRA; James M. Lukenda, CIRA, Huron Consulting Group; Chairman, AIRA; Grant Newton, CIRA, Executive Director, AIRA; Daniel Arnel, CIRA, Baymark Strategies LLC; Dennis Bean & Company; Francis G. Conrad, CIRA, ARG Capital Partners LLP; Stephen Darr, CIRA, Mestrow Financial Consulting, CIRA, PricewaterhouseCoopers LLP. James Decker, CIRA, Houlahan Lokey Howard & Zinik; Mitchell Drucker, CIT Business Credit; Howard Fielek, CIRA, Margolin Winer & Evans LLP; Philip Guld, CIR, Marotta Gund Budd & Dera LLC; Gina Gutzeit, FTI Pallas Partners; CIRA, Giuliani Capital Advisors LLC; Margaret Hunter, CIRA, Protiviti Inc; Alan Jacobs, CIRA, AMJ Advisors LLC; David Judd, Neilson Eigren LLP; Bernard Katz, CIRA J H Cohn LLP; Farley Lee, CIRA, Deloitte. Kenneth Lefolit, CIRA, Lefolit & Company; William Lenhart, CIRA, BDO Seidman LLP; Kenneth Malek, CIRA, Navigant Consulting Inc; J. Robert Medlin, CIRA, FTI Consulting Inc; Thomas Morrow, CIRA, AliPartners; Michael Murphy, Mesirov Financial Consulting; LLC; Steven Panagos, CIRA, Kroll Zolfo Cooper LLC; David Payne, CIR, D R Paytons Inc; David Ringer, CIRA, Eisner LLP; Anthony Sasso, CIRA, Deloitte. Matthew Schwartz, CIRA, Bederson & Company LLP; Keith Sh深度, CIRA, Greenberg Traurig LLP; Grant Stein, Esq., Alston & Bird LLP; Peter Stenger, CIRA, Stout Ruisus Ross Inc; Michael Stranava, CIRA, Ernst & Young LLP.

Mr. Hatch. We have language in this issue which would mitigate what I believe are unintended effects of this amendment. Under this modified language, all payments where “misconduct, fraud, or mismanagement” is present are prohibited. This language also keeps the burden on chapter 11 companies to prove that retention bonuses are “necessary, fair and reasonable,” and “likely to enhance a successful reorganization.”

This seems like a reasonable fix to me and I hope we include this language in the bill. I appreciate any help my friend from Massachusetts would give on that particular issue because if we are interested in doing what is right, this will do what is right.

Mr. Kohl. Mr. President, I am in support of the Kennedy-Kohl amendment. It would eliminate the most flagrant abuse of the bankruptcy system under current law—the unlimited homestead exemption. This exemption allows debtors in five states to purchase expensive homes and shield millions of dollars from their creditors. All too often, millionaire debtors take advantage of this loophole by buying expensive mansions in states with no homestead exemptions like Florida and Texas, and declaring bankruptcy and yet continue to live like kings. Our measure will generously cap the homestead exemption at $300,000—that is: it permits a debtor to keep $300,000 of equity in his or her home before declaring bankruptcy.

This amendment, with even lower threshold amounts, has been adopted
twice by the Senate by wide margins in the course of considering previous bankruptcy bills, in both the 106th and 107th Congresses. As a result of my efforts in the past bankruptcy debates, the underlying bill that we are debating already contains a provision that takes advantage of this provision to defraud his or her creditors is some planning and foresight. And it does nothing to stop lifelong residents of these states from taking advantage of the unlimited homestead exemption to protect their assets from creditors.

A review of a few examples in recent years show how willing disreputable debtors are to engage in such planning to hide their assets. Let me give you just a few examples: John Porter, WorldCom’s cofounder and former Chairman, bought a 10,000 square-foot ocean front estate in Palm Beach, Florida in 2000. He lived in New York, and now worth nearly $17 million. The IRS says he owes more than $25 million for back taxes, and he is the defendant in several multi-million dollar securities fraud lawsuits resulting from the failure of WorldCom. Porter filed for bankruptcy in March 2002. Florida’s homestead exemption allows Porter to keep most of the value of the house.

The former Executive Vice President of Enron, a convicted felon, to avoid repaying $55 million in loans from Enconso by selling 90% of her home’s value and buying a $30 million home on Sunset Island in Miami Beach, FL. In 2001, Paul Bilzerian—a convicted felon—tried to wipe out $140 million in debts and all the while holding on to his $7,000 square foot Florida mansion worth over $5 million—with its 10 bedrooms, two libraries, double gourmet kitchen, racquetball court, indoor basketball court, movie theater, full weight and exercise room, and swimming pool.

The owner of a failed Ohio Savings and Loan, who was convicted of securities fraud, wrote off most of $300 million in debt, still held on to his $2.5 million Florida estate. Burt Reynolds, who was convicted of securities fraud, wrote off most of $300 million in debts, but still held onto his $2.5 million Florida estate.

Sadly, those examples are just the tip of the iceberg. Several years ago, we asked the GAO to study this problem. At that time, they estimated that 400 homeowners in Florida and Texas—both of whom were not even in bankruptcy—profited from this unlimited exemption each year. And while they continued to live in luxury, they wrote off an estimated $120 million owed to honest creditors. This is not only wrong; it is unacceptable.

In stark contrast, in most States debtors may keep only a reasonable amount of the equity they have in their homes. For example, in my home State of Wisconsin, the person declares bankruptcy, he or she may keep only $40,000 of the value of their home. This permits creditors access to any additional funds that could be used to repay outstanding loans, yet allows the debtor to keep property which is more than enough for a fresh start. Most States cap these homestead exemptions at $40,000 or less. The bankruptcy reform bill is intended to wipe out abuse by debtors who run up large bills and then use the bankruptcy laws as a method of financial planning. Our amendment does exactly that.

Unlike the compromise version currently in § 125, this amendment completely closes this inexcusable loophole that allows too many debtors to keep their luxury homes, while their legitimate creditors—like kids owed child support, ex-spouses owed alimony, state governments, small businesses and banks—get left out in the cold. While the unlimited homestead exemption may not be the most common abuse of the bankruptcy system, it is clearly the most egregious. If we really want to stop abuse of the bankruptcy laws as a method of financial planning, we should start by adopting the simple hard cap that we propose today.

In both the 106th and 107th Congresses, an overwhelming number of our colleagues agreed with us and voted to cap the homestead exemption by wide margins. In the 106th Congress, this proposal was adopted in the Senate by a vote of 76-22. In the 107th Congress, a motion to table this proposal was defeated in the Senate by a vote of 60 to 39, and this amendment was then adopted by way of the vote this year is exactly the same as the one in the 106th and 107th Congresses. If you were against rich debtors avoiding their creditors the last two times, then you should be against richer debtors avoiding their creditors this time.

The simple hard cap that we propose with this amendment is not only the best policy; it also sends the best message: bankruptcy is a tool of last resort, not financial planning. Even though I would prefer that this amendment include an exemption for family farmers, it does address the need to go after the worst abusers, no matter how wealthy.

In closing, we should remember that one of the central principles of the bankruptcy bill is that people who can pay part of their debts should be required to do so. But the call to reform rings hollow when the bill creates an elaborate, taxpayer funded system to squeeze an extra $100 a month out of breadwinner debtors, yet allows people like Burt Reynolds to declare bankruptcy, wipe out $38 million in debt, and still hold on to a $2.5 million Florida mansion. I urge my colleagues to support this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. FRIST. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FRIST. Mr. President, I ask unanimous consent that all time be considered as expired under rule XXII with respect to the pending bill; I further ask consent that at 11 a.m. tomorrow the Senate proceed to a series of votes in relation to the following amendments; I further ask consent there be 2 minutes equally divided for debate prior to all votes in the series: Kennedy, No. 70; Kennedy, No. 69; Akaka, No. 105.

I further ask consent that on Thursday, at a time determined by the majority leader after consultation with the Democratic leader, the Senate proceed to votes in relation to the following amendments: Leahy 83; Durbin 112; Feingold 90; Feingold 92; Feingold 93; Feingold 95; Feingold 96; Schumer second-degree amendment numbered 129; Talent No. 121.

I further ask unanimous consent that amendments Nos. 87 and 91 be agreed to en bloc with the motion to reconsider laid upon the table; provided further that all other pending amendments—Nos. 45, 50, 52, 53, 72, 71, 96, 94, 97, 98, 99, 100, 101, and 118—be withdrawn and no further amendments be in order other than the possibility of a further Talent second degree which has been filed and a managers’ amendment which has been cleared by both leaders.

I finally ask unanimous consent that following the disposition of the above amendments, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no further intervening action or debate.

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

NOTICE OF PROPOSED RULEMAKING

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached statement from the Office of Compliance be entered into the RECORD today pursuant to section 301(b)(3) of the Congressional Accountability Act of 1995 (2 U.S.C. 1394n(3)).

There being no objection, the material was ordered to be printed in the RECORD, as follows:
MARCH 8, 2005.

Hon. TED STEVENS,
President pro tempore, U.S. Senate, the Capitol,
Washington, DC.

DEAR SENATOR STEVENS: Section 304(b)(3)
of the Congressional Accountability Act of
1995 (CAA), 2 U.S.C. 1384(b)(3), requires that,
with regard to substantive regulations under
the CAA, after the Board has published a
general notice of proposed rulemaking as re-
quired by subsection (b)(1), and received com-
ments as required by subsection (b)(2), “the
Board shall adopt regulations and shall
transmit notice of such action together with
a copy of such regulations to the Speaker of
the House of Representatives and the Presi-
dent pro tempore of the Senate for publica-
tion in the Congressional Record on the first
day on which both Houses are in session fol-
lowing such transmittal.”

The Board of Directors of the Office of
Compliance has adopted the proposed regula-
tions in the Notice of Adoption of Sub-
stantive Regulations and Transmittal for
Congressional Approval which accompany
this transmittal letter. The Board requests
that the accompanying Notice be published
in both the House and Senate versions of the
Congressional Record on the first day on
which both Houses are in session following
receipt of this transmittal. The Board also
requests that Congress approve the proposed
Regulations, as further specified in the ac-
companying Notice.

Any inquiries regarding the accompanying
Notice should be addressed to William W.
Thompson II, Executive Director of the Of-
fice of Compliance, 110 2nd Street, S.E.,
Room LA-200, Washington, D.C. 20540; 202-
724-9250, TDD 202-426-1912.

Sincerely,

SUSAN S. ROBFORD,
Chair of the Board of Directors.
OFFICE OF COMPLIANCE

NOTICE OF ADOPTION OF SUBSTANTIVE REGULATIONS, AND SUBMISSION FOR CONGRESSIONAL APPROVAL.

Proposed Replacement of the Office of Compliance Regulations implementing exemptions from the overtime pay requirements under the Fair Labor Standards Act of 1938 (FLSA).

Procedural Summary:


Why did the Board propose these new Regulations? Section 203(c)(2) of the CAA, 2 U.S.C. 1313(c)(2), requires that the Board of Directors propose substantive regulations implementing the FLSA overtime requirements which are “the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions . . . except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulation would be more effective for the implementation of the rights and protections under this section.”

What procedure followed the Board’s initial September 29, 2004 Notice of Proposed Rulemaking?
The September 29, 2004 Notice of Proposed Rulemaking included a thirty day comment period, which began on September 30, 2004. A number of comments to the proposed substantive regulations were received by the Office of Compliance from interested parties. The Board of Directors has reviewed the comments from interested parties, made a number of changes to the proposed substantive regulations in response to comments, and has adopted the amended regulations.
What is the effect of the Board’s “adoption” of these proposed substantive regulations? Adoption of these substantive regulations by the Board of Directors does not complete the promulgation process. Pursuant to section 304 of the CAA, 2 U.S.C. 1384, the procedure for promulgating such substantive regulations requires that: (1) the Board of Directors issue proposed substantive regulations and publish a general notice of proposed rulemaking in the Congressional Record (the September 29 Notice); (2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking; and (3) after consideration of comments by the Board of Directors, that the Board adopt regulations and transmit notice of such action together with the regulations and a recommendation regarding the method for Congressional approval of the regulations to the Speaker of the House and President pro tempore of the Senate for publication in the Congressional Record. This Notice of Adoption of Substantive Regulations and Submission for Congressional Approval completes the third step described above.

What are the next steps in the process of promulgation of these regulations? Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to “include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution.” The Board of Directors recommends that the procedure used in 1996 be used to adopt these proposed overtime exemption regulations: that the House of Representatives adopt the “H” version of the regulations by resolution; that the Senate adopt the “S” version of the regulations by resolution; and that the House and Senate adopt the “C” version of the regulations applied to the other employing offices by a concurrent resolution.

Are there regulations covering overtime exemptions currently in force under the CAA? Yes. Unless and until the House of Representatives and the Senate adopt these regulations, all employing offices and covered employees continue to be required to follow the existing Part 541 Regulations which were proposed by the Board of Directors and adopted by the House of Representatives and the Senate.

If adopted, will these regulations completely replace the existing Part 541 overtime exemption regulations applicable under the CAA? Yes.

The Board’s Responses to Comments

As the result of the September 29, 2004 Notice of Proposed Regulations, and the ensuing 30 day comment period, the Office received comments from various interested parties. The Board has reviewed all comments, and has deliberated regarding the question whether comments establish “good cause” pursuant to section 203(c)(2) of the CAA, 2 U.S.C. 1313(c)(2), for varying the Office of Compliance proposed regulations from the Department of Labor regulations. The following discussion outlines the comments, and the Board’s response to them.

What changes from the regulations as proposed on September 29, 2004 have been made by the Board in response to comments received from interested parties?
Removal of private sector terminology: Several commenters pointed out that reference to such terms as “business” and “enterprise” throughout the proposed regulations should be replaced by “employing office.” The Board agreed with this suggestion in part. Certain provisions of the proposed regulations of general applicability have been amended to replace terms such as “business” or “enterprise” with the term “employing office.” However, other provisions, particularly those which refer to “business operations,” a term relating to ubiquitous operational functions such as accounting, auditing, procurement, personnel management and the like, or those references which are descriptive or exemplary have not been so amended, since to do so would detract from the clarity of the reference.

Sec. 541.0: Commenters correctly pointed out that a principal statutory authority for adoption of these regulations was not included in the proposed regulations. Therefore, a reference was added citing section 225(f)(1) of the CAA (2 U.S.C. 1361(f)(1)) as authority for the promulgation of these overtime exemption rules. Commenters also noted that the reference in the proposed regulation to “enforcement” by the Office of Compliance of the equal pay provision found at section 6(d) of the FLSA reflected an authority not given to the Office under the CAA. The Office of Compliance is authorized to administer the dispute resolution process for employee claims of a violation of the equal pay requirement at section 6(d) of the FLSA, but not to engage in its own self-initiated enforcement of the provision. Therefore, the reference to “enforcement” of section 6(d) was deleted.

Sec. 541.1: A commenter suggested that a reference to the existing regulation which defines the term “intern” be added to the exemption regulations. The Board concurs with the comment. Therefore, a reference was added to the definition of “intern” found at section 501.102(h) of the existing FLSA regulations of the Office of Compliance.

Section 541.4: Several commenters pointed out that the proposed section maintained an erroneous requirement that employing offices must comply with “...State or municipal laws, regulations, or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the FLSA” as applied via the CAA. The Board concurs with the comment. That requirement has been deleted from the proposed regulation.

What changes to the proposed substantive regulations suggested by commenters were not made by the Board of Directors? The Board of Directors reviewed all suggestions included in comments pursuant to the statutory requirement that the regulations “shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions... except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.” (section 203(c)(2) of the CAA, 2 USC 1313(c)(2)). If the Board declined to adopt a suggestion, it determined that there was not good cause for such a change in implementing the FLSA.

Alleged “irrelevant” regulations: Commenters broadly suggested that portions of the proposed regulations which arguably do not directly concern types or categories of employment found among employees covered by the CAA should be deleted from the proposed regulations. These commenters urged that references to such employment categories as “outside
salespersons,” “non-Federal employees in American Samoa,” “insurance claims adjusters,” work in a “factory,” etc. should be entirely removed. Several of these commenters also suggested that substantively distinct sets of new regulations be developed for the House of Representatives, the Senate, and the other employing offices, based upon the differences among the types of employees who work in each body or agency.

The Board of Directors has been aware since its initial preparation of these proposed regulations that many of the job classifications and types of work processes treated in Part 541 are probably not found within the Legislative Branch of the Federal Government, that there may be job categories in the Legislative Branch not directly reflected in Part 541, and that there are differences among the work forces in the several employing offices covered by the CAA. However, the Board has concluded that adding or removing exemplary and descriptive provisions from the regulations as applied to all employing offices would reflect a basic misunderstanding of the purpose and goal of the new Part 541 of 29 CFR, and of the Congressional mandate in the CAA that the Board issue regulations based upon the Secretary of Labor’s regulations promulgated for the private sector (See section 203(c)(2) of the CAA, 2 USC 1313(c)(2)).

While the Labor Department’s “old,” i.e. pre-2004, Part 541 overtime exemption regulations included a great deal of descriptive material, it was not binding, since almost all of the descriptive portions of 29 CFR Part 541 (Subpart B) were merely “interpretive” explanatory bulletins. Thus, the 1996 Part 541 regulations adopted by the Board of Directors and promulgated by Congress under the CAA did not include any of the Labor Department’s interpretive regulations, since those interpretive regulations had not been formally promulgated under the Administrative Procedures Act.

In revamping Part 541, the Secretary of Labor explained that the Labor Department intended to “eliminate this distinction between the formal ‘regulations’ in Subpart A and the ‘interpretations’ in Subpart B... This proposed restructuring of Part 541 was intended to consolidate and streamline the regulatory text, ... make the regulations easier to understand and decipher when applying them to particular factual situations, and eliminate the confusion regarding the appropriate level of deference to be given to the provisions of each subpart.” (69 Fed. Reg. 22126 (4/23/04)). While the new Part 541 does not directly discuss every conceivable employment situation, it does provide a broad sample of authoritative exemplary and descriptive material for many types of employers.

The key concept for purposes of explaining the Board’s decision not to delete seemingly “irrelevant” descriptive and exemplary material is the intent of the new Labor Department regulations to make the tests for exemption “easier to understand and decipher when applying them to particular factual situations.” No single employer or group of employers subject to the Part 541 regulations in the private sector employs all or even most of the categories of employees referenced in Part 541. However, the new Part 541 regulations for the first time provide a wealth of authoritative exemplary and descriptive material which can assist employers and employees to discern whether a particular position or job is exempt. The usefulness of this material does not depend upon the direct applicability of each and every provision of the regulations to each and every position or job.
The Board of Directors has concluded that employing offices and employees covered by the CAA should be accorded the same opportunity to utilize the full wealth of descriptive and exemplary material in the new Part 541 regulations as has been accorded employers and employees in the private sector. Any effort to carve this integrated body of regulations into segments which only refer to employment categories presently included within each category of employing office under the CAA would not only subvert the overall integration of Part 541, but prove to be enormously difficult in implementation.

References to “business,” “enterprise,” or other private sector employer categories. Several commenters suggested that all references in the proposed regulations to private enterprise concepts be replaced by terms derived from the CAA or governmental parlance. The proposed regulations have addressed the commenters’ concern through language in section 541.1, which includes the stipulation that “Employer, company, business, enterprise, or public agency each mean an “employing office” as defined in section 101(9) of the CAA, 2 USC 1301(9).” However, reference to such “private sector” concepts in descriptive or exemplary regulations have not been excised, because to do so could well blunt the clarity or usefulness of the description or example. Whether or not specific work processes or functions as described in the proposed regulations are applicable directly or by analogy to a particular “employing office” are questions of fact for CAA employing offices and covered employees, just as for all other categories of employers and employees covered by the Labor Department regulations, including State and local governments.

Various FLSA overtime rules for “police officers” should not apply to police officers employed by the United States Capitol Police. One commenter asserted that the new proposed regulation establishing exceptions for the application of the FLSA section 13(a)(1) exemption tests for police officers and other public safety employees at proposed section 541.3(b) should not apply to members of the United States Capitol Police in those categories because the work performed by the United States Capitol Police is not “traditional police work performed by most state and local organizations.” Rather, the commenter asserted the “unique nature of the USCP work as an organization charged with providing comprehensive and fully integrated security services which includes physical security and counter-terrorism components as well as a personal protective function, all requiring full and robust participation in the intelligence community.” The commenter also noted that some members of the Capitol Police perform office and non-manual work.

The Board has carefully considered the assertion that the Capitol Police force is unique among all law enforcement agencies otherwise covered by Part 541 of the Department of Labor Regulations. The Board takes administrative notice that other major law enforcement agencies, such as the Uniformed Division of the Secret Service, District of Columbia Metropolitan Police, and many other large urban police forces, and police forces charged with security of state and local government premises and officials, are charged with providing security services, counter-terrorism capabilities, personal protective services, participation in the intelligence community, and include employees who perform office and non-manual work. While the relative emphasis and extent of any one or another such function may vary among such law enforcement agencies, the Board has concluded that the United States Capitol Police operation is not unique in any or all of these dimensions of law enforcement work. Therefore, the Board has determined that there is not “good cause” for exempting the members of the United States Capitol Police from the
application of section 541.3(b) of the proposed substantive regulations.

Reference to section 13(a)(1) of the FLSA “as amended.” A commenter asserted that the phrase “as amended” in referencing section 13(a)(1) of the FLSA, 29 USC 213(a)(1), in the proposed substantive regulation is in error. The commenter asserted that the reference to laws being applied via the CAA is a “specific reference,” and further asserted that canons of statutory construction therefore require that the referenced statute can only be applied as it existed as of the date of the reference. Therefore, said the commenter, subsequent amendments to CAA referenced laws such as the FLSA would not apply under the CAA. The commenter also asserted that the CAA’s waiver of sovereign immunity of the United States did not include a waiver with regard to subsequent amendments to the laws applied via the CAA. In other words, the commenter argued that the statutes applied to Congress and the Legislative Branch via the CAA are “frozen” as they existed in 1995. The Board does not respond to the commenter’s suggested interpretation of the CAA at this time, because section 13(a)(1) of the FLSA has not been amended since the CAA was enacted.

Inclusion of interns for purposes of establishing supervisory status under section 541.104. One commenter pointed out that interns (as defined in section 501.102(h) of the Office’s FLSA regulations) are not “covered employees” for purposes of the CAA, but suggested that interns be counted as “employees” for purposes of application of the “direct the work of two or more other employees” test at section 541.104 of the proposed regulations. At the direction of the Board, the Office of Compliance inquired of the Department of Labor whether the Department interprets the term “employee” in regulation 541.104 to include individual workers who are not “employees” as defined under the balance of Part 541. The Labor Department responded informally that such workers are not counted as “employees” for purposes of the application of section 541.104 of the regulations. The Board has concluded that there is no good cause for varying from that practice under these proposed regulations, and has declined to include interns as “employees” for the purpose of section 541.104.

Members of the House of Representatives and Senators are not “covered employees” for purposes of the CAA. One commenter concluded that Members of the House of Representatives are not “covered employees.” Rather than limit the response to this comment to the House of Representatives, the Board has reviewed the issue both with regard to Members of the House of Representatives and Senators. The Board has concluded that Members of the House and Senators are “covered employees” for purposes of the application of the CAA. An “employee of the House of Representatives” is defined at section 101(7) to include “an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives . . . .” 2 USC 1301(7). The pay of Members of the House is disbursed by the Chief Administrative Officer of the House of Representatives. An “‘employee of the Senate’ includes any employee whose pay is disbursed by the Secretary of the Senate . . . .” The pay of Senators is disbursed by the Secretary of the Senate. Therefore, both Members of the House and Senators are “covered employees” for the purposes of applicability of these proposed regulations. However, Members of the House and Senators are also clearly identified at section 541.1 of the proposed regulations as exempt “senior executives” for purposes of the application of overtime eligibility.
Additional General Information

Why are there separate sets of existing FLSA regulations which have been applicable since 1996 for the House of Representatives, the Senate, and the other employing offices covered by the CAA? Section 304(a)(2)(B) of the CAA, 2 U.S.C. 1384(a)(2)(B), requires that the substantive rules of the Board of Directors of the Office of Compliance “shall consist of 3 separate bodies of regulations, which shall apply, respectively, to - (i) the Senate and employees of the Senate; (ii) the House of Representatives and employees of the House of Representatives; and (iii) the other covered employees and employing offices.” In 1996, the House of Representatives (H.Res.400) and the Senate (S.Res.242) each adopted by resolution the FLSA regulations applicable to each body. The Senate and House of Representatives adopted by concurrent resolution (S.Con.Res.51) the regulations applicable to other employing offices and employees.

Are there substantive differences in the proposed regulations for the House of Representatives, the Senate, and the other employing offices? No. While there are some differences in other parts of the existing FLSA regulations applicable to the Senate, the House of Representatives, and the other employing offices (chiefly related to the mandate at section 203(e)(3) of the CAA, 2 U.S.C. 1313(c)(3), regarding “covered employees whose work schedules directly depend on the schedule of the House of Representatives or the Senate . . .”), the existing Part 541 regulations are substantively identical. The Board of Directors has identified no “good cause” for varying the text of these proposed new regulations. Therefore, if the proposed part 541 regulations are adopted to replace the pre-existing Part 541 regulations, the prefixes “H,” “S,” and “C” will be affixed to each of the sets of regulations for the House, for the Senate, and for the other employing offices, but otherwise the text of the part 541 regulations will be identical.

How does the Board of Directors recommend that Congress approve these proposed regulations? Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to “include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution.” The Board of Directors recommends that the procedure used in 1996 be used to adopt these proposed overtime exemption regulations: the House of Representatives adopted the “H” version of the regulations by resolution; the Senate adopted the “S” version of the regulations by resolution; and the House and Senate adopted the “C” version of the regulations applied to the other employing offices by a concurrent resolution.

Are these proposed regulations also recommended by the Office of Compliance’s Executive Director, the Deputy Executive Director for the House of Representatives, and the Deputy Executive Director for the Senate? Yes, as required by section 304(b)(1) of the CAA, 2 U.S.C. 1384(b)(1), the substance of these regulations have also been recommended by the Executive Director and Deputy Executive Directors of the Office of Compliance.

Are these proposed CAA regulations available to persons with disabilities in an alternate
How To Read The Proposed Amendments

In order to make comparison of these regulations with the regulations promulgated by the Secretary of Labor, the text of the proposed regulations reproduces the text of the regulations promulgated on August 23, 2004 by the Secretary of Labor at 29 CFR Part 541, and shows changes proposed for the CAA version of these same regulations. Changes adopted by the Board of Directors of the Office of Compliance are shown as follows: [[deletions within italicized brackets]], and added text in italicized bold. Further changes adopted by the Board in response to comments regarding the initial proposed regulations as issued on September 29, 2004 by the Board are bolded, italicized, and underlined. Therefore, if these regulations are approved as proposed, [[bracketed text will disappear from the regulations]], and added text will remain. If these regulations are approved for the House of Representatives by resolution of the House, they will be promulgated with the prefix “H” appearing before each regulations section number. If these regulations are approved for the Senate by resolution of the Senate, they will be promulgated with the prefix “S” appearing before each regulations section number. If these regulations are approved for the other employing offices by joint or concurrent resolution of the House of Representatives and the Senate, they will be promulgated with the prefix “C” appearing before each regulations section number.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104-1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 12 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within the Legislative Branch.
TEXT OF PROPOSED OVERTIME EXEMPTION REGULATIONS

as adopted by the Board of Directors of the Office of Compliance.

NOTE: As and when approved by the House of Representatives and/or the Senate, these proposed regulations will entirely replace the current Part 541 regulations which were promulgated by the Office of Compliance and approved by the House of Representatives and the Senate in 1996. Until new Part 541 regulations are approved by the House of Representatives and/or the Senate, the 1996 regulations regarding overtime exemptions remain in full force and effect.

When approved by the House of Representatives for the House of Representatives, these regulations will have the prefix “H.” When approved by the Senate for the Senate, these regulations will have the prefix “S.” When approved by Congress for the other employing offices covered by the CAA, these regulations will have the prefix “C.”

PART 541--DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, COMPUTER AND OUTSIDE SALES EMPLOYEES

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[[Reorganization Plan No. 6 of 1950 (3 CFR 1945-53 Comp. p. 1004); Secretary's Order No. 4-
2001 (66 FR 29656).]]

Subpart A--General Regulations
Sec. 541.0 Introductory statement. (a) Section 13(a)(1) of the Fair Labor Standards Act (Act), as
amended, and as applied pursuant to sections 203 and 225(f)(1) of the Congressional
Accountability Act of 1995, 2 U.S.C. 1313 and 1361(f)(1), provides an exemption from the Act's
minimum wage and overtime requirements for any employee employed in a bona fide executive,
administrative, or professional capacity (including any employee employed in the capacity of
academic administrative personnel or teacher in elementary or secondary schools), or in the
capacity of an outside sales employee.[[ as such terms are defined and delimited from time to
time by regulations of the Secretary, subject to the provisions of the Administrative Procedure
Act.[[ Section 13(a)(17) of the Act provides an exemption from the minimum wage and overtime
requirements for computer systems analysts, computer programmers, software engineers, and
other similarly skilled computer employees. (b) The requirements for these exemptions are
contained in this part as follows: executive employees, subpart B; administrative employees,
subpart C; professional employees, subpart D; computer employees, subpart E; outside sales
employees, subpart F. Subpart G contains regulations regarding salary requirements applicable to
most of the exemptions, including salary levels and the salary basis test. Subpart G also contains
a provision for exempting certain highly compensated employees. Subpart H contains definitions
and other miscellaneous provisions applicable to all or several of the exemptions. (c) Effective
July 1, 1972, the Fair Labor Standards Act was amended to include within the protection of the
equal pay provisions those employees exempt from the minimum wage and overtime pay
provisions as bona fide executive, administrative, and professional employees (including any
employee employed in the capacity of academic administrative personnel or teacher in
elementary or secondary schools), or in the capacity of an outside sales employee under section
13(a)(1) of the Act. The equal pay provisions in section 6(d) of the Fair Labor Standards Act are
also administered [[and enforced]] by the [[United States Equal Employment Opportunity
Commission]] Office of Compliance.

Sec. 541.1 Terms used in regulations. Act means the Fair Labor Standards Act of 1938, as
amended. [[Administrator means the Administrator of the Wage and Hour Division, United
States Department of Labor. The Secretary of Labor has delegated to the Administrator the
functions vested in the Secretary under sections 13(a)(1) and 13(a)(17) of the Fair Labor
Standards Act.]  CAA means Congressional Accountability Act of 1995, as amended. Office means the Office of Compliance. Employee means a “covered employee” as defined in section 101(3) through (8) of the CAA, 2 U.S.C. 1301(3) through (8), but not an “intern” as defined in section 203(a)(2) of the CAA, 2 U.S.C. 1313(a)(2), and in section 501.102(h) of the FLSA implementing regulations of the Office of Compliance. Employer, company, business, enterprise, or public agency each mean an “employing office” as defined in section 101(9) of the CAA, 2 U.S.C. 1301(9). Senior executive includes but is not limited to a Member of the House of Representatives or a Senator.

Sec. 541.2 Job titles insufficient. A job title alone is insufficient to establish the exempt status of an employee. The exempt or nonexempt status of any particular employee must be determined on the basis of whether the employee's salary and duties meet the requirements of the regulations in this part.

Sec. 541.3 Scope of the section 13(a)(1) exemptions.
(a) The section 13(a)(1) exemptions and the regulations in this part do not apply to manual laborers or other "blue collar" workers who perform work involving repetitive operations with their hands, physical skill and energy. Such nonexempt "blue collar" employees gain the skills and knowledge required for performance of their routine manual and physical work through apprenticeships and on-the-job training, not through the prolonged course of specialized intellectual instruction required for exempt learned professional employees such as medical doctors, architects and archeologists. Thus, for example, non-management production-line employees and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers and laborers are entitled to minimum wage and overtime premium pay under the Fair Labor Standards Act, and are not exempt under the regulations in this part no matter how highly paid they might be.

(b)(1) The section 13(a)(1) exemptions and the regulations in this part also do not apply to police officers, detectives, deputy sheriffs, state troopers, highway patrol officers, investigators, inspectors, correctional officers, parole or probation officers, park rangers, fire fighters, paramedics, emergency medical technicians, ambulance personnel, rescue workers, hazardous materials workers and similar employees, regardless of rank or pay level, who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime or accident victims; preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; pursuing, restraining and apprehending suspects; detaining or supervising suspected and convicted criminals, including those on probation or parole; interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; or other similar work.

(2) Such employees do not qualify as exempt executive employees because their primary duty is not management of the [enterprise] employing office in which the employee is employed or a customarily recognized department or subdivision thereof as required under Sec. 541.100. Thus, for example, a police officer of fire fighter whose primary duty is to investigate crimes or fight fires is not exempt under section 13(a)(1) of the Act merely because the police officer or fire fighter also directs the work of other employees in the conduct of an investigation or fighting a fire.
(3) Such employees do not qualify as exempt administrative employees because their primary duty is not the performance of work directly related to the management or general business operations of the employer or the employer's customers as required under Sec. 541.200.

(4) Such employees do not qualify as exempt professionals because their primary duty is not the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction or the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as required under Sec. 541.300. Although some police officers, fire fighters, paramedics, emergency medical technicians and similar employees have college degrees, a specialized academic degree is not a standard prerequisite for employment in such occupations.

Sec. 541.4 Other laws and collective bargaining agreements. The Fair Labor Standards Act provides minimum standards that may be exceeded, but cannot be waived or reduced. Employers must comply, for example, with any applicable Federal [if. State or municipal][II laws[/.

regulations or ordinances[/I] establishing a higher minimum wage or lower maximum workweek than those established under the Act. Similarly, employers, on their own initiative or under a collective bargaining agreement with a labor union, are not precluded by the Act from providing a wage higher than the statutory minimum, a shorter workweek than the statutory maximum, or a higher overtime premium (double time, for example) than provided by the Act. While collective bargaining agreements cannot waive or reduce the Act's protections, nothing in the Act or the regulations in this part relieves employers from their contractual obligations under collective bargaining agreements.

Subpart B--Executive Employees

Sec. 541.100 General rule for executive employees.

(a) The term "employee employed in a bona fide executive capacity" in section 13(a)(1) of the Act shall mean any employee: (1) Compensated on a salary basis at a rate of not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities; (2) Whose primary duty is management of the [I]enterprise[/II employing office in which the employee is employed or of a customarily recognized department or subdivision thereof; (3) Who customarily and regularly directs the work of two or more other employees; and (4) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.

(b) The phrase "salary basis" is defined at Sec. 541.602; "board, lodging or other facilities" is defined at Sec. 541.606; "primary duty" is defined at Sec. 541.700; and "customarily and regularly" is defined at Sec. 541.701.

Sec. 541.101 Business owner. The term "employee employed in a bona fide executive capacity" in section 13(a)(1) of the Act also includes any employee who owns at least a bona fide 20-percent equity interest in the enterprise in which the employee is employed, regardless of whether the business is a corporate or other type of organization, and who is actively engaged in its management. The term "management" is defined in Sec. 541.102. The requirements of Subpart
G (salary requirements) of this part do not apply to the business owners described in this section.

Sec. 541.102 Management. Generally, "management" includes, but is not limited to, activities such as interviewing, selecting, and training of employees; setting and adjusting their rates of pay and hours of work; directing the work of employees; maintaining production or sales records for use in supervision or control; appraising employees' productivity and efficiency for the purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used; apportioning the work among the employees; determining the type of materials, supplies, machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; providing for the safety and security of the employees or the property; planning and controlling the budget; and monitoring or implementing legal compliance measures.

Sec. 541.103 Department or subdivision. (a) The phrase "a customarily recognized department or subdivision" is intended to distinguish between a mere collection of employees assigned from time to time to a specific job or series of jobs and a unit with permanent status and function. A customarily recognized department or subdivision must have a permanent status and a continuing function. For example, a large employer's human resources department might have subdivisions for labor relations, pensions and other benefits, equal employment opportunity, and personnel management, each of which has a permanent status and function. (b) When an enterprise employing office has more than one establishment, the employee in charge of each establishment may be considered in charge of a recognized subdivision of the enterprise employing office. (c) A recognized department or subdivision need not be physically within the employer's establishment and may move from place to place. The mere fact that the employee works in more than one location does not invalidate the exemption if other factors show that the employee is actually in charge of a recognized unit with a continuing function in the organization. (d) Continuity of the same subordinate personnel is not essential to the existence of a recognized unit with a continuing function. An otherwise exempt employee will not lose the exemption merely because the employee draws and supervises workers from a pool or supervises a team of workers drawn from other recognized units, if other factors are present that indicate that the employee is in charge of a recognized unit with a continuing function.

Sec. 541.104 Two or more other employees. (a) To qualify as an exempt executive under Sec. 541.100, the employee must customarily and regularly direct the work of two or more other employees. The phrase "two or more other employees" means two full-time employees or their equivalent. One full-time and two half-time employees, for example, are equivalent to two full-time employees. Four half-time employees are also equivalent. (b) The supervision can be distributed among two, three or more employees, but each such employee must customarily and regularly direct the work of two or more other full-time employees or the equivalent. Thus, for example, a department with five full-time nonexempt workers may have up to two exempt supervisors if each such supervisor customarily and regularly directs the work of two of those workers. (c) An employee who merely assists the manager of a particular department and supervises two or more employees only in the actual manager's absence does not meet this requirement. (d) Hours worked by an employee cannot be credited more than once for different executives. Thus, a shared responsibility for the supervision of the same two employees in the
same department does not satisfy this requirement. However, a full-time employee who works four hours for one supervisor and four hours for a different supervisor, for example, can be credited as a half-time employee for both supervisors.

Sec. 541.105 Particular weight. To determine whether an employee's suggestions and recommendations are given "particular weight," factors to be considered include, but are not limited to, whether it is part of the employee's job duties to make such suggestions and recommendations; the frequency with which such suggestions and recommendations are made or requested; and the frequency with which the employee's suggestions and recommendations are relied upon. Generally, an executive's suggestions and recommendations must pertain to employees whom the executive customarily and regularly directs. It does not include an occasional suggestion with regard to the change in status of a co-worker. An employee's suggestions and recommendations may still be deemed to have "particular weight" even if a higher level manager's recommendation has more importance and even if the employee does not have authority to make the ultimate decision as to the employee's change in status.

Sec. 541.106 Concurrent duties.
(a) Concurrent performance of exempt and nonexempt work does not disqualify an employee from the executive exemption if the requirements of Sec. 541.100 are otherwise met. Whether an employee meets the requirements of Sec. 541.100 when the employee performs concurrent duties is determined on a case-by-case basis and based on the factors set forth in Sec. 541.700. Generally, exempt executives make the decision regarding when to perform nonexempt duties and remain responsible for the success or failure of business operations under their management while performing the nonexempt work. In contrast, the nonexempt employee generally is directed by a supervisor to perform the exempt work or performs the exempt work for defined time periods. An employee whose primary duty is ordinary production work or routine, recurrent or repetitive tasks cannot qualify for exemption as an executive.
(b) For example, an assistant manager in a retail establishment may perform work such as serving customers, cooking food, stocking shelves and cleaning the establishment, but performance of such nonexempt work does not preclude the exemption if the assistant manager's primary duty is management. An assistant manager can supervise employees and serve customers at the same time without losing the exemption. An exempt employee can also simultaneously direct the work of other employees and stock shelves.
(c) In contrast, a relief supervisor or working supervisor whose primary duty is performing nonexempt work on the production line in a manufacturing plant does not become exempt merely because the nonexempt production line employee occasionally has some responsibility for directing the work of other nonexempt production line employees when, for example, the exempt supervisor is unavailable. Similarly, an employee whose primary duty is to work as an electrician is not an exempt executive even if the employee also directs the work of other employees on the job site, orders parts and materials for the job, and handles requests from the prime contractor.

Subpart C--Administrative Employees

Sec. 541.200 General rule for administrative employees.
a) The term "employee employed in a bona fide administrative capacity" in section 13(a)(1) of the Act shall mean any employee: (1) Compensated on a salary or fee basis at a rate of not less}
than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities; (2) Whose primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and (3) Whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance. 

(b) The term "salary basis" is defined at Sec. 541.602; "fee basis" is defined at Sec. 541.605; "board, lodging or other facilities" is defined at Sec. 541.606; and "primary duty" is defined at Sec. 541.700.

Sec. 541.201 Directly related to management or general business operations.
(a) To qualify for the administrative exemption, an employee's primary duty must be the performance of work directly related to the management or general business operations of the employer or the employer's customers. The phrase "directly related to the management or general business operations" refers to the type of work performed by the employee. To meet this requirement, an employee must perform work directly related to assisting with the running or servicing of the [[business]] employing office, as distinguished, for example, from working on a manufacturing production line or selling a product in a retail or service establishment.

(b) Work directly related to management or general business operations includes, but is not limited to, work in functional areas such as tax; finance; accounting; budgeting; auditing; insurance; quality control; purchasing; procurement; advertising; marketing; research; safety and health; personnel management; human resources; employee benefits; labor relations; public relations, government relations; computer network, internet and database administration; legal and regulatory compliance; and similar activities. Some of these activities may be performed by employees who also would qualify for another exemption.

(c) An employee may qualify for the administrative exemption if the employee's primary duty is the performance of work directly related to the management or general business operations of the employer's customers. Thus, for example, employees acting as advisers or consultants to their employer's clients or customers (as tax experts or financial consultants, for example) may be exempt.

Sec. 541.202 Discretion and independent judgment.
(a) To qualify for the administrative exemption, an employee's primary duty must include the exercise of discretion and independent judgment with respect to matters of significance. In general, the exercise of discretion and independent judgment involves the comparison and the evaluation of possible courses of conduct, and acting or making a decision after the various possibilities have been considered. The term "matters of significance" refers to the level of importance or consequence of the work performed.

(b) The phrase "discretion and independent judgment" must be applied in the light of all the facts involved in the particular employment situation in which the question arises. Factors to consider when determining whether an employee exercises discretion and independent judgment with respect to matters of significance include, but are not limited to: whether the employee has authority to formulate, affect, interpret, or implement management policies or operating practices; whether the employee carries out major assignments in conducting the operations of the [[business]] employing office; whether the employee performs work that affects business operations to a substantial degree, even if the employee's assignments are related to operation of
a particular segment of the [business] employing office; whether the employee has authority to commit the employer in matters that have significant financial impact; whether the employee has authority to waive or deviate from established policies and procedures without prior approval; whether the employee has authority to negotiate and bind the [company] employing office on significant matters; whether the employee provides consultation or expert advice to management; whether the employee is involved in planning long- or short-term [business] objectives; whether the employee investigates and resolves matters of significance on behalf of management; and whether the employee represents the [company] employing office in handling complaints, arbitrating disputes or resolving grievances.

(c) The exercise of discretion and independent judgment implies that the employee has authority to make an independent choice, free from immediate direction or supervision. However, employees can exercise discretion and independent judgment even if their decisions or recommendations are reviewed at a higher level. Thus, the term "discretion and independent judgment" does not require that the decisions made by an employee have a finality that goes with unlimited authority and a complete absence of review. The decisions made as a result of the exercise of discretion and independent judgment may consist of recommendations for action rather than the actual taking of action. The fact that an employee's decision may be subject to review and that upon occasion the decisions are revised or reversed after review does not mean that the employee is not exercising discretion and independent judgment. For example, the policies formulated by the credit manager of a large corporation may be subject to review by higher company officials who may approve or disapprove these policies. The management consultant who has made a study of the operations of a business and who has drawn a proposed change in organization may have the plan reviewed or revised by superiors before it is submitted to the client.

(d) An employer's volume of [business] work may make it necessary to employ a number of employees to perform the same or similar work. The fact that many employees perform identical work or work of the same relative importance does not mean that the work of each such employee does not involve the exercise of discretion and independent judgment with respect to matters of significance.

(e) The exercise of discretion and independent judgment must be more than the use of skill in applying well-established techniques, procedures or specific standards described in manuals or other sources. See also Sec. 541.704 regarding use of manuals. The exercise of discretion and independent judgment also does not include clerical or secretarial work, recording or tabulating data, or performing other mechanical, repetitive, recurrent or routine work. An employee who simply tabulates data is not exempt, even if labeled as a "statistician."

(f) An employee does not exercise discretion and independent judgment with respect to matters of significance merely because the employer will experience financial losses if the employee fails to perform the job properly. For example, a messenger who is entrusted with carrying large sums of money does not exercise discretion and independent judgment with respect to matters of significance even though serious consequences may flow from the employee's neglect. Similarly, an employee who operates very expensive equipment does not exercise discretion and independent judgment with respect to matters of significance merely because improper performance of the employee's duties may cause serious financial loss to the employer. Sec. 541.203 Administrative exemption examples.

(a) Insurance claims adjusters generally meet the duties requirements for the administrative exemption, whether they work for an insurance company or other type of company, if their duties
include activities such as interviewing insureds, witnesses and physicians; inspecting property
damage; reviewing factual information to prepare damage estimates; evaluating and making
recommendations regarding coverage of claims; determining liability and total value of a claim;
negotiating settlements; and making recommendations regarding litigation.
(b) Employees in the financial services industry generally meet the duties requirements for the
administrative exemption if their duties include work such as collecting and analyzing
information regarding the customer's income, assets, investments or debts; determining which
financial products best meet the customer's needs and financial circumstances; advising the
customer regarding the advantages and disadvantages of different financial products; and
marketing, servicing or promoting the employer's financial products. However, an employee
whose primary duty is selling financial products does not qualify for the administrative
exemption.
(c) An employee who leads a team of other employees assigned to complete major projects for
the employer (such as purchasing, selling or closing all or part of the business, negotiating a real
estate transaction or a collective bargaining agreement, or designing and implementing
productivity improvements) generally meets the duties requirements for the administrative
exemption, even if the employee does not have direct supervisory responsibility over the other
employees on the team.
(d) An executive assistant or administrative assistant to a business owner or senior executive of a
large business generally meets the duties requirements for the administrative exemption if such
employee, without specific instructions or prescribed procedures, has been delegated authority
regarding matters of significance.
(e) Human resources managers who formulate, interpret or implement employment policies and
management consultants who study the operations of a business and propose changes in
organization generally meet the duties requirements for the administrative exemption. However,
personnel clerks who "screen" applicants to obtain data regarding their minimum qualifications
and fitness for employment generally do not meet the duties requirements for the administrative
exemption. Such personnel clerks typically will reject all applicants who do not meet minimum
standards for the particular job or for employment by the company. The minimum standards are
usually set by the exempt human resources manager or other company officials, and the decision
to hire from the group of qualified applicants who do meet the minimum standards is similarly
made by the exempt human resources manager or other company officials. Thus, when the
interviewing and screening functions are performed by the human resources manager or
personnel manager who makes the hiring decision or makes recommendations for hiring from the
pool of qualified applicants, such duties constitute exempt work, even though routine, because
this work is directly and closely related to the employee's exempt functions.
(f) Purchasing agents with authority to bind the company on significant purchases generally meet
the duties requirements for the administrative exemption even if they must consult with top
management officials when making a purchase commitment for raw materials in excess of the
contemplated plant needs.
(g) Ordinary inspection work generally does not meet the duties requirements for the
administrative exemption. Inspectors normally perform specialized work along standardized lines
involving well-established techniques and procedures which may have been catalogued and
described in manuals or other sources. Such inspectors rely on techniques and skills acquired by
special training or experience. They have some leeway in the performance of their work but only
within closely prescribed limits.
(h) Employees usually called examiners or graders, such as employees that grade lumber, 
generally do not meet the duties requirements for the administrative exemption. Such employees 
usually perform work involving the comparison of products with established standards which are 
frequently catalogued. Often, after continued reference to the written standards, or through 
experience, the employee acquires sufficient knowledge so that reference to written standards is 
unnecessary. The substitution of the employee's memory for a manual of standards does not 
convert the character of the work performed to exempt work requiring the exercise of discretion 
and independent judgment.

(i) Comparison shopping performed by an employee of a retail store who merely reports to the 
buyer the prices at a competitor's store does not qualify for the administrative exemption. 
However, the buyer who evaluates such reports on competitor prices to set the employer's prices 
generally meets the duties requirements for the administrative exemption.

(j) Public sector inspectors or investigators of various types, such as fire prevention or safety, 
building or construction, health or sanitation, environmental or soils specialists and similar 
employees, generally do not meet the duties requirements for the administrative exemption 
because their work typically does not involve work directly related to the management or 
general business operations of the employer. Such employees also do not qualify for the administrative 
exemption because their work involves the use of skills and technical abilities in gathering 
factual information, applying known standards or prescribed procedures, determining which 
procedure to follow, or determining whether prescribed standards or criteria are met.

Sec. 541.204 Educational establishments.

(a) The term "employee employed in a bona fide administrative capacity" in section 13(a)(1) of 
the Act also includes employees: (1) Compensated for services on a salary or fee basis at a rate of 
not less than $455 per week (or $380 per week, if employed in American Samoa by employers 
other than the Federal Government) exclusive of board, lodging or other facilities, or on a salary 
basis which is at least equal to the entrance salary for teachers in the educational establishment 
by which employed; and (2) Whose primary duty is performing administrative functions directly 
related to academic instruction or training in an educational establishment or department or 
subdivision thereof.

(b) The term "educational establishment" means an elementary or secondary school system, an 
institution of higher education or other educational institution. Sections 3(v) and 3(w) of the Act 
define elementary and secondary schools as those day or residential schools that provide 
elementary or secondary education, as determined under State law. Under the laws of most 
States, such education includes the curriculums in grades 1 through 12; under many it includes 
also the introductory programs in kindergarten. Such education in some States may also include 
nursery school programs in elementary education and junior college curriculums in secondary 
education. The term "other educational establishment" includes special schools for mentally or 
physically disabled or gifted children, regardless of any classification of such schools as 
elementary, secondary or higher. Factors relevant in determining whether post-secondary career 
programs are educational institutions include whether the school is licensed by a state agency 
responsible for the state's educational system or accredited by a nationally recognized accrediting 
organization for career schools. Also, for purposes of the exemption, no distinction is drawn 
between public and private schools, or between those operated for profit and those that are not 
for profit.

(c) The phrase "performing administrative functions directly related to academic instruction or
training" means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

(1) Employees engaged in academic administrative functions include: the superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program; the principal and any vice-principals responsible for the operation of an elementary or secondary school; department heads in institutions of higher education responsible for the administration of the mathematics department, the English department, the foreign language department, etc.; academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and other employees with similar responsibilities.

(2) Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunch room managers or dietitians do not perform academic administrative functions. Although such work is not considered academic administration, such employees may qualify for exemption under Sec. 541.200 or under other sections of this part, provided the requirements for such exemptions are met.

Subpart D--Professional Employees

Sec. 541.300 General rule for professional employees.
(a) The term `"employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act shall mean any employee: (1) Compensated on a salary or fee basis at a rate of not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging, or other facilities; and (2) Whose primary duty is the performance of work: (i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or (ii) Requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.
(b) The term `"salary basis" is defined at Sec. 541.602; `"fee basis" is defined at Sec. 541.605; `"board, lodging or other facilities" is defined at Sec. 541.606; and `"primary duty" is defined at Sec. 541.700.

Sec. 541.301 Learned professionals.
(a) To qualify for the learned professional exemption, an employee's primary duty must be the performance of work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction. This primary duty test includes three elements: (1) The employee must perform work requiring advanced knowledge; (2) The advanced knowledge must be in a field of science or learning; and (3) The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.
(b) The phrase `"work requiring advanced knowledge" means work which is predominantly
intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment, as distinguished from performance of routine mental, manual, mechanical or physical work. An employee who performs work requiring advanced knowledge generally uses the advanced knowledge to analyze, interpret or make deductions from varying facts or circumstances. Advanced knowledge cannot be attained at the high school level. (c) The phrase "field of science or learning" includes the traditional professions of law, medicine, theology, accounting, actuarial computation, engineering, architecture, teaching, various types of physical, chemical and biological sciences, pharmacy and other similar occupations that have a recognized professional status as distinguished from the mechanical arts or skilled trades where in some instances the knowledge is of a fairly advanced type, but is not in a field of science or learning. (d) The phrase "customarily acquired by a prolonged course of specialized intellectual instruction" restricts the exemption to professions where specialized academic training is a standard prerequisite for entrance into the profession. The best prima facie evidence that an employee meets this requirement is possession of the appropriate academic degree. However, the word "customarily" means that the exemption is also available to employees in such professions who have substantially the same knowledge level and perform substantially the same work as the degree employees, but who attained the advanced knowledge through a combination of work experience and intellectual instruction. Thus, for example, the learned professional exemption is available to the occasional lawyer who has not gone to law school, or the occasional chemist who is not the possessor of a degree in chemistry. However, the learned professional exemption is not available for occupations that customarily may be performed with only the general knowledge acquired by an academic degree in any field, with knowledge acquired through an apprenticeship, or with training in the performance of routine mental, manual, mechanical or physical processes. The learned professional exemption also does not apply to occupations in which most employees have acquired their skill by experience rather than by advanced specialized intellectual instruction. (e) (1) Registered or certified medical technologists. Registered or certified medical technologists who have successfully completed three academic years of pre-professional study in an accredited college or university plus a fourth year of professional course work in a school of medical technology approved by the Council of Medical Education of the American Medical Association generally meet the duties requirements for the learned professional exemption. (2) Nurses. Registered nurses who are registered by the appropriate State examining board generally meet the duties requirements for the learned professional exemption. Licensed practical nurses and other similar health care employees, however, generally do not qualify as exempt learned professionals because possession of a specialized advanced academic degree is not a standard prerequisite for entry into such occupations. (3) Dental hygienists. Dental hygienists who have successfully completed four academic years of pre-professional and professional study in an accredited college or university approved by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs of the American Dental Association generally meet the duties requirements for the learned professional exemption. (4) Physician assistants. Physician assistants who have successfully completed four academic years of pre-professional and professional study, including graduation from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant, and who are certified by the National Commission on Certification of Physician Assistants generally meet the duties requirements for the learned professional exemption. (5) Accountants. Certified public
accountants generally meet the duties requirements for the learned professional exemption. In addition, many other accountants who are not certified public accountants but perform similar job duties may qualify as exempt learned professionals. However, accounting clerks, bookkeepers and other employees who normally perform a great deal of routine work generally will not qualify as exempt professionals. (6) Chefs. Chefs, such as executive chefs and sous chefs, who have attained a four-year specialized academic degree in a culinary arts program, generally meet the duties requirements for the learned professional exemption. The learned professional exemption is not available to cooks who perform predominantly routine mental, manual, mechanical or physical work. (7) Paralegals. Paralegals and legal assistants generally do not qualify as exempt learned professionals because an advanced specialized academic degree is not a standard prerequisite for entry into the field. Although many paralegals possess general four-year advanced degrees, most specialized paralegal programs are two-year associate degree programs from a community college or equivalent institution. However, the learned professional exemption is available for paralegals who possess advanced specialized degrees in other professional fields and apply advanced knowledge in that field in the performance of their duties. For example, if a law firm hires an engineer as a paralegal to provide expert advice on product liability cases or to assist on patent matters, that engineer would qualify for exemption. (8) Athletic trainers. Athletic trainers who have successfully completed four academic years of pre-professional and professional study in a specialized curriculum accredited by the Commission on Accreditation of Allied Health Education Programs and who are certified by the Board of Certification of the National Athletic Trainers Association Board of Certification generally meet the duties requirements for the learned professional exemption. (9) Funeral directors or embalmers. Licensed funeral directors and embalmers who are licensed by and working in a state that requires successful completion of four academic years of pre-professional and professional study, including graduation from a college of mortuary science accredited by the American Board of Funeral Service Education, generally meet the duties requirements for the learned professional exemption.

(f) The areas in which the professional exemption may be available are expanding. As knowledge is developed, academic training is broadened and specialized degrees are offered in new and diverse fields, thus creating new specialists in particular fields of science or learning. When an advanced specialized degree has become a standard requirement for a particular occupation, that occupation may have acquired the characteristics of a learned profession. Accrediting and certifying organizations similar to those listed in paragraphs (e)(1), (e)(3), (e)(4), (e)(8) and (e)(9) of this section also may be created in the future. Such organizations may develop similar specialized curriculums and certification programs which, if a standard requirement for a particular occupation, may indicate that the occupation has acquired the characteristics of a learned profession.

Sec. 541.302 Creative professionals.
(a) To qualify for the creative professional exemption, an employee's primary duty must be the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as opposed to routine mental, manual, mechanical or physical work. The exemption does not apply to work which can be produced by a person with general manual or intellectual ability and training.
(b) To qualify for exemption as a creative professional, the work performed must be "in a recognized field of artistic or creative endeavor." This includes such fields as music, writing,
acting and the graphic arts.
(c) The requirement of "invention, imagination, originality or talent" distinguishes the creative professions from work that primarily depends on intelligence, diligence and accuracy. The duties of employees vary widely, and exemption as a creative professional depends on the extent of the invention, imagination, originality or talent exercised by the employee. Determination of exempt creative professional status, therefore, must be made on a case-by-case basis. This requirement generally is met by actors, musicians, composers, conductors, and soloists; painters who at most are given the subject matter of their painting; cartoonists who are merely told the title or underlying concept of a cartoon and must rely on their own creative ability to express the concept; essayists, novelists, short-story writers and screen-play writers who choose their own subjects and hand in a finished piece of work to their employers (the majority of such persons are, of course, not employees but self-employed); and persons holding the more responsible writing positions in advertising agencies. This requirement generally is not met by a person who is employed as a copyist, as an "animator" of motion-picture cartoons, or as a retoucher of photographs, since such work is not properly described as creative in character.
(d) Journalists may satisfy the duties requirements for the creative professional exemption if their primary duty is work requiring invention, imagination, originality or talent, as opposed to work which depends primarily on intelligence, diligence and accuracy. Employees of newspapers, magazines, television and other media are not exempt creative professionals if they only collect, organize and record information that is routine or already public, or if they do not contribute a unique interpretation or analysis to a news product. Thus, for example, newspaper reporters who merely rewrite press releases or who write standard recounts of public information by gathering facts on routine community events are not exempt creative professionals. Reporters also do not qualify as exempt creative professionals if their work product is subject to substantial control by the employer. However, journalists may qualify as exempt creative professionals if their primary duty is performing on the air in radio, television or other electronic media; conducting investigative interviews; analyzing or interpreting public events; writing editorials, opinion columns or other commentary; or acting as a narrator or commentator.

Sec. 541.303 Teachers.
(a) The term "employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act also means any employee with a primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an educational establishment by which the employee is employed. The term "educational establishment" is defined in Sec. 541.204(b).
(b) Exempt teachers include, but are not limited to: Regular academic teachers; teachers of kindergarten or nursery school pupils; teachers of gifted or disabled children; teachers of skilled and semi-skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music instructors. Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate or journalism are engaged in teaching. Such activities are a recognized part of the school's responsibility in contributing to the educational development of the student.
(c) The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching
professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or unlimited) used by the State to refer to different kinds of certificates. However, private schools and public schools are not uniform in requiring a certificate for employment as an elementary or secondary school teacher, and a teacher's certificate is not generally necessary for employment in institutions of higher education or other educational establishments. Therefore, a teacher who is not certified may be considered for exemption, provided that such individual is employed as a teacher by the employing school or school system.

(d) The requirements of Sec. 541.300 and Subpart G (salary requirements) of this part do not apply to the teaching professionals described in this section.

Sec. 541.304 Practice of law or medicine.

(a) The term "employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act also shall mean: (1) Any employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and is actually engaged in the practice thereof; and (2) Any employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of the profession.

(b) In the case of medicine, the exemption applies to physicians and other practitioners licensed and practicing in the field of medical science and healing or any of the medical specialties practiced by physicians or practitioners. The term "physicians" includes medical doctors including general practitioners and specialists, osteopathic physicians (doctors of osteopathy), podiatrists, dentists (doctors of dental medicine), and optometrists (doctors of optometry or bachelors of science in optometry).

(c) Employees engaged in internship or resident programs, whether or not licensed to practice prior to commencement of the program, qualify as exempt professionals if they enter such internship or resident programs after the earning of the appropriate degree required for the general practice of their profession.

(d) The requirements of Sec. 541.300 and subpart G (salary requirements) of this part do not apply to the employees described in this section.

Subpart E--Computer Employees

Sec. 541.400 General rule for computer employees.

(a) Computer systems analysts, computer programmers, software engineers or other similarly skilled workers in the computer field are eligible for exemption as professionals under section 13(a)(1) of the Act and under section 13(a)(17) of the Act. Because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the applicability of this exemption.

(b) The section 13(a)(1) exemption applies to any computer employee compensated on a salary or fee basis at a rate of not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities, and the section 13(a)(17) exemption applies to any computer employee compensated on an hourly basis at a rate not less than $27.63 an hour. In addition, under either section 13(a)(1) or section 13(a)(17) of the Act, the exemptions apply only to computer employees whose primary duty consists of: (1) The application of systems analysis techniques and procedures, including
consulting with users, to determine hardware, software or system functional specifications; (2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications; (3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or (4) A combination of the aforementioned duties, the performance of which requires the same level of skills.

(c) The term "salary basis" is defined at Sec. 541.602; "fee basis" is defined at Sec. 541.605; "board, lodging or other facilities" is defined at Sec. 541.606; and "primary duty" is defined at Sec. 541.700.

Sec. 541.401 Computer manufacture and repair. The exemption for employees in computer occupations does not include employees engaged in the manufacture or repair of computer hardware and related equipment. Employees whose work is highly dependent upon, or facilitated by, the use of computers and computer software programs (e.g., engineers, drafters and others skilled in computer-aided design software), but who are not primarily engaged in computer systems analysis and programming or other similarly skilled computer-related occupations identified in Sec. 541.400(b), are also not exempt computer professionals.

Sec. 541.402 Executive and administrative computer employees. Computer employees within the scope of this exemption, as well as those employees not within its scope, may also have executive and administrative duties which qualify the employees for exemption under subpart B or subpart C of this part. For example, systems analysts and computer programmers generally meet the duties requirements for the administrative exemption if their primary duty includes work such as planning, scheduling, and coordinating activities required to develop systems to solve complex business, scientific or engineering problems of the employer or the employer's customers. Similarly, a senior or lead computer programmer who manages the work of two or more other programmers in a customarily recognized department or subdivision of the employer, and whose recommendations as to the hiring, firing, advancement, promotion or other change of status of the other programmers are given particular weight, generally meets the duties requirements for the executive exemption.

Subpart F--Outside Sales Employees

Sec. 541.500 General rule for outside sales employees. (a) The term "employee employed in the capacity of outside salesman" in section 13(a)(1) of the Act shall mean any employee: (1) Whose primary duty is: (i) Making sales within the meaning of section 3(k) of the Act, or (ii) Obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and (2) Who is customarily and regularly engaged away from the employer's place or places of business in performing such primary duty.

(b) The term "primary duty" is defined at Sec. 541.700. In determining the primary duty of an outside sales employee, work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall be regarded as exempt outside sales work. Other work that furthers the employee's sales efforts also shall be regarded as exempt work including, for example, writing sales reports, updating or revising the employee's sales or display catalogue, planning itineraries and attending sales conferences.
(c) The requirements of subpart G (salary requirements) of this part do not apply to the outside sales employees described in this section.

Sec. 541.501 Making sales or obtaining orders.
(a) Section 541.500 requires that the employee be engaged in: (1) Making sales within the meaning of section 3(k) of the Act, or (2) Obtaining orders or contracts for services or for the use of facilities.
(b) Sales within the meaning of section 3(k) of the Act include the transfer of title to tangible property, and in certain cases, of tangible and valuable evidences of intangible property. Section 3(k) of the Act states that "sale" or "sell" includes any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition.
(c) Exempt outside sales work includes not only the sales of commodities, but also "obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer." Obtaining orders for "the use of facilities" includes the selling of time on radio or television, the solicitation of advertising for newspapers and other periodicals, and the solicitation of freight for railroads and other transportation agencies.
(d) The word "services" extends the outside sales exemption to employees who sell or take orders for a service, which may be performed for the customer by someone other than the person taking the order.

Sec. 541.502 Away from employer's place of business. An outside sales employee must be customarily and regularly engaged "away from the employer's place or places of business." The outside sales employee is an employee who makes sales at the customer's place of business or, if selling door-to-door, at the customer's home. Outside sales does not include sales made by mail, telephone or the Internet unless such contact is used merely as an adjunct to personal calls. Thus, any fixed site, whether home or office, used by a salesperson as a headquarters or for telephonic solicitation of sales is considered one of the employer's places of business, even though the employer is not in any formal sense the owner or tenant of the property. However, an outside sales employee does not lose the exemption by displaying samples in hotel sample rooms during trips from city to city; these sample rooms should not be considered as the employer's places of business. Similarly, an outside sales employee does not lose the exemption by displaying the employer's products at a trade show. If selling actually occurs, rather than just sales promotion, trade shows of short duration (i.e., one or two weeks) should not be considered as the employer's place of business.

Sec. 541.503 Promotion work.
(a) Promotion work is one type of activity often performed by persons who make sales, which may or may not be exempt outside sales work, depending upon the circumstances under which it is performed. Promotional work that is actually performed incidental to and in conjunction with an employee's own outside sales or solicitations is exempt work. On the other hand, promotional work that is incidental to sales made, or to be made, by someone else is not exempt outside sales work. An employee who does not satisfy the requirements of this subpart may still qualify as an exempt employee under other subparts of this rule.
(b) A manufacturer's representative, for example, may perform various types of promotional activities such as putting up displays and posters, removing damaged or spoiled stock from the merchant's shelves or rearranging the merchandise. Such an employee can be considered an
exempt outside sales employee if the employee's primary duty is making sales or contracts. Promotion activities directed toward consummation of the employee's own sales are exempt. Promotional activities designed to stimulate sales that will be made by someone else are not exempt outside sales work.

(c) Another example is a company representative who visits chain stores, arranges the merchandise on shelves, replenishes stock by replacing old with new merchandise, sets up displays and consults with the store manager when inventory runs low, but does not obtain a commitment for additional purchases. The arrangement of merchandise on the shelves or the replenishing of stock is not exempt work unless it is incidental to and in conjunction with the employee's own outside sales. Because the employee in this instance does not consummate the sale nor direct efforts toward the consummation of a sale, the work is not exempt outside sales work.

Sec. 541.504 Drivers who sell.
(a) Drivers who deliver products and also sell such products may qualify as exempt outside sales employees only if the employee has a primary duty of making sales. In determining the primary duty of drivers who sell, work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including loading, driving or delivering products, shall be regarded as exempt outside sales work.

(b) Several factors should be considered in determining if a driver has a primary duty of making sales, including, but not limited to: a comparison of the driver's duties with those of other employees engaged as truck drivers and as salespersons; possession of a selling or solicitor's license when such license is required by law or ordinances; presence or absence of customary or contractual arrangements concerning amounts of products to be delivered; description of the employee's occupation in collective bargaining agreements; the employer's specifications as to qualifications for hiring; sales training; attendance at sales conferences; method of payment; and proportion of earnings directly attributable to sales.

(c) Drivers who may qualify as exempt outside sales employees include: (1) A driver who provides the only sales contact between the employer and the customers visited, who calls on customers and takes orders for products, who delivers products from stock in the employee's vehicle or procures and delivers the product to the customer on a later trip, and who receives compensation commensurate with the volume of products sold. (2) A driver who obtains or solicits orders for the employer's products from persons who have authority to commit the customer for purchases. (3) A driver who calls on new prospects for customers along the employee's route and attempts to convince them of the desirability of accepting regular delivery of goods. (4) A driver who calls on established customers along the route and persuades regular customers to accept delivery of increased amounts of goods or of new products, even though the initial sale or agreement for delivery was made by someone else.

(d) Drivers who generally would not qualify as exempt outside sales employees include: (1) A route driver whose primary duty is to transport products sold by the employer through vending machines and to keep such machines stocked, in good operating condition, and in good locations. (2) A driver who often calls on established customers day after day or week after week, delivering a quantity of the employer's products at each call when the sale was not significantly affected by solicitations of the customer by the delivering driver or the amount of the sale is determined by the volume of the customer's sales since the previous delivery. (3) A driver primarily engaged in making deliveries to customers and performing activities intended to
promote sales by customers (including placing point-of-sale and other advertising materials, price stamping commodities, arranging merchandise on shelves, in coolers or in cabinets, rotating stock according to date, and cleaning and otherwise servicing display cases), unless such work is in furtherance of the driver's own sales efforts.

Subpart G--Salary Requirements

Sec. 541.600 Amount of salary required.
(a) To qualify as an exempt executive, administrative or professional employee under section 13(a)(1) of the Act, an employee must be compensated on a salary basis at a rate of not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities. Administrative and professional employees may also be paid on a fee basis, as defined in Sec. 541.605.
(b) The $455 a week may be translated into equivalent amounts for periods longer than one week. The requirement will be met if the employee is compensated biweekly on a salary basis of $910, semimonthly on a salary basis of $985.83, or monthly on a salary basis of $1,971.66. However, the shortest period of payment that will meet this compensation requirement is one week.
(c) In the case of academic administrative employees, the compensation requirement also may be met by compensation on a salary basis at a rate at least equal to the entrance salary for teachers in the educational establishment by which the employee is employed, as provided in Sec. 541.204(a)(1).
(d) In the case of computer employees, the compensation requirement also may be met by compensation on an hourly basis at a rate not less than $27.63 an hour, as provided in Sec. 541.400(b).
(e) In the case of professional employees, the compensation requirements in this section shall not apply to employees engaged as teachers (see Sec. 541.303); employees who hold a valid license or certificate permitting the practice of law or medicine or any of their branches and are actually engaged in the practice thereof (see Sec. 541.304); or to employees who hold the requisite academic degree for the general practice of medicine and are engaged in an internship or resident program pursuant to the practice of the profession (see Sec. 541.304). In the case of medical occupations, the exception from the salary or fee requirement does not apply to pharmacists, nurses, therapists, technologists, sanitarians, dietitians, social workers, psychologists, psychometrists, or other professions which service the medical profession.

Sec. 541.601 Highly compensated employees.
(a) An employee with total annual compensation of at least $100,000 is deemed exempt under section 13(a)(1) of the Act if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee identified in subparts B, C or D of this part.
(b) (1) "Total annual compensation" must include at least $455 per week paid on a salary or fee basis. Total annual compensation may also include commissions, nondiscretionary bonuses and other nondiscretionary compensation earned during a 52-week period. Total annual compensation does not include board, lodging and other facilities as defined in Sec. 541.606, and does not include payments for medical insurance, payments for life insurance, contributions to retirement plans and the cost of other fringe benefits. (2) If an employee's total annual
compensation does not total at least the minimum amount established in paragraph (a) of this section by the last pay period of the 52-week period, the employer may, during the last pay period or within one month after the end of the 52-week period, make one final payment sufficient to achieve the required level. For example, an employee may earn $80,000 in base salary, and the employer may anticipate based upon past sales that the employee also will earn $20,000 in commissions. However, due to poor sales in the final quarter of the year, the employee actually only earns $10,000 in commissions. In this situation, the employer may within one month after the end of the year make a payment of at least $10,000 to the employee. Any such final payment made after the end of the 52-week period may count only toward the prior year's total annual compensation and not toward the total annual compensation in the year it was paid. If the employer fails to make such a payment, the employee does not qualify as a highly compensated employee, but may still qualify as exempt under subparts B, C or D of this part. (3) An employee who does not work a full year for the employer, either because the employee is newly hired after the beginning of the year or ends the employment before the end of the year, may qualify for exemption under this section if the employee receives a pro rata portion of the minimum amount established in paragraph (a) of this section, based upon the number of weeks that the employee was or has been employed. An employer may make one final payment as under paragraph (b)(2) of this section within one month after the end of employment. (4) The employer may utilize any 52-week period as the year, such as a calendar year, a fiscal year, or an anniversary of the hire year. If the employer does not identify some other year period in advance, the calendar year will apply.

(c) A high level of compensation is a strong indicator of an employee's exempt status, thus eliminating the need for a detailed analysis of the employee's job duties. Thus, a highly compensated employee will qualify for exemption if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee identified in subparts B, C or D of this part. An employee may qualify as a highly compensated executive employee, for example, if the employee customarily and regularly directs the work of two or more other employees, even though the employee does not meet all of the other requirements for the executive exemption under Sec. 541.100.

(d) This section applies only to employees whose primary duty includes performing office or non-manual work. Thus, for example, non-management production-line workers and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers, laborers and other employees who perform work involving repetitive operations with their hands, physical skill and energy are not exempt under this section no matter how highly paid they might be.

Sec. 541.602 Salary basis.

(a) General rule. An employee will be considered to be paid on a "salary basis" within the meaning of these regulations if the employee regularly receives each pay period on a weekly, or less frequent basis, a predetermined amount constituting all or part of the employee's compensation, which amount is not subject to reduction because of variations in the quality or quantity of the work performed. Subject to the exceptions provided in paragraph (b) of this section, an exempt employee must receive the full salary for any week in which the employee performs any work without regard to the number of days or hours worked. Exempt employees need not be paid for any workweek in which they perform no work. An employee is not paid on a
salary basis if deductions from the employee's predetermined compensation are made for absences occasioned by the employer or by the operating requirements of the business. If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

(b) Exceptions. The prohibition against deductions from pay in the salary basis requirement is subject to the following exceptions: (1) Deductions from pay may be made when an exempt employee is absent from work for one or more full days for personal reasons, other than sickness or disability. Thus, if an employee is absent for two full days to handle personal affairs, the employee's salaried status will not be affected if deductions are made from the salary for two full-day absences. However, if an exempt employee is absent for one and a half days for personal reasons, the employer can deduct only for the one full-day absence. (2) Deductions from pay may be made for absences of one or more full days occasioned by sickness or disability (including work-related accidents) if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for loss of salary occasioned by such sickness or disability. The employer is not required to pay any portion of the employee's salary for full-day absences for which the employee receives compensation under the plan, policy or practice. Deductions for such full-day absences also may be made before the employee has qualified under the plan, policy or practice, and after the employee has exhausted the leave allowance thereunder. Thus, for example, if an employer maintains a short-term disability insurance plan providing salary replacement for 12 weeks starting on the fourth day of absence, the employer may make deductions from pay for the three days of absence before the employee qualifies for benefits under the plan; for the twelve weeks in which the employee receives salary replacement benefits under the plan; and for absences after the employee has exhausted the 12 weeks of salary replacement benefits. Similarly, an employer may make deductions from pay for absences of one or more full days if salary replacement benefits are provided under a State disability insurance law or under a State workers' compensation law. (3) While an employer cannot make deductions from pay for absences of an exempt employee occasioned by jury duty, attendance as a witness or temporary military leave, the employer can offset any amounts received by an employee as jury fees, witness fees or military pay for a particular week against the salary due for that particular week without loss of the exemption. (4) Deductions from pay of exempt employees may be made for penalties imposed in good faith for infractions of safety rules of major significance. Safety rules of major significance include those relating to the prevention of serious danger in the workplace or to other employees, such as rules prohibiting smoking in explosive plants, oil refineries and coal mines. (5) Deductions from pay of exempt employees may be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules. Such suspensions must be imposed pursuant to a written policy applicable to all employees. Thus, for example, an employer may suspend an exempt employee without pay for three days for violating a generally applicable written policy prohibiting sexual harassment. Similarly, an employer may suspend an exempt employee without pay for twelve days for violating a generally applicable written policy prohibiting workplace violence. (6) An employer is not required to pay the full salary in the initial or terminal week of employment. Rather, an employer may pay a proportionate part of an employee's full salary for the time actually worked in the first and last week of employment. In such weeks, the payment of an hourly or daily equivalent of the employee's full salary for the time actually worked will meet the requirement. However, employees are not paid on a salary basis within the meaning of these regulations if they are employed occasionally for a few days, and the employer pays them a
proportionate part of the weekly salary when so employed. (7) An employer is not required to pay the full salary for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. Rather, when an exempt employee takes unpaid leave under the Family and Medical Leave Act, an employer may pay a proportionate part of the full salary for time actually worked. For example, if an employee who normally works 40 hours per week uses four hours of unpaid leave under the Family and Medical Leave Act, the employer could deduct 10 percent of the employee's normal salary that week.

(c) When calculating the amount of a deduction from pay allowed under paragraph (b) of this section, the employer may use the hourly or daily equivalent of the employee's full weekly salary or any other amount proportional to the time actually missed by the employee. A deduction from pay as a penalty for violations of major safety rules under paragraph (b)(4) of this section may be made in any amount.

Sec. 541.603 Effect of improper deductions from salary.

(a) An employer who makes improper deductions from salary shall lose the exemption if the facts demonstrate that the employer did not intend to pay employees on a salary basis. An actual practice of making improper deductions demonstrates that the employer did not intend to pay employees on a salary basis. The factors to consider when determining whether an employer has an actual practice of making improper deductions include, but are not limited to: the number of improper deductions, particularly as compared to the number of employee infractions warranting discipline; the time period during which the employer made improper deductions; the number and geographic location of employees whose salary was improperly reduced; the number and geographic location of managers responsible for taking the improper deductions; and whether the employer has a clearly communicated policy permitting or prohibiting improper deductions.

(b) If the facts demonstrate that the employer has an actual practice of making improper deductions, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. Employees in different job classifications or who work for different managers do not lose their status as exempt employees. Thus, for example, if a manager at a company facility routinely docks the pay of engineers at that facility for partial-day personal absences, then all engineers at that facility whose pay could have been improperly docked by the manager would lose the exemption; engineers at other facilities or working for other managers, however, would remain exempt.

(c) Improper deductions that are either isolated or inadvertent will not result in loss of the exemption for any employees subject to such improper deductions, if the employer reimburses the employees for such improper deductions.

(d) If an employer has a clearly communicated policy that prohibits the improper pay deductions specified in Sec. 541.602(a) and includes a complaint mechanism, reimburses employees for any improper deductions and makes a good faith commitment to comply in the future, such employer will not lose the exemption for any employees unless the employer willfully violates the policy by continuing to make improper deductions after receiving employee complaints. If an employer fails to reimburse employees for any improper deductions or continues to make improper deductions after receiving employee complaints, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. The best evidence of a clearly communicated policy is a written policy that was distributed to employees prior to the
improper pay deductions by, for example, providing a copy of the policy to employees at the time of hire, publishing the policy in an employee handbook or publishing the policy on the employer's intranet.

(e) This section shall not be construed in an unduly technical manner so as to defeat the exemption.

Sec. 541.604 Minimum guarantee plus extras.

(a) An employer may provide an exempt employee with additional compensation without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly-required amount paid on a salary basis. Thus, for example, an exempt employee guaranteed at least $455 each week paid on a salary basis may also receive additional compensation of a one percent commission on sales. An exempt employee also may receive a percentage of the sales or profits of the employer if the employment arrangement also includes a guarantee of at least $455 each week paid on a salary basis. Similarly, the exemption is not lost if an exempt employee who is guaranteed at least $455 each week paid on a salary basis also receives additional compensation based on hours worked for work beyond the normal workweek. Such additional compensation may be paid on any basis (e.g., flat sum, bonus payment, straight-time hourly amount, time and one-half or any other basis), and may include paid time off.

(b) An exempt employee's earnings may be computed on an hourly, a daily or a shift basis, without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly required amount paid on a salary basis regardless of the number of hours, days or shifts worked, and a reasonable relationship exists between the guaranteed amount and the amount actually earned. The reasonable relationship test will be met if the weekly guarantee is roughly equivalent to the employee's usual earnings at the assigned hourly, daily or shift rate for the employee's normal scheduled workweek. Thus, for example, an exempt employee guaranteed compensation of at least $500 for any week in which the employee performs any work, and who normally works four or five shifts each week, may be paid $150 per shift without violating the salary basis requirement. The reasonable relationship requirement applies only if the employee's pay is computed on an hourly, daily or shift basis. It does not apply, for example, to an exempt store manager paid a guaranteed salary of $650 per week who also receives a commission of one-half percent of all sales in the store or five percent of the store's profits, which in some weeks may total as much as, or even more than, the guaranteed salary.

Sec. 541.605 Fee basis.

(a) Administrative and professional employees may be paid on a fee basis, rather than on a salary basis. An employee will be considered to be paid on a "fee basis" within the meaning of these regulations if the employee is paid an agreed sum for a single job regardless of the time required for its completion. These payments resemble piecework payments with the important distinction that generally a "fee" is paid for the kind of job that is unique rather than for a series of jobs repeated an indefinite number of times and for which payment on an identical basis is made over and over again. Payments based on the number of hours or days worked and not on the accomplishment of a given single task are not considered payments on a fee basis.

(b) To determine whether the fee payment meets the minimum amount of salary required for exemption under these regulations, the amount paid to the employee will be tested by
determining the time worked on the job and whether the fee payment is at a rate that would amount to at least $455 per week if the employee worked 40 hours. Thus, an artist paid $250 for a picture that took 20 hours to complete meets the minimum salary requirement for exemption since earnings at this rate would yield the artist $500 if 40 hours were worked.

Sec. 541.606 Board, lodging or other facilities.
(a) To qualify for exemption under section 13(a)(1) of the Act, an employee must earn the minimum salary amount set forth in Sec. 541.600, "exclusive of board, lodging or other facilities." The phrase "exclusive of board, lodging or other facilities" means "free and clear" or independent of any claimed credit for non-cash items of value that an employer may provide to an employee. Thus, the costs incurred by an employer to provide an employee with board, lodging or other facilities may not count towards the minimum salary amount required for exemption under this part 541. Such separate transactions are not prohibited between employers and their exempt employees, but the costs to employers associated with such transactions may not be considered when determining if an employee has received the full required minimum salary payment.

(b) Regulations defining what constitutes "board, lodging, or other facilities" are contained in 29 CFR part 531. As described in 29 CFR 531.32, the term "other facilities" refers to items similar to board and lodging, such as meals furnished at company restaurants or cafeterias or by hospitals, hotels, or restaurants to their employees; meals, dormitory rooms, and tuition furnished by a college to its student employees; merchandise furnished at company stores or commissaries, including articles of food, clothing, and household effects; housing furnished for dwelling purposes; and transportation furnished to employees for ordinary commuting between their homes and work. [[NOTE: There is good cause for the inclusion of subsection (b): The regulations referenced in this paragraph at 29 CFR 531.29 are not substantive regulations, but are "interpretive" regulations which were not incorporated in Part 531 of the CAA regulations adopted in 1996. However, the Board of Directors has determined that, since these particular interpretive regulations are incorporated by reference in the new substantive regulations, employing offices and employees may reference these particular interpretive regulations as part of the new substantive regulations as proposed here.]]

Subpart H--Definitions and Miscellaneous Provisions

Sec. 541.700 Primary duty.
(a) To qualify for exemption under this part, an employee’s "primary duty" must be the performance of exempt work. The term "primary duty" means the principal, main, major or most important duty that the employee performs. Determination of an employee's primary duty must be based on all the facts in a particular case, with the major emphasis on the character of the employee's job as a whole. Factors to consider when determining the primary duty of an employee include, but are not limited to, the relative importance of the exempt duties as compared with other types of duties; the amount of time spent performing exempt work; the employee's relative freedom from direct supervision; and the relationship between the employee's salary and the wages paid to other employees for the kind of nonexempt work performed by the employee.

(b) The amount of time spent performing exempt work can be a useful guide in determining whether exempt work is the primary duty of an employee. Thus, employees who spend more than
50 percent of their time performing exempt work will generally satisfy the primary duty requirement. Time alone, however, is not the sole test, and nothing in this section requires that exempt employees spend more than 50 percent of their time performing exempt work. Employees who do not spend more than 50 percent of their time performing exempt duties may nonetheless meet the primary duty requirement if the other factors support such a conclusion.

(c) Thus, for example, assistant managers in a retail establishment who perform exempt executive work such as supervising and directing the work of other employees, ordering merchandise, managing the budget and authorizing payment of bills may have management as their primary duty even if the assistant managers spend more than 50 percent of the time performing nonexempt work such as running the cash register. However, if such assistant managers are closely supervised and earn little more than the nonexempt employees, the assistant managers generally would not satisfy the primary duty requirement.

Sec. 541.701 Customarily and regularly. The phrase "customarily and regularly" means a frequency that must be greater than occasional but which, of course, may be less than constant. Tasks or work performed "customarily and regularly" includes work normally and recurrently performed every workweek; it does not include isolated or one-time tasks.

Sec. 541.702 Exempt and nonexempt work. The term "exempt work" means all work described in Sec. 541.100, 541.101, 541.200, 541.300, 541.301, 541.302, 541.303, 541.304, 541.400 and 541.500, and the activities directly and closely related to such work. All other work is considered "nonexempt."

Sec. 541.703 Directly and closely related.
(a) Work that is "directly and closely related" to the performance of exempt work is also considered exempt work. The phrase "directly and closely related" means tasks that are related to exempt duties and that contribute to or facilitate performance of exempt work. Thus, "directly and closely related" work may include physical tasks and menial tasks that arise out of exempt duties, and the routine work without which the exempt employee's exempt work cannot be performed properly. Work "directly and closely related" to the performance of exempt duties may also include recordkeeping; monitoring and adjusting machinery; taking notes; using the computer to create documents or presentations; opening the mail for the purpose of reading it and making decisions; and using a photocopier or fax machine. Work is not "directly and closely related" if the work is remotely related or completely unrelated to exempt duties.

(b) The following examples further illustrate the type of work that is and is not normally considered as directly and closely related to exempt work: (1) Keeping time, production or sales records for subordinates is work directly and closely related to an exempt executive's function of managing a department and supervising employees. (2) The distribution of materials, merchandise or supplies to maintain control of the flow of and expenditures for such items is directly and closely related to the performance of exempt duties. (3) A supervisor who spot checks and examines the work of subordinates to determine whether they are performing their duties properly, and whether the product is satisfactory, is performing work which is directly and closely related to managerial and supervisory functions, so long as the checking is distinguishable from the work ordinarily performed by a nonexempt inspector. (4) A supervisor who sets up a machine may be engaged in exempt work, depending upon the nature of the industry and the operation. In some cases the setup work, or adjustment of the machine for a
particular job, is typically performed by the same employees who operate the machine. Such setup work is part of the production operation and is not exempt. In other cases, the setting up of the work is a highly skilled operation which the ordinary production worker or machine tender typically does not perform. In large plants, non-supervisors may perform such work. However, particularly in small plants, such work may be a regular duty of the executive and is directly and closely related to the executive's responsibility for the work performance of subordinates and for the adequacy of the final product. Under such circumstances, it is exempt work. (5) A department manager in a retail or service establishment who walks about the sales floor observing the work of sales personnel under the employee's supervision to determine the effectiveness of their sales techniques, checks on the quality of customer service being given, or observes customer preferences is performing work which is directly and closely related to managerial and supervisory functions. (6) A business consultant may take extensive notes recording the flow of work and materials through the office or plant of the client; after returning to the office of the employer, the consultant may personally use the computer to type a report and create a proposed table of organization. Standing alone, or separated from the primary duty, such note-taking and typing would be routine in nature. However, because this work is necessary for analyzing the data and making recommendations, the work is directly and closely related to exempt work. While it is possible to assign note-taking and typing to nonexempt employees, and in fact it is frequently the practice to do so, delegating such routine tasks is not required as a condition of exemption. (7) A credit manager who makes and administers the credit policy of the employer, establishes credit limits for customers, authorizes the shipment of orders on credit, and makes decisions on whether to exceed credit limits would be performing work exempt under Sec. 541.200. Work that is directly and closely related to these exempt duties may include checking the status of accounts to determine whether the credit limit would be exceeded by the shipment of a new order, removing credit reports from the files for analysis, and writing letters giving credit data and experience to other employers or credit agencies. (8) A traffic manager in charge of planning a company's transportation, including the most economical and quickest routes for shipping merchandise to and from the plant, contracting for common-carrier and other transportation facilities, negotiating with carriers for adjustments for damages to merchandise, and making the necessary rearrangements resulting from delays, damages or irregularities in transit, is performing exempt work. If the employee also spends part of the day taking telephone orders for local deliveries, such order-taking is a routine function and is not directly and closely related to the exempt work. (9) An example of work directly and closely related to exempt professional duties is a chemist performing menial tasks such as cleaning a test tube in the middle of an original experiment, even though such menial tasks can be assigned to laboratory assistants. (10) A teacher performs work directly and closely related to exempt duties when, while taking students on a field trip, the teacher drives a school van or monitors the students' behavior in a restaurant.

Sec. 541.704 Use of manuals. The use of manuals, guidelines or other established procedures containing or relating to highly technical, scientific, legal, financial or other similarly complex matters that can be understood or interpreted only by those with advanced or specialized knowledge or skills does not preclude exemption under section 13(a)(1) of the Act or the regulations in this part. Such manuals and procedures provide guidance in addressing difficult or novel circumstances and thus use of such reference material would not affect an employee's exempt status. The section 13(a)(1) exemptions are not available, however, for employees who
simply apply well-established techniques or procedures described in manuals or other sources within closely prescribed limits to determine the correct response to an inquiry or set of circumstances.

Sec. 541.705 Trainees. The executive, administrative, professional, outside sales and computer employee exemptions do not apply to employees training for employment in an executive, administrative, professional, outside sales or computer employee capacity who are not actually performing the duties of an executive, administrative, professional, outside sales or computer employee.

Sec. 541.706 Emergencies.
(a) An exempt employee will not lose the exemption by performing work of a normally nonexempt nature because of the existence of an emergency. Thus, when emergencies arise that threaten the safety of employees, a cessation of operations or serious damage to the employer's property, any work performed in an effort to prevent such results is considered exempt work.
(b) An "emergency" does not include occurrences that are not beyond control or for which the employer can reasonably provide in the normal course of business. Emergencies generally occur only rarely, and are events that the employer cannot reasonably anticipate.
(c) The following examples illustrate the distinction between emergency work considered exempt work and routine work that is not exempt work: (1) A mine superintendent who pitches in after an explosion and digs out workers who are trapped in the mine is still a bona fide executive. (2) Assisting nonexempt employees with their work during periods of heavy workload or to handle rush orders is not exempt work. (3) Replacing a nonexempt employee during the first day or partial day of an illness may be considered exempt emergency work depending on factors such as the size of the establishment and of the executive's department, the nature of the industry, the consequences that would flow from the failure to replace the ailing employee immediately, and the feasibility of filling the employee's place promptly. (4) Regular repair and cleaning of equipment is not emergency work, even when necessary to prevent fire or explosion; however, repairing equipment may be emergency work if the breakdown or damage to the equipment was caused by accident or carelessness that the employer could not reasonably anticipate.

Sec. 541.707 Occasional tasks. Occasional, infrequently recurring tasks that cannot practicably be performed by nonexempt employees, but are the means for an exempt employee to properly carry out exempt functions and responsibilities, are considered exempt work. The following factors should be considered in determining whether such work is exempt work: Whether the same work is performed by any of the exempt employee's subordinates; practicability of delegating the work to a nonexempt employee; whether the exempt employee performs the task frequently or occasionally; and existence of an industry practice for the exempt employee to perform the task.

Sec. 541.708 Combination exemptions. Employees who perform a combination of exempt duties as set forth in the regulations in this part for executive, administrative, professional, outside sales and computer employees may qualify for exemption. Thus, for example, an employee whose primary duty involves a combination of exempt administrative and exempt executive work may qualify for exemption. In other words, work that is exempt under one section of this part will not defeat the exemption under any other section.
Sec. 541.709 Motion picture producing industry. The requirement that the employee be paid "on a salary basis" does not apply to an employee in the motion picture producing industry who is compensated at a base rate of at least $695 a week (exclusive of board, lodging, or other facilities). Thus, an employee in this industry who is otherwise exempt under subparts B, C or D of this part, and who is employed at a base rate of at least $695 a week is exempt if paid a proportionate amount (based on a week of not more than 6 days) for any week in which the employee does not work a full workweek for any reason. Moreover, an otherwise exempt employee in this industry qualifies for exemption if the employee is employed at a daily rate under the following circumstances: (a) The employee is in a job category for which a weekly base rate is not provided and the daily base rate would yield at least $695 if 6 days were worked; or (b) The employee is in a job category having a weekly base rate of at least $695 and the daily base rate is at least one-sixth of such weekly base rate.

Sec. 541.710 Employees of Public Agencies. (a) An employee of a public agency who otherwise meets the salary basis requirements of section 541.602 shall not be disqualified from exemption under sections 541.100, 541.200, 541.300 or 541.400 on the basis that such employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the public agency employee’s pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because: (1) Permission for its use has not been sought or has been sought or denied; (2) Accrued leave has been exhausted; (3) The employee chooses to use leave without pay. (b) Deductions from the pay of an employee of a public agency for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except on the workweek in which the furlough occurs and for which the employee’s pay is accordingly reduced.

END
Mr. DURBIN. Mr. President, I rise today to commemorate National School Breakfast Week. For the past 30 years, the School Breakfast Program has provided nutritious morning meals to our nation's youth. Today, over 1 million children across the United States are malnourished, and the School Breakfast Program is a first line of defense against this growing epidemic.

The School Breakfast Program was established through the Child Nutrition Act of 1966. Despite this law, many low-income children still go without breakfast each day. Every student eligible for a free or reduced-price school lunch is also eligible for a free or reduced-price breakfast.

In my home State of Illinois, during the 2003-2004 school year, over 1 million children from lower-income families participated in the National School Lunch Program, yet only about 200,000 children received a school breakfast on an average day through the National School Breakfast Program.

This disparity is not unique to Illinois. Nationally, 43 students receive a free or reduced-price school breakfast for every 100 students that receive a school lunch. To receive a free school breakfast or lunch, a family’s income must be at or below 130 percent of the poverty line, and to receive a reduced-price school breakfast or lunch, the family income must be at or below 185 percent of the poverty line.

Students who are unable to eat breakfast experience negative physical, emotional and educational effects. Children who do not eat breakfast tend to produce low math and reading scores, have trouble recalling information, and are more likely to have disciplinary and psychological problems.

On the other hand, when children eat a nutritious breakfast, like the meals provided through the National School Breakfast Program, their standardized test scores tend to increase and their memory skills improve. They are less inclined to visit the school nurse complaining of headaches and stomach pangs throughout the school day. They are also less likely to become obese later in life and are more likely to eat more fruit, drink more milk, and consume less saturated fat than students who do not eat meals provided by the school.

From 1989 to today, the number of children participating in the School Breakfast Program has doubled from around 3 million to over 6 million, and if the breakfasts were available to more children, the numbers would likely increase.

In Illinois, the State legislature and the Governor recognized the need for this vital program. On February 15, 2005, Governor Rod Blagojevich signed the Childhood Hunger Relief Act, stipulating that all schools in which at least 40 percent of students are eligible for free or reduced-price lunches must also provide a breakfast program. This action will hopefully increase the academic as well as physical and psychological well-being of Illinois school children.

Today, I ask that we recognize States like Illinois—States that are providing nutritious morning meals to their neediest children. I ask that we continue to push toward higher nutritional standards throughout the United States to ensure the well-being of our Nation's youth.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT of 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last August, three gay men were violently attacked in Rehoboth Beach, DE. One victim suffered a broken jaw and was knocked unconscious by the attackers while uttering anti-gay epithets at the victims.

I believe that the Government’s first duty is to defend its citizens, to defend them against the harms that come out of hatred. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

BLUE STAR FAMILIES WEEK

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to the brave men and women who serve around the world in America’s Armed Forces, and to recognize what the California State Assembly has designated as Blue Star Families Week.

Blue Star Families Week is an opportunity to show that the United States and California stand behind members of the Armed Forces and their families as they serve with valor at home and abroad.

The Blue Star Flag is an official banner authorized by the Department of Defense and is given to families with loved ones serving in the Armed Forces to place in their windows as a visible sign of their family’s sacrifice. Blue Star flags date back to World War I and serve as a symbol of community support and solidarity in times of war and hostility.

I am proud of the men and women of our Armed Forces that are bravely serving all over the world to protect our freedom, our democracy and our way of life. During my recent trip to Iraq I had the honor of witnessing the strong character of our troops. We owe an immeasurable debt to the families of these men and women who are willing to sacrifice their futures for our country. The Blue Star program is another way we can show how much we value their heroism and bravery.

STRENGTH IN NUMBERS

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I am pleased to take this time to salute the brave heroes in the Armed Forces, and their loved ones, for their tremendous sacrifice and dedication.

ADDITIONAL STATEMENTS

TRIBUTE TO HEAD COACH TOM BRENNAN

Mr. JEFFORDS. Mr. President, I rise today to congratulate Tom Brennan on an outstanding career as the head coach of the men’s basketball team at the University of Vermont. As he departs UVM after 19 years, I wish to recognize the contribution he has made to both the University and to the State of Vermont.

Tom began his distinguished career at UVM in 1986. Within just 5 years, in 1991, he was named the America East Coach of the Year, the first of three times he would receive that honor. Throughout his tenure at UVM, Tom worked to improve the basketball program, which became one of the best in the America East under his watch.

Tom also became a local favorite on the airwaves as the cohost of “Corm and the Coach,” a morning radio show that makes us all appreciate just how hard life can be for Tom’s opposing coaches.

In recent years, UVM basketball has been marked by enthusiastic support throughout Vermont and sold-out crowds at Patrick Gym as Tom guided the Catamounts to unprecedented success. In both 2003 and 2004, the Cats captured the America East Championship and secured a trip to the NCAA tournament. On Saturday, the Cats will play for their third straight America East Championship and third straight trip to the NCAA tournament. Tom will retire with at least 262 career victories at UVM, more than any basketball coach in school history.

Cats fans everywhere have grown to respect and admire Tom for the results he produced on the court, the integrity of the program he led, and the character of the young men he helped to shape. Patrick Gym will not be the same without Tom Brennan on the sidelines. I wish him the best as he begins the next chapter of his life.

TRIBUTE TO CAPT DAVID M. MORRIS

Mr. WARNER. Mr. President, I rise today to recognize and pay tribute to CAPT David M. Morriss, Judge Advocate General’s Corps, United States Navy. Captain Morriss will retire from the Navy on March 11, 2005, having completed a distinguished 26-year career of service to our Nation.

Captain Morriss was born in Elizabethtown, TN and is a graduate of the United States Naval Academy and the University of Virginia School of Law.
He also earned a Master of Laws degree from Harvard Law School.

During his military career, Captain Morriss excelled at all facets of his chosen professions of law and Naval service. As a line officer, he served both as Fire Control Officer onboard USS Bowen, FF-1079, and as Supporting Arms Coordinator/Assistant Operations Officer for Amphibious Squadron EIGHT. He qualified as a Surface Warfare Officer before being accepted in the law education program.

As a lawyer, Captain Morriss has served in a variety of challenging assignments. Like many judge advocates that have come before and have followed him, Captain Morriss began his legal career as a defense counsel and legal assistance attorney at the Navy Legal Services Office, Charleston, SC. Later in his career, he was given the honor of leading young judge advocates as the commanding officer, Navy Legal Services Office National Capital Region.

As Force/Fleet Judge Advocate he provided critical legal advice for operations in the Central Command’s area of operations. His keen intellect and integrity led to Captain Morriss’ services as the Assistant for Legal and Legislative matters for the Vice Chief of Naval Operations. This would not be the last time Captain Morriss was asked by the Department of the Navy for his advice and counsel on legislation.

I am sure that many of my colleagues know and appreciate Captain Morriss’ service as Director of Legislation in the Navy’s Office of Legislative Affairs and his prior service as a Legislative Counsel in that same office. During these assignments, he directly contributed to clear and concise communication between Congress and the Departments of the Navy on a broad range of legislative matters. His talents, knowledge, and legal acumen are such that I have asked him to serve on the Advisory Board of the Armed Forces Committee. The Navy’s loss is certainly the Senate’s gain, and we look forward to working with Dave Morriss for many years to come.

The Nation, the United States Navy, and the Judge Advocate General’s Corps have been made better through the talent and dedication of CAPT David M. Morriss. I know all of my colleagues join me in congratulating Dave, his wife Mary Elizabeth, and sons John, Will, and Graham, on the completion of an outstanding military career.

MEASURES READ THE FIRST TIME

The following bill was read the first time:
S. 570. A bill to amend title XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals’ health care options and to provide for care near the end of life, to promote advance care planning and decisionmaking so that individuals’ wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives by meeting willing and durable powers of attorney for health care, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:
EC-1241. A communication from the Attorney General, National Security Ad- ministration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Certification Requirements of Multistage Vehicles” (21CFR-JE27) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1242. A communication from the Attorney General, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Certification Requirements of Aircraft” (S1237AD29) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1243. A communication from the Deputy Assistant Chief Counsel, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Positive Train Control” (21CFR-JA94) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1244. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Gippsland Aeronautics Pty Ltd, Model GA8 Airplanes” ((21CFR-JA64) (2005-0101)) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1245. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Rolls Royce plc RR211 Series Turbodan Engines” ((21CFR-JA00) (2005-0113)) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1246. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-mitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Pratt & Whitney JT8D–17A and JT8D–17C and 219 Series Turbofan Engines” ((21CFR-JA64) (2005-0105)) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1247. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans- mitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135BJ Series Airplanes” ((21CFR-JA64) (2005-0106)) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1248. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans- mitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: McDon-ald Douglas Model MC–146P1 Airplanes Equipped with Pratt and Whitney PW4000 Series Engines” ((21CFR-JA64) (2005-0107)) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1249. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-mitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 757 Series Airplanes Equipped with Rolls Royce Model RB211 Engines” ((21CFR-JA64) (2005-0108)) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1250. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-mitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: McDon-ald Douglas Model DC–9–30 and DC–9–50 Airplanes” ((21CFR-JA64) (2005-0109)) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1251. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans- mitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes” ((21CFR-JA64) (2005-0110)) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1252. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-mitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 717–200, 300, and 400 Series Airplanes” ((21CFR-JA64) (2005-0111)) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1253. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans- mitting, pursuant to law, the report of a rule entitled “Carrying Candidates in Elections” ((21CFR-JA112) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1254. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans- mittning, pursuant to law, the report of a rule entitled “Airworthiness Directives: Pacific Aerospace Corp, Ltd, Model 750XL Airplanes” ((21CFR-JA64) (2005-0112)) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1255. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans- mittning, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 737–300, 400, and 500 Series Airplanes; and Model 757–200 and 200CB Series Airplanes” ((21CFR-JA64) (2005-0113)) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1256. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans- mittning, pursuant to law, the report of a rule entitled “Airworthiness Directives: Cape Town Treaty Implementation” (RIN2137–0108)) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1257. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans- mittning, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 757–200, 300 and 500 Series Airplanes” (RIN2137–0109)) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
EC-1258. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Carrying Candidates in Elections” (RIN2137–0110) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.
INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Florida:
S. 570. A bill to amend title XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should the become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes; read the first time.

By Mr. SCHUMER (for himself and Mr. DURBIN):
S. 571. A bill to designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the "Congressional A. Chisholm Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself and Mr. DURBIN):
S. 572. A bill to amend the Homeland Security Act of 2002 to give additional biosecurity responsibilities to the Department of Homeland Security; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself and Mr. DURBIN):
S. 573. A bill to improve the response of the Federal Government to agroterrorism and agricultural diseases; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mr. KERRY, and Mr. KENNY):
S. 574. A bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself, Mr. LUTENBERG, Mrs. BOXER, and Mr. LEVIN):
S. 575. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for certain education expenses; to the Committee on Finance.

By Mr. BYRD:
S. 576. A bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself and Mr. FEINGOLD):
S. 577. A bill to promote health care coverage for individuals participating in legal recreational activities or legal transportation activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. CLINTON, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. REED, and Mr. KENNEDY):
S. 578. A bill to better manage the national instant criminal background check system and treaty.

By Mr. LIEBERMAN (for himself, Mr. BROWNSACK, Mrs. CLINTON, Mr. SANTOROUM, Mr. LANDRIEU, Mr. DURBIN, and Mr. ENSNY):
S. 579. A bill to amend the Public Health Service Act to authorize funding for the establishment of a program and the media within the National Institute of Child Health and Human Development to study the role and impact of electronic media in the development of children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mr. CONRAD, Mr. STEVENS, Mr. HAGEL, and Mr. CHAFEE):
S. 580. A bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. SESSIONS):
S. 581. A bill to contain the costs of the medicare prescription drug program under part D of title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself and Mrs. LINCOLN):
S. 582. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU:
S. 583. A bill to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments; to the Committee on Finance.

By Mr. SALAZAR:
S. 584. A bill to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:
S. 585. A bill to better provide for compensation for certain persons injured in the course of employment at the Rocky Flats site in Colorado; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND (for himself and Mr. VITTER):
S. 586. A bill to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments; to the Committee on Finance.
SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mr. ALLEN, Mr. DODD, and Mr. BIDEN):

S. 236, A resolution expressing the sense of the Senate on the anniversary of the deadly terrorist attacks launched against the people of Spain on March 11, 2004; considered and agreed to.

By Mr. SANTORUM (for himself, Mr. BROWNBACK, Mr. ALLEN, Mr. DE MINT, Mr. BURH, and Ms. CANTWELL):

S. 207, A resolution condemning all acts of terrorism in Lebanon and calling for the removal of Syrian troops from Lebanon and supporting the people of Lebanon in their quest for a truly democratic form of government; considered and agreed to.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. Res. 78. A resolution recognizing and honoring the life of Arthur Miller; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. COHEN, Mr. CORZINE, Mr. DURBIN, Mr. ENSEN, Mr. FENGOLD, Mrs. FRIED-STEIN, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, and Mrs. MURRAY):

S. Con. Res. 16. A concurrent resolution conveying the sympathy of Congress to the families of the young women murdered in 211, a bill to facilitate nationwide services, volunteer services, and for information and referral on human trafficking.

By Mr. CORNYN, Mr. CORZINE, Mr. DURBIN, Mr. LEVIN, Ms. MIKULSKI, and Mrs. MURRAY:

S. 352. At the request of Ms. MIKULSKI, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 352, a bill to revise certain requirements for H-2B employers and require submission of information regarding H-2B non-immigrants, and for other purposes.

S. 359. At the request of Mr. CRAIG, the names of the Senator from Indiana (Mr. BAYH), the Senator from New York (Mrs. CLINTON), the Senator from Iowa (Mr. HARKIN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide for a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 364. At the request of Mr. INOUYE, the name of the Senator from New Hampshire (Mr. GRAGG) was added as a cosponsor of S. 364, a bill to establish a program within the National Oceanic Atmospheric Administration to integrate Federal coastal and ocean mapping activities.

S. 397. At the request of Mr. CRAIG, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Florida (Mr. MARTINEZ) and the Senator from Alabama (Mr. SHELB) were added as cosponsors of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 414. At the request of Mr. McCONNELL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 414, a bill to amend the Help America Vote Act of 2002 to protect the right of Americans to vote through the prevention of voter fraud, and for other purposes.

S. 424. At the request of Mr. BOND, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 471. At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 496. At the request of Mr. ALEXANDER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 496, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 501. At the request of Mr. BROWNBACK, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 501, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 506. At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mr. CORZINE) was added as a cosponsor of S. 506, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, local, and tribal public health agencies.

S. 513. At the request of Mr. GRAGG, the names of the Senator from Ohio (Mr. DE WINE), the Senator from Maine (Ms. SNOWE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 513, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 537. At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in...
schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 339

At the request of Mr. MARTINEZ, the names of the Senator from Kentucky (Mr. LUGAR) and the Senator from Nevada (Mr. ENSEN) were added as cosponsors of S. 339, a bill to amend title 28, United States Code, to provide the protections of habeas corpus for certain incapacitated individuals whose life is in jeopardy, and for other purposes.

S. 544

At the request of Mr. ISAKSON, the name of the Senator from Massachusetts (Mr. DAYTON) was added as a cosponsor of S. 544, a bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety.

S. 543

At the request of Mr. CONRAD, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 543, a bill to amend title VI of the Consumer Product Safety Act to provide for enhanced authority of the Consumer Product Safety Commission.

S. 551

At the request of Mr. ALLARD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 551, a bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Colorado Springs, Colorado, metropolitan area.

S. RES. 31

At the request of Mr. COLEMAN, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Washington (Ms. CANTWELL), the Senator from Maine (Ms. COLLINS), the Senator from North Carolina (Mrs. DOLK), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Iowa (Mr. GRASSLEY), the Senator from Georgia (Mr. ISAKSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 71

At the request of Mr. CRAIG, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 71, a resolution designating the week beginning March 13, 2005 as "National Safe Place Week."

AMENDMENT NO. 68

At the request of Mr. KOHL, his name was added as a cosponsor of amendment No. 68 proposed to S. 256, a bill to amend title 11 of the United States Code, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Florida:

S. 570. A bill to amend title XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes; read the first time.

At the request of Mr. SESSIONS, the Senator from Alabama (Mr. NELSON of Florida). Mr. President, I am introducing the Information Security and Protection Act. It has to do with a subject matter about which we have had breaking news over the course of the last several days, and that is identity theft.

Two weeks ago we found out a company named ChoicePoint, a Georgia company, because of the conviction in a plea bargain with someone who had been under false pretenses broken into the database of this information broker, had 400,000 individual records stolen and thus subject to the taking of the personal identity of those 400,000 people. Of those we know of, 10,000 of them are in my State, and I can tell you, having met with a group of Floridians we picked at random in the central Florida area I met with a week and a half ago, it has been a tale of extraordinarily horrific circumstances for these Americans when their identity was stolen to, No. 1, stop the theft, and then, No. 2, to reclaim their identity and to get back their identity, for example, with a credit card on which bills have been run up and therefore their credit becomes bad. Trying to get back their good name and their good credit has become a horrific process.

One of the central Floridians I met with is a truckdriver who has a special company, because of the conviction in a plea bargain with someone who had been under false pretenses broken into the database of this information broker, had 400,000 individual records stolen and thus subject to the taking of the personal identity of those 400,000 people. Of those we know of, 10,000 of them are in my State, and I can tell you, having met with a group of Floridians we picked at random in the central Florida area I met with a week and a half ago, it has been a tale of extraordinarily horrific circumstances for these Americans when their identity was stolen to, No. 1, stop the theft, and then, No. 2, to reclaim their identity and to get back their identity, for example, with a credit card on which bills have been run up and therefore their credit becomes bad. Trying to get back their good name and their good credit has become a horrific process.

Additionally, it is going to have the safeguards for the consumers so they can have access to those records and see if, in fact, they are correct, and if they are not, correct them and have a list of the people who are seeking the information about them.

We had another case come to light a week ago, and that was the case of records that are missing. We do not know if they were destroyed, if they were lost, or if they were stolen, but they are the records of customers of the Bank of America. We are talking about 1.2 million customers. And, oh, by the way, some of those customers

...
are Federal employees who happen to have this particular card. It is the Federal travel card. This card is distributed additionally to the Members of the Senate.

On that stolen or missing information is a personal and sensitive information. It is the information of 60 Senators in this Chamber. Let's hope we do not become the victims of identity theft and that we have to go through all of these horrific experiences I have heard in talking with some of my constituents. But, in fact, we may. Until we find out what happened to those records of 1.2 million individuals, Federal employees, then we are subject to these kinds of traumatic experiences I have heard in talking with some of my constituents.

Today we have learned of a major breach at the Boca Raton based company called Sizenet. It is a part of Lexis-Nexis. Information that was accessed included names, addresses, Social Security and driver's license numbers; not the credit history, medical record, or financial information. This group said—and they put out a statement to the London Stock Exchange—that this was information on 32,000 U.S. citizens. It may have been accessed from one of the databases. The information that was breached, made on its legal and business information service, Lexis-Nexis, which had recently acquired this Sizenet unit, was being investigated by staff and U.S. law enforcement authorities. So here we have another 32,000 U.S. citizens who could possibly be the victims of identity theft.

Are we going to do anything about it? I sure hope so, and I am hopeful that we are going to have the Congress start to take action on a bill Congresswoman MARKLEY in the House, a Member of the House Commerce Committee, and I, a Member of the Senate Commerce Committee, have introduced. This bill requires the Federal Government begin to regulate the products offered by information brokers. Under the legislation, the Federal Trade Commission would pass regulations that would empower consumers to have control over the personal information they have compiled in these databases. Consumers would be given, for the first time, the right to find out what files information brokers keep about them, and they would be given the right to make sure the information in the files is correct. They would be given the right to promptly correct the inaccurate information. They would be permitted to find out which people have asked for copies of their personal information.

What would be the responsibility of the information broker? It would require the Federal Trade Commission to come up with standards to ensure that those brokers know to whom they are selling that consumer information and the purposes for which it is being used. Those information brokers would be required to safeguard and protect the privacy of the billions of consumer records they hold.

Under present law, there is no protection unless you fall under a law such as the Fair Credit Reporting Act which protects consumer credit records. But all the amassing of this additional data is not protected under current law.

This bill, the FTC Act, also allows the Government law enforcers and consumers to bring tough legal actions against the brokers if they violate the new regulations that the FTC would promulgate. Then it clearly gives a nod to the States and to their own laws that they believe are necessary to effectively regulate information brokers.

This bill is not a catchall bill. This bill is meant to focus very narrowly on information brokers. It instructs the FTC to carve out appropriate regulatory exemptions that are in the public interest. So there is flexibility for the FTC to adjust to different circumstances.

After the FTC passes its new regulations, then the FTC, in our oversight capacity, would be reporting back to us and specifically would be reporting to our committees—the Commerce Committees in both the House and the Senate—and Congress would determine whether further statutory changes were necessary, as is the prerogative to adjust and adapt as circumstances change.

I want to work with all the people who are involved in this situation. We do not want something that is overreaching, but we are getting to the point that with the advance of technology, something has to be done or virtually none of us will have any privacy. By the way, there is another reason to pass this legislation. We are in a new kind of war, and that war is against terrorists. The terrorist deals by stealth, and one way is to assume that the identity of someone else. If we do not have the protections of all our identities, there is another source for the terrorist.

What is it going to take to spur the Congress into action? I thank the time and the Members of the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

SEC. 4. Increasing awareness of the importance of End-of-Life planning.

Sec. 5. GAO study and report on establishment of national advance directive registry.

Sec. 6. Advance directives at State department of motor vehicles.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Every year 2,500,000 people die in the United States. Eighty percent of those people die in institutions such as hospitals, nursing homes, and other health care facilities. Chronic illnesses, such as cancer and heart disease, account for 2 out of every 3 deaths.

(2) In January 2004, a study published in the Journal of the American Medical Association concluded that many people dying in institutions have unmet medical, psychological, and spiritual needs. Moreover, families members of decedents who received care at home with hospice services were more likely to report a favorable dying experience.

(3) In 1997, the Supreme Court of the United States, in its decisions in Washington v. Glucksberg and Vacco v. Quill, reaffirmed the constitutional right of competent adults to refuse unwanted medical treatment. In those cases, the Court held that the right to engage in advance directives as a means of safeguarding that right should those adults become incapable of making decisions for themselves.

(4) A study published in 2002 estimated that the overall prevalence of advance directives is between 15 and 20 percent of the general population, despite the passage of the Patient Self-Determination Act in 1990, which requires that health care providers tell patients about advance directives.

Competent adults should be able to have advance care plans stipulating their health care decisions in the event that they become unable to speak for themselves. Through the use of advance directives, including living wills and durable powers of attorney for health care according to the laws of the State in which they reside, individuals can protect their right to express their wishes and have them respected.

(b) PURPOSES.—The purposes of this Act are to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decision-making so that individuals' wishes are known and, when appropriate, can be spoken for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

SEC. 3. IMPROVEMENT OF POLICIES RELATED TO THE USE AND PORTABILITY OF ADVANCE DIRECTIVES.

(a) MEDICARE.—Section 1866(f) of the Social Security Act (42 U.S.C. 1395cc(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by inserting “and” after “individual” and inserting “(or on behalf of the individual)” after “the individual”;

(B) by amending subparagraph (E) to provide each individual with the right to designate the use and portability of such advance directive in a prominent part of such record before the semicolon at the end;

(C) in subparagraph (D), by striking “and” after the semicolon at the end;

(D) by inserting after subparagraph (E) the following new subparagraph:

“(F) to provide each individual with the opportunity to discuss issues relating to the individual’s health care options and legal rights for care near the end of life, to provide advance care planning and decision-making so that individuals’ wishes are known and, when appropriate, can be spoken for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.”

SEC. 3A. FUNDING FOR ADVANCE DIRECTIVES.
(2) in paragraph (3), by striking “a written” and inserting “an”; and
(3) by adding at the end the following new paragraph:
“(b) In addition to the requirements of paragraph (1), a provider of services, Medicare Advantage organization, or prepaid or eligible organization (as the case may be) shall give effect to an advance directive executed outside the State in which such directive is presented, even one that does not appear to meet the formalities of execution, form, or language required by the State in which it is presented to the same extent as such provider or organization would give effect to such directive when such requirements, except that a provider or organization may decline to honor such a directive if the provider or organization can reasonably demonstrate that it is not an authentic expression of the individual’s wishes concerning his or her health care. Nothing in this paragraph shall be construed to authorize the administration of medical treatment otherwise prohibited by the laws of the State in which the directive is presented.
“(B) The provisions of this paragraph shall apply to a State to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law to the extent such law is presented.
“SEC. 399Z. —
PART R. —
PROGRAMS TO INCREASE AWARENESS OF ADVANCE DIRECTIVE PLANNING ISSUES
SEC. 399Z–1. ADVANCE DIRECTIVE EDUCATION CAMPAIGNS AND INFORMATION CLEARINGHOUSES.
“The Secretary shall provide for the establishment of a national, toll-free, information clearinghouse as well as clearinghouses that the public may access to find out about State-specific information regarding advance directives and planning.”
“SEC. 5. GAO STUDY AND REPORT ON ESTABLISHMENT OF NATIONAL ADVANCE DIRECTIVE REGISTRY.
“(a) STUDY.—The Comptroller General of the United States shall conduct a study on the feasibility of a national registry for advance directives, including consideration of the constraints created by the privacy provisions enacted as a result of the Health Insurance Portability and Accountability Act.
“(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a) together with recommendations for such legislation and administrative action as the Comptroller General determines to be appropriate.
“SEC. 6. ADVANCE DIRECTIVES AT STATE DEPARTMENTS OF MOTOR VEHICLES.
“Each State shall establish a program of providing information on the advance directives clearinghouse established pursuant to this section to individuals who register with the Department of Motor Vehicles that generates more than $1.9 billion in agricultural sales annually. Just last week, President Bush warned that the consequences of an attack on livestock are “substantial” and “relatively little” is being done to prevent such an attack. The introduction of my bill coincides with the release of a report I requested from the Government Accountability Office (GAO) entitled “Much Is Being Done to Protect Agriculture from a Terrorist Attack, But Important Challenges Remain.” The report reviews the current state of agriculture security in the United States and makes recommendations. While GAO reported some accomplishments, such as conducting vulnerability assessments of agricultural products, establishing the Agriculture Security Act of 2002 to give additional biosecurity responsibilities to the Department of Homeland Security; to the Committee on Homeland Security and Governmental Affairs.
“By Mr. AKAKA (for himself and Mr. DURBIN):
S. 572. A bill to amend the Homeland Security Act of 2002 to give additional biosecurity responsibilities to the Department of Homeland Security; to the Committee on Homeland Security and Governmental Affairs.
“By Mr. AKAKA (for himself and Mr. DURBIN):
S. 573. A bill to improve the response of the Federal Government to agroterrorism and other biosecurity threats; to the Committee on Agriculture, Nutrition, and Forestry.
“Mr. AKAKA. Mr. President, I rise today to introduce two bills to increase the security of the agriculture industry and food supply: the Homeland Security Act and the Agriculture Security Act. Both measures build on legislation I sponsored in the 107th and 108th Congresses. I want to thank my good friend, Senator DURBIN, who cosponsored my agriculture security bills last session, for continuing his support of this legislation.
“The first bill, the Homeland Security Act of 2002, will enhance coordination between the Department of Homeland Security (DHS) and other Federal agencies responsible for food and agriculture security. The Agriculture Security Assistance Act will increase coordination between Federal and State, local, and tribal officials and offer financial and technical assistance to farmers, ranchers, and veterinarians to improve preparedness.
“The Nation’s agriculture industry represents about 13 percent of GDP and nearly 17 percent of domestic employment. Yet, this critical economic sector is not receiving adequate protection from accidental or intentional attacks. Just last week, President Bush warned that the consequences of an attack on livestock are “substantial” and “relatively little” is being done to prevent such an attack.
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demonstrate any knowledge of foreign animal diseases. This is short sighted given how easily animal diseases can travel from country to country as we have seen with the avian flu over the past few years. It is important that veterinarians, who will be our first responders in the event of an agroterrorist attack, be able to identify symptoms of a foreign disease in U.S. livestock.

GAO also highlights USDA’s inability to deploy vaccines within 24 hours of an animal disease outbreak as required by Homeland Security Presidential Directive 9 (HSPD-9). According to GAO, the vaccine for foot-and-mouth disease (FMD), which is the only animal disease vaccine that the United States stockpiles, is purchased from Britain in a concentrate form. To use the vaccine the concentrate must be sent back to Britain to be activated, which adds at least three weeks to the deployment time.

According to a scenario from Dr. Tom McGinn, formerly of the North Carolina Department of Agriculture, FMD would spread to 23 States five days after an initial outbreak and to 40 States after 30 days. By the time the vaccine is deployed, FMD could spread across the country. We cannot afford to wait three weeks to start vaccinating livestock. Why is the United States outsourcing this critical security function? USDA should either store ready-to-use vaccines in the U.S. or examine ways to activate the vaccines in this country.

Equally troubling is that over the past 2 years, the number of agricultural inspections performed by the U.S. has declined by 3.4 million since DHS took over the border inspection responsibility from USDA. Mr. Kim Mann, a spokesman from the National Association of Agriculture Employees (NAAE), expressed similar concerns at a February hearing being conducted by the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia (OGM). Mr. Mann testified that of the approximately 2,100 Agriculture Quarantine Inspection positions that were transferred from USDA to DHS in 2003, only about 1,300 of those positions are currently filled. According to Mr. Mann, agriculture inspectors have left DHS to return to USDA because of DHS’s lack of commitment to its agriculture mission, and DHS is not filling these vacancies.

I recently wrote Undersecretary for Border and Transportation Security Asa Hutchinson expressing my concern over these reports because agriculture inspections are crucial to the economy of Hawaii which is home to more endangered species than any other State.

GAO also reported a lack of communication between DHS and states regarding the development of emergency response plans, grant guidance, and best practices. States agriculture officials were given as little as three days to provide input on the National Response Plan and the National Infrastructure Protection Plan. In addition, the State Homeland Security Grant Program grant guidance puts little emphasis on agriculture as a sector eligible for assistance. In fact, agriculture inspectors only became eligible in fiscal year 04 and many states are unaware that funds can be directed towards agriculture security. In addition, State and industry officials reported that there is no mechanism to share lessons learned from exercises or real-life animal disease outbreaks.

GAO further notes that shortcomings exist in DHS’s Federal coordination of national efforts to protect against agroterrorism. Federal officials claim that there is confusion in interagency working groups as to which responsibility falls with whom. DHS reportedly also has been unable to coordinate agriculture security research efforts government-wide as is required by HSPD-9. While some program staff from DHS, USDA, and Health and Human Services have engaged in preliminary discussions, there is no overall departmental coordination of policy and budget issues between the various Federal agencies.

My bills address many of the concerns raised by GAO. The Homeland Security Food and Agriculture Act will increase communication and coordination between DHS and state, local, and tribal homeland security officials regarding agroterrorism; Ensure agriculture security is included in state, local, and regional emergency response plans; and establish a task force of state and local first responders that will work with DHS to identify best practices in the area of agriculture security.

The Agriculture Security Assistance Act will provide financial and technical assistance to states and localities for agroterrorism preparedness and response; increase international agricultural disease surveillance and inspections of imported agricultural products; require that certified veterinarians be knowledgeable in foreign animal diseases; and require that USDA study the costs and benefits of developing a more robust animal disease vaccine stockpile.

The United States needs a coordinated approach in dealing with the possibility of an attack on our food supply, which could affect millions. While improvements have occurred since I first voiced my concerns over food and agriculture security in 2001, critical vulnerabilities remain. I urge my colleagues to join me in protecting America’s breadbasket and support these vital pieces of legislation.

I ask unanimous consent that the text of both bills be printed in the RECORD. There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 572
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 ‘Homeland Security Food and Agriculture Act of 2005’.

SEC. 2. AGRICULTURAL BIOSECURITY.
(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by adding at the end the following:

Subtitle J—Agricultural Biosecurity

SEC. 899A. DEFINITIONS.

In this subtitle:

(1) AGRICULTURAL DISEASE.—The term ‘agricultural disease’ means an outbreak of a plant or animal disease, or a pest infestation, that requires prompt action in order to prevent injury or damage to people, plants, livestock, property, the economy, or the environment.

(2) AGRICULTURE.—The term ‘agriculture’ includes—

(A) the science and practice of an activity relating to—

(i) food, feed, and fiber production; or

(ii) the processing, marketing, distribution, use, or trade of food, feed, or fiber;

(B) a social science, such as—

(i) family and consumer science;

(ii) nutritional science;

(iii) food science and engineering; or

(iv) agricultural economics; and

(C) an environmental or natural resource science, such as—

(i) forestry;

(ii) wildlife science;

(iii) fishery science;

(iv) aquaculture;

(v) floriculture; or

(vi) veterinary medicine.

(3) AGROTERRORIST ACT.—

(A) IN GENERAL.—The term ‘agroterrorist act’ means the criminal act, committed with the intent described in subparagraph (B), of causing or attempting to cause damage or harm (including destruction or contamination) to—

(i) a crop;

(ii) livestock;

(iii) farm or ranch equipment;

(iv) material or property associated with agriculture; or

(v) a person engaged in an agricultural activity.

(B) INTENT.—The term ‘agroterrorist act’ means an act described in subparagraph (A) that is committed with the intent to—

(i) intimidate or coerce a civilian population;

(ii) influence the policy of a government by intimidation or coercion.

(C) BIOSECURITY.—

(A) IN GENERAL.—The term ‘biosecurity’ means protection from the risk posed by a biological, chemical, or radiological agent to—

(i) the agricultural economy;

(ii) the environment;

(iii) human health; or

(iv) plant or animal health.

(B) INCLUSIONS.—The term ‘biosecurity’ includes the exclusion, eradication, and control of a biological agent that causes an agricultural disease.

(5) EMERGENCY RESPONSE PROVIDER.—The term ‘emergency response provider’ includes any Federal, State, or local—

(A) emergency public safety professional;

(B) law enforcement officer;

(C) emergency medical professional (including an employee of a hospital emergency facility); or

(D) veterinarian or other animal health professional; and
Agriculture.—The term "agriculture" includes—
(A) the science and practice of activities relating to food, feed, and fiber production, marketing, distribution, use, and trade;
(B) family and consumer science, nutrition, food science and engineering, agricultural economics, and other social sciences; and
(C) forestry, wildlife science, fishery science, aquaculture, floriculture, veterinary medicine, and other environmental and natural resources.

Agroterrorism.—The term "agroterrorism" means the commission of an agroterrorist act.

Agroterrorist Act.—The term "agroterrorist act" means a criminal act consisting of causing or attempting to cause damage or harm to, or destruction or contamination of, a crop, livestock, farm or ranch equipment, material or property associated with agriculture, or a person engaged in agricultural activity, that is committed with the intent—
(A) to intimidate or coerce a civilian population; or
(B) to influence the government of a foreign nation by intimidation or coercion.

Biosecurity.—The term "biosecurity" means protection from the risks posed by biological, chemical, or radiological agents to—
(i) plant or animal health;
(ii) the agricultural economy;
(iii) the environment; or
(iv) human health.

Biosecurity Inclusions.—The term "biosecurity" includes the exclusion, eradication, and control of biological agents that cause plant or animal diseases.

Indian Tribe.—The term "Indian tribe" has the meaning given in the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

Secretary.—The term "Secretary" means the Secretary of Agriculture.

Tribal Government.—The term "tribal government" means the governing body of an Indian tribe.

Chapter 6. State and Local Assistance.

Section 1. Short Title.
This Act may be cited as the "Agricultural Security Act of 2005."
SEC. 4. REGIONAL, STATE, AND LOCAL PREPAREDNESS.

(a) ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall cooperate with regional, State, and local disaster preparedness officials to include consideration of the potential environmental effects of a response activity in planning a response to an agricultural disease.

(b) DEPARTMENT OF AGRICULTURE.—The Secretary, in consultation with the Secretary of Homeland Security, shall:

(1) develop and implement procedures to provide information to, and share information among, Federal, regional, State, tribal, and local officials regarding agricultural threats, risks, and vulnerabilities; and

(2) cooperate with State agricultural officials, State and local emergency managers, representatives from State land grant colleges, and research universities, agricultural producers, and agricultural trade associations to establish local response plans for agricultural diseases.

SEC. 5. INTERAGENCY COORDINATION.

(a) AGRICULTURAL DISEASE LIASONS.—

(1) AGRICULTURAL DISEASE MANAGEMENT LIASON.—The Secretary of Homeland Security shall establish a senior level position within the Federal Emergency Management Agency, the primary responsibility of which is to serve as a liaison for agricultural disease management between—

(A) the Department of Homeland Security; and

(B)(i) the Federal Emergency Management Agency; and

(ii) other Federal agencies responsible for a response to an agricultural disease; and

(c) BIOTECHNOLOGY, AGRIBUSINESS, AND TECHNOLOGY POLICY ACT OF 1977 (7 U.S.C. 3101 et seq.), shall—

(i) develop guidelines—

(A) to improve monitoring of vehicles and materials entering or leaving farm or ranch operations; and

(B) to control human traffic entering or leaving farm or ranch operations; and

(ii) distribute the guidelines developed under clause (i) to agricultural producers through agricultural informational seminars and biosecurity training sessions.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to carry out this paragraph—

(i) $5,000,000 for fiscal year 2006; and

(ii) such sums as are necessary for each subsequent fiscal year.

(B) INFORMATION PROGRAM.—Of the amounts made available under clause (i), the Secretary may use such sums as are necessary to establish in each State an information program to distribute the biosecurity guidelines developed under subparagraph (A)(i).

(i) IN GENERAL.—There are authorized to be appropriated to carry out this paragraph—

(ii) such sums as are necessary for each subsequent fiscal year.

(C) BENCHMARKING AND ASSESSMENT.

(1) ANIMAL HEALTH CARE LIASON.—The Secretary of Health and Human Services shall establish the Animal Health Care Liaison within the Federal Emergency Management Agency, the primary responsibility of which is to serve as a liaison for animal health management.

(ii) such sums as are necessary for each subsequent fiscal year.

(2) ANIMAL DISEASE MANAGEMENT LIASON.—The Secretary of Agriculture shall be trained to recognize animal agricultural disease; and

(3) TRANSPORTATION.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph—

(i) $5,000,000 for fiscal year 2006; and

(ii) such sums as are necessary for each of fiscal years 2007 through 2009.

SEC. 6. INTERNATIONAL ACTIVITIES.

(a) INTERNATIONAL AGRICULTURAL DISEASE SURVEILLANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of State and the Administrator of the Agency for International Development, shall submit to Congress a report that describes measures taken by the Secretary to—

(1) streamline the process of notification by the Secretary to Federal agencies in the event of an agricultural disease in a foreign country; and

(2) cooperate with representatives of foreign countries, international organizations, and academic and industry to develop and implement methods of sharing information relating to international agricultural diseases and unusual agricultural activities.

(b) BILATERAL MUTUAL ASSISTANCE AGREEMENTS.—The Secretary of State, in coordination with the Secretary and the Secretary of Homeland Security, shall—

(1) enter into mutual assistance agreements with other countries to provide and receive assistance in the event of an agricultural disease, including—

(A) training for veterinarians and agriculture specialists of the United States in the identification, diagnosis, and control of foreign agricultural diseases; and

(B) providing resources and personnel to a foreign government with limited resources to respond to a agricultural disease; and

(2) provide funding for a program or exercises described in paragraph (1)(C).

SEC. 7. ADDITIONAL STUDIES AND REPORTS.

(a) VACCINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall conduct a study of, and submit to Congress a report that describes, the projected costs and benefits of developing ready-to-use vaccines against foreign animal diseases.

(b) PLANT DISEASE LABORATORY.—Not later than 270 days after the date of enactment of this Act, the Secretary shall conduct a study of, and submit to Congress a report that describes, the feasibility of establishing a national plant disease laboratory based on the model of the Centers for Disease Control and Prevention, the primary task of which is to—

(1) integrate and coordinate a nationwide system of independent plant disease diagnostic laboratories, including plant clinics maintained by land grant colleges and universities; and

(2) increase the capacity, technical infrastructure, and information-sharing capabilities of laboratories described in paragraph (1).

SEC. 8. VETERINARIAN ACCREDITATION.

Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations requiring that any veterinarian accredited by the Department of Agriculture shall be trained to recognize foreign animal diseases.

SEC. 9. REVIEW OF LEGAL AUTHORITY.

In General.—In consultation with the Secretary, the Attorney General, in consultation with the Secretary, shall conduct a study of State and local laws relating to agroterrorism and biosecurity to determine—

(1) the extent to which the laws facilitate or impede the implementation of a current or proposed response plan relating to an agricultural disease; and

(2) whether an injunction issued by a State court could—

(A) delay the implementation of a Federal response plan described in paragraph (1); or

(B) affect the extent to which an agricultural disease spreads; and

(C) delay the implementation of a Federal response plan described in paragraph (1); or

(2) whether an injunction issued by a State court could—

(A) delay the implementation of a Federal response plan described in paragraph (1); or

(B) affect the extent to which an agricultural disease spreads; and
Families are looking for help. I’m sad to say, the President doesn’t offer them much hope. The Republican budget has all the wrong priorities. President Bush proposed increasing the maximum Pell Grant by just $100 to $1,150. I want to double Pell Grants. In step with the burden on middle class families, the Republican budget helps out big business cronies with lavish tax breaks while eating into Social Security and creating deficits as far as the eye can see.

We need to do more to help middle class families afford college. We need to immediately increase the maximum Pell Grant to $4,500 and double it over the next 6 years. We need to make sure student loans are affordable. And we need a bigger tuition tax credit for the families stuck in the middle who aren’t eligible for Pell Grants but still can’t afford college.

A $4,000 refundable tax credit for tuition will go a long way. It will give middle class families some relief by helping the first-time student at our 4-year institutions like University of Maryland and the mid-career student at our terrific community colleges. A $4,000 tax credit would be 60 percent of the tuition at Maryland and enough to cover the cost of tuition at most community colleges. My bill would help make college affordable for everyone.

College education is more important than ever: 40 percent of new jobs in the next 10 years will require some post-secondary education. College is important to families and it’s important to our economy. To compete in the global economy, we need to make sure all our children have 21st century skills for 21st century jobs. And the benefits of education help not just the individual but society as a whole.

To have a safer America and a stronger economy, we need to have a smarter America. We need to invest in our human capital to create a world class workforce. That means making a college education affordable.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 575

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 “Educational Opportunity for All Act.”

SEC. 2. EDUCATIONAL OPPORTUNITY FOR ALL TAX CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

SEC. 36. EDUCATIONAL OPPORTUNITY TAX CREDIT.

(1) ALLOWANCE OF CREDIT.—(a) In general.—For taxable years beginning after 2005, the credit allowed under this section shall be allowed as a credit against the tax imposed by this title for the taxable year an amount equal to the qualified tuition expenses paid by the taxpayer during the taxable year (for education furnished during any academic period beginning in such taxable year).

(2) PER STUDENT LIMITATION.—The credit allowed under this section shall not exceed $4,000 with respect to any individual.

(3) ELECTION NOT TO HAVE SECTION APPLY.—A taxpayer may elect not to have this section apply with respect to the qualified tuition expenses of any individual for any taxable year.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED TUITION EXPENSES.—(A) IN GENERAL.—The term ‘qualified tuition expenses’ means tuition required for the enrollment or attendance of—

(i) the taxpayer,

(ii) the taxpayer’s spouse, or

(iii) any dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151, at an eligible educational institution for courses of instruction of such individual at such institution.

(B) EXCLUSION FOR EDUCATION INVOLVING SPORTS, ETC.—Such term does not include expenses with respect to any course or other education involving sports, games, or hobbies, unless such course or other education is part of the individual’s degree program.

(C) EXCEPTION FOR NONACADEMIC FEES.—Such term does not include student activity fees, athletic fees, insurance expenses, or other fees or expenses unrelated to an individual’s academic course of instruction.

(D) JOB IMPROVEMENT INCLUDED.—Such term shall include tuition expenses described in paragraph (a)(1) with respect to any course of instruction at an eligible educational institution to acquire or improve job skills.

(2) ELIGIBLE EDUCATIONAL INSTITUTION.—The term ‘eligible educational institution’ means an institution—

(A) which is described in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1082), as in effect on the date of the enactment of the Taxpayer Relief Act of 1997, and

(B) which is eligible to participate in a program under title IV of such Act.

(3) SPECIAL RULES.—

(A) IDENTIFICATION REQUIREMENT.—No credit shall be allowed under subsection (a) to a taxpayer with respect to the qualified tuition expenses of any individual unless the taxpayer includes the taxpayer’s identification number of such individual on the return of tax for the taxable year.

(B) ADJUSTMENT FOR CERTAIN SCHOLARSHIPS.—The amount of any tuition expenses otherwise taken into account under subsection (a) with respect to an individual for an academic period shall be reduced by the sum of any amounts paid for the benefit of such individual which are allocable to such period as—

(I) a qualified scholarship which is excludable from gross income under section 117,

(II) an educational assistance allowance under section 31, 31A, 32, 34, or 35 of title 31, United States Code, under chapter 1066 of title 10, United States Code, and

(III) a payment (other than a gift, bequest, devise, or inheritance within the meaning of section 102(a)) for such individual’s educational expenses, or attributable to such individual’s enrollment at an eligible educational institution, which is excludable from gross income under any law of the United States.

(C) TREATMENT OF EXPENSES PAID BY DEPENDENT.—If a deduction under section 151 is allowed in respect to an individual to another taxpayer for a taxable year beginning in the calendar year in which such individual’s taxable year begins—

(A) such deduction shall be treated as a credit allowed under subsection (a) to such individual for such individual’s taxable year, and
“(B) qualified tuition expenses paid by such individual during such individual’s taxable year shall be treated for purposes of this section as paid by such other taxpayer.

“4. AMOUNT OF CERTAIN PREPAYMENTS.—If qualified tuition expenses are paid by the taxpayer during a taxable year for an academic period which begins during the first taxable year of such taxable year, such academic period shall be treated for purposes of this section as beginning during such taxable year.

“5. PRESUMPTION OF PERSONAL BENEFIT.—No credit shall be allowed under this section for any expense for which a deduction is allowed under any other provision of this chapter.

“6. COORDINATION WITH HOPE SCHOLARSHIP AND LIFETIME LEARNING CREDITS.—The qualified tuition and related expenses with respect to an individual for whom a Hope Scholarship Credit or the Lifetime Learning Credit under section 25A is allowed for the taxable year shall not be taken into account under this section.

“7. NO CREDIT FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer’s spouse files a joint return for the taxable year.

“(8) NONRESIDENT ALIENS.—If the taxpayer is a nonresident alien individual for any portion of the taxable year, this section shall apply only if such individual is treated as a resident alien of the United States for purposes of this chapter by reason of an election under section 7701(a)(30) or (h) of section 6011.

“(e) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations providing for a recapture of the credit allowed under this section in cases where there is a refund in a subsequent taxable year of any amount which was taken into account in determining the amount of such credit.”.

“(b) REFUNDABILITY OF CREDIT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period “or enacted by the Educational Opportunity for All Act of 2005”.

“(c) CONFORMING AMENDMENTS.—

“(1) Sections 135(d)(2)(A), 222(c)(2)(A), 529(c)(3)(B)(v)(II), and 530(d)(2)(C)(i)(II) of the Internal Revenue Code of 1986 are each amended by striking the item relating to subchapter B of chapter 1 of such Code.

“(2) Section 25A(b)(8)(C) of such Code is amended by inserting “or section 36(d)(1)” after “expenditures”.

“(3) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 36 and inserting the following: “Sec. 36. Educational opportunity tax credit. “Sec. 37. Overpayments of tax.”.

“(d) ENACTED BY THE APPROPRIATIONS BILL.—The amendments made by this section shall apply to expenses paid after December 31, 2004, for education furnished in academic periods beginning after such date.

By Mr. BYRD:

S. 576. A bill to restore the prohibition on the commercial sale and slaughter of wild-free-roaming horses and burros; to the Committee on Energy and Natural Resources.

By Mr. BYRD. Mr. President, President Reagan was often fond of saying that “there’s nothing better for the inside of a horse than the outside of a horse.” So he surely would have been proud when, on November 18, 2004, during the closing days of the 108th Congress, the Senate passed a resolution introduced by our former colleague Senator Ben Nighthorse Campbell that designated December 13, 2004, as “National Day of the Horse.” The resolution encouraged the people of the United States to be mindful of the contribution of horses and burros as a character of the culture of our great Nation. The resolution. S. Res. 452, included a provision that stated “horses are a vital part of the collective experience of the United States and deserve protection and compassion.”

Beginning in the 1950’s, public awareness was raised about the cruel and inhumane manner in which wild horses and burros were being rounded up on public lands and subsequently sent to slaughter. Velma B. Johnston, later known as Wild Horse Annie, led an effort to protect this symbol of the American West that captured the imagination of school children across the country. In 1959, which was my first year in the Senate, Congress passed legislation I was pleased to support that prohibited the use of motorized vehicles to hunt wild horses and burros on all public lands. But the bill, which came to be known as the “Wild Free-Roaming Horse and Burro Act,” did not include a program for the management of wild horses and burros in the United States. It was not until 1971 that Congress passed the Wild Free-Roaming Horse and Burro Act. The law, which I also supported, contained a critical policy that “wild free-roaming horses and burros shall be protected from capture, branding, harassment, and death” and that “no wild-free-roaming horses or burros or their remains may be sold or transferred for consideration for processing into commercial products.”

The Bureau of Land Management (BLM) and the U.S. Forest Service were tasked with enforcement of the law on public lands. Unfortunately, several measures failed by the agencies to properly manage these animals. As a result, the BLM currently has approximately 22,000 wild horses and burros in holding facilities where their feeding and care are handled by the agency’s budget for wild horse and burro management. The Wild Free-Roaming Horse and Burro Act had been the law of the land until President Bush signed the FY 2001 Omnibus Appropriations bill on December 8, 2004. Included in the omnibus appropriations bill was a provision that would require the BLM to put up for public sale any wild horse taken off the range that is more than 10 years old and any horse that has been successfully offered for adoption three times. The BLM has estimated that about 8,400 mustangs out of 22,000 being held are kept on seven sanctuaries meet that criteria. Surely there are actions that can be taken by the BLM to ensure the proper operation of the wild horse and burro program without resorting to the slaughter of these animals. Instead of taking the time to make the changes necessary to ensure the proper management of wild horses, this provision reaches for the butcher knife instead.

In response, my friend and colleague from West Virginia, Rep. Nick Joe Rahall, has introduced H.R. 297, a bill to reverse the prohibition on the commercial sale and slaughter of wild-free-roaming horses and burros. I am pleased to join with him in his effort to overturn this egregious provision and reinstate Federal protections for one of the enduring symbols of the American frontier.

In closing, I quote from British poet Ronald Duncan’s Ode to the Horse:

Where in this wide world can a man find nobility without pride, friendship without envy or beauty without vanity? Here: where grace is laced with muscle and strength by gentleness confined. He serves without servility; he has fought without enmity. There is nothing so powerful, nothing less violent; there is nothing so quick, nothing less patient. England’s past has been borne on his back. All our history is his industry. We are his heirs; he our inheritance. The Horse.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 577. A bill to promote health care coverage for individuals participating in legal recreational activities or legal transportation activities; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from Wisconsin, Senator FEINGOLD, in introducing legislation to prohibit health insurers from denying benefits to plan participants if they are injured while engaging in legal recreational activities like skiing, snowmobiling, or horseback riding.

Among the many rules that were issued at the end of the Clinton Administration was one that allowed insurers to ensure non-discrimination in health coverage in the group market. This rule was issued jointly on January 8, 2001, by the Department of Labor, the Internal Revenue Service and the Centers for Medicare and Medicaid Services—in accordance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996. While I was pleased that the rule prohibited health plans and issuers from denying coverage to individuals who engage in certain types of recreational activities, such as skiing, horseback riding, snowmobiling or motorcycling, I am extremely concerned that it would allow insurers to deny health benefits for an otherwise covered injury that results from participation in these activities.

The rule states that: “While a person cannot be excluded from a plan for engaging in certain recreational activities, plans may deny benefits for a particular injury only if the injury occurs as the result of an activity that was excluded based on the source of the injury.” A plan could, for example, include a general exclusion for injuries sustained while...
Mr. LAUTENBERG. Mr. President, I am therefore hopeful that we will soon be joined by all of my colleagues. I urge all of my colleagues to support this common sense legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD. I also ask unanimous consent that an article from the March 8, 2005 edition of the New York Times be printed in the RECORD.

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

SEC. 2. IDENTIFICATION OF TERRORISTS.

(a) In General.—Section 922(t) of title 18, United States Code, is amended by inserting after paragraph (6) the following:

"(7) If the national criminal background check system indicates that a person attempting to purchase a firearm or applying for a State permit to possess, acquire, or carry a firearm is identified as a known or suspected member of a terrorist organization, the records maintained by the Department of Justice or the Department of Homeland Security, including the Violent Gang and Terrorist Organization File, or records maintained by the Intelligence Community, including records maintained under section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n-2), immediately be transmitted to the appropriate

The legislation that we are introducing today will clarify that individuals participating in activities routinely enjoyed by millions of Americans cannot be denied access to health care coverage or health benefits as a result of their activities. The bill should not be controversial. In fact, it passes the test by unanimous consent last November. Unfortunately, however, the House did not have time to act before the end of the Congress.

I am therefore hopeful that we will be able to act on this legislation this year, and I urge all of my colleagues to join us as cosponsors.

Mr. LAUTENBERG. Mr. President, we have the benefit of many resources that provide us with a wealth of information. Our dedicated staffs, the agencies of the Federal Government, and the many interested citizens and groups who follow issues.

We rely every day on the information we get from all these resources. But we also rely on plain old common sense. I rise today to introduce a bill that is based on common sense.

The premise is this: if we think somebody is a terrorist or has ties to terrorism, and that person purchases a deadly weapon, we need to know about it and keep track of it.

The bill I am introducing is called the "Terrorist Apprehension and Record Retention Act," or TARR Act, which would do two very important things.

First, the bill would require the Federal Government, specifically the NICS and FBI, to maintain for 10 years all records related to a NICS transaction involving a valid match to the VGTOF terrorist records—a suspected or known terrorist.

It is outrageous that one unit of the FBI—NICS—has information that could help us win the war against terrorism, but that information is deleted.

Second, the TARR Act would require all information related to the transactions involving a valid match to the VGTOF terrorist records must be shared with all appropriate Federal and State counterterrorism officials. Both FBI counterterrorism agents and State counterterrorism agencies should have access to this potentially valuable information. I encourage my colleagues to support this common sense legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD. I also ask unanimous consent that an article from the March 8, 2005 edition of the New York Times be printed in the RECORD.

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

S. 578

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 "Terrorist Apprehension and Record Retention Act of 2005" or the "TARR Act of 2005."

SEC. 2. IDENTIFICATION OF TERRORISTS.

(a) In General.—Section 922(t) of title 18, United States Code, is amended by inserting after paragraph (6) the following:

"(7) If the national criminal background check system indicates that a person attempting to purchase a firearm or applying for a State permit to possess, acquire, or carry a firearm is identified as a known or suspected member of a terrorist organization, the records maintained by the Department of Justice or the Department of Homeland Security, including the Violent Gang and Terrorist Organization File, or records maintained by the Intelligence Community, including records maintained under section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n-2), immediately be transmitted to the appropriate

match background checks of known or suspected terrorists.

So, not only are people suspected of having links to terrorism allowed to purchase deadly weapons, but then we don’t even tell our counterterrorism agencies about it—and we destroy the records!

This doesn’t seem like common sense to me.

In fact, it seems like a policy that not only allows terrorists to acquire weapons, but then hides them from us.

In light of the findings in this report, Senators CORZINE, SCHUMER, CLINTON, FEINSTEIN, MIKULSKI, REED and KENNEDY are joining me in introducing the TARR Act, which would do two very important things.

First, the bill would require the Federal Government, specifically the NICS and FBI, to maintain for 10 years all records related to a NICS transaction involving a valid match to the VGTOF terrorist records—a suspected or known terrorist.

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Federal and State counterterrorism officials, including the Federal Bureau of Investigation, said they need to coordinate the response to such an event; and

"(b) the Federal Bureau of Investigation shall coordinate the response to such an event; and

"(C) all records generated in the course of the check of the national criminal background check system, as defined in section 922(t)(1)(C) of title 18, United States Code, are retained by the Federal Bureau of Investigation for a minimum of 10 years.

(4) OTHER AMENDMENTS.—

(1) TITLE 18.—Section 922(3)(C) of title 18, United States Code, is amended by inserting after "transfer" the following: "(except as provided in paragraph (7))."

(2) OTHER LAW.—Section 61(a)(2) of the Department of Justice, Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (118 Stat. 85) is amended by inserting after "or State Law" the following: "(except for information required to be maintained by section 922(t)(7) of title 18, United States Code)"

[From the New York Times, March 8, 2005]

**TERROR SUSPECTS BUYING FIREARMS, REPORT FINDS**

By Eric Lichtblau

WASHINGTON, March 7—Dozens of terror suspects on federal watch lists were allowed to buy firearms legally in the United States last year, according to a Congressional investigation that points up major vulnerabilities in federal gun laws.

People suspected of being members of a terrorist group are not automatically barred from legally buying a gun, and the investigation, conducted by the Government Accountability Office, indicated that people with clear links to terrorist groups had regularly slipped through the cracks of the system designed to keep firearms out of the hands of terrorists.

Since the Sept. 11 terrorist attacks, law enforcement officials and gun control groups have been calling for better management of its gun-buying records to match against some 1,200 suspects who were detained as part of the Sept. 11 investigation. Mr. Ashcroft maintained that using the records in a criminal investigation would violate the federal law that created the system for instant background checks, but Justice Department lawyers who reviewed the issue said they saw no such provision.

In response to the report, Mr. Lautenberg also plans to ask Attorney General Alberto R. Gonzales to assess whether people listed on the F.B.I.'s terror watch list should be automatically barred from buying a gun. Such a policy would require a change in federal law.

F.B.I. officials acknowledge shortcomings in the current approach to using gun-buying records in terror cases, but they say they are not aware of any law as established by Congress and interpreted by the Justice Department.

"We're in a tough position," said an F.B.I. official who spoke of anonymity because the report has not been formally released. "Obviously, we want to keep guns out of the hands of terrorists, but we also have to be mindful of privacy and civil rights concerns, and we can't do anything beyond what the law allows us to do."

After initial reluctance from Mr. Ashcroft over Second Amendment concerns, the Justice Department changed its policy in February 2004 to allow the F.B.I. to do more cross-checking between gun-buying records and terror-related trends.

Under the new policy, millions of gun applications to the FBI's internal terrorist watch list, and if there is a match, bureau field agents or other counterterrorism personnel are to be contacted to determine whether they have any information about the terror suspect.

In some cases, the extra review allowed the F.B.I. to block a gun purchase by a suspected terrorist that might otherwise have proceeded to an gun store. In seeking information into the database, the accountability office's report said.

In one instance last year, follow-up information given by the F.B.I. field agents revealed that someone on a terror watch list was deemed "mentally defective," even though that information had not yet made its way into the gun database. In a second case, field agents disclosed that an applicant was in the country illegally. Both applications were denied.

Even so, the report concluded that the Justice Department should clarify what information could and could not be shared between gun-buying administrators and terrorism investigators. It also concluded that the F.B.I. should keep closer track of the performance of state officials who handle gun background checks in lieu of the F.B.I. "Given that these background checks involve known or suspected terrorists who could pose a homeland security threat, the report said, "more frequent F.B.I. oversight or centralized management would help ensure that suspected terrorists who have disqualifying factors do not obtain firearms in violation of the law."

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mrs. CLINTON, Mr. SANTORUM, Ms. LANDRIEU, Mr. DURBIN, and Mr. ENSEN) S. 579. A bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the National Institute of Child Health and Human Development to study the role and impact of electronic media in the development of children, to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce, along with Senators BROWNBACK, CLINTON, SANTORUM, LANDRIEU, ENSEN and DURBIN, the Children and Media Research Advancement Act, or CAMRA Act. We believe there is an urgent need to establish a federal role for targeting research on the impact of media on children. From the cradle to the grave, our children now live and develop in a world of media—a world that is increasingly digital, and a world where access is at their fingertips. This emerging digital world is well known to young children. While their development is not well understood, young people today are spending an average of 6 and a half hours with media each day. For those who are under age 6, two hours of exposure to screen media each day is common, even for those who are under age 2. That is about as much time as children under age 6 spend playing outdoors, and it is much more time than they spend reading or being read to by their parents. How does this investment of time affect children's physical development, their cognitive development, or their moral values? Unfortunately, we still have very limited information about how media, particularly the newer interactive media, affect children's development. Why? We have not charged any Federal agency with ensuring an ongoing funding base to establish a coherent research agenda about the impact of media on children's lives. This lack of a coordinated government-sponsored effort to understand the effects of media on children's development is truly an oversight on our part, as the potential payoffs for this kind of knowledge are enormous.
Consider our current national health crisis of childhood obesity. The number of U.S. children and teenagers who are overweight has more than tripled from the 1960's through 2002. We think that media exposure is partly the cause of this epidemic. Is it? Is time spent watching television screens and its accompanying sedentary lifestyle contributing to childhood and adolescent obesity? Or is the constant bombardment of advertisements for sugar-coated cereals, snack foods, and candy that pervade children's television advertisements the culprit? How do the newer online forms of "stealth marketing", such as advergaming where food products are embedded in computer games, affect children's and adolescents' purchasing patterns? What will happen when the popularity of computer games reaches the level of TV? Will children become more sedentary and less healthy over time?

A committee at the National Academy of Sciences is currently charged with studying the link between media advertising and childhood obesity. Will the National Academy of Sciences have the data they need to answer this important question? A definitive answer has the potential to save a considerable amount of money in other areas of our budget. For example, childhood obesity issues could be reduced by understanding and altering media diets.

Or take the Columbine incident. After two adolescent boys shot and killed some of their teachers, classmates, and then turned their guns on themselves at Columbine High School, we asked ourselves if media played some role in this tragedy. Did these boys learn to kill in part from watching first-person video games like Doom where they acted as a killer? Were they rehearsing criminal activities when playing this game? We looked to the research community for an answer. In the violence and media area, Congress had passed legislation in the past so that research was conducted about the relationship between media violence and childhood aggression, and as a result, we knew more. Even though much of this data base was older and involved the link between exposure to violent television programs and childhood aggression, some answers were forthcoming about how the Columbine tragedy could have taken place. Even so, there is still a considerable amount of speculation about the more complex questions. Why did these particular boys, for example, pull the trigger in real life while others who played Doom confine their aggressive acts to the gaming context? We need to be able to answer questions about which children under what circumstances will translate their aggressive acts to the gaming world or into real-life lethal actions. Inventing in media research could potentially reduce our budgets associated with adolescent crime and delinquency as well as reduce real-life human misery and suffering.

Many of us believe that our children are becoming increasingly materialistic. Does exposure to commercial advertising and the "good life" experiences that are typically associated with reaching out with a hand. How does repeatedly seeing attractive products affect our children and their developing brains? What will happen when our children will be able to click on their television screen and go directly to sites that advertise the products that they see in their favorite programs? Or use their cell phones to pay for products that they want in the immediate environment. Exactly what kind of values are we transmitting to our children, and what role does exposure to media content play in the development of those values?

A report linked very early television viewing experiences with behaviors that are common in children who have attention deficit disorders. However, we don't know the direction of the relationship. Does television viewing cause attention deficits, or do children who have attention problems who have television viewing experiences more engaging than children who don't have attention problems? Or do parents whose children have difficulty sustaining attention let them watch more television to encourage more sitting and less hyperactive behavior? How will Internet experiences, particularly those where children move rapidly across different windows, influence attention patterns and attention problems? Once again, we don't know the answer. If early television viewing is development of children's attention patterns, resulting in their placement in special education programs, actions taken to reduce screen exposure during the early years could lead to subsequent reductions in children's need for special education classes, thereby saving money while fostering children's development in positive ways.

We want no child left behind in the 21st century. Many of us believe that time spent with computers is good for our children, teaching them the skills that they will need for success in the 21st century. Are we right? How is time spent with computers different from time spent with television? What are the underlying mechanisms that facilitate or disrupt children's learning from these varying media? Can academic development be fostered by the use of interactive online programs designed to teach as they entertain? In the first six years of life, Caucasian more than African American or Latino children have Internet access from their homes. Can our newer interactive media help ensure that no child left behind, or will disparities in access result in leaving some behind and not others?

The questions about how media affect the development of our children are clearly important, abundant, and as a result, we simply do not know the answers to these questions. Such gaps in our knowledge base limit our ability to make informed decisions about media policy.

We know that media are important. Over the last 15 years, we have held numerous hearings in these chambers about how exposure to media violence affects childhood aggression. We passed legislation to maximize the documented benefits of exposure to educational media, such as the Children's Television Act which requires broadcasters to provide educational and informational television programs for children. Can we foster children's moral values when they are exposed to prosocial programs that foster harm, sharing, and cooperating like those that have come into being as a result of the Children's Television Act? We acted to protect our children from unfair commercial practices by passing the Children's Online Privacy Protection Act which provides safeguards from invasion of our youth as they explore the Internet, a popular pastime for them. Yet the Internet has provided new ways to reach children with marketing that we did not know the direction of the relationship. How will the Internet experiences, particularly those where children move rapidly across different windows, influence attention patterns and attention problems? Once again, we don't know the answer. If early television viewing is development of children's attention patterns, resulting in their placement in special education programs, actions taken to reduce screen exposure during the early years could lead to subsequent reductions in children's need for special education classes, thereby saving money while fostering children's development in positive ways.

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SEC. 2. FINDINGS AND PURPOSE.
(a) FINDINGS.—Congress makes the following findings:
(1) Congress has recognized the important role of electronic media in children's lives when it passed the Children's Television Act of 1990 (Public Law 101-437) and the Telecommunications Act of 1996 (Public Law 104-104), both of which documented public concerns about how electronic media products influence children's development.
(2) Congress has held hearings over the past several decades to examine the impact of specific types of media products such as violent television, movies, and video games on children's health and development. These hearings and other public discussions about the role of media in children's and adolescent's development require behavioral and social research to inform the policy deliberations.
(3) There are important gaps in our knowledge about the role of electronic media and in our nation's families' current understanding of the impact of electronic media on their children's and adolescent's healthy development. The consequences of very early screen usage by babies and toddlers on children's social, emotional, and cognitive development are not yet understood, nor has a research base been established on the psychological consequences of home entertainment interactive media.
(4) Studies have shown that children who primarily watch educational shows on television during their preschool years are significantly more successful in school 10 years later even when critical contributors to the child's environment are factored in, including their household income, parent's education, and intelligence.
(5) The early stages of childhood are a critical formative period for development. Virtually every aspect of human development is affected by the environments and experiences that one encounters during his or her early childhood years, and media exposure is an increasing part of every child's social and physical environment.
(6) As of the late 1990's, just before the National Institute of Child Health and Human Development funded 5 studies on the role of sexual messages in the media on children's and adolescents' attitudes and sexual practices, a review of research in this area found only 15 studies ever conducted in the United States on this topic, even during a time of growing concerns about HIV infection.
(7) In 2001, a National Academy of Sciences study group charged with studying Internet pornography and youth health found virtually no literature about how much children and adolescents were exposed to Internet pornography or how such content impacts their development.
(8) In order to develop strategies that maximize the positive and minimize the negative effects of each medium on children's physical, cognitive, social, emotional, and behavioral development, it would be beneficial to develop a research program that can track the media habits of young children and their families over time using valid and reliable research methods.
(9) Research about the impact of the media on children and adolescents is not presently sufficiently supported by an interdisciplinary programmatic effort. The responsibility for directing the research is distributed across disparate agencies in an uncoordinated fashion, or is overlooked entirely. The lack of any centralization or organization for research minimizes the value of the knowledge produced by individual studies. A more productive approach to conducting research about the impact of the media on children and adolescents would be to establish a single, well-coordinated research effort with primary responsibility for directing the research agenda.
(10) Due to the paucity of research about electronic media, educators, and parents interested in implementing electronic media literacy initiatives do not have the evidence needed to design, implement, or assess the value of these efforts.
(b) PURPOSE.—It is the purpose of this Act to enable the National Institute of Child Health and Human Development to examine the role of electronic media in children's and adolescent's cognitive, social, emotional, physical, and behavioral development for generating valuable findings about the positive and negative roles and impact of electronic media use and exposure in the development of children and adolescents in the following core areas of child and adolescent development:

"(1) COGNITIVE.—The role and impact of media use and exposure in the development of children and adolescents within such cognitive areas as language development, attention span, problem solving skills (such as the ability to conduct multiple tasking: "SEC. 452H. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN AND ADOLESCENTS."

(a) IN GENERAL.—The Director of the Institute shall enter into appropriate arrangement with the National Academy of Sciences in collaboration with the Institute of Medicine to establish an independent panel of experts to review, synthesize and report on research, theory, and applications in the social, behavioral, and biological sciences and to establish research priorities regarding the role and impact of electronic media use and exposure to the content of child entertainment and media in the following core areas of child and adolescent development:

"(2) PHYSICAL.—The role and impact of media use and exposure to the content and medium of youth in the following core areas of physical development:

(3) SOCIO-BEHAVIORAL.—The role and impact of interactive media on children's and adolescent's family activities and peer relationships, including indoor and outdoor playtime, interaction with parents, consumption habits, social relationships, aggression, prosocial behavior, and other patterns of development.

(4) PILOT PROJECTS.—During the first year in which the National Academy of Sciences panel is summarizing the data and conducting a comprehensive research agenda in the children and adolescents and media area under subsection (a), the Secretary shall provide for the conduct of initial pilot projects to supplement and inform the panel in its work. Such pilot projects shall consider the role of media exposure on—

"(A) cognitive and social development during infancy and early childhood; and

"(B) the development of childhood and adolescent obesity, particularly as a function of media advertising and sedentary lifestyles that co-occur with media use.

"(c) RESEARCH PROGRAM.—Upon completion of the review under subsection (a), the Director of the National Institute of Child Health and Human Development shall develop and implement a program that funds..."
additional research determined to be necessary by the panel under subsection (a) concerning the role and impact of electronic media in the cognitive, physical, and socio-behavioral development of children and adolescents with a particular focus on the impact of factors such as media content, format, length of exposure, age of child or adolescent, and family and societal recognition of parental involvement. Such program shall include extramural and intramural research and shall support collaborative efforts to link such research to other National Institutes of Health research investigations on early child health and development.

"(d) Eligible Entities.—To be eligible to receive a grant under this section, an entity shall—

"(1) prepare and submit to the Director of the Institute an application at such time, in such manner, and containing such information as the Director may require; and

"(2) agree to use amounts received under the grant to carry out activities that establishing and implementing a research program relating to the effects of media on children and adolescents pursuant to guidelines developed by the Director relating to consultations with experts in the area of study involved.

"(e) Use of Funds Relating to the Media's Role in the Life of a Child or Adolescent.—An entity shall use amounts received under a grant under this section to conduct research concerning the social, cognitive, emotional, physical, and behavioral development of children or adolescents as related to electronic mass media, including the areas of—

"(1) television;

"(2) motion pictures;

"(3) DVD's;

"(4) interactive video games;

"(5) the Internet; and

"(6) cell phones.

"(f) Reports.—

"(1) Report to Director.—Not later than 12 months after the date of enactment of this section, the panel under subsection (a) shall submit the report required under such subsection to the Director of the Institute.

"(2) Report to Congress.—Not later than December 31, 2011, the Director of the Institute shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and Committee on Education and the Workforce of the House of Representatives a report that—

"(A) summarizes the empirical evidence and other results produced by the research under this section in a manner that can be understood by the general public;

"(B) places the evidence in context with other evidence and knowledge generated by the scientific community that addreses the same or related topics; and

"(C) discusses the implications of the collective body of scientific evidence and knowledge relating to the role and impact of the media on children and adolescents, and makes recommendations on how scientific evidence and knowledge may be used to improve social, developmental, and learning capacities of children and adolescents.

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

"(1) $10,000,000 for fiscal year 2006;

"(2) $15,000,000 for fiscal year 2007;

"(3) $15,000,000 for fiscal year 2008;

"(4) $20,000,000 for fiscal year 2009; and

"(5) $25,000,000 for fiscal year 2010.

By Mr. SMITH (for himself, Mr. CONRAD, Mr. STEVENS, Mr. HAGEL, and Mr. CHAFEE):

S. 580. A bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Real Estate Mortgage Investment Conduit Modernization Act, which is pleased to join my colleagues and friends, Senator KENT CONRAD, in introducing this legislation to accelerate economic growth for America.

A Real Estate Mortgage Investment Conduit (REMIC) is a tax vehicle created by Congress in 1986 to support the housing market and investment in real estate by making it simpler to issue real estate backed securities.

By pooling real estate loans into mortgage backed securities, REMICs offer residential and commercial real estate borrowers access to capital that would not otherwise be available. REMICs enable commercial banks and other lenders to sell their loans in the capital markets, thereby freeing up assets and other capital for investment. Because they contribute to the efficiency and liquidity of the U.S. real estate markets, REMICs help to mini-

"(II) Qualified Modifications.—

"(1) In General.—An obligation shall not fail to be treated as a qualified mortgage solely because of a qualified modification of such obligation.

"(2) Qualified Modification.—For purposes of this section, the term ‘qualified modification’ means, with respect to any obligation, any amendment, waiver, or other modification which is treated as a dispo-

"(IV) result in an instrument or property right which is not debt for Federal income tax purposes.

"(III) Defaults.—Under regulations prescribed by the Secretary, any amendment, waiver, or other modification of an obligation which is in default in whole or in part to which default is reasonably foreseeable may be treated as a qualified modification for purposes of this section.

"(IV) Deferral with Respect to Government Securities.—The requirements of clause (ii)(III) shall be treated as satisfied if, after the re-

"(2) Exception from Prohibited Transaction Rules.—Subparagraph (A) of section 860F(a)(2) of such Code is amended—

"By striking ‘or’ at the end of clause (iii);

"(B) by striking the period at the end of clause (iv) and inserting ‘or’;

"(C) by adding at the end the following new clause:

"(III) Amendments.—

"(A) Section 860(a)(3) of such Code is amended—

"(i) by redesignating clauses (i) and (ii) of subparagraph (A) as subclauses (I) and (II), respectively;

"(ii) by redesignating subparagraphs (A) through (D) as clauses (I) through (IV), respectively;

"(iii) by striking ‘The term and inserting the following:
called my office she thought she said she would have to sell her house in order pay the IRS. This is a family with modest means, living in a neighbor-hood that they describe as working class. Her husband’s medical costs are astronomical—$1,400 per month for his cancer treatments. The house is worth about $100,000 and the mitigation work did not add a significant amount to its value according to an appraisal they received. You can imagine that under these circumstances, the taxes on an addition of $45,000 would come out.

In a place like Louisiana where hurricanes and floods are as much a part of life as crawfish boils and Mardi Gras, the key to our peace of mind is the Na-tional Flood Insurance Program administered by FEMA. In Louisiana, 377,000 property owners participate in the National Flood Insurance Program. It is a real Godsend to the people of my state.

In addition, the National Flood Insurance Program provides funding for property owners to flood-proof their homes through the flood mitigation grant program. FEMA distributes these grant funds to the states which then pass them along to local communities. The local elected officials for mitigation and contract for the mitigation services. Communities use these funds to put homes on stilts, improve drainage on property, and to acquire flood proofing materials. These mitigation grants encourage property owners to take responsible steps to lessen the potential for loss of life and property damage due to future flooding. The grants also have the added benefit of saving money in the long term for the Flood Insurance program.

But the IRS has turned this valuable disaster preparedness and prevention program into a financial disaster for responsible property owners by making these payments taxable. The first time Christina and Raymond heard that this funding was taxable was when their local community sent them a letter at the beginning of this year.

All the people in my state ask for is a warning and an opportunity to protect themselves, their homes, and their loved ones from these disasters. Through the state-of-the-art systems developed by the National Weather Service, we can get a warning about a hurricane. We have sophisticated radar to track storms as we move through the Gulf of Mexico, or up the East Coast. When a Category 4 is coming we can prepare and pray. The IRS is making us prepare and pay.

This tax is unfair, unexpected, and an unfortunate policy decision. Unfair and unexpected because no one told Christina and Raymond that they would be taxed for accepting FEMA disaster mitigation assistance. The local officials in their parish were just as surprised as the property owners were. It is unfair to tax homeowners in the long term, the IRS will undercut the effectiveness of using mitigation as a means of decreasing future costs to the flood insurance program. It will force people to take risks that they will not be hit by a disaster.

Today, I am introducing legislation to protect these responsible property owners from this unfair tax. My bill ex-cludes disaster mitigation assistance from gross income. I have made it retroactive to last year in order to protect those property owners who received assistance in 2004.

I understand that a companion meas-ure has been introduced in the House of Representatives by Congressman Mark Foley of Florida. It is supported by a number of House members from states with high incidents of flooding and other natural disasters, many from Louisiana. I applaud the House for their work.

But this is not a regional, special-in-terest bill. FEMA makes mitigation grants for a variety of hazards in addition to flooding: fire, tornadoes, earthquakes, thunderstorms, dam failures, and a host of others. This is not a problem just for properties that flood. So if your constituents have used a federal dis-aster mitigation program to help make their properties safer, the tax man will come for them too.

It is essential that the Congress con-sider this legislation and pass it as soon as possible. As I said at the start of my remarks, tax day is coming. We need to act to protect responsible property owners from paying this unfair tax.

By Mr. SALAZAR:
S. 585. A bill to require the Secretary of the Interior to allow the continued occupation and use of certain land and improvements within Rocky Mountain National Park; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:
S. 584. A bill to require the Secretary of the Interior to allow the continued occupation and use of certain land and improvements within Rocky Mountain National Park; to the Committee on Energy and Natural Resources.

Last week, I introduced one bill and proudly cosponsored two others to make good on our Nation’s promise to honor and care for our veterans. Today, I am introducing a bill to discharge our debt to another group of patriotic Americans who served our Nation during the cold war—our nuclear weapons workers.

Many Americans contributed to our victory over communism in the cold war, including dedicated and brave men and women working in the laboratories and factories that fashioned the nu-clear weapons that helped bring the former Soviet Union to its knees. As a result of this patriotic service, many of these nuclear weapons workers con-tracted cancer and other disabling and fatal diseases.

In 2000, Congress recognized the sac-rifices made by our nuclear weapons
workers by enacting the Energy Employees Occupational Injury Compensation Act to provide benefits to nuclear weapons workers for their work-related illnesses, or to their survivors when these illnesses took their lives.

But today, a combination of missing recombination and degraded tape prevents many nuclear weapons workers from receiving the benefits that Congress intended, including many workers who served at the Rocky Flats facility in Colorado.

Throughout the decades, men and women worked at Rocky Flats, producing plutonium, one of the most dangerous substances in creation, and crafting it into the triggers for America’s nuclear arsenal. These men and women served a critical role in a program deemed essential to our national security by a succession of Presidents and Congresses. We owe them an enormous debt of gratitude.

These men and women were exposed to radioactive elements and other toxic compounds that we are still trying to identify, in amounts that we can only guess at. We don’t know what they were exposed to, how much or when. Part of the problem is that the existing science and technology did not allow us to monitor accurately. Part of the problem is that critical records have been lost or, in many cases, were never created by the government and its contractors.

Thankfully, Congress had the foresight in the Energy Employees Act to realize that some workers might not be able to prove that their cancers were caused by their work in nuclear weapons facilities, whether due to the lack of records or other problems that make it difficult or impossible to determine the dose of radiation they received.

To protect these workers, Congress designated a Special Exposure Cohort to receive benefits if they suffered from one of the cancers known to be linked to radiation exposure.

The bill I am introducing today would extend Special Exposure Cohort status to workers employed by the Department of Energy or its contractors at Rocky Flats according to the stringent requirements of the 2000 Act.

As a result of this designation, a Rocky Flats worker suffering from one of the 22 listed cancers can receive benefits despite the inadequate records maintained by the Department of Energy and its contractors.

My bill is a companion bill to the bipartisan House bill introduced by my friends, Congressman Mark Udall and Congressman Bob Beauprez from Colorado. I look forward to bipartisanship support in the Senate.

I am also proud to introduce a separate bill, this one to re-inject a small dose of humanity into our Federal bureaucracy.

Betty Dick is an 83-year-old woman who has spent much of the past 25 years on property within the boundaries of Rocky Mountain National Park. Over the course of those 25 years, Betty Dick has become a cherished part of the Grand Lake community. She has been a good citizen and has been happy to share her family’s beautiful cabin for civic events, and she has been a good neighbor to the National Park.

But now, the National Park Service believes it is compelled to evict Betty Dick. My bill, and a bipartisan companion bill introduced by Congressman Mark Udall and supported by Congressman Tom Tancredo, will authorize the National Park Service to allow Mrs. Dick to spend her last few summers at her cherished Grand Lake home.

Mrs. Dick has been living on this property subject to a 25 year lease with the Park Service. Fred Dick, Betty’s husband, died in 1992. Mrs. Dick knows she doesn’t have too many summers left, but she would like to spend them in her home.

The Park Service is apparently concerned that it does not have the authority to extend this lease or it is worried that to do so would set a bad precedent. On this, I respectfully disagree with my friends at the Park Service. I think evicting an 83-year-old woman from her family cabin would set a bad precedent.

My bill would simply require the Secretary of the Interior, as boss of the National Park Service, to enter into an agreement that will allow Betty Dick to continue to occupy her family cabin and property within Rocky Mountain National Park for the rest of her life. Mrs. Dick will continue to pay the rent that has been due under the prior lease. Mrs. Dick’s children and grandchildren will have no right to occupy the property after her death, and the cabin and property will then be managed by the Park Service.

I hope we haven’t reached the point where we can’t find a way to play a role in helping Betty Dick spend her last summers on the land that she loves.

I ask unanimous consent that the text of these two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Betty Dick Residence Protection Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) before their divorce, Fred and Marilyn Dick were tenants in common a tract of land that included the property described in section 5(b);

(2) when Fred and Marilyn Dick divorced, Marilyn Dick became the sole owner of the tract of land, but Fred Dick retained the right of first refusal to acquire the tract of land;

(3) in 1977, Marilyn Dick sold the tract to the United States for addition to Rocky Mountain National Park, but Fred Dick, acting in his right of first refusal, sued to cancel the transaction;

(4) in 1980, the lawsuit was settled through an agreement between the National Park Service, Fred Dick, and the heirs, successors, and assigns of Fred Dick;

(5) under the 1980 settlement agreement, Fred Dick and his wife, Betty Dick, were allowed to lease and occupy the 23 acres comprising the property described in section 5(b) for 25 years;

(6) Fred Dick died in 1992, but Betty Dick has continued to lease and occupy the property described in section 5(b) under the terms of the settlement agreement;

(7) Betty Dick’s lease and occupy the property described in section 5(b) will expire on July 16, 2005, at which time Betty Dick will be 83 years old;

(8) Betty Dick wishes to continue to occupy the property for the remainder of her life and has sought to enter into a new agreement with the National Park Service that would allow her to continue to occupy the property;

(9) the National Park Service has not been willing to enter into a new agreement with Betty Dick and is demanding that she vacate the property by July 16, 2005;

(10) since 1980, Betty Dick—

(A) has consistently occupied the property described in section 5(b) as a summer residence;

(B) has made the property available for community events; and

(C) has been a good steward of the property;

(11) Betty Dick’s occupancy of the property has not—

(A) been detrimental to the resources and values of Rocky Mountain National Park; or

(B) created problems for the National Park Service or the public; and

under the circumstances, it is appropriate for Betty Dick to be allowed to continue her occupancy of the property described in section 5(b) for the remainder of her natural life under the terms and conditions applicable to her occupancy of the property since 1980.

SEC. 3. PURPOSE.

The purpose of this Act is to require the Secretary of the Interior to permit the continued occupancy and use of the property described in section 5(b) by Betty Dick for the remainder of her natural life.

SEC. 4. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term “Agreement” means the agreement between the National Park Service and Fred Dick entitled “Settlement Agreement” and dated July 17, 1980.

(2) MAP.—The term “map” means the map entitled “Betty Dick Residence and Barn” and dated January 2005.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 5. RIGHT OF OCCUPANCY.

(a) IN GENERAL.—The Secretary shall allow Betty Dick to continue to occupy and use the property described in subsection (b) for the remainder of the natural life of Betty Dick, subject to the requirements of this Act.

(b) DESCRIPTION OF PROPERTY.—The property referred to in subsection (a) is the land and any improvements to the land within the boundaries of Rocky Mountain National Park identified on the map as “residence,” “occupancy area,” and “barn.”

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the occupancy and use of the property identified in subsection (b) by Betty Dick shall be subject to the same terms and conditions specified in the Agreement.

(2) PAYMENT.—In exchange for the continued use and occupancy of the property, Betty
Dick shall annually pay to the Secretary an amount equal to 1/2 of the amount specified in section 3(B) of the Agreement.

(d) Effect.—Nothing in this Act—

(1) precludes the construction of any structure on the property described in subsection (b) not in existence on November 30, 2004; or

(2) applies to the occupancy or use of the property described in subsection (b) by any person other than Betty Dick.

S. 855

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 “Rocky Flats Special Claims Act.”

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (hereinafter in this section referred to as the “Act”) was enacted to ensure fairness and equity for the civilian men and women who, during the past 50 years, performed duties uniquely related to the nuclear weapons production and testing programs of the Department of Energy and its predecessor agencies by establishing a program that would provide efficient, uniform, and adequate compensation for beryllium—related conditions and radiation—related health conditions.

(2) The Act provides a process for consideration of claims for compensation by individuals who were employed at relevant times at various locations, but also included provisio

(b) PURPOSE.—The purpose of this Act is to revise the Energy Employees Occupational Illness Compensation Program Act so as to include certain past and present Rocky Flats workers as members of the special exposure cohort.

SEC. 3. DEFINITION OF MEMBER OF SPECIAL EXPOSURE COHORT.

(a) In general.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)) is amended by adding at the end of paragraph (14) the following:

“(D) Radiation exposures for many workers were not measured or were missing and, as a result, the records are incomplete or estimated doses were assigned. There are many inaccuracies in the exposure records that the Institute is using to determine whether Rocky Flats workers qualify for compensation under the Act.

“(E) The model that has been used for dose reconstruction by the Institute in determining whether Rocky Flats workers qualify for compensation under the Act may be in error. The default values used for particle size and solubility of the internally deposited plutonium in workers are subject to reason—

SEC. 4. EXEMPTION FROM EXPOSURE TO RISK.

The Radiation Exposure Compensation Act (42 U.S.C. 7384 et seq.) (hereafter in this section referred to as the “Radiation Act”) is amended by adding at the end of section 3(b) of the agreement referred to as the “Radiation Act” and entered into in accordance with section 3(B) of the Agreement.

(a) Exemptions for certain nuclear warheads.

(b) Exemptions for certain nuclear warheads.

(c) Exemptions for certain nuclear warheads.

(d) Exemptions for certain nuclear warheads.

SEC. 5. IMPLEMENTATION.

The Administrator, Department of Energy, shall, upon request of a person, determine whether the person qualifies as a member of the special exposure cohort under the Act.

SEC. 6. RECORDS.

The Radiation Exposure Compensation Act (42 U.S.C. 7384 et seq.) (hereafter in this section referred to as the “Radiation Act”) is amended by adding at the end of section 3(b) of the agreement referred to as the “Radiation Act” and entered into in accordance with section 3(B) of the Agreement.

(a) Exemptions for certain nuclear warheads.

(b) Exemptions for certain nuclear warheads.

(c) Exemptions for certain nuclear warheads.

(d) Exemptions for certain nuclear warheads.

SEC. 7. ENHANCED RADIOACTIVITY.

The Radiation Exposure Compensation Act (42 U.S.C. 7384 et seq.) (hereafter in this section referred to as the “Radiation Act”) is amended by adding at the end of section 3(b) of the agreement referred to as the “Radiation Act” and entered into in accordance with section 3(B) of the Agreement.

(a) Exemptions for certain nuclear warheads.

(b) Exemptions for certain nuclear warheads.

(c) Exemptions for certain nuclear warheads.

(d) Exemptions for certain nuclear warheads.

SEC. 8. REPORTING.

The Radiation Exposure Compensation Act (42 U.S.C. 7384 et seq.) (hereafter in this section referred to as the “Radiation Act”) is amended by adding at the end of section 3(b) of the agreement referred to as the “Radiation Act” and entered into in accordance with section 3(B) of the Agreement.

(a) Exemptions for certain nuclear warheads.

(b) Exemptions for certain nuclear warheads.

(c) Exemptions for certain nuclear warheads.

(d) Exemptions for certain nuclear warheads.

SEC. 9. EXPANDED PROGRAM.

The Radiation Exposure Compensation Act (42 U.S.C. 7384 et seq.) (hereafter in this section referred to as the “Radiation Act”) is amended by adding at the end of section 3(b) of the agreement referred to as the “Radiation Act” and entered into in accordance with section 3(B) of the Agreement.

(a) Exemptions for certain nuclear warheads.

(b) Exemptions for certain nuclear warheads.

(c) Exemptions for certain nuclear warheads.

(d) Exemptions for certain nuclear warheads.

SEC. 10. IMPROVED TECHNOLOGY.

The Radiation Exposure Compensation Act (42 U.S.C. 7384 et seq.) (hereafter in this section referred to as the “Radiation Act”) is amended by adding at the end of section 3(b) of the agreement referred to as the “Radiation Act” and entered into in accordance with section 3(B) of the Agreement.

(a) Exemptions for certain nuclear warheads.

(b) Exemptions for certain nuclear warheads.

(c) Exemptions for certain nuclear warheads.

(d) Exemptions for certain nuclear warheads.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 76—EXPRESSING THE SENSE OF THE SENATE ON THE ANNIVERSARY OF THE DEADLY TERRORIST ATTACKS ON SPAIN ON MARCH 11, 2004

Mr. LIEBERMAN (for himself, Mr. ALLEN, Mr. DODD, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. Res. 76

Whereas on March 11, 2004, terrorists associated with the Basque separatist union to mark the anniversary of the worst terrorist attack on freedom and democracy by an international organization of democratic former heads of state and government dedicated to strengthening democracy around the world, is convening an International Summit on Democracy, Terrorism, and Security to commemorate the anniversary of the March 11, 2004, attacks in Madrid; and

Whereas the purpose of the International Summit on Democracy, Terrorism, and Security is to build a common agenda on how the community of democratic nations can most effectively confront terrorism, in memory of the victims of terrorism around the world; Now, therefore, be it

Resolved, That the Senate—

(1) expresses solidarity with the people of Spain as they commemorate the victims of the despicable acts of terrorism that took place in Madrid on March 11, 2004; (2) condemns the March 11, 2004, attacks in Madrid and all other terrorist acts against innocent civilians; (3) welcomes the decision of the European Union to mark the anniversary of the worst terrorist attack on European soil with a Day of Civic and Democratic Dialogue; (4) calls upon the United States and all nations to continue to work together to identify and prosecute the perpetrators of the March 11, 2004, attacks in Madrid; (5) welcomes the initiative of the Club of Madrid in bringing together leaders and experts around the world to develop an agenda for fighting terrorism and strengthening democracy; and (6) looks forward to receiving and considering the recommendations of the International Summit on Democracy, Terrorism, and Security for strengthening international cooperation against terrorism in all of its forms through democratic means.
WHEREAS since December 29, 1979, Syria has been designated a state sponsor of terrorism by the Secretary of State;

WHEREAS on December 12, 2003, the President signed the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2511 note), which declared the sense of the Congress that the Government of Syria should halt its support for terrorism and withdraw its armed forces from Lebanon, endorsed efforts to secure meaningful change in Syria, and authorized the use of sanctions against Syria if the President determines that the Government of Syria has not met the performance criteria included in that Act.

WHEREAS the President has imposed the sanctions mandated by that Act, which prohibit the export to Syria of items on the United States Munitions List and the Commerce Control List, and has already imposed 2 of the 6 types of sanctions authorized by that Act, by prohibiting the export to Syria of products of the United States (other than food or medicine) and prohibiting aircraft of any air carrier owned or controlled by Syria to take off from or land in the United States; Whereas the Secretary of State, Kofi Annan, recently stated that Syria continues to maintain more than 14,000 troops in Lebanon;

WHEREAS United Nations Security Council Resolution 1559 (September 2, 2004) calls for the withdrawal of all foreign forces from Lebanon, the disbanding and disarmament of all armed groups in Lebanon;

WHEREAS on February 14, 2005, the former Prime Minister of Lebanon, Rafik Hariri, and 18 others were assassinated in an act of terrorism in Beirut, Lebanon;

WHEREAS the Secretary of State recalled the United States Ambassador to Syria, Margaret B. Royce, following the assassination of Rafik Hariri; and

WHEREAS on February 28, 2005, the Prime Minister of Lebanon, Omar Karami, resigned, dissolving Lebanon’s pro-Syrian Government; Now, therefore, be it

RESOLVED, That the Senate

(1) recognizes the extraordinary contributions of the late Arthur Miller for his service to the Nation in the theater, in literature, and in his advocacy of the freedom to speak and write with conviction and courage;

(2) honors him as a great American literary pioneer; and

(3) expresses its deepest condolences upon his death to his family members and his friends.

Mr. HATCH. Mr. President, I rise today to pay tribute to the legendary playwright Arthur Miller, who passed away on February 10, 2005 at the age of 89.

Anyone who has experienced "Death of a Salesman," "A View from the Bridge," "The Crucible," or any of his innumerable masterpieces would certainly agree that Arthur Miller established himself as one of the preeminent American playwrights of our time. A master of the literary genre, he may have left us, but his work will live forever, from Broadway to the local high school or college theater.

Today my colleague from Massachusetts and I submit a resolution recognizing the genius of this literary giant, a man who not only captivated our souls with his art but also motivated us to protect the freedom to speak and write with conviction and courage.

I do not want to take up the Senate's time with a long biographical or literary commentary on the life and works of Arthur Miller because I know I would inevitably fail to do justice to him. Instead, I shall share a personal experience that demonstrated the amazing and unique qualities of this wonderful man.

As some in the Senate will remember, one of Arthur Miller's last public speaking appearances was at a hearing before the Judiciary Committee last year, at which he advocated passage of the Hatch-Kennedy Playwrights Licensing Antitrust Initiative Act.

The day of the hearing, I had the opportunity to meet privately with Mr. Miller in my Senate office. Though well into his eighties, he spoke with passion and eloquence about the critical importance of live theater and writers to social, intellectual, and political discourse. He also demonstrated his delightful—and occasionally devilish—wit and prodigious intelligence, both of which he had retained in extraordinary abundance.

Although we came from very different backgrounds, and radically different political perspectives, it was an honor and a sincere pleasure to come to know—however briefly—a man of his stature, accomplishments, and surpassing intellect.

Our lives were enriched by Arthur Miller, and we—as individuals, as a people, and as a Nation—are diminished by the passing of so magnificent an American talent. He will be sorely missed, and will be remembered with reverence and affection by those—like me—whose lives he touched.

I hope that my colleagues will join me and Senator Kennedy—who is the leading cosponsor of this resolution—in recognizing and honoring the life and accomplishments of Arthur Miller by supporting swift passage of this resolution.

I ask unanimous consent that the remarks of Arthur Miller before the Senate Judiciary Committee on April 28, 2004, be printed in the RECORD.

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

Mr. Chairman. Members of the Committee.

Today my colleague from Massachusetts and I submit this resolution today in support of S. 2349, The Playwrights Licensing Antitrust Initiative Act of 2004.

In preparing for this testimony today, I am reminded of Muriel Humphrey’s admonishment to her husband: “Hubert, a speech does not need to be eternal to be immortal.” I will take that advice to heart as I testify today.

It has been some time since I was last asked to testify before Congress. But, I have to tell you, today I am actually happy to appear on behalf of what I believe is truly an important topic worthy of Congressional debate and action—the future of the American theater.

I have been blessed to be lucky enough to be a successful playwright. Many of my plays, I am proud to say, have won critical acclaim—Death of a Salesman and The Crucible won a Pulitzer and a Tony award respectively. 

I raise these plays, and my success, not to brag, but to emphasize an important point: I and my colleagues before you today are here not for ourselves, but for others. We are here on behalf of the playwrights: The Arthur Millers, the Stephen Sondheims and the Wendy Wassersteins...
as young playwrights. Indeed, the American theater risks losing the next generation of playwrights to other media and opportunities as the pressures on playwrights increase and the ability to protect their commercial and artistic interests diminish. The legislation we are advocating isn’t for us; it’s for them. And it’s for the theater-going public.

The legislation proposed by Senator Hatch and Senator Kennedy, is meant to keep the legacy of aspiring playwrights who have otherwise failed. It will help ensure that American playwrights, through the theater, can speak to the hearts and minds of the audience. That we can challenge social mores, ideology, beliefs or simply entertain. Drama is one of civilization’s greatest art forms and we must do all that we can to promote its vitality.

The theater has undergone enormous changes over the years. From its entrepreneurial start it has become increasingly dominated by corporate interests. Sure, business is changing in virtually every sector of our economy and there is no reason that the theater should be immune from business pressures.

But, unfortunately, in the midst of these increasing pressures, only one entity does not have a seat at the bargaining table: the playwright. The status of the playwright is difficult to discern as it has fallen under the pressures. The status of the playwright is not have a seat at the bargaining table: the playwrights. The status of the playwright is dominated by corporate interests. Sure, business is changing in virtually every sector of our economy and there is no reason that the theater should be immune from business pressures.

Today many new playwrights are presented with take-it-or-leave-it contracts. In their hunger to get their plays produced, many have no choice. Others, facing the economic pressures that face all-too-many people in today’s economy, are abandoning their dreams of writing for the theater as they go to Hollywood or write for other media.

Some may say that this is just basic economics. But, the legislation the Chairman and Senator Kennedy have introduced is not intended to change the laws of economics. It simply asks that producers help playwrights to protect their economic and artistic interests.

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the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the United Nations Declaration on Violence Against Women, the Convention on the Rights of the Child, the Convention on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Protection of All Persons From Enforced Disappearance; and

Whereas continuing impunity for these crimes threatens to make the rule of law in Mexico: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the ongoing abductions and murders of young women in Ciudad Juarez and the city of Chihuahua in the State of Chihuahua, Mexico, since 1993;
(2) expresses its sincerest condolences and deepest sympathy to the families of the victims of these murders;
(3) recognizes the courageous struggle of the victims’ families in seeking justice for the victims;
(4) urges the President and Secretary of State to incorporate the investigative and prevention efforts of the Mexican Government in the bilateral agenda between the Governments of Mexico and the United States and to continue to express concern over these abductions and murders to the Government of Mexico;
(5) urges the President and Secretary of State to continue to express support for the efforts of the families to seek justice for the victims, to express concern regarding the continued harassment of these families and the human rights defenders with whom they work, and to express concern with respect to impediments in the ability of the families to receive prompt and accurate information in their cases;
(6) supports efforts to identify unknown victims through forensic analysis, including DNA testing, conducted by independent, impartial experts who are sensitive to the special needs of the families of the victims, as well as efforts to make these services available to any families who have doubts about the results of prior forensic testing;
(7) condemns the use of torture as a means of investigating these crimes;
(8) encourages the Secretary of State to continue to include in the annual Country Reports on Human Rights of the Department of State all instances of improper investigatory methods, threats against human rights activists, and the use of torture with respect to cases involving the murder and abduction of young women in the State of Chihuahua;
(9) encourages the Secretary of State to urge the Government of Mexico and the State of Chihuahua to review the cases of all women murdered in which those accused or convicted of murder have credibly alleged they were tortured or forced by a state agent to confess to the crimes;
(10) strongly recommends that the United States Ambassador to Mexico visit Ciudad Juarez and the city of Chihuahua for the purpose of meeting with the families of the victims, women’s rights organizations, and Mexican Federal and State officials responsible for investigating these crimes and preventing future such crimes;
(11) encourages the Secretary of State to urge the Government of Mexico to ensure fair and proper judicial proceedings for the individuals accused of these abductions and murders and to impose appropriate punishment for those individuals subsequently determined to be guilty of such crimes;
(12) encourages the Secretary of State to urge the State of Chihuahua to hold accountable those law enforcement officials whose failure to adequately investigate the murders, whether through negligence, omission, or abuse, has led to impunity for these crimes;
(13) recognizes the special prosecutor has begun to review cases and encourages the expansion of her mission to include the city of Chihuahua;
(14) strongly supports the work of the special commissioner to prevent violence against women in Ciudad Juarez and Chihuahua City;
(15) condemns all senseless acts of violence in all parts of the world and, in particular, violence against women; and
(16) expresses the solidarity of the people of the United States with the people of Mexico in the face of these tragic and senseless acts.

AMENDMENTS SUBMITTED AND PROPOSED

SA 138. Mr. SPECTER submitted an amendment intending to be proposed by him to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 138. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; which was ordered to lie on the table:

On page 500, strike lines 7 through 11, and insert the following:

(1) by redesignating subsection (l) as subsection (m); and
(2) by inserting after subsection (k) the following:

(‘(l) Notwithstanding any other provision of this section, the benefits required to be provided by a last signatory operator under chapter 99 of the Internal Revenue Code of 1986, may not be terminated or modified by any court in a proceeding under this title.
(‘m) If the debtor, during the 180-day period ending"

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON RANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 9, 2005, at 10 a.m. to conduct a hearing on “The State of the Securities Industry.”

Concurrent with the hearing, the committee intends to vote on the nomination of Mr. Ronald A. Rosenfeld, of Oklahoma, to be a director of the Federal Housing Finance Board.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 9, at 10 a.m.

The purpose of the hearing is to consider the nominations of Patricia Lynn Scarlett to be Deputy Secretary of the Interior and Jeffrey Clay Sell to be Deputy Secretary of Energy.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, March 9, 2005, at 9:30 a.m. to conduct a business meeting regarding S. 131, Clear Skies Act of 2005. The hearing will be held in SD-406.

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

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open executive session during the session on Wednesday, March 9, 2005, at 10 a.m., to consider an original bill entitled, Personal Responsibility and Individual Development for Every-}

SA 138. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; which was ordered to lie on the table:

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, March 9, 2005, at 10 a.m. in SD-439.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, March 9, 2005, at 10 a.m. for a hearing to consider the Department of Homeland Security’s budget submission for fiscal year 2006.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, March 9, 2005, at a time to be determined, to hold a business meeting to consider the nominations of Michael Jackson to be Deputy Secretary of Homeland Security, and Raymond Wagner, to be a member of the Internal Revenue Service Oversight Board, Washington, DC.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 9, 2005, at 10 a.m. to conduct a hearing on ‘‘The State of the Securities Industry.’’

Concurrent with the hearing, the committee intends to vote on the nomination of Mr. Ronald A. Rosenfeld, of Oklahoma, to be a director of the Federal Housing Finance Board.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, March 9, 2005, at 9:30 a.m. to conduct a business meeting regarding S. 131, Clear Skies Act of 2005. The hearing will be held in SD-406.

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

COMMITTEE ON FINANCE

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Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 9, 2005, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on S. 147, the Native Hawaiian Government Reorganization Act, and S. 536, a bill to make technical corrections to laws relating to Native Americans, and for other purposes, to be followed immediately by an oversight hearing on Indian Trust Reform.

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

COMMITTEE ON VETERANS’ AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Wednesday, March 9, 2005, for a joint hearing with the House of Representatives’ Committee on Veterans’ Affairs, to hear the legislative presentation of the Veterans of Foreign Wars.

The hearing will take place in room 216 of the Hart Senate Office Building at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 9, 2005 at 3 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on March 9, 2005, at 9:30 a.m., in open session to receive testimony on the Department of Defense Science and Technology Budget and Strategy.

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

MEASURE READ THE FIRST TIME—S. 570

Mr. FRIST. Mr. President, I understand there is a bill at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 570) to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals’ health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals’ wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

Mr. FRIST. I now ask for its second reading and, in order to place the bill on the Calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, MARCH 10, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until 9:30 a.m. on Thursday, March 10. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business with the time until 11 a.m. equally divided between the two leaders or their designees; provided that at 11 a.m. the Senate resume consideration of S. 256, the Bankruptcy Reform Act, as provided under the previous order.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow, following morning business, the Senate will resume consideration of the Bankruptcy Reform Act. Under the previous order, upon returning to the bill at 11 a.m., the Senate will proceed to a series of stacked rollcall votes on two Kennedy amendments and the Akaka amendment to the bill. We will then have an additional series of votes a little later in the afternoon which will culminate with a vote on final passage.

I want to thank my colleagues for their work on the bill. The schedule for the completion of this bill was worked out on both sides and will allow us to finish the bill at a reasonable hour tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:32 p.m., adjourned until Thursday, March 10, 2005, at 9:30 a.m.
HONORING THE CONTRIBUTIONS OF LAREDO INDEPENDENT SCHOOL DISTRICT PRESIDENT DENNIS CANTU

HON. HENRY CUELLAR OF TEXAS IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the distinguished public service of Laredo Independent School Board President Dennis Cantu.

Dr. Cantu grew up in Texas, graduating from J. W. Nixon High School. He majored in Biology at Baylor University in Waco, and received his Doctorate in Medicine from Baylor College of Medicine in Houston at the age of 23. He specialized in internal medicine, and is currently a Board Certified Internist who practices at Laredo Medical Center and Doctor's Hospital.

Dr. Cantu continues to serve the community as Medical Director of the Laredo Fire Department. He was honored in 2004 for his enormous contribution to the health and safety of Laredo when one of the Laredo schools was named the Dr. Dennis D. Cantu Health Science Magnet School in his honor.

Dennis Cantu is now serving his fifth term as President of the Laredo Independent School District Board of Trustees. He has been a trustee for 15 years, and has previously held the posts of Secretary and Vice President. Dennis Cantu is an invaluable resource for Laredo, Texas, and a tireless advocate for the health and education of his fellow citizens.

Mr. Speaker, I am proud to have this opportunity to recognize Laredo Independence School District Board President Dennis Cantu, and to thank him for his service.

CONGRATULATING NIAGARA UNIVERSITY MEN’S BASKETBALL TEAM

HON. LOUISE McINTOSH SLAUGHTER OF NEW YORK IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

Ms. SLAUGHTER. Mr. Speaker, I rise today to congratulate the Niagara University Men’s Basketball Team on winning the 2005 Metro Atlantic Athletic Conference (MAAC) Tournament on March 7, 2005. Their win by a score of 81–59 over Rider University clinched the Purple Eagles' second NCAA Tournament berth, the first appearance since 1970.

After heartbreaking losses in the conference title game two out of the last three years, the Purple Eagles showed their perseverance to break through to the “big dance.” The accomplishments of Juan Mendez, who was the MAAC player of the year and named tournament MVP, and all-tournament teammates Lorenzo Miles and David Brookshad are impressive, but each member of the team needs to be congratulated for this title game win.

However, a team is only as successful as its leader, and Coach Joe Mihalich, now in his seventh season at Niagara University, exemplifies everything that is good about college athletics. He demands accountability from his players both on and off the court, and is a strong role model for the entire University community. Under Mihalich’s guidance, the Purple Eagles have won three of the past seven MAAC regular-season titles, advanced to the MAAC Championship game three times, and has posted seven-straight winning seasons. Along the way, Mihalich quietly has collected the second-most wins in school history and was the first Niagara coach to reach 100 wins in just his sixth season at the helm.

Mr. Speaker, I cannot be prouder of the Niagara University’s Purple Eagles, and I wish to commend University President Father Joseph Levesque, the coaching staff and players, and students at Niagara University for this championship season. I will be eagerly watching the team’s first round game in the NCAA tournament as they proudly represent Niagara University on the national stage.

HAITI

HON. BARBARA LEE OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

Ms. LEE. Mr. Speaker, I rise to open the CBC Special Order on Haiti.

Haiti should be in the hearts and minds of all who support justice, democracy, and freedom.

Until Haiti knows peace, we who are here tonight, “the conscious of the Congress” will remain duty-bound to bring our neighbors struggles to light.

This week commemorates the one-year anniversary of Haiti’s 33rd coup d’etat.

As we reflect on the internationally orchestrated ousting of President Jean Bertrand, I am convinced more than ever that President Bush undercut the potential for a diplomatic solution to last year’s violent revolt and overthrow of democratically elected President, Jean Bertrand Aristide.

One year later, the result of the coup has left Haiti a breeding ground of the morally corrupt.

Drug dealers, thugs and brutal militia men who have taken the lives of hundreds of Haitians, raped and tortured women and children, and killed the coffers of the Haitian rich and elite who support and sponsor their terror now rule the country.

The interim Haitian Government has even gone so far as to reward these thugs with positions in government and label them “freedom fighters”.

Today, Tom Griffin, renowned human rights activist, addressed the CBC Haiti Task Force and gave us a first-hand account of the human rights abuse and climate of destruction in Haiti.

He showed us gruesome pictures and reviewed the abysmal human rights report from his November trip.

The pictures show the battered-bloody bodies left in the street. A morgue full of hundreds of nameless, silenced voices that died at the hands of Haitian National police.

Babies who have no chance at life—because there is no food, no clean water, and no hope for the future—were placed in cardboard boxes.

Where were the U.N. troops?

Mr. Griffin’s report was based on only 10 days in Haiti show but a glimpse of what the conditions are in Haiti. What about Haitians who have had to live in this corrupt-police state since Aristide’s departure?

Who will Haitians call on for safety and protection? For basic electricity, health care, food and water?

They can’t call on their elected officials, because they weren’t elected—they were installed.

And who is to blame for the removal of democracy and Haiti’s transformation toward hopelessness?

Mr. Speaker, the current state of affairs in Haiti is the product of this Administration’s doing.

By refusing to work bilaterally with the Government of Haiti and President Aristide, by embargoing aid and humanitarian assistance to the government, by funding and encouraging opposition groups, thugs, rebels and the like, not to work with Aristide toward a political settlement, and by bullying the CARICOM countries to turn a blind eye to their fellow member state; the Bush Administration contributed to the current political instability and provided the environment for a coup d’etat to occur.

Mr. Speaker, I believe the issue of Haiti is simply an issue of democracy, and the Bush Administration has been instrumental in toppling a democratically-elected government. Step by step they have worked to undermine President Aristide, for example:

1. First, the Administration propped up Haitian opposition leaders; allowing political obstructionists to refuse and reject any plan for peace and democratic elections since the passage of OAS Resolution 822, and ultimately stonewalled the elections process by rejecting the Catholic Bishops Plan, the CARICOM Plan, and finally the International Peace Plan.

2. Second, the Administration funded civil society and political opposition parties with USAID funding and arming paramilitary and military factions in the Dominican Republic where Guy Philippe and other insurgents began their recent assault on democracy.

3. Lastly, the Administration hindered the instant support of peacekeepers and bullied the international community into blocking peacekeeping support that would have secured Haiti and protected “then” President Aristide.

The Bush Administration must never again pre-empt democracy but instead allow the Haitian people, and the Caribbean community to set the course for Haiti.
When the Administration was questioned regarding their involvement in Haiti, they justified their actions by claiming that the policies of President Aristide’s effectiveness as a President.

Mr. Speaker, I myself have had many issues with the policies of President Bush. And I have called on the Bush Administration to tell the truth about Haiti, and the issues right for the Haitian people. I have introduced to develop a special court in Haiti to try those who continue to stifle democracy and create the release of political prisoners like Yvonne Neptune, and disarm the thugs and rebels. I call on the Bush Administration to do what is right for Haiti, and the United States, and moreover democracy.

It is our moral obligation to find out the truth about this coup d’etat and cast light on the alleged covert activities of the Bush Administration. It is time to stop the political pillaging of the country and begin saving Haitian lives for the future stability of the country.

Members of this Congress must condemn the continued violence and murders of Haitians, the Bush Administration, the OAS, and the U.N. to fully support democracy, the continued violence and murders of Haitians, and call on the Bush Administration, the United States, and moreover democracy.

It is TRUE, that the Administration has, in essence, carried out a form of “regime change” different from what it took in Iraq, but still regime change, and we must bring their actions to light.

Shame on President Bush and the international community that is silent as thousands of young Haitian poor men, women and children are murdered in the streets and stripped of their chance for democracy, peace, and a basic decent life.

Mr. Speaker, Haiti boils down to democracy, fairness, and freedom, concepts that the Bush Administration must learn to respect and uphold.

Tillie Kidd Fowler. Mrs. Fowler was a distinguished member of this House from 1993 to 2000. She was a personal friend and someone who I admired greatly.

Tillie was as good a Representative as this House has seen. She was tenacious in the defense of her constituents, principled to a point, and willing to listen to any good argument.

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important of contributions of Laredo Independent School District Superintendent Sylvia Bruni.

Ms. Bruni graduated from Incarnate Word College in San Antonio, with a Bachelor of Science Degree in English, Spanish, and Education. She became a high school English teacher, and taught at the United Independent School District for 17 years.

In addition to providing an education for others, Sylvia Bruni has served as an example of perseverance, dedication, and public service; and our Nation sharp intellect to climb to the highest levels of government and public service; and our Nation.

The Center now offers a wide range of services and programs addressing the psychological, educational, and social needs of women and families. Counseling services, including group therapy and support groups, are now offered to women, couples, families and children. The Center’s Information and Referral Service, which acts as a resource gateway for local human service issues, handles about 25,000 calls a year.

In closing, Mr. Speaker, I congratulate The Women’s Center on its comprehensive range of services and unique contribution to the state of education in Southwest Texas.
On the occasion of this 20th Annual Leadership Conference, I ask my colleagues to join me in acknowledging this outstanding and distinguished organization.

JOY TRAINING IMPROVEMENT ACT OF 2005

SPEECH OF
HON. ROBERT E. ANDREWS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 27) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, getting a comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes:

Mr. ANDREWS. Mr. Chairman, while I did not support the Workforce Investment Act Reauthorization bill that was passed by this body, I would like to thank Chairman BOEHNER, as well as the Republican and Democratic Committee staffs, for assisting me in adding two significant amendments to the bill.

The first of these amendments relates to domestic microcredit, and ensures that local one-stop centers may use funding to provide information about the benefits of microcredit lending, and the local institutions that provide such loans, to individuals partaking in entrepreneurial training. The second amendment creates a demonstration project which will provide funds to industry consortia for the purpose of workforce training and development. Businesses, institutions of higher education, employee representatives, and workforce development community-based organizations within an industry will be able to join together to identify and address workforce needs within their given industry. These funds can be used to advance worker skills, conduct analyses of skill deficiencies and plans to address them, and develop rigorous training and education programs related to employment in high-growth, high-wage industries. The amendment creates a "win-win" for employers and employees, as it would help employers improve their workforce, and allow employees to obtain the skills necessary to advance their careers.

Again, I feel strongly that these amendments will result in positive changes to current law, and I thank Chairman BOEHNER as well as the Republican and Democratic staffs of the Education and the Workforce Committee for their assistance.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

Mr. GALLEGLY. Mr. Speaker, on Thursday, March 3, 2005, I had left the chamber after the voice vote on the final passage of H.R. 841, the Continuity in Representation Act, thinking that congressional business had ended for the day. I did not know that subsequently the vote was vacated and a rollocall vote was called. At that time I was on my way to Dulles Airport to fly back to my congressional district. If I had been present, I would have voted "aye" on final passage (rollocall vote 52).

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important contribution of United Independent School District Board of Trustees President John Bruce in Laredo, TX in my Congressional District.

John Bruce is the President of the U.I.S.D. Board of Trustees. Bruce decided to make a run for elected office because he did not agree with some of the decisions the Board was making. Armed with that motivation, he ran for and was elected to the board in May 2002. "It's been a challenging and interesting experience," Bruce said. "I've met a lot of fine people."

John Bruce is the Director of the Laredo Job Corps, an education training facility. As Center Director of Laredo Job Corps, Bruce oversees an organization with an annual budget of $5,500,000. Bruce is also a certified commissioned peace officer and a licensed law enforcement instructor. He is a certified k–9 trainer, a member of the Sheriff's Department SWAT team, and is a former Special Forces Operations officer in the U.S. Army Reserve.

Bruce ran on the platform of safety in our schools. He initiated the K–9 Patrol Program in UISD to help curtail drug and gang activity at district campuses. Job Corps recently donated two K–9s, which saved the district nearly $12,000.

Bruce has a Bachelor of Arts degree in journalism and history from Texas A & I University in Kingsville. He is also a licensed customs broker. Bruce has held numerous positions in several civic and community organizations. He was a member of the 2001 USISD Blue Ribbon Committee, he was vice president of the United High School Booster Club, and Bruce also serves as an advisor to Explorer Post 437. He is a member of the Laredo Masonic Lodge, the Laredo Shriners, and the Elks Lodge.

Mr. Speaker, I am proud to have this opportunity to recognize United Independent School District Board President John M. Bruce.

TRIBUTE TO ELENA ANUZIS

HON. THADDEUS G. MCCOTTER
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. MCCOTTER. Mr. Speaker, last week, the State of Michigan and Detroit area community lost a member whose life was characterized by an altruistic commitment to her fellow human beings.

As the youngest daughter of a mill owner and a loving mother, Elena Anuzis was born in Lithuania in 1920, where she grew up in a peaceful country home with three sisters and a brother. But shortly after she married Ceslovas Anuzis, their peaceful life together was ravaged by World War II and the Soviet Union’s subsequent occupation of their nation. Fearful for their lives, Elena and Ceslovas fled their country and traveled to the United States, specifically to Michigan, where they settled in Detroit and raised their four children—Aura, Gailute, Saulius and Andrius.

Elena, along with her husband, is honored by the state of Israel as “Righteous Among the Nations,” an honor bestowed to individuals who risked their lives to rescue Jews from the holocaust. Although their means were meager, they were willing to shelter Hasia Green-Gasievitz, sent to them by a Catholic Nun from a nearby monastery. There is evidence the couple helped others. They rescued two Jewish girls from the Vilna Ghetto and found shelter for them at the home of a pharmacist in Lyda. They also provided false documentation for other Ghetto escapees.

Mr. Speaker, every day Americans live extraordinary lives, and Elena Anuzis exemplifies their quiet courage and sublime virtue. She triumphed over momentous trials and tribulations and, despite witnessing the horrors of inhumanity, she never ceased espying, eying and playing the best for everyone: and, in essence and act, generously giving of her heart and soul to her fellow human beings. Let us then all pause to honor Elena; and extend our deepest condolences to her loved ones.

CELEBRATING THE 90TH BIRTHDAY OF LCDR ISRAEL G. “TEX” SEEGER, USNR (RET.)

HON. GARY L. ACKERMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. ACKERMAN. Mr. Speaker, I rise today to celebrate the 90th birthday of Israel G. "Tex" Seeger and to honor his great contributions to the United States. Tex turns 90 on March 21, 2005, and he will celebrate this momentous occasion on March 26, 2005 at a special dinner with family and friends.

Tex’s courage and brave dedication have made our country and the great State of New York extremely proud. Tex volunteered for the United States Navy on June 30, 1941. After graduating second in a class of 500, from the U.S. Navy V–7 Midshipman Training Program, Tex was awarded an officer’s sword for achieving the highest grade in engineering for deck midshipmen. Tex began his service as Deck Division Officer and Boating Group Commander aboard the USS Edward Rutledge, an attack transport, during the invasion of North Africa. He then went on to serve as Operations Officer aboard the USS Harry Lee, another attack transport, during the invasion of Sicily, Tarawa, Kwajelein, and New Guinea.

In May of 1944, Tex was one of 50 Naval Officers selected to take the Preparatory Staff Course at the Naval War College. Following his graduation, Tex served as Operations Officer and Flag Secretary on the Staff of Rear Admiral Oscar C. Badger, where his duties included preparing contingency operation plans.
HONORING THE CONTRIBUTIONS OF LAREDO INDEPENDENT SCHOOL DISTRICT BOARD MEMBER GEORGE M. BECKELHYMER

HON. HENRY CUELLAR OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the contributions of Laredo Independent School District Board Member George M. Beckelhymer, of my Congressional District in Laredo, Texas.

Mr. Beckelhymer graduated from the University of Texas at Austin, earning his bachelor's degree in radio, television, and film. After graduation he decided to venture into the business world, and he became part owner of L. Buffalo Pawn Shop.

In May 2002 he was elected to District 4 of the LISD Board of Trustees, and currently serves as Secretary of the Board. His District includes Sanchez/Ochoa Elementary, Alma Pierce Elementary, K. Tarver Elementary, and J.W. Nixon High School. Mr. Beckelhymer believes in working together with all of the appointed Trustees to create a good working environment between faculty, parents, and children.

Mr. Beckelhymer enjoys working for the community, and is an active member of the Citizens Environmental Advisory Committee in the City of Laredo. Beckelhymer hopes to ensure that all students receive the best quality education to prepare them for the future, and he is proud that he is able to help the community move in a positive direction.

Mr. Speaker, I am proud to have had the opportunity to honor Laredo Independent School District Board Member George M. Beckelhymer.

PERSONAL EXPLANATION

HON. EMANUEL CLEAVER OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. CLEAVER. Mr. Speaker, on Tuesday March 8, 2005, I was unable to cast my vote on H. Res. 133 and H. Res. 122. Had I been present, I would have voted "yea" on rollcall 53, 54, and 55.

THE WALNUT CANYON STUDY ACT OF 2005

HON. RICK RENZI OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. RENZI. Mr. Speaker, I rise today to introduce the Walnut Canyon Study Act of 2005.

The Walnut Canyon National Monument was originally designated by Presidential proclamation on November 30, 1915, to protect Sinagua cliff dwellings. Since the original designation, the Walnut Canyon National Monument has been expanded to include 3,580 acres to protect additional ruins adjacent to the Monument.

In the past few years, several groups have proposed expanding the Monument with surrounding Forest Service land and designating this expanded area as a National Park. To further explore the options of the Walnut Canyon National Monument and potential inclusion of this expanded area, along with Senator McCain, I have introduced the Walnut Canyon Study Act.

The Walnut Canyon Study Act of 2005 directs the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the management of certain land adjacent to the Walnut Canyon National Monument.

Coconino County and the City of Flagstaff have both passed resolutions supporting further review and study of the management options for the Walnut Canyon National Monument. In both resolutions, support for maintaining certain public uses in the Monument was relayed, as well as the need for the protection of the resources in the Monument.

Mr. Speaker, this legislation provides for public input into any recommendation that is forwarded by the Secretary of the Interior and the Secretary of Agriculture. Within the study, the legislation requires the Secretaries to look at the management objectives of the Forest Service and the National Park Service, as well as the opportunities for maintaining existing public uses, such as grazing, hunting, mountain biking, rock climbing and additional forms of recreation.

Mr. Speaker, I urge my colleagues to support the Walnut Canyon Study Act of 2005. My intent in introducing this legislation is to help resolve the question of future management of the Walnut Canyon National Monument.

HONORING THE POLK COUNTY ENTERPRISE ON THEIR 100TH ANNIVERSARY

HON. KEVIN BRADY OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. BRADY of Texas. Mr. Speaker, I rise today, to honor and congratulate the Polk County Enterprise on their centennial anniversary, which they are celebrating throughout this year. The Polk County Enterprise has been a faithful banner of news and source of record for generations of residents in East Texas. From a humble founding by young entrepreneur Will West in the fall of 1904 the Polk County Enterprise and its parent company Polk County Publishing has grown to a circulation of over 60,000 including seven weekly and bi-weekly newspapers, three shoppers, and two job-printing operations.

Throughout its 100 year history, the paper has had only 16 publishers. Mr. Alvin Holley, the current publisher of the Polk County Enterprise has served in his position for the last thirty years—the longest of any publisher at the Enterprise. I am pleased to report he has no plans to retire anytime soon.

Mr. Holley got his start in the newspaper business as a paperboy for the Corsicana Daily Sun. The papers sold for a nickel each, Holley’s profit was two cents per paper. That may not seem like much by today’s standards—but back then a movie show cost only nine cents.

Mr. Holley stayed in the newspaper business—and after high school worked in the newspaper’s business office and occasionally was assigned news stories. He was named the advertising manager in 1963 and served there until 1972 when he took a position with the Polk County Enterprise. Two short years later, Holley bought the Enterprise and remains its publisher to this day.

Mr. Holley credits his paper’s success to the employees that keep the presses running. In a recent interview, Holley told that the combined years of service of current employees exceeds 430 years and that the average length of service is 14 years. That says a lot.

The men and women of the Polk County Enterprise and Polk County Publishing Company not only love what they do for a living, but also obviously love their community.

From the days of Linotype to today’s high speed desk top computers, the Polk County Enterprise has covered all of the happenings in East Texas.

With a loyal staff and publisher who is just as likely to be caught working at the news desk or delivery bays as he is his private office—I am confident the Enterprise has many more exciting years in store.

Mr. Speaker, our nation’s hometown community newspapers have been the trusted source of news Americans have depended on since our nation’s earliest beginnings. The Polk County Enterprise has a proud legacy and I am honored to represent the communities that serve in the U.S. House of Representatives. I urge you to join me in congratulating the Polk County Enterprise on their 100th anniversary.
CONGRESSIONAL RECORD — Extensions of Remarks

RECOGNIZING THE DEDICATION OF UNITED INDEPENDENT SCHOOL DISTRICT BOARD MEMBER JUAN ROBERTO RAMIREZ

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important contribution of United Independent School District Board Member Juan Roberto Ramirez in Laredo, TX in my Congressional District.

Juan Roberto Ramirez is the Secretary on the United I.S.D. Board of Trustees. Even though Ramirez is the District 6 representative, he says his goal is to serve the District as a whole and give the students the best education programs possible. “Let’s not forget that we work united for what is best for our children,” Ramirez said.

Ramirez is a retired U.S. Customs Agent. He is a veteran of the Vietnam conflict, serving his country in the U.S. Army. After graduating from high school, Ramirez attended Laredo Community College and earned a degree in Business Administration. He is also a graduate of the Federal Law Enforcement Academy. Presently, Ramirez works full-time as a Career Advisor for the Laredo Job Corps, is a self-employed businessman, and a notary public. Ramirez served as Vice-Chairman for the Webb County Appraisal District Board of Directors from May of 2002 to July of 2004.

Ramirez is grateful for being elected and he feels honored by the confidence the voters in him. He promises to work hard for his constituents. “I have an open door to hear everyone’s concerns,” Ramirez said. “It’s an extra experience to be able to work for the kids in the district, to be part of a team that makes decisions for kids and staff.” Ramirez says it’s a thrill to be part of the Board, “it’s a great honor to work for my District.”

Mr. Speaker, I am proud to have this opportunity to recognize the contributions of United Independent School District Board Member Juan R. Ramirez.

TRIBUTE TO CATHY FINK AND MARCY MARXER

HON. CHRIS VAN HOLLEN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with great pleasure that I rise to commend two of my constituents, Cathy Fink & Marcy Marxer. For the second year in a row Fink and Marxer, residents of Kensington, Maryland, won a GRAMMY® for Best Musical Album for Children. Their winning album is entitled “CELTAbation: A Tribute to Ella Jenkins.”

The album celebrates the music of Ella Jenkins, “The First Lady of Children’s Music” and the winner of the 2004 GRAMMY® Lifetime Achievement Award. The project was a gift to Ella Jenkins in honor of her 80th birthday.

Fink and Marxer won their first GRAMMY® last year for “Cornered: Musical Food Fun,” and every album they have released since 1997 has been nominated for this prestigious honor.

As a Member of Congress, I have worked to address the need for broad support for music education and to assure that every child has access to the benefits of active participation in music. I believe that music education is imperative to our children’s growth and well-being. During their 21-year musical career, Fink and Marxer have inspired children with their gift of music.

I applaud Cathy Fink and Marcy Marxer and wish them continued success in the years ahead.

MARCH IS NATIONAL KIDNEY MONTH

HON. JIM McDERMOTT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. McDERMOTT. Mr. Speaker, as co-chair of the Congressional Kidney Caucus, I want to make everyone aware that March is National Kidney Month. A growing epidemic, diabetes has a significant impact on kidney disease. Diabetes is the single leading cause of kidney failure in the U.S. today.

Approximately 17 million people living in America, or more than 6 percent of the population, have diabetes. Because a cure for diabetic kidney disease has not yet been found, treatment involves controlling the disorder and slowing its progression to kidney failure. Recent research has shown that the presence of high blood pressure may be the most important predictor of which diabetics will develop chronic kidney disease.

Therefore, the detection and control of high blood pressure are very important in diabetic patients. March is National Kidney Month and the Kidney Caucus in partnership with the National Kidney Foundation is urging all those at risk for kidney disease, including diabetics, to get checked out by their doctor.

Treatment to prevent diabetic kidney disease should begin early, even before kidney damage develops. To accomplish this, experts must make diabetic patients aware of the severity of this disease and its symptoms, and must educate diabetics on ways to control the disease.

IN HONOR OF TILLIE FOWLER, FORMER MEMBER OF CONGRESS

SPEECH OF

HON. C. W. BILL YOUNG
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 2005

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to a great American, Tillie Fowler, who served this House with honor and with passion for eight years.

She was not only a colleague and friend to many of us but also an unequaled expert on national security. Her highest priority was always taking care of our men and women who serve in uniform. She established such a strong reputation as a tireless worker for her district, our state, and our nation that she quickly rose to one of the most important leadership posts in our conference.

Even after she left this House, she continued to serve when called upon, taking on a number of difficult assignments given to her by the President and Secretary of Defense.

As much as Tillie Fowler will be remembered for her dedication to this House, I will always remember her for her respect and compassion with which she served. At a time when we talk about civility in the House, it could do us all some good to reflect on the way in which she treated all the members and staff in this body with grace and respect.

Our prayers go out on this day to Buck, Tillie’s husband of 34 years, and their two daughters Tillie and Elizabeth. The news of her sudden hospitalization and quick passing was a shock to them and all of us as well.

The family can take great solace, though, as they reflect on a woman who dedicated her life to public service and who will long be remembered not only for what she accomplished but for the way in which she set about to serve others. Today indeed is a tragic day for the people of Florida, our nation and this House. We have lost a great American, a great colleague, and a great friend.

HONORING THE CONTRIBUTIONS OF LAREDO INDEPENDENT SCHOOL DISTRICT JORGE LUIS RODRIGUEZ

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Laredo Independent School District Board Member Jorge Luis Rodriguez for a lifetime of distinguished public service. Jose Luis Rodriguez has always been interested in education, and has been a member of the Laredo ISD School Board since May 2000. He is the School Board Trustee for District 2 which oversees Dovalina Elementary school, Macdonell Elementary School and Daiches Elementary School.

LISD Board Member Jorge Luis Rodriguez is a credit and an inspiration to his community and a tremendous resource to his county. He believes in helping the children of his community strive to be the best individuals they can be, by giving them a quality education. He instills in the children the value of hard work and determination, and has been able to implicate many positive changes for students, parents, and LISD faculty.

Rodriguez is grateful for being elected and thanks his constituents by working hard and earning their confidence. He is currently employed in construction management and automotive sales.

Mr. Speaker, I am honored to have had this opportunity to recognize the many achievements of Laredo Independent School District Board Member Jorge Luis Rodriguez.

INTRODUCTION OF HATE CRIMES STATISTICS IMPROVEMENT ACT

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mrs. MALONEY. Mr. Speaker, today I join my colleagues, Representatives WEINER,

The Hate Crimes Statistics Improvement Act will ensure that hate crimes motivated by gender are accounted for by the FBI and local law enforcement agencies. With accurate data, local communities can identify gender-based hate crimes in their area and chart their progress toward eliminating them. Moreover, the inclusion of gender will send a strong message that gender-based hate crimes will not be tolerated.

In states with gender-based hate crimes laws, prosecutors typically must present concrete evidence that the criminal act was committed due to gender bias. Obviously, not all crimes against women are gender-based crimes, and prosecutors should have discretion in identifying what constitutes a gender-based hate crime. The process of discussing these differences will improve the understanding of all hate crimes by law enforcement personnel and will improve reporting of these tragic crimes.

I urge my colleagues to support this important legislation that will help reduce hate crimes against women.

PERSONAL EXPLANATION

HON. GWEN MOORE
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, on rollcall Nos. 53, 54 and 55, question before the House on March 8, 2005 I did not cast votes due to inclement weather wherein my flight to Washington, D.C. was cancelled. My alternate transportation did not convey me here in a timely manner. Had I been present I would have vote “aye” on rollcalls 53, 54 and 55.

ON THE RETIREMENT OF JOHN FIELDS STOVALL

HON. WILLIAM M. THOMAS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. THOMAS of California. Mr. Speaker, I rise today to celebrate the retirement of a distinguished constituent and good friend, John Fields Stovall. John has worked as General Counsel for the Kern County Water Agency in my district for more than sixteen years, earning the respect of his peers for his thoughtful, effective work on behalf of California water interests.

John has lived most of his life in Bakersfield, California, beginning at the age of ten. He graduated from Bakersfield High School and subsequently Bakersfield College, where he studied pre-pharmacy. John moved to the University of California at Los Angeles, where he graduated in 1970 with a Bachelor of Arts degree in Psychology.

Before beginning his career in water issues, John first worked for the Food and Drug Administration as an Investigator and received his J.D. degree, with honors, from Loyola Law School. John worked for several law firms, including the respected Lebeau, Thelen and Lampe. While working at Lebeau, Thelen and Lampe, John met his wife, the former Jan Blocher, and began legal work on water rights issues. He took that experience with him to the Kern County Water Agency in 1989, when he joined the Agency as General Counsel. John has successfully shepherded the Agency through many legal challenges and opportunities, including the organization of the Kern Water Bank. His work to ensure continued favorable operation of the State Water Project has helped to provide consistent water supplies to thousands of Kern County residents and farmers. It was a pleasure to work closely with John in our efforts to reauthorize the federal portion of the California Bay-Delta Program. In recent years, he studied for and successfully received his Doctorate from the highly-respected Peter F. Drucker Graduate School of Management at Claremont Graduate University.

In his personal life, John is active in the local community. He participates in the Bakersfield Chamber of Commerce’s Governmental Affairs Council and the Bakersfield Breakfast Rotary Club. He supports local students as a competition judge for high school mock trial competitions, and is an active member of the Kern County Republican Party.

While John’s full-time career at Kern County Water Agency is coming to an end, I am sure that he and Jan will continue to be valuable active members of our community in Bakersfield. On behalf of Kern County residents who recognize the necessity and value of reliable water supplies, I thank John for his service and wish him and Jan the best as they begin the next stage of their lives.

RECOGNIZING THE CONTRIBUTIONS OF UNITED INDEPENDENT SCHOOL DISTRICT SUPERINTENDENT ROBERTO SANTOS

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize United Independence School District Superintendent Roberto Santos for his many contributions to education in the City of Laredo.

Roberto Santos has been a longtime advocate for education in the State of Texas. He received his BA from St. Edward’s University in Austin, and completed his Masters in Education at the University of Texas—Pan American campus.

Beginning in 1966 as a teacher at Laredo Independent School District, he worked his way up through successive positions in the educational system. He worked as Director of Human Resources, Assistant Superintendent for Support Services and finally Superintendent of the entire United Independent School District, serving the students of Laredo.

Roberto Santos has also enriched the community through his work as a businessman. He began an auto salesmen in 1975, and has been owner or part owner of two businesses, Santos Auto Sales and Homeland Mobile Homes.

On top of all this, he has given his time and energy to a multitude of volunteer organizations. He served as President of the Texas Association of School Personnel Administrators and the Kiwanis Club, and served on the boards of the United Way, Laredo Community College, the Laredo South Girls Little League, and the City of Laredo Parks and Recreation. At each step, Roberto Santos has given of himself to make Laredo stronger, and to ensure a quality education for its children.

Mr. Speaker, United Independent School District Superintendent Robert J. Santos life is a model of community involvement, and I am pleased to have this opportunity to publicly thank him.

CONGRATULATING BRIGADIER GENERAL WILLIAM TERPELUK

HON. ELIOT L. ENGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. ENGEL. Mr. Speaker, I rise today to congratulate Brigadier General William Terpeluk who completed his tour as Deputy Commander for the 77th Regional Readiness Command this month and thank him for his service to our nation. General Terpeluk served in this position from 31 March 2001–30 March 2005. He was Deputy Commanding during 9–11 and through the War on Terror. He moves on in his military career later this month.

The 77th Regional Readiness Command is located in Fort Totten, New York. It is headquartered in Bayside, Queens, New York at historic Fort Totten, where the Reserve Command has been since 1968.

Brigadier General Terpeluk is an Infantry Officer who received his commission as a Second Lieutenant through the Reserve Officer Training Corps Program in 1974 from the Virginia Military Institute. After completing the Infantry Course at Fort Benning, Georgia, he served on Active Duty as the Executive Officer, Company E, 3d Battalion, 3d Basic Combat Training Brigade, Fort Dix, N.J.

His next assignment was as the Assistant Brigade S–1, 3d Basic Combat Training Brigade, Fort Dix, N.J. Brigadier General Terpeluk was then assigned to Korea where he functioned as the Executive Officer, HHC, 1st Battalion (M), 31st Infantry, 1st Battalion (M), 31st Infantry, Camp Casey, as well as Support Platoon Leader, 1st Battalion (M), 31st Infantry, Camp Hoeze, Korea.

In October of 1978, Brigadier General Terpeluk transitioned to the United States Army Reserve as the Executive Officer, and later as the Commander, of Company B, 1st Battalion (M), 315th Infantry, 157th Separate Infantry Brigade (M), Bristol, PA. Between February 1982 to May 86 he served as the Aide-de-Camp and Headquarters Commandant, Hqs, 79th United States Army Reserve Command, Willow Grove, PA. From May 86 to January 1993, Brigadier General Terpeluk served as the Executive Officer and Commander, 4074th Reception Battalion, 76th Division (Training), Willow Grove, PA. From January 1993 to July 94, he served as the Chief of Staff, 157th Separate Infantry Brigade (M), Horsham, PA.

At each step, he had been on Active Duty to complete the United States Army War College, Brigadier General Terpeluk returned to the Army Reserve as the Commander of the 1079th Garrison Support Unit from 1995 to 1997.

Between
1997 to 2001, he performed as the Commander, 2d Brigade, 78th Division and the Assistant Chief of Staff, G3, for the 78th Division. On March 31, 2001, Brigadier General Terpeluk was assigned as the Deputy Commander of the 77th Regional Support Command.

Brigadier General Terpeluk’s military awards include the Meritorious Service Medal with 3 Oak Leaf Clusters, the Army Commendation Medal with 2 Oak Leaf Clusters, the Army Achievement Medal with 1 Oak Leaf Cluster, the Army Reserve Components Achievement Medal with Silver Oak Leaf Cluster, the National Defense Service Medal, the Armed Forces Reserve Medal with Silver Hourglass, the Army Service Ribbon and the Overseas Service Ribbons.

In his civilian capacity, Brigadier General Terpeluk is a Laboratory Manager for Merck Research Laboratories.

Again, Mr. Speaker, I want to thank General Terpeluk for his dedication and service to the United States Army and this great Nation. For over thirty-years, General Terpeluk has worn the uniform and sworn to protect the United States from all threats. His service can never fully be repaid, so I offer him my thanks, and the thanks of all my colleagues in the United States House of Representatives and wish him well and Godspeed in his future.

HONORING GEORGE ASTE FOR HIS MANY YEARS OF SERVICE TO THE AVIATION INDUSTRY

HON. JAMES L. OBERSTAR
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. OBERSTAR. Mr. Speaker, I rise today to pay tribute to George Aste, and to commend him for his dedication to the U.S. and international aviation industry. George Aste has been a leading figure in aviation for more than 40 years. He has held senior positions at United Airlines and Trans World Airlines, has advised American Airlines, and has participated in many U.S. international aviation matters for the last three decades.

The Air Transport Association recently acknowledged Mr. Aste for his exemplary service to the U.S. aviation industry. I would like to include ATA’s resolution honoring Mr. Aste for his many years of dedication and leadership for the RECORD.

Be it hereby Resolved that the Air Transport Association Board of Directors commend George Aste for a lifetime commitment to the interests of commercial aviation both domestically and internationally.

For over forty years George Aste has been a leading figure in U.S. Aviation, holding executive positions at United Airlines and Trans World Airlines, continuing as a senior advisor to American Airlines.

He has participated in virtually all major U.S. international aviation matters for the last three decades.

Over the years, Mr. Aste has worked closely with U.S. Government agencies, as well as the U.S. Congress and State, City and local government officials throughout the country. He also dealt directly with many foreign government officials on international aviation matters.

Mr. Aste has dedicated much of his long illustrious career to the expansion and liberalization of international operations for U.S. air carriers.

Throughout, Mr. Aste has earned the respect of his colleagues for his extraordinary knowledge, unswerving honesty and boundless good cheer.

Therefore, the Air Transport Association wishes to commend and congratulate George Aste for his dedication to furthering U.S. Commercial aviation.

TRIBUTE TO THE GOLD FAMILY

HON. ERIC CANTOR
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. CANTOR. Mr. Speaker, I rise today to congratulate Melinda and Merrill Gold on the birth of their twin daughters, Elliana Paige and Molly Gabrielle, born February 12, 2005. Elliana and Molly are named in loving memory of their great-grandmothers Ilia Akerman and Mollie Freedman. Mr. Speaker, I hope you will join me in wishing the Gold family great happiness and joy in the coming years.

HONORING THE CONTRIBUTIONS OF LAREDO INDEPENDENT SCHOOL DISTRICT PARLIAMENTARY JESUS GUERRA

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor Laredo Independent School District Parliamentary Jesus J. Guerra for his honorable service to his state, and his home town of Laredo, Texas.

Jesus Guerra attended Laredo Junior College, Mount View College in Dallas, and the University of Texas at Arlington. He is a lifelong civil servant: he was an employee of the U.S. Postal Service, and rose to the rank of Assistant Superintendent of Operations and Postmaster for Zapata, Texas before his retirement.

He is also a military veteran; he served in the United States Air Force from 1961 through 1970, and received an honorable discharge. Jesus Guerra has continued to enrich his community in a variety of ways: he is a member of the City of Laredo Cable commission, a softball coach, and a catechist at St. Vincent and Santo Nino churches. He received the Community Service award from the Federal Bureau of Investigations, and was one of the first Hispanics to receive this high honor.

Jesus Guerra continues to reside in Laredo with his wife, Estella, with whom he has six children. He has been a member of the Laredo ISD Board of Trustees since 2001. Jesus Guerra has led a life of exemplary service as a postal worker, a soldier, a volunteer, and an education advocate.

Mr. Speaker, I am pleased to have this opportunity to congratulate him on his accomplishments, and to thank him formally for all he has done.

INTRODUCTION OF LEGISLATION TO BENEFIT THE U.S. AUTOMOTIVE INDUSTRY AND PROVIDE JOBS FOR WISCONSIN’S MANUFACTURING SECTOR

HON. PAUL RYAN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to introduce legislation that will benefit the U.S. automotive industry and help provide jobs for Wisconsin’s manufacturing sector.

Johnson Controls, Inc. (JCI), a Fortune 500 company headquartered in Milwaukee, Wisconsin, employs 2,500 workers in the state and thousands more throughout the country. As the world’s largest producer of automotive interiors, JCI works to develop and produce seating systems, instrument panels, door systems, overhead systems, and automotive electronics. They are a leader in the production of electronic telecommunications systems for vehicles and have developed innovative voice recognition systems that are used by the major manufacturers in the U.S. automotive industry.

The microphones covered in this legislation are a key component of JCI’s electronic telecommunications systems. However, they are not produced domestically and JCI must import them subject to a 4.9 percent tariff rate. By temporarily eliminating this tariff, this bill will reduce JCI’s production costs and help them remain competitive against international competition. In addition, this bill will benefit U.S. automotive manufacturers who rely on JCI for their telecommunications systems, consumers who will pay reduced prices for these products, and hard-working Americans who are employed in the manufacturing industry.

I look forward to working with my colleagues in Congress to pass this legislation and help U.S. manufacturing.

IN HONOR OF TILLIE FOWLER, FORMER MEMBER OF CONGRESS

SPEECH OF
HON. DAVID DREIER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 2005

Mr. DREIER. Mr. Speaker, we were all stunned by the sudden passing of our former colleague Tillie Fowler. It was a shock that someone so young, so vibrant, so engaged could be gone so quickly. Her family, especially her husband Buck and two daughters Tillie and Elizabeth, remain in our thoughts.
and prayers as they deal with their tremendous loss.

As I’ve thought about Tillie over the past week, I remember that Tillie always seemed to know where she was going. She wasn’t necessarily in a hurry, but she knew where she wanted to be and what she needed to do. Many of my colleagues may remember the brisk pace of Tillie as she hustled between meetings and votes and other committees. She was dainty but determined, small yet focused yet always friendly.

Tillie was deeply dedicated to her work on the Armed Services Committee and to the men and women who serve our country in the military. In her mind, they deserved the best, and she was determined to see that they got it. She had the respect of members from both sides of the aisle, and especially the leadership of the military and the Pentagon for her commitment.

Today, as we find ourselves engaged in the Global War on Terror and we see all that our military has accomplished to further the cause of liberty across the Middle East, we should remember the hard work on their behalf. She deserves a tremendous amount of credit for recognizing the importance of a strong military, even in times of relative peace and prosperity. You never know when you might need it. And we need it today. Thanks to Tillie, and many others, we have it.

Tillie Fowler will long be remembered here on Capitol Hill for her dedication, her grace, her love of this country and those who serve it. She set a shining example for all of us to follow—love your family, love your country, love your job, and know where you’re going.

RECOGNIZING 225TH ANNIVERSARY OF THE PRESBYTERIAN CONGREGATION IN GEORGETOWN

HON. ROY BLUNT
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. BLUNT. Mr. Speaker, I rise today to honor the Presbyterian Congregation in Georgetown, which is celebrating 225 years of distinguished history on March 16, 2005. On the Sundays when I’m in Washington, I often attend this church and I’m always reminded of its unique heritage.

The church’s history is deeply connected with the history of the Nation. It started with a small group of worshipers in 1760 who were organized into a church in 1780 under the eminent Stephen Bloomer Balch, pupil of religious leader John Witherspoon and soldier of the Revolution. It is the first Presbyterian Church in what is now modern-day Washington, DC, and remains the oldest church in the city of any denomination with an unbroken ministry. Men and women of every denomination worship there, including many leaders of the young republic.

The first, and for many years the only, Protestant church building in Georgetown was erected by its congregation in 1782. Additions were made in 1794 with Thomas Jefferson listed among the contributors. A rare charter, still in effect, was granted in 1806 to “the Presbyterian Congregation in George Town” by an act of Congress signed by President Jefferson. In 1810, the church’s seal, with its seven stars and Bible, was given to the church by the superintendent of the United States Mint. In 1821, President Monroe laid the cornerstone for the beautiful Bridge Street building which was moved fifty years later to its present site, with President Grant laying the cornerstone at that location. This is the same building in which the congregation now worships.

The Presbyterian Congregation in Georgetown has always been a pioneer in the religious and cultural life of the community. In 1781, Dr. Baich became headmaster of the Columbian Academy to which George Washington sent his nephews and wards. Later, a school for girls was founded. The first book published in the District of Columbia was written by Dr. Baich, and he helped to found the first public library. As an outgrowth of the church’s ministry, Episcopal, Methodist, and Presbyterian churches were established in Washington and Maryland.

The church’s bell tolled all day when President Washington died. George Washington Parke Custis, the stepson of Martha Washington and father-in-law of Robert E. Lee, delivered an oration on the defeat of Napoleon from the church’s pulpit. Memorial services for President William Henry Harrison were conducted there. During the Civil War, its building was used as a hospital for both Union and Confederate soldiers, including casualties after the Second Battle of Manassas and the Battle of Fredericksburg. In these and many ways, the church has been identified with the history of the nation it has sought to serve.

The church’s ministry remains vibrant today. The congregation is thankful for the recent arrival of its new pastor, the Reverend Doctor Richard L. Sheffield. Under his dynamic leadership and with God’s grace, I’m certain that the church will continue to play an important role in the Washington community.

Mr. Speaker, I ask my colleagues in the United States House of Representatives to join me in honoring the Presbyterian Congregation in Georgetown on its 225th anniversary. It is both an honor and a pleasure to say of the church’s minister, that she was determined to see that they got it. She had the respect of members from both sides of the aisle, and especially the leadership of the military and the Pentagon for her commitment.

According to the General Aviation Manufacturers Association, General Aviation manufacturing contributed over $6 billion to the U.S. economy in 2004, exporting nearly $1.5 billion. Approximately 80 percent of the world’s GA aircraft is manufactured in the United States. The total U.S. aerospace manufacturing industry exports $58.5 billion in products—the largest net export segment of all U.S. industry.

General Aviation Manufacturers directly employ nearly 169,000 workers around the country. Aircraft manufacturers are the highest-paid, highest-skilled workers in the manufacturing sector. They earn an average wage of $47,700 annually—35 percent more than the U.S. average.

In addition, for every aviation manufacturing job created in the U.S., three additional jobs are created in other industries. In 2002, the last year for which we have complete numbers, the total impact of civil aviation on the U.S. economy exceeded $900 billion and 11 million jobs. This amounts to 9 percent of the U.S. GDP. General Aviation contributes approximately $102 billion (or 12 percent of the total civil aviation contribution) and 1.3 million jobs.

General Aviation manufacturers make aircraft for fire-fighting, law enforcement, scientific research, search and rescue, and agriculture. Currently General Aviation and aerospace employees are working on the future of flight: advances in propulsion, including quiet supersonic flight, new energy sources including hydrogen, and integrating satellite technology for navigational and safe flight purposes.

Manufacturing employees across America and building our future as I speak. I ask my colleagues to join me in applauding the hard work, and to commit to ensuring that our manufacturing base thrives for generations to come.

IN HONOR OF TILLIE FOWLER,
FORMER MEMBER OF CONGRESS

SPRECH VON
HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 2005

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to my friend and former colleague Representative Tillie Fowler.

Tillie, who was sometimes called the “Steel Magnolia,” represented her district in Florida from 1992 until 2000 and was a champion for the issues important to her constituents. As a member of the House Armed Services Committee, she fought to keep military bases in her congressional district. During her tenure on the House Committee on Transportation and Infrastructure, she investigated the inadequacies in the country’s preparedness for a domestic terrorist attack and was able to identify many of the shortcomings that contributed to our lack of preparedness on September 11, 2001. She also served as vice chairwoman of the House Republican Conference and was the fifth-highest member of the House leadership when she left Congress.

In 1997, she served on a congressional task force created to investigate the incidences of sexual harassment and assault in the U.S. military, an issue on which she and I worked closely together. Two years ago, she was appointed by Secretary Rumsfeld to lead a...
Ms. SLAUGHTER. Mr. Speaker, while we prepare to debate in the next few weeks a bill that will make it more difficult for personal bankruptcy filers to escape their debts, I rise today to speak about young people in this regard. We have seen a 50 percent rise in bankruptcy filings in the past 10 years among young people.

I am reintroducing legislation today to address the growing problem of rising credit card debt among college students in the United States, a leading cause of bankruptcies filings among young people.

In 2001, Nellie Mae conducted a study that found college students, on average are graduating with six credit cards in their wallets. In 2001, their credit card debt average was $2,372, and graduating seniors owed a combined college loan and credit debt of $20,402 each.

Semester after semester, students open their mail boxes to find envelopes notifying them that they are preapproved for credit cards. When they check their e-mail, there are credit card offers. When they answer the phone in their dorm room, there are more offers.

Credit card companies pay college students generously to stand outside dining halls, dorms, and academic buildings and encourage their fellow students to apply for credit cards. With each completed application, the student applicant receives free gifts, from t-shirts to indoor basketball hoops, and the credit card company receives another interest paying customer. Walk on a college campus from move-in day on, and getting inundated with credit card applications is unavoidable.

I have heard personal stories from my district about college students overwhelmed by credit card debt. One junior in college has amassed a whopping $14,000 of credit card debt. And Victoria’s Secret still gave her a credit card with a $2500 limit.

One of my staffers was approved for a credit card when she was in college after misspelling her name on the application, giving an incorrect address, wrong phone number, and wrong social security number. Clearly, credit card companies are not paying attention to whom they are giving credit cards, much less if the applicants can afford to pay the balance. This must stop!

College graduation should be a time of excitement and new beginnings: a time when students can watch the skills they have learned in college manifest into successful careers and happy lives.

Instead of endless possibilities, students are burdened with endless debt. Studies show that over half of college students feel burdened by debt when they graduate, according to the Federal Trade Commission, by the time college students graduate, one in eight will have charged their way to more than $7,000 of credit card debt. Studies also show that the seven-member panel created by Congress to review sexual misconduct allegations at the U.S. Air Force Academy. The panel’s findings detailed much that we already knew including a failure of leadership and command and a lack of support for the victim. I strongly believe that we owe much of the progress we are now making to the efforts made by Tillie Fowler during the past ten years.

Tillie is survived by her husband Buck and her two daughters Tillie and Elizabeth. I join with my colleagues in expressing my deepest condolences. Tillie will certainly be missed.

HONORING THE CONTRIBUTIONS OF LAREDO INDEPENDENT SCHOOL DISTRICT BOARD MEMBER JOHN PETER MONTALVO

IN THE HOUSE OF REPRESENTATIVES

Mr. CUellar. Mr. Speaker, I rise to recognize Laredo Independent School District Board Member John Peter Montalvo for a lifetime of distinguished public service.

Mr. Montalvo was elected to the Laredo Independent School District Board of Trustees in May 2000. He is a retired employee of the U.S. Postal Service and former City of Laredo council member. He has contributed much of his time and efforts toward social causes.

He has worked with numerous capital improvement projects which included housing rehabilitation, street paving and recreational parks. He also has initiated many health-related programs for low income citizens of his district.

As the school board representative for District 3 he serves the parents and children of Bruni, Tarver, and J.C. Martin Elementary school, but believes in serving the community as a whole to give the children the best opportunities possible. Montalvo is an inspiration to all in his community, through his lifetime service to education and the children of Laredo.

Mr. Speaker, I am proud to have had this opportunity to recognize the dedication of Laredo Independent School District Board Member John Peter Montalvo, and I thank you for this time.

SUPPORTING THE DESIGNATION OF A YEAR OF LANGUAGES

SPÆECH OF HON. SHEILA JACKSON-LEE OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 8, 2005

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to be a supporter of H. Res. 122, a bill brought before the House of Representatives by my colleague [Rush Holt]. 2005 is the Year of Languages, which is a nationwide initiative to raise the American public’s awareness regarding the importance of learning languages.

The goals of the Year of Languages initiative are simple. We want to expand the public’s understanding of the role played by languages in all aspects of people’s lives, in society and in the future of human and inter-national relations. This is also an opportunity to promote the importance of language learning and language proficiency, urging every American to commit to learning other languages.

By focusing on such goals, we will build awareness of the diversity of languages that play an integral part of everyday life in our country. Ultimately, this can promote the formation of a national task force to study and strengthen national policy on language learning and teaching and to make recommendations to strengthen U.S. policy.

The Year of Languages is being marked by events at the national, regional and local levels. American Council on the Teaching of Foreign Languages (ACTFL) has organized a national media campaign and educational and promotional materials designed to boost interest among learners of all ages, including public service announcements for television, radio, and print media.

Thank you, Merci, Gracias, Danka and Todah.

HONORING THE 175TH ANNIVERSARY OF THE WOODBURY CHURCH OF CHRIST

IN THE HOUSE OF REPRESENTATIVES

Mr. GORDON. Mr. Speaker, I rise today to recognize the 175th year of existence of the Woodbury Church of Christ. The Middle Tennessee congregation will celebrate the church’s 175th anniversary during festivities slated for March 13–16.

The Woodbury Church of Christ began in 1830 when Tolbert Fanning baptized Elizabeth Gowen, wife of Dr. W.D. Gowen, in the Stones River. In 1836, William West donated the property upon which the first church was erected in 1842. A new building was built on the same site in 1889. It still stands today.

In 1868, the Woodbury Church of Christ reported 100 members. Today, the church has 850 members. Minister Herb Alsop has served the church for more than 27 years. He is helped by Junior Associate Minister Al Bugg Jr.; Missions Outreach Minister Howard Swann; Youth Minister Tim Knox; elders Lennie Burger, Clayton Glenn and Ray LeFevres; and deacons Mark Bailey, Mike Bailey, Dale Bush, Mike Corley, Mark Elkins, Bob Fuller, Jimmy Merryman, Boyd Pitts, Jeff Reed and Greg Rogers.

The Woodbury Church of Christ helps the community through its outreach center, which provides clothing and food, and other beneficial work. The congregation’s mission program is very active, having started three churches in the past five years. The new churches are Bright Angel Church of Christ in Las Vegas, Nevada; Emerald Beach Church of Christ in Panama City Beach, Florida; and Cleveland Church of Christ in Cleveland, Georgia. The Woodbury Church of Christ also supports churches and ministers in 10 foreign countries and nine other cities in the United States.

The Woodbury Church of Christ is a better place because of the congregation and Minister Herb Alsup for all the good work they have done.

COLLEGE STUDENT CREDIT CARD PROTECTION ACT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005
likelihood of homeownership decreases as student debt increases. It is heartbreaking to me that young college students could jeopardize the possibilities of their future due to easy access to lines of credit that are not based on any income or creditworthiness requirements.

Why are we making it so easy for our young people to amass such outrageous amounts of debt that can only lead to personal ruin?

That is why I, along with Representative Duncan, my friend from Tennessee, have reintroduced the College Student Credit Card Protection Act. The bill will take important steps toward reducing, and eliminating, credit card debts to college students by requiring credit card companies to determine whether a student applicant has the financial means to payoff a credit card balance before they are approved. It would restrict the credit limit to minimum balances if the student has no independent income, and require parental approval for credit limit increases in the event that a parent cosigns the account.

Mr. Speaker, I thank you for this opportunity to address this critical issue facing our young people, and I urge this House to consider and pass this bill quickly.

Mr. Speaker, it is time to stem this problem, because the policy implications of thousands of young people filing bankruptcy are dire.

Haiti’s Health Needs/New Partnership for Haiti Act

Ms. LEE. Mr. Speaker, Haiti not only needs immediate democracy but it also needs an immediate health intervention.

Today in Haiti less than 45 percent of Haitians have access to safe water and access to sanitation.

Seventy-six percent of Haiti’s children under the age of five are underweight, or suffer from stunted growth and 63 percent of Haitians are undernourished.

Eighty percent of the population lives in abject poverty and the unemployment rate is estimated to be nearly 90 percent.

Ninety percent of all HIV/AIDS cases in the Caribbean.

As we combat global HIV/AIDS, malaria and tuberculosis, maternal and child mortality, and many other life threatening diseases, we must address the long-term effects of dilapidated physical and health infrastructure and abject poverty throughout the world, including in Haiti.

If the United States believes in helping families across the globe be healthy, happy and free—then now is the time to step up in our own backyard and support a comprehensive health approach to positively impact our neighbors in Haiti.

One way of attacking the varied diseases that have devastated Haiti is working with a democratic Haitian government to rebuild the health infrastructure.

I recently introduced the New Partnership for Haiti Act of 2005, or H.R. 945 would offer a comprehensive plan for future engagement between the U.S. and Haitian Government.

This legislation partners Haitians and Americans together to produce environmentally sound strategies for rebuilding Haiti.

Its major provisions are aimed at developing basic sanitation, water, and other health infrastructures in Haiti.

The New Partnership for Haiti Act would bring the U.S. Army Corp of Engineers to train and educate Haitians on how to rebuild, pave, and maintain roads to provide access to rural and urban areas to health clinics. It will commission environmental impact studies for these projects, focusing on long term, environmentally sound solutions—not short term remedies.

Haiti needs assistance in addressing its long-term health infrastructure development.

The most basic of these needed development challenges is water. How can Haiti begin to combat its enormous health problems without basic clean and safe water?

Well Mr. Speaker, Haiti’s water quality is life-threatening. In a study released in May of 2003, Haiti ranked last in the world for water quality.

The New Partnership for Haiti Act will provide funds and expertise through USAID to partner with Haiti on rebuilding of sanitation, water purification projects, and education for Haitians on how to maintain these systems themselves in the future.

This bill will help Haitians build and maintain safer, quality sewage systems and safe water delivery for both urban and rural communities.

The New Partnership for Haiti Act will start a pilot program for American Health Professons and also Engineers who are interested in going to Haiti and helping with the development process.

It is my hope that a transfer of knowledge from U.S. professionals in the fields of health and engineering to Haitians will ensure long term development and guarantee the success of the programs similar to the success of the Global Fund and other international initiatives.

By widening the knowledge base of non-governmental organizations and professionals in Haiti, the U.S. will take advantage of a unique opportunity and obligation towards Haiti’s future.

We worked together to get the humanitarian loans, which had been held up by the Inter-American Development Bank officially released on May 9, 2003.

We will continue to push for the full release of these loans and the potential for future humanitarian grants through the IDB.

I also believe we must move forward on establishing a health infrastructure for efficient delivery of these health and social sector funds.

Haiti has numerous health and social issues that are difficult to approach because of the undemocratically, installed Interim Government of Haiti; however, we must be forward thinking and prepare for Haiti’s democratic future.

Preparing now will open the doors to safe, healthy clinics, reducing child and maternal mortality, combating HIV/AIDS with drugs and comprehensive treatment and nationwide sewage, sanitation, and clean water.

TRIBUTE TO BISHOP ROBERT J. CARLSON

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to The Most Reverend Robert J. Carlson on his installation as the fifth bishop of the Diocese of Saginaw.

During this penitential and traditionally solemn season of Lent, this is by contrast a day of celebration and reason to give thanks for God’s many blessings.

We are thankful that the Holy Father, Pope John Paul II, led Bishop Carlson to Saginaw, and we are grateful to Bishop Carlson for saying yes to that call.

God has chosen Bishop Carlson to come to Saginaw. By giving us a new bishop, God has revealed a powerful sign that we are not alone in this journey. As we prepare for the Easter celebration, we pray that God will act through Bishop Carlson to change our hearts and help us be more faithful servants.

Bishop Carlson has been a strong advocate for the underserved. We are called to serve the poor and defend the weak from the strong.

In that respect, I also appreciate Bishop Carlson’s strong support for life, from the beginning until its natural end. We hope that Bishop Carlson’s example of faith in God will inspire not just Catholics but people of all faiths and even non-religious backgrounds to seek the Truth.

As the members of the community of believers in Saginaw, we offer our prayers and congratulations to Bishop Carlson as he starts his ministry in mid-Michigan.

For the many Catholics I represent in Michigan’s Fourth Congressional District, may God lead and guide you and the Saginaw Diocese to do His will.

HONORING DOCTOR DENNIS W. ROWE FOR RECEIVING THE BLACK ENGINEER OF THE YEAR AWARD FOR PROFESSIONAL ACHIEVEMENT
Dr. Rowe has touched the lives of numerous students and educators. He should be honored and commended for his dedication to the RFT program and the surrounding community. Through his instruction and guidance, Dr. Rowe has enabled students to realize their potential and become successful adults.

Mr. Speaker, in closing, I would like to extend my heartfelt thanks to Dr. Rowe for his years of service and dedication to the Northern Virginia community. His contributions and efforts are noted and greatly appreciated.

HONORING THE DEDICATION OF UNITED INDEPENDENT SCHOOL DISTRICT BOARD MEMBER JUAN A. MOLINA, JR.

HON. HENRY CUELLAR OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important contribution of United Independent School District Board Member Juan A. Molina, Jr. in Laredo, TX in my Congressional District.

Juan A. Molina, Jr. is the newest member to join the United ISD Board of Trustees. Molina was elected to the district four seat on May 15, 2004. Molina will serve parents and students attending L.B. Johnson H.S., United South H.S., Los Obispos M.S., United South M.S., the new Centeno Elementary, Perez Elementary, Prada Elementary, Roosevelt Elementary, Ruiz Elementary, and Salinas Elementary.

Molina serves on the school district’s Student Expulsion Appeals Committee. UISD also has two board members who represent the district’s property value interests on the Webb County Appraisal District’s five-member Board of Directors, Juan A. Molina, Jr. is one of two UISD representatives.

Molina was born, raised, and educated in Laredo. He spent his after school hours working part-time in his family’s business. He is a 1988 graduate of Nixon High School. After obtaining a computer programming and business management degree from Computer Business Management Systems, Molina went to work under his leadership, the business has prospered and has expanded into new fields. Molina is the owner of South Texas Neon Signs.

Molina is married and has three children who attend UISD schools. “I am involved in my children’s education through participation in the school PTC’s and as a Site Based Decision Making Committee member of two schools. I am also a Cub Scout Master because I believe in our kids and want to see a better future for them.” Molina has gone through special training sessions to provide Laredo Boy Scouts with more camping and outdoor learning opportunities. His new training has allowed him to direct an adventure weekend and assist in another. He helped organize and direct a scout show and “Spooky” at Cole Fujisachi. Molina plays an active role in the Perez Elementary Boy Scout Color Guard. In addition, he was also a little league assistant coach for two years. He is involved with his church as a choir member, and as an active participant in the annual fund-raising Jamaica.

Mr. Speaker, I am proud to have this opportunity to recognize the contributions of United Independent School District Juan A. Molina, Jr.

CONGRESS MUST ACT TO PREVENT VIOLENCE AGAINST WOMEN

HON. NANCY PELOSI OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

Ms. PELOSI. Mr. Speaker, for more than 10 years, the Violence Against Women Act (VAWA) has helped protect women in this country from violence, abuse, sexual assault, and sexual predators. This landmark piece of legislation was passed in 1994 by bicameral efforts of the Congressional Caucus on Women’s Issues, of which I am proud to be a member.

VAWA has provided improved access to services and resources for victims of violence and their families. It has made a real difference in the lives of women and children, who no longer suffer in silence.

Community programs funded through VAWA aid law enforcement officers and prosecutors, encourage arrest policies, stem domestic violence and child abuse, establish and operate training programs for victim advocates and counselors, and train probation and parole officers who work with released sex offenders. VAWA has also led to the creation of battered women’s shelters, rape prevention and education programs, the reduction of sexual abuse of runaway and homeless street youth, and community programs on domestic violence.

Despite the success of this legislation, we still have much work to do.

One out of every four women will experience domestic violence during her lifetime. Equally alarming is that women ages 16 to 24 experience the highest per capita rates of intimate partner violence.

VAWA is up for reauthorization in this Congress. We must come together to put forward a bill that strengthens and improves our efforts to combat violence against women, including doing more for violence prevention. An essential component of prevention must be to increase outreach to young people.

We must also encourage adequate funding of VAWA initiatives. Unfortunately, each year we fall further behind in fulfilling the promises made in the authorization of VAWA. This year, alone the Bush budget is more than $165 million short of the goal.

As we recognize the vital role of the Violence Against Women Act, I urge my colleagues to reauthorize VAWA in a bipartisan way and to dedicate the necessary resources to fulfill its mission.

COMBATING HUMAN TRAFFICKING: ACHIEVING ZERO TOLERANCE

HON. CHRISTOPHER H. SMITH OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

Mr. SMITH of New Jersey. Mr. Speaker, I rise to speak regarding U.S. efforts to combat human trafficking.

The U.S. Government now estimates that 600,000 to 800,000 women, children and men are bought and sold across international borders each year and exploited through forced labor or commercial sex exploitation, and potentially millions more are trafficked internally within the borders of countries. Eighty percent of the victims are women and girls. An estimated 14,500 to 17,500 foreign citizens are trafficked into the United States each year.

As Chairman of the Subcommittee on International Operations and Human Rights in the late 1990s, I led an effort to end the scourge of trafficking by sponsoring the Trafficking Victims Protection Act (TVPA), P.L. 106–386, which was signed into law in December 2000. In 2003, I sponsored a reauthorization of that Act which also became law.

These two pieces of legislation created a comprehensive framework for combating trafficking in persons abroad, as well as the trafficking of foreign nationals into the United States. As a result, our government has been a leader in addressing this human rights violation and encouraging other governments to do the same. When I held the first hearing on trafficking, back in 1999, only a handful of countries had laws explicitly prohibiting the practice of human trafficking. Individuals who engaged in this exploitation did so without fear of legal repercussions. Victims of trafficking were treated as criminals and illegal immigrants—governments did not offer them assistance to escape the slavery-like conditions in which they were trapped, and few NGOs were equipped to offer survivors of trafficking the restorative care needed to heal physically, mentally and spiritually from the trauma they experienced. Little was being done to prevent others from being exploited in the same way.

The situation today is remarkably improved. Since taking office, the Bush Administration has devoted more than $295 million to combat trafficking in more than 120 countries. Across the globe, governments are taking action to prevent trafficking, to prosecute the exploiters, and to give hope and restoration to those victimized by trafficking. As Ambassador Miller testified to Congress last summer, between 2003 and 2004, twenty-four countries enacted new laws to combat trafficking. Dozens more were in the process of drafting or passing such laws. Moreover, nearly 8,000 traffickers were prosecuted worldwide and 2,800 were convicted. Shelters have been set up for victims. NGOs and faith communities have reached out to help heal survivors of trafficking.

In order to support the ongoing efforts that have made these gains possible, on February 17, I introduced, along with this Subcommittee’s Ranking Member, Rep. DONALD PAYNE, and eight other original co-sponsors, the Trafficking Victims Protection Reauthorization Act of 2005, H.R. 972. This bill would reauthorize appropriations for anti-trafficking programs here and abroad. The bill also offers solutions
to a number of specific scenarios in which trafficking is a problem, but which our experience has shown could benefit from additional initiatives. Our witnesses at today's hearing will focus on some of these issues and I will mention just a few here.

For example, drawing lessons from the aftermath of war in the Balkans a decade ago, and the devastating tsunami in South Asia a mere few months ago, foreign policy and humanitarian aid professionals increasingly recognize the heightened vulnerability of indigenous populations in crisis situations to many forms of violence, including trafficking for sexual and labor exploitation. Traffickers also recognize this vulnerability. This bill would focus governmental efforts, particularly by the State Department, the U.S. Agency for International Development, and the Department of Defense, to develop trafficking prevention strategies for post-conflict and humanitarian emergency situations—strategies which do not currently exist in sufficient form.

The bill would also take further steps to ensure that U.S. Government personnel and contractors are held accountable for acts of trafficking in persons while abroad on behalf of the U.S. Government. Although few would dispute that the involvement of U.S. personnel, including members of the U.S. Armed Forces, with trafficking in persons in any form is criminal under U.S. law and policies and undermines the credibility and mission of U.S. Government programs in foreign countries, there remain loopholes in U.S. laws which allow such acts to go unpunished. This bill closes those loopholes by expanding U.S. jurisdiction to cover serious offenses committed by all U.S. Government contractors abroad—jurisdiction which already exists with respect to contractors supporting Department of Defense missions abroad—and by making federal criminal laws against sex and labor trafficking applicable to members of the Armed Forces. The bill would also direct the Secretary of Defense to designate a director of anti-trafficking policies to guide DOD's efforts to faithfully implement policies against trafficking.

The bill would take on the outrageous situation of peacekeepers, humanitarian aid workers, and international organizations' personnel, being complicit in trafficking and sexual exploitation. On March 2nd, I chaired a hearing in this Subcommittee that examined the evidence of gross sexual misconduct and exploitation of refugees and vulnerable people, by U.N. peacekeepers and civilian personnel assigned to the U.N. peacekeeping mission in the Democratic Republic of Congo. Human rights groups and the U.N.'s own internal investigations have U.N. covered over 150 allegations against personnel involved in any form of sexual contact with Congolese women and girls, usually in exchange for food or small sums of money, as well as allegations of rape, forced prostitution, and demands of sex for jobs. However, to date, there has not been one successful prosecution of U.N. civilian or military personnel either in the Congo or elsewhere.

The scandal with the U.N. Mission in the Congo is but the latest in a long list of allegations against international peacekeeping personnel involving sex trafficking and other forms of sexual exploitation that extends back at least a decade. The involvement of peacekeepers in trafficking or sexual exploitation is not just a private matter involving only personal moral choices. Hundreds of vulnerable women and children are being re-victimized; the reputation of the United Nations is being badly damaged; and lack of internal discipline is compromising security and effectiveness of the peacekeeping operations.

To his credit, U.N. Secretary General Kofi Annan has pronounced a "zero tolerance" policy on sexual exploitation by peacekeepers. In June 2004, NATO also adopted an anti-trafficking policy. But words alone do not protect women and children from abuse. H.R. 972 would require that the Secretary of State certify prior to endorsing an international peacekeeping mission that the international organization has taken measures to prevent and, as necessary, hold accountable peacekeepers in the mission who are involved with trafficking or sexual exploitation. The bill would also require that the annual Trafficking in Persons Report include information on steps taken by international organizations to eliminate involvement of the organizations' personnel in trafficking.

The bill also continues to improve upon the provision of assistance to foreign victims in the United States, and trafficking victims seeking access to information about federally funded victim services programs and facilitating access to counsel for victims. The bill would also establish a guardian ad litem program for child trafficking victims. H.R. 972 also recognizes that trafficking in persons occurs within the borders of single countries, including the United States. According to the State Department, if the number of people trafficked internally within countries is added to the estimate, the total number of trafficking victims annually would be in the range of 2,000,000 to 4,000,000. Although outside the jurisdiction of this subcommittee, I would just mention that the bill addresses the trafficking of American citizens and nationals within the United States—which the bill defines as "domestic trafficking." Although there are no precise statistics on the numbers of United States citizens or nationals who have been victimized through trafficking, researchers at the University of Pennsylvania have estimated that 100,000 to 300,000 children in the United States are at risk of sexual exploitation, including trafficking, at any given time.

Despite the willingness of most governments today to address international trafficking, recent events have given rise to the existence of internal trafficking within their own borders. By addressing internal trafficking in a bill that also addresses international trafficking, the United States will again lead by example in showing that internal trafficking victims must not be dismissed by the law enforcement community as prostitutes or juvenile delinquents. This bill would begin to shift the paradigm—much as we have done so successfully in the international arena—to view these exploited souls for what they really are—victims of crime and sexually exploited children.

HONORING THE 50TH ANNIVERSARY OF THE TOWN OF SOUTH PALM BEACH

HON. E. CLAY SHAW, JR. OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

Mr. SHAW. Mr. Speaker, I rise today to recognize the 50th anniversary of the founding of the Town of South Palm Beach, Florida. Since 1992, I have had the distinct pleasure to represent the residents of this lovely community, and would like to share with you some of the town’s attributes and history.

Located in Palm Beach County, the Town of South Palm Beach is nestled in one of Florida’s many barrier islands. Rich in natural beauty, South Palm Beach shares its eastern border with the Atlantic Ocean, and its western border with the Florida Intracoastal Waterway.

The town’s colorful history dates back to 1948, when two Finnish brothers from New York, Amos and Anton Askila, settled in the area. Enamored with South Florida’s beauty, the Askila brothers set out for Tallahassee in 1955 to obtain a charter for the town. At the time, there were only 6 full time residents, including the Askila brothers, Robert Coletti, James Sloan and Mr. and Mrs. George Woods. The Askila brothers successfully incorporated the town during their 1955 trip to Tallahassee and, that same year, Mr. George Woods was elected as South Palm Beach’s first mayor.

Today, reflecting on 50 years of history since the town’s incorporation, it is clear that future generations of South Floridians have much for which to be thankful. Over the years, South Palm Beach’s residents have worked diligently to preserve its residential character, friendly atmosphere and overall high quality of life. I also know that South Palm Beach’s nearly 3,000 residents are working hard every day to carry on this tradition, ensuring that South Palm Beach continues to serve as a model community for other towns throughout Florida.

On behalf of Florida’s 22nd Congressional District, in honor of the town’s 50th anniversary celebration, I wish to recognize and commend the Town of South Palm Beach for its longstanding commitment to excellence in South Florida.

INTRODUCTION OF BIPARTISAN RESOLUTION ON JUÁREZ

HON. HILDA L. SOLIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

Ms. SOLIS. Mr. Speaker, I rise today to introduce this bipartisan resolution with my colleagues Ms. Ginny Brown-Waite of Florida, Mrs. CAPPS, Ms. ROS-LEHTINEN, Mr. RASTAD, Mr. REYES, and Mr. LANTOS.

Since 1993, over 400 mutilated bodies have been found in the deserts of Ciudad Juárez and the city of Chihuahua. We are deeply concerned about the murders and violence against women that have occurred and condemn these horrific acts of violence.

This Resolution expresses our deepest sympathy to the families of the women killed in the State of Chihuahua, Mexico; requests that the Mexican government’s investigative and preventative efforts be incorporated into the bilateral agenda between Mexico and the United States; urges the President and Secretary of State to express concern for the harassment of the families and support for the victims’ families as they seek justice; and condemns the use of torture as a means of investigation into these crimes. It also urges the State of
Chihuahua to ensure fair and proper judicial proceedings for the individuals accused of these murders, which is critical in eradicating these injustices. The resolution also expresses the solidarity of the people of the United States with the people of Mexico in the face of these tragic and senseless acts.

THE WALNUT CANYON STUDY ACT OF 2005

HON. RICK RENZI
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 2005

Mr. RENZI. Mr. Speaker, I rise today to introduce the Walnut Canyon Study Act of 2005.

The Walnut Canyon National Monument was originally designated by Presidential proclamation on November 30, 1915, to protect Sinaguan cliff dwellings. Since the original designation, the Walnut Canyon National Monument has been expanded to include 3,580 acres to protect additional ruins adjacent to the Monument.

In the past few years, several groups have proposed expanding the Monument with surrounding Forest Service land and designating this expanded area as a National Park. To further explore the options of the Walnut Canyon National Monument and potential inclusion of this expanded area, along with Senator McCain, I have introduced the Walnut Canyon Study Act.

The Walnut Canyon Study Act of 2005 directs the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the management of certain land adjacent to the Walnut Canyon National Monument.

Coconino County and the City of Flagstaff have both passed resolutions supporting further review and study of the management options for the Walnut Canyon National Monument. In both resolutions, support for maintaining certain public uses in the Monument was relayed, as well as the need for the protection of the resources in the Monument.

Mr. Speaker, this legislation provides for public input into any recommendation that is forwarded by the Secretary of the Interior and the Secretary of Agriculture. Within the study, the legislation requires the Secretaries to look at the management objectives of the Forest Service and the National Park Service, as well as the opportunities for maintaining existing public uses, such as grazing, hunting, mountain biking, rock climbing and additional forms of recreation.

Mr. Speaker, I urge my colleagues to support the Walnut Canyon Study Act of 2005. My intent in introducing this legislation is to help resolve the question of future management of the Walnut Canyon National Monument.
SENATE COMMITTEE MEETINGS
Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and conferences. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 10, 2005 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

MARCH 11
9:30 a.m.
Foreign Relations
To hold hearings to examine the nominations of R. Nicholas Burns, of Massachusetts, to be an Under Secretary of State, C. David Welch, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State, and John B. Bellinger, of Virginia, to be Legal Adviser of the Department of State.
SD-419

2:30 p.m.
Judiciary
Immigration, Border Security and Citizenship Subcommittee
To hold hearings to examine strengthening enforcement and border security, focusing on the 9/11 Commission staff report on terrorist travel.
SD-226

MARCH 14
9:30 a.m.
Armed Services
To resume hearings to examine military strategy and operational requirements from combatant commanders in review of the Defense Authorization Request for fiscal year 2006.
SD-106

Foreign Relations
To hold hearings to examine the nominations of John Thomas Schieffer, of Texas, to be Ambassador to Japan, Joseph R. DeTrani, of Virginia, for the rank of Ambassador during his tenure as Special Envoy for the Six Party Talks, and Howard J. Krongard, of New Jersey, to be Inspector General, Department of State.
SD-419

MARCH 15
9:30 a.m.
 Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2006 for the Department of Labor.
SD-124

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine school nutrition programs.
SH-216

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold oversight hearings to examine ensuring the success of the National Security Personnel System, focusing on the proposed regulations jointly published by the Department of Defense and Office of Personnel Management for the National Security Personnel System.
SD-342

Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Military Officers Association of America, the National Association of State Director of Veterans Affairs, AMVETS, the American Ex-Prisoners of War, and Vietnam Veterans of America.
345 CHOB

SEPTEMBER 20
10 a.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America.
345 CHOB

CANCELLATIONS

MARCH 16
3:30 p.m.
Foreign Relations
To hold hearings to examine the nominations of Howard J. Krongard, of New Jersey, to be Inspector General, Department of State.
SD-419

MARCH 17
9:30 a.m.
 Armed Services
To hold hearings to examine current and future worldwide threats to the national security of the United States; to be followed by a closed hearing in SH-219.
SD-106

10 a.m.
Commerce, Science, and Transportation
Oceans, Fisheries and Coast Guard Subcommittee
To hold hearings to examine the President’s proposed budget request for fiscal year 2006 for the Coast Guard Operational Readiness/Mission Balance.
SR-253

Veterans’ Affairs
To hold hearings to examine the report entitled, “Back from the Battlefield: Are we providing the proper care for America’s Wounded Warriors?”
SR-418

APRIL 14
10 a.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Military Officers Association of America, the National Association of State Director of Veterans Affairs, AMVETS, the American Ex-Prisoners of War, and Vietnam Veterans of America.
345 CHOB

APRIL 21
10 a.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America.
345 CHOB
Daily Digest

HIGHLIGHTS

House Committee ordered reported the Concurrent Resolution on the Budget for Fiscal Year 2006.

Senate

Chamber Action

Routine Proceedings, pages S2297–S2404

Measures Introduced: Seventeen bills and four resolutions were introduced, as follows: S. 570–586, S. Res. 76–78, and S. Con. Res. 16. Pages S2383–84

Measures Reported:

- S. 134, to adjust the boundary of Redwood National Park in the State of California. (S. Rept. No. 109–23)
- S. 205, to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers, with an amendment. (S. Rept. No. 109–24)
- S. 207, to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana. (S. Rept. No. 109–25)
- S. 243, to establish a program and criteria for National Heritage Areas in the United States. (S. Rept. No. 109–26)
- S. 250, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, with an amendment in the nature of a substitute. Page S2383

Measures Passed:

Terrorist Attacks Anniversary: Senate agreed to S. Res. 76, expressing the sense of the Senate on the anniversary of the deadly terrorist attacks launched against the people of Spain on March 11, 2004. Page S2304

Condemning Terrorism: Senate agreed to S. Res. 77, condemning all acts of terrorism in Lebanon and calling for the removal of Syrian troops from Lebanon and supporting the people of Lebanon in their quest for a truly democratic form of government. Pages S2304–05

Bankruptcy Reform Act: Senate continued consideration of S. 256, a bill to amend title 11 of the United States Code, taking action on the following amendments proposed thereto: Pages S2306–42

Adopted:

- Feingold Amendment No. 87, to amend section 104 of title 11, United States Code, to include certain provisions in the triennial inflation adjustment of dollar amounts. Page S2342
- Feingold Amendment No. 91, to amend section 303 of title 11, United States Code, with respect to the sealing and expungement of court records relating to fraudulent involuntary bankruptcy petitions. Page S2342

Rejected:

By 42 yeas to 58 nays (Vote No. 31), Durbin Amendment No. 110, to clarify that the means test does not apply to debtors below median income. Page S2311

By 48 yeas to 52 nays (Vote No. 32), Harkin Amendment No. 66, to increase the accrual period for the employee wage priority in bankruptcy. Pages S2307–09, S2311–12

By 40 yeas to 60 nays (Vote No. 33), Boxer Amendment No. 62, to provide for the potential disallowance of certain claims. Pages S2309–11, S2312

By 42 yeas to 58 nays (Vote No. 34), Dodd Amendment No. 67, to modify the bill to protect families. Pages S2310, S2311, S2325

By 47 yeas to 53 nays (Vote No. 35), Dodd (for Kennedy) Amendment No. 68, to provide a maximum amount for a homestead exemption under State law. Pages S2321–22, S2325–26

Withdrawn:

- Bingaman Amendment No. 51, to amend certain provisions regarding attorney actions on behalf of debtors. Pages S2318–19
- Feingold Amendment No. 101, to amend the definition of small business debtor. Page S2342
- Feingold Amendment No. 100, to provide authority for a court to order disgorgement or other remedies relating to an agreement that is not enforceable. Page S2342
Feingold Amendment No. 99, to provide no bankruptcy protection for insolvent political committees.

Feingold Amendment No. 98, to modify the disclosure requirements for debt relief agencies providing bankruptcy assistance.

Feingold Amendment No. 97, to amend the provisions relating to chapter 13 plans to have a 5-year duration in certain cases and to amend the definition of disposable income for purposes of chapter 13.

Feingold Amendment No. 94, to clarify the application of the term disposable income.

Feingold Amendment No. 88, to amend the plan filing and confirmation deadlines.

Dodd (for Kennedy) Amendment No. 119, to amend section 502(b) of title 11, United States Code, to limit usurious claims in bankruptcy.

Dodd (for Kennedy) Amendment No. 71, to strike the provision relating to the presumption of luxury goods.

Dodd (for Kennedy) Amendment No. 72, to ensure that families below median income are not subjected to means test requirements.

Dodd Amendment No. 53, to require prior notice of rate increases.

Dodd Amendment No. 52, to prohibit extensions of credit to underage consumers.

Reid (for Baucus) Amendment No. 50, to amend section 524(g)(1) of title 11, United States Code, to predicate the discharge of debts in bankruptcy by an vermiculite mining company meeting certain criteria on the establishment of a health care trust fund for certain individuals suffering from an asbestos related disease.

Dorgan/Durbin Amendment No. 45, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Pending:

Kennedy (for Leahy/Sarbanes) Amendment No. 83, to modify the definition of disinterested person in the Bankruptcy Code.

Dodd (for Kennedy) Amendment No. 69, to amend the definition of current monthly income.

Dodd (for Kennedy) Amendment No. 70, to exempt debtors whose financial problems were caused by failure to receive alimony or child support, or both, from means testing.

Akaka Amendment No. 105, to limit claims in bankruptcy by certain unsecured creditors.

Feingold Amendment No. 90, to amend the provision relating to fair notice given to creditors.

Feingold Amendment No. 92, to amend the credit counseling provision.

Feingold Amendment No. 93, to modify the disclosure requirements for debt relief agencies providing bankruptcy assistance.

Feingold Amendment No. 95, to amend the provisions relating to the discharge of taxes under chapter 13.

Feingold Amendment No. 96, to amend the provisions relating to chapter 13 plans to have a 5-year duration in certain cases and to amend the definition of disposable income for purposes of chapter 13.

Talent Amendment No. 121, to deter corporate fraud and prevent the abuse of State self-settled trust law.

Schumer Amendment No. 129 (to Amendment No. 121), to limit the exemption for asset protection trusts.

Durbin Amendment No. 112, to protect disabled veterans from means testing in bankruptcy under certain circumstances.

A unanimous-consent agreement was reached providing for further consideration of the bill at 11 a.m., on Thursday, March 10, 2005; that all time be considered expired under the provisions of Rule XXII; that votes occur on, or in relation to, certain amendments; that no further amendments be in order, other than the possibility of a further second-degree amendment offered by Senator Talent, which has been filed, and a Managers’ amendment which has been cleared by both Leaders; and that following the disposition of the above-listed amendments, the bill be read a third time, with a vote to occur on final passage of the bill.

Nominations Discharged: The following nominations were discharged from further committee consideration and placed on the Executive Calendar:

Edward L. Flippen, of Virginia, to be Inspector General, Corporation for National and Community Service, which was sent to the Senate on January 24, 2005, from the Senate Committee on Homeland Security and Governmental Affairs.

Measures Read First Time: Pages S2307, S2342

Executive Communications: Pages S2382–83

Executive Reports of Committees: Page S2383

Additional Cosponsors: Pages S2384–85

Statements on Introduced Bills/Resolutions: Pages S2385–S2403

Additional Statements: Pages S2381–82
Amendments Submitted: Page S2403
Authority for Committees to Meet: Pages S2403–04
Privilege of the Floor: Page S2404
Record Votes: Five record votes were taken today. (Total—35) Pages S2311, S2312, S2325, S2326
Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:32 p.m., until 9:30 a.m., on Thursday, March 10, 2005. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S2404.)

**Committee Meetings**
(Committees not listed did not meet)

**APPROPRIATIONS: ARMY**
Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2006 for the Army, after receiving testimony from Francis J. Harvey, Secretary, and General Peter J. Schoomaker, Chief of Staff, both of the Army.

**DEFENSE: AIR FORCE SCIENCE AND TECHNOLOGY**
Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded a hearing to examine the Department of Defense science and technology budget and strategy, after receiving testimony from Ronald M. Sega, Director, Defense Research and Engineering; Thomas H. Killion, Deputy Assistant Secretary of the Army for Research and Technology, Chief Scientist; Rear Admiral Jay M. Cohen, USN, Chief of Naval Research; James B. Engle, Deputy Assistant Secretary of the Air Force for Science, Technology, and Engineering; and Anthony J. Tether, Director, Defense Advanced Research Projects Agency.

**SECURITIES INDUSTRY**
Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the state of the securities industry, focusing on recent initiatives regarding market structure, credit rating agencies, mutual funds and the implementation of the Sarbanes-Oxley requirements, after receiving testimony from William H. Donaldson, Chairman, Securities and Exchange Commission.

**NOMINATION**
Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nomination of Ronald Rosenfeld, of Oklahoma, to be a Director of the Federal Housing Finance Board.

**2006 BUDGET**
Committee on the Budget: Committee met to mark up a proposed concurrent resolution setting forth the fiscal year 2006 budget for the Federal Government, but did not complete consideration thereon, and will meet again tomorrow.

**NOMINATIONS**
Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nominations of Patricia Lynn Scarlett, of California, to be Deputy Secretary of the Interior, and Jeffrey Clay Sell, of Texas, to be Deputy Secretary of Energy, who was introduced by Senator Hutchison, after the nominees testified and answered questions in their own behalf.

**BUSINESS MEETING**
Committee on Environment and Public Works: Committee completed its markup of S. 131, to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program, following which a tie vote occurred, therefore the committee was unable to report the bill.

**BUSINESS MEETING**
Committee on Finance: Committee ordered favorably reported the following business items: An original bill entitled the “Personal Responsibility and Individual Development for Everyone (PRIDE) Act”; and
The nominations of Harold Damelin, of Virginia, to be Inspector General, Department of the Treasury, and Raymond Thomas Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board.

**DEPARTMENT OF HOMELAND SECURITY BUDGET**
Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the President’s proposed budget request for fiscal year 2006 for the Department of Homeland Security, after receiving testimony from Michael Chertoff, Secretary of Homeland Security.

**NOMINATION**
Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the nomination of Michael Jackson, of Virginia, to be Deputy Secretary of Homeland Security.

**BUSINESS MEETING**
Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following bills:
S. 250, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, with an amendment in the nature of a substitute;

S. 525, to amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, to improve early learning opportunities and promote school preparedness;

S. 172, to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices; and

S. 544, to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety.

BUSINESS MEETING
Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S. 147, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, with an amendment in the nature of a substitute; and

S. 536, to make technical corrections to laws relating to Native Americans.

INDIAN TRUST REFORM
Committee on Indian Affairs: Committee concluded an oversight hearing to examine trust management reform within the Department of the Interior, after receiving testimony from James Cason, Acting Assistant Secretary for Indian Affairs, and Ross O. Swimmer, Special Trustee for American Indians, both of the Department of the Interior; Tex G. Hall, National Congress of American Indians, and Keith Harper, Native American Rights Fund, both of Washington, D.C.; Jim Gray, Intertribal Monitoring Association on Indian Trust funds, Albuquerque, New Mexico; Charles C. Colombe, Rosebud Sioux Tribe of South Dakota, Rosebud; and Darrell Hillaire, Lummi Indian Nation, Bellingham, Washington, on behalf of the California Tribal Trust Reform Consortium.

INTELLIGENCE
Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action
Measures Introduced: 30 public bills, H.R. 1181–1210; 1 private bill, H.R. 1211; and 4 resolutions, H. Con. Res. 88–90, and H. Res. 145, were introduced.

Additional Cosponsors: Pages H1263–64

Reports Filed:

H. Res. 144, providing for further consideration of H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs (H. Rept. 109–15).

Speaker: Read a letter from the Speaker wherein he appointed Representative Miller of Michigan to act as Speaker Pro Tempore for today.

Chaplain: The prayer was offered today by Rev. Mary E. Moore, Pastor, New Salem Baptist Church in Memphis, Tennessee.

Suspensions: The House agreed to suspend the rules and pass the following measures:

S. 536, to make technical corrections to laws relating to Native Americans.
bill and modified by the amendment printed in part A of H. Rept. 109–14 be adopted; and further that the bill, as amended, is considered as the original bill for the purpose of further amendment.

Pages H1055–H1184

Accepted:

Moran of Kansas amendment (No. 4 printed in part B of H. Rept. 109–14) amends the exemption for maximum driving and on duty time for drivers of motor carriers transporting agricultural commodities or farm supplies at the time of planting or harvest for a 100 air mile radius to the distribution point of the source of the commodities by including in the definition of “agricultural commodities”, livestock, food, feed, and fiber, and other farm products (by a recorded vote of 257 ayes to 167 noes, Roll No. 57);

Kuhl amendment (No. 5 printed in part B of H. Rept. 109–14) that names a portion of Interstate 86 in upstate New York in the vicinity of the City of Corning, the “Amo Houghton Bypass”, after Former Congressman Amo Houghton who retired from Congress in 2004 after serving 18 years;

Cox amendment (No. 7 printed in part B of H. Rept. 109–14) that clarifies that states are not preempted under federal law from requiring one or both of the following from tow-truck operators when they are removing a vehicle from private property without the consent of the vehicle owner or operator: first, a state can require that the tow-truck operator have written permission from the owner of the private property authorizing the non-consensual tow; and second, a state can require that the owner of the private property be present at the time the vehicle is towed from the private property.

Osborne amendment (No. 6 printed in part B of H. Rept. 109–14) that exempts the State of Nebraska from the ISTEA 1991 truck length freeze, subject to a change in state statute, to allow the operation of commercial vehicle combinations not exceeding 81 feet, six inches for custom harvesters operating in the State of Nebraska (by a recorded vote of 236 ayes to 184 noes, Roll No. 58); and

Graves amendment (No. 10 printed in part B of H. Rept. 109–14) that eliminates liability under state law for an owner of a motor vehicle or their affiliate who is engaged in the business of renting and leasing motor vehicles provided there is no negligence or criminal wrongdoing on the part of the motor vehicle owner or affiliate (by a recorded vote of 218 ayes to 201 noes, Roll No. 60).

Pages H1191–H1204

Rejected:

Conaway amendment (No. 2 printed in part B of H. Rept. 109–14) that sought to exempt commercial motor vehicle operators working in field operations for the natural gas and oil industry from the hours of service rules issued by the Federal Motor Carrier Safety Administration (by a recorded vote of 198 ayes to 226 noes, Roll No. 56); and

Kennedy of Minnesota amendment (No. 8 printed in part B of H. Rept. 109–14) that sought to streamline tolling authority to charge tolls on new lanes, and dedicates those revenues to the user fee purpose (by a recorded vote of 155 ayes to 265 noes, Roll No. 59).

Withdrawn:

Boozman amendment (No. 1 printed in part B of H. Rept. 109–14) that was offered and subsequently withdrawn that would have allowed operators of a property carrying motor vehicle to take up to two hours of off-duty time, as defined by FMCSA, during their 14 hours on duty, so as not to exceed 16 hours; and

Kuhl amendment (No. 3 printed in part B of H. Rept. 109–14) that was offered and subsequently withdrawn that would have amended the exemption for maximum driving and on duty time for drivers of motor carriers transporting agricultural commodities or farm supplies at the time of planting or harvesting for a 100 air mile radius to the distribution point of the source of the commodities, by increasing the air mile radius to 150.

H. Res. 140, the rule providing for consideration of the bill was agreed to by voice vote.

Pages H1034–H1038

Recess: The House recessed at 7:45 p.m. and reconvened at 9:28 p.m.

Pages H1225

Quorum Calls—Votes: Five recorded votes developed during the proceedings of today and appear on pages H1188–90, H1189–90, H1203, H1203–4, and H1204. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:29 p.m.

Committee Meetings

CFTC REAUTHORIZATION

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management continued hearings on Reauthorization of the Commodity Futures Trading Commission. Testimony was heard from public witnesses.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on the National Intelligence Program Budget. Testimony
was heard from Larry Kindsvater, Deputy Director, Central Intelligence Community Management, CIA.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS
Committee on Appropriations: Subcommittee on The Department of Homeland Security held a hearing on FEMA. Testimony was heard from Mike Brown, Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on Department of Labor, Health and Human Services, Education and Related Agencies held a hearing on NIH. Testimony was heard from Elias A. Zerhouni, M.D. Director, NIH, Department of Health and Human Services.

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on Secretary of Energy. Testimony was heard from Samuel W. Bodman, Secretary of Energy.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on the Fish and Wildlife Service. Testimony was heard from Steven A. Williams, Director, U.S. Fish and Wildlife Service, Department of the Interior.

MILITARY QUALITY OF LIFE, AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on Military Quality of Life, and Veterans Affairs, and Related Agencies held a hearing on Air Force Budget. Testimony was heard from the following officials of the Department of the Air Force: GEN John P. Jumper, Chief of Staff; and Fred Kuhn, Acting Assistant Secretary, Installations, Environment and Logistics.

The Subcommittee also held a hearing on Navy/Marine Corps Budget. Testimony was heard from the following officials of the Department of the Navy: ADM Vern Clark, USN, Chief of Naval Operations; Gen. Michael W. Hagee, USMC, Commandant of the Marine Corps; and B.J. Penn, Assistant Secretary, Installations and Environment.

SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on Science, State, Justice, and Commerce, and Related Agencies held a hearing on Secretary of State. Testimony was heard from Condoleezza Rice, Secretary of State.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FISCAL YEAR 2006
Committee on Armed Services: Continued hearings on the Fiscal Year National Defense Authorization budget request. Testimony was heard from the following officials of the Department of Defense: GEN James Jones, USMC, Combatant Commander, U.S. European Command; ADM William J. Fallon, USN, Combatant Commander, U.S. Pacific Command; and GEN Bantz J. Craddock, USA, Combatant Commander, U.S. Southern Command.

Will continue tomorrow.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FISCAL YEAR 2006—SPACE ACTIVITIES
Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on the Fiscal Year 2006 National Defense Authorization budget request for space activities. Testimony was heard from the following officials of the Department of Defense: Peter B. Teets, Under Secretary, Air Force, Space; GEN Lance W. Lord, USAF, Commander, U.S. Air Force Command; LTG Larry Dodgen, USA, Commander, U.S. Army Space and Missile Defense Command; VADM Joseph Sestak, USN, Deputy Chief of Naval Operations, Warfare Requirements and Programs; and BG Thomas Benes, USMC, Director, Strategy and Plans Division, U.S. Marine Corps.

DOD—UNMANNED AERIAL VEHICLE AND JOINT UNMANNED COMBAT AIR SYSTEM INVESTMENT PROGRAMS BUDGET REQUEST
Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing on the Fiscal Year 2006 National Defense Authorization budget request on Department of Defense unmanned aerial vehicle and Joint Unmanned Combat Air System investment programs. Testimony was heard from the following officials of the GAO: Sharon Pickup, Director, Defense Capabilities and Management; and Mike Sullivan, Director, Acquisition and Sourcing Management; and the following officials of the Department of Defense: Glen Lamartin, Director, Defense Systems, Office of the Secretary; LTG Ronald E. Keys, USAF, Deputy Chief of Staff, Air and Space Operations; BG Jeff Schloesser, USA, Director, Army Aviation Task Force; RADM Andy Winns, USN,
Deputy N78 Aviation Requirements Officer, USN; and BG Martin Post, USMC, Assistant Deputy Commandant, Aviation.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006
Committee on the Budget: Ordered reported the Concurrent Resolution on the Budget for Fiscal Year 2006.

VOCA TIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

SPY ACT
Committee on Energy and Commerce: Ordered reported, as amended, H.R. 29, Spy Act.

GLOBAL EARTH OBSERVATION
Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “The Implementation of GEOSS: A Review of the All-Hazards Warning System and its Benefits to Public Health, Energy and the Environment.” Testimony was heard from VADM Conrad C. Lautenbacher, Jr., USN (Ret.), Under Secretary, Oceans and Atmosphere and Administrator, NOAA, Department of Commerce; Allen Drearry, Associate Director, Division of Research Coordination Planning and Translation, National Institute of Environmental Health Science, NIH, Department of Health and Human Services; Gary Foley, Director, National Exposure Research Laboratory, EPA; Ari Patrinos, Associate Director, Biological and Environmental Research, Department of Energy; and public witnesses.

GSE REFORM AND THE FEDERAL HOME LOAN BANK SYSTEM
Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled “GSE Reform and the Federal Home Loan Bank System.” Testimony was heard from Ronald A. Rosenfeld, Chairman, Federal Housing Finance Board; David H. Hehman, President and Chief Executive Officer, Federal Home Loan Bank, Cincinnati, Ohio; and public witnesses.

CUSTOMS AND BORDER PROTECTION STRUCTURE
Committee on Homeland Security: Subcommittee Management, Integration and Oversight held a hearing entitled “CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests?” Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES
Committee on International Relations: Authorized the Chairman to seek consideration under suspension of the rules for the following measures, with amendments deemed agreed to, H. Con. Res. 18, Expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese people by the Government of the Syrian Arab Republic; H. Con. Res. 32, Expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic; H. Con. Res. 34, Honoring the life and contributions of Yogi Bhajan, a leader of Sikhs, and expressing condolences to the Sikh community on his passing; H. Con. Res. 81, Expressing the sense of the House of Representatives regarding the two-year anniversary of the human rights crackdown in Cuba; H. Con. Res. 82, Expressing the grave concern of Congress regarding the arrest of Ayman Nour, the leader of the al-Ghad party, by the Government of the Arab Republic of Egypt and the support of Congress for continued progress toward democracy in Egypt; H. Res. 101, Urging the European Union to add Hezbollah to the European Union’s wide-ranging list of terrorist organizations; H. Res. 120, Commending the outstanding efforts by members of the Armed Forces and civilian employees of the Department of State and the United States Agency for International Development in response to the earthquake and tsunami of December 26, 2004; H. Res. 135, Providing for the establishment of a commission in the House of Representatives to assist parliaments in emerging democracies; H. Con. Res. 83, Urging the appropriate representative of the United States to the 61st session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People’s Republic of China to end its human rights violations in China; H. Res. 99, Expressing condolences of the House of Representatives to the families of the victims of the terrorist attacks in Madrid that occurred one year ago, on March 11, 2004, and expressing deepest sympathy to the individuals injured in those attacks and to the people of the Kingdom of Spain; and H. Res. 108, Commemorating the life of the late Zurab Zhvania, Prime Minister of the Republic of Georgia.

HUMAN TRAFFICKING
Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations held a hearing on Combating Human Trafficking: Achieving Zero Tolerance. Testimony was heard from John R. Miller, Director, Office to Monitor and Combat Trafficking in Persons, Department of State; and public witnesses.
U.S.-RUSSIA RELATIONS
Committee on International Relations: Subcommittee on Europe and Emerging Threats held a hearing on Developments in U.S.-Russia Relations. Testimony was heard from Representative Weldon (PA); and public witnesses.

U.S.-PALESTINIAN RELATIONS
Committee on International Relations: Subcommittee on Middle East and Central Asia held a hearing on U.S. Policy Toward the Palestinians in the Post-Arafat Era. Testimony was heard from the following officials of the Department of State: David M. Satterfield, Acting Assistant Secretary, Bureau of Near Eastern Affairs; and James Kunder, Assistant Administrator, Asia and the Near East, AID.

LATIN AMERICA DEMOCRACY
Committee on International Relations: Subcommittee on the Western Hemisphere held a hearing on The State of Democracy in Latin America. Testimony was heard from following officials of the Department of State: Roger F. Noriega, Assistant Secretary, Bureau of Western Hemisphere Affairs; and Adolfo Franco, Assistant Administrator, Bureau for Latin America and the Caribbean, USIA; and public witnesses.

MISCELLANEOUS MEASURES; COMMITTEE BUSINESS
Committee on the Judiciary: Ordered reported the following measures: S. 167, amended, Family Entertainment and Copyright Act of 2005; H.R. 683, amended, Trademark Dilution Revision Act of 2005; H.R. 1037, To make technical corrections to title 17, United States Code; H.R. 1036, To amend title 17, United States Code, to make technical corrections relating to copyright royalty judges; H.R. 1038, Multidistrict Litigation Restoration Act of 2005; and H. Con. Res. 53, Expressing the sense of the Congress regarding the issuance of the 500,000th design patent by the United States Patent and Trademark Office.

The Committee also approved pending Committee business.

OVERSIGHT—BUDGET REQUEST FOR FOREST SERVICE AND BUREAU OF LAND MANAGEMENT
Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on FY’06 President’s Budget for the Forest Service and the Bureau of Land Management. Testimony was heard from Kathleen B. Clarke, Director, Bureau of Land Management, Department of the Interior; and Mark Rey, Under Secretary, Natural Resources and Environment, USDA.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS
Committee on Rules: Granted, by voice vote, a structured rule providing for further consideration of H.R. 3, Transportation Equity Act: A Legacy for Users. The rule provides for no further general debate (except for the final period of ten minutes contemplated in House Resolution 140). The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. No testimony was heard.

NSF BUDGET AND MANAGEMENT CHALLENGES
Committee on Science: Subcommittee on Research held a hearing on the NSF Budget and Management Challenges. Testimony was heard from the following officials of the NSF: Arden L. Bement, Jr., Director; Mark S. Wrighton, Chairman, Audit and Oversight Committee, National Science Board; and Christine C. Boesz, Inspector General.

FUTURE OF SOCIAL SECURITY
Committee on Ways and Means: Held a hearing on the Future of Social Security. Testimony was heard from David M. Walker, Comptroller General, GAO; and the following Public Trustees of the Social Security and Medicare Trust Fund: Thomas R. Saving; and John L. Palmer.

BUDGET
Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on the Budget. Testimony was heard from departmental witnesses.

Hearings continue tomorrow.

Joint Meetings
VETERANS OF FOREIGN WARS
Joint Hearing: Senate Committee on Veterans’ Affairs concluded joint hearings with the House Committee on Veterans’ Affairs to examine the legislative recommendations of the Veterans of Foreign Wars, after receiving testimony from John Furgess, Veterans of
Foreign Wars of the United States, Washington, D.C.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 10, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to continue hearings to examine the reauthorization of the Commodity Futures Trading Commission, 10 a.m., SR–328A.

Committee on Appropriations: Subcommittee on Interior, to hold hearings to examine proposed budget estimates for fiscal year 2006 for the Department of the Interior, 9:30 a.m., SD–124.


Subcommittee on District of Columbia, to hold hearings to examine proposed budget estimates for fiscal year 2006 for funding for Federal foster care initiatives in the District of Columbia, 2 p.m., SD–192.

Committee on Armed Services: to hold hearings to examine the review of Department of Defense detention operations and detainee interrogation techniques, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine recent developments involving the security of sensitive consumer information relating to identity theft, 2:30 p.m., SD–538.

Committee on the Budget: business meeting to resume markup of the concurrent resolution on the budget for fiscal year 2006, 9:30 a.m., SD–608.

Committee on Commerce, Science, and Transportation: business meeting to consider S. 148, to establish a United States Boxing Commission to administer the Act, S. 361, to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, enhance homeland security, support maritime operations, S. 39, to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration, S. 362, to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, S. 364, to establish a program within the National Oceanic Atmospheric Administration to integrate Federal coastal and ocean mapping activities, S. 50, to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, S. 268, to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, National Telecommunication and Information Administration authorization, Coast Guard nominations, NOAA Corps nominations, and adoption of committee rules for the 109th Congress, 10 a.m., SR–253.

Committee on the Judiciary: business meeting to consider the nomination of William Gerry Myers III, of Idaho, to be United States Circuit Judge for the Ninth Circuit, 11 a.m., SD–226.

Committee on Veterans' Affairs: to hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Blinded Veterans Association, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America and the Jewish War Veterans, 10 a.m., 345 CHOB.

House

Committee on Agriculture, Subcommittee on Conservation, Credit, Rural Development and Research, hearing to access the Methyl Bromide Critical Use Exemption (CUE) process under the Montreal Protocol, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Under Secretary for Food, Nutrition, and Consumer Services, 9:30 a.m., 2362A Rayburn.

Subcommittee on Defense, on Navy/Marine Corps Posture, 10 a.m., and executive, on Navy/Marine Corps Acquisition, 1:30 p.m., H–140 Capitol.

Subcommittee on The Department of Homeland Security, on U.S. Coast Guard, 10 a.m., and on Immigration and Customs Enforcement, 2 p.m., 2359 Rayburn.

Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies, on Secretary of Education, 10 a.m., 2358 Rayburn.

Subcommittee on Energy and Water Development, and Related Agencies, executive, on Department of Energy-National Nuclear Security Administration, 10 a.m., 2362B Rayburn.

Subcommittee on Interior, Environment, and Related Agencies, on National Endowment for the Arts, 10 a.m., and on National Endowment for the Humanities, 11 a.m., B–308 Rayburn.

Subcommittee on Military Quality of Life, and Veterans Affairs, and Related Agencies, on European Command, 9:30 a.m., and on Pacific Command, 1:30 p.m., H–143 Capitol.

Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies, on NOAA, 10:30 a.m., H–309 Capitol.

Committee on Armed Services, to continue hearings on the Fiscal Year 2006 National Defense Authorization budget request, 3 p.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on the Fiscal Year 2006 National Defense Authorization budget request—Defense Science and Technology in support of the War on Terrorism, and Beyond, 1 p.m., 2212 Rayburn.

Committee on Education and the Workforce, Subcommittee on Workforce Protections, to mark up H.R. 940, Recreational Marine Employment Act of 2005, 11:30 a.m., 2175 Rayburn.


Subcommittee on Energy and Air Quality, hearing entitled “Funding Options for the Yucca Mountain Repository Program,” 2:30 p.m., 2123 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled “Preparing Consumers for the End of the Digital Television Transition,” 1 p.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, oversight hearing of the Rural Housing Service, including the Service’s budget request for fiscal year 2006,” 2 p.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled “Due Diligence in Mortgage Repurchases and Fannie: The First Beneficial Case,” 10 a.m., 2128 Rayburn.

Committee on Government Reform, to consider the following measures: H.R. 185, Program Assessment and Results Act; and S. 384, To extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years, 10 a.m., 2154 Rayburn.

Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled “FY 2006 Drug Control Budget and the Byrne Grant, HIDTA, and Other Law Enforcement Programs: Are We Jeopardizing Federal, State and Local Cooperation?” 2 p.m., 2154 Rayburn.

Committee on Government Reform, to consider funding requests of the Committees of the House of Representatives, 2 p.m., 1310 Longworth.

Committee on International Relations, hearing on The Korean Peninsula: Six Party Talks and the Nuclear Issue, 10:30 a.m., 2172 Rayburn.


Subcommittee on Asia and the Pacific, hearing on Indonesia in Transition: Recent Developments and Implications for U.S. Policy, 2 p.m., 2172 Rayburn.

Subcommittee on International Terrorism and Nonproliferation, hearing on Eliminating Terrorist Sanctuaries: The Role of Security Assistance, 2 p.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, oversight hearing on the U.S. Department of Justice, Civil Rights Division: A Review of the Civil Rights Division for the Purpose of the Reauthorization of the U.S. Department of Justice, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, to meet for organizational purposes; to consider pending Subcommittee business; followed by an oversight hearing entitled “Interior Immigration Enforcement Resources,” 12 p.m., 2141 Rayburn.


Subcommittee on Fisheries and Oceans, oversight hearing on the Fiscal Year 2006 Budget Request of the U.S. Fish and Wildlife Service; and NOAA, 2 p.m., 1324 Longworth.

Subcommittee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, oversight hearing on Agency Budgets and Priorities for Fiscal Year 2006, with emphasis on U.S. Army Corps of Engineers, the TVA, Natural Resources Conservation Service and Saint Lawrence Seaway Development Corporation, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, Budget hearing, 12 p.m., and, executive, Budget hearing, 1:30 p.m., H–405 Capitol.

Joint Meetings

Joint Meetings: Senate Committee on Veterans’ Affairs, to hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Blinded Veterans Association, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America and the Jewish War Veterans, 10 a.m., 345 CHOB.
Next Meeting of the SENATE
9:30 a.m., Thursday, March 10

Senate Chamber

Program for Thursday: After the transaction of any routine morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S. 256, Bankruptcy Reform Act, with votes on, or in relation to, certain amendments, and a vote on final passage of the bill.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, March 10

House Chamber

Program for Thursday: Complete consideration of H.R. 3, Transportation Equity Act: A Legacy for Users (structured rule, complete consideration).

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