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House of Representatives

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 leaders 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 the world over.

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 Speaker 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.

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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 Reservists, 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 manufacturing firm, 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 again, paced by double-digit 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 privatization 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 of South Carolina. 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 today in developing democracies. In the face of great danger, the women of Iraq and Afghanistan are displaying tremendous courage.

In January, Iraqi women risked their lives to participate in Iraq's first free elections in over 50 years. After the votes were tallied, their bravery was rewarded, as over one-third of Iraq's newly elected legislators are women.

The liberation of Iraq delivered hope and a future to Iraqi women, and they are helping 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 accomplishments and encourage them to continue their work for freedom and 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 both 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 my colleagues will 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.

□ 1015

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 of Illinois. Madam Speaker, a large number of people are on the Hill this week from ACORN, one of the most effective grass-roots 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 1854, 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.

VIOLENCE 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 public assistance recipients, the President has requested zero funding for domestic violence counseling and services.

How can he ignore the studies that find that up to 83 percent of mothers in the welfare system are victims of domestic violence. And to add insult to injury, the President proposes battered women and battered mothers with children be required to attend faith-based marriage classes or lose all of their welfare benefits.

Marrying an abuser to keep benefits is not the way to build healthy families and healthy communities. This standard of morality really hurts victims of abuse. We must reauthorize the Violence Against Women Act and the Welfare Reauthorization Act, and we must be in the business of protecting the most vulnerable and the abused. That should be our standard of morality.

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.

EXPRESSING SENSE 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:

H. RES. 41

Whereas April 6 has a 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 the great contributions of 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 within which to revise and extend their remarks and include extraneous material on H. Res. 41.

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

There was no objection.

Mr. DUNCAN. 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. The following year, 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 outmanned 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.

Afterwards, 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 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 great Nation. 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 their ancestry 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 Games, or better 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 most of 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 cosponsor 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 for all Americans. Since 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 includes these inspirational lines: ''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 us in 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 have friends in 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, James Naismith; Edgar Allan Poe; Willard Scott; Robert Louis Stevenson; Elizabeth Taylor; and James McNeil Whistler, just to mention a few.

□ 1030

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 hundreds of thousands 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 clan societies, clubs, fraternal associations and individual Scottish Americans that represent literally millions of Americans nationwide.

In North Carolina, my home State, Mecklenburg County first officially observed Tartan Day in 1996. The City of 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 as has California with proclamations issued by several cities and counties as well.

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 growth 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 imaginations 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 I speak for all Americans of Scottish heritage and lineage when I say 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 the 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 'clanna' 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 happy 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 Common Sense 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 to 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, and he, too, 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 thank you for your noting 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 much 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-Americans 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 gratified 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 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 theatre;

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 Marines 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 many 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 fighters 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 were assembled 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 captured forever 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.

□ 1045

In 1968 the island was returned to Japan, and remains of Marines from the Third, Fourth and Fifth Divisions were 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 colleague on this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. KLINE. Madam Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from California (Mr. CALVERT).

Mr. CALVERT. 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, and 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.

I had the honor of meeting a humble hero of the Battle of Iwo Jima sometime 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:

''Fearlessly 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 resolutely 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 carbine, 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 hostile force finally routed, 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 I proudly support this resolution offered by my good friend from California.

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

Ms. BORDALLO. 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 one 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, Corporal Lindberg and 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 image of victory 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 dedication 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 salute you from the floor 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.

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

Madam Speaker, there were so many of our colleagues today who intended to come down and speak on this very important subject and express their admiration and praise for those Marines on Iwo Jima 60 years ago; but as has been mentioned, some of them are involved in a joint hearing on veterans affairs and doing the work that brought them here.

I would like to thank my colleague, the gentleman from North Carolina (Mr. BUTTERFIELD), for the discussion today and urge all of my colleagues to support this resolution.

Mr. BUYER. Madam Speaker, I rise in strong support of the Iwo Jima Resolution.

For all who bear its scars, the battle for Iwo Jima still looms gargantuan, unbelievable, devouring. It is not measurable by any past battles. The battle of Iwo Jima is unique in its own setting.

First, it was the longest aerial campaign of World War II. Incredibly, this ferocious bombardment had little effect. Hardly any of the Japanese underground fortresses were touched.

Four miles long, shaped like a pork chop and covering 7½ miles, Iwo Jima had no front lines and no rear lines—every inch of the island was a battleground and a graveyard. U.S Marines—Active and Reserves, were forced to take one of the most heavily fortified objectives in military history.

Over 110,000 Marines in 880 ships took part in the operation. Over 7,000 Marines and 20,000 Japanese soldiers lost their lives fighting the fiercest Marine Corps battle of the Pacific Theater in World War II.

For America, it was the front door step to the Japanese heartland and the beginning of the end to an awful war. For the 22,000 Japanese defenders, Iwo Jima was the defense of their very hearths and homes as if it were a part of Tokyo.

The island's defenses were built and fortified over a period of several years. There were complex, subterranean levels, some two stories down.

Heavy fire made it impossible to land men in an orderly manner and confusion reigned on the beaches. From these the defenders could approach the Marines on the surface virtually anywhere, through warrens, spider holes, caves, and crevices.

Japanese soldiers were given a direct order to each kill ten Marines—and for a large part of the battle, they were meeting their quotas. Some 2,300 Marines were killed or wounded in the first 18 hours of the operation.

At great cost, the Marines would take a hill only to find the same enemy suddenly on their rear or flank positions. The enemy was nowhere and everywhere, especially at night. The Japanese were not on Iwo Jima—they were in it!

Madam Speaker, war is hell, and Iwo Jima was the devil's living room.

Historians have described the U.S. attack as ''throwing human flesh against reinforced concrete.'' In the end, the battle was won inch-by-inch by the tenacity of the foot soldier. One in three Marines on Iwo Jima would either be killed or wounded, including 19 of 24 battalion commanders. Twenty-seven Marines and naval medical corpsmen earned the Medal of

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 patriots 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 day's, 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 servicemen 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 sixtieth 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 was the critical air base from which Japan's fighters prevented American bombers from reaching their targets in mainland Japan. Because 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 Marines made the ultimate sacrifice in defense of freedom in securing 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 made there, the House, by passing 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 in a little more than a month. 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 "by their victory, the 3rd, 4th and 5th Marine Divisions and other units of the Fifth Amphibious Corps have made an accounting to their country which only history will be able to value fully." Sixty years later, the United States remains free, Japan is now one of our closest allies and the grandsons and granddaughters of those who served at Iwo Jima are again defending freedom abroad with the same determination and love for their country. I am confident that the Battle of Iwo Jima will continue to be a shining example of American military success for generations to come.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today as a proud cosponsor of H. Res. 119, which recognizes 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. Truly, this great battle served as a watershed moment for the United States in World War II. After capturing Iwo Jima, the United States Armed Forces were able to have a staging ground for the aerial assault that would help defeat the Japanese Empire. However, this great victory did not come without great sacrifice. More than 70,000 Marines participated in the Battle of Iwo Jima, 17,372 Marines were wounded and 5,931 Marines made the ultimate sacrifice for this Nation in this decisive battle in war, the likes of which the world had never before seen.

Today in this body we take the time to recognize those who fought in the Battle of Iwo Jima and indeed all Americans who fought in World War II. It was Edmund Burke who once aptly stated: "The only thing necessary for the triumph of evil is for good men to do nothing." The birth of our Nation itself was due to good men who refused to submit to an unjust rule; and it is that same spirit that guided those who fought in World War II. It has been said that the generation that came back from fighting World War II was in fact the 'greatest generation' and I would be hard pressed to disagree. Our brave soldiers went across the world to far away places like Iwo Jima to save massacred peoples; they had no choice but victory. Even now, we look back in pain and imagine the horror that could have been had they not been successful. They came back from this truly global war and raised a new 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, we won the Battle of Iwo Jima and 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.

The Clerk read the resolution, as follows:

H. RES. 140

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare 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 Federal-aid highways, highway 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 in the bill, modified 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 and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill 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 gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman 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, commonly referred to as TEA–LU. 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.

Madam Speaker, 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. OBERSTAR), 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 take swift action.

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

□ 1100

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 $284 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 and 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 designations beyond that immediate area.

In my district, 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 Ohio or north 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, construction of a new four-lane 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 (Mrs. 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, that is, the Pascrell 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.

We 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 for the long-term planning that is necessary to adequately address the growing transportation needs around the country.

As we in this body have been unable to agree on how to proceed with the critical legislation for some time, the significant infrastructure problems that plague the communities are worsening each day.

In fact, today, 32 percent of all major roads in America are in poor or mediocre condition. According to a new report released last month by TRIP, a national nonprofit transportation research group, the City of Rochester, which is in my district, received a grade of F for the conditions of its roads.

And according to that report, only 43 percent of Rochester's major roads are considered to be in good condition. To put that in proper perspective for everyone, I want to point out that a desirable goal for State and local organizations that oversee road maintenance

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 substandard condition or are structurally deficient, as they are categorized by the Department of Transportation, which means they are potentially dangerous.

In fact, the bridges throughout my entire district in western New York are in desperate need of repair. This presents a serious safety issue for all of us to 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 bill we are considering today, H.R. 3, also known as TEA–LU, 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–LU.

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. OBERSTAR) 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 also 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 our transportation infrastructure system 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 border States for highway 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 transportation 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. OBERSTAR), 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, have the funds 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, and 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 embark on what I hope will be a successful passage of the Central American Free Trade Agreement, prying 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 trade area of the Americas, we have 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 Long Beach and Los Angeles, 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 and Rochester, New York, and 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 embraced. 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. BACA), and others, represent, also the gentleman from California (Mr. CALVERT), the San Bernardino Riverside, the gentlewoman from California (Mrs.

BONO), and these members have to deal with the challenge of seeing these goods move through their areas. That is why I believe that we are on the right track in this legislation as we deal with what is known as the Alameda Corridor East issue, which will allow us to focus on grade separations, which are going to be so key, and also the other transportation issues that affect southern California will again free up the interstate system, allowing for the movement of these goods.

So, for example, in the area that I represent, we have a very important project that is included known as the Gold Line Foot Hill Extension. We also have the Foot Hill Transit System in our area. Now, as we are able to see people move into these areas for mass transit, it will enhance the opportunity for us to see the very important goods move to and from the ports of Los Angeles and Long Beach.

So we see a very, very key nexus developed here that will deal with our Nation's commerce. And job creation and economic growth are critical for us. We are very pleased that we have been able to see that put 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 vote, send this measure to the other body so that we can get it to the President's desk just as quickly as possible.

□ 1115

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 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate my colleague permitting me to speak on this rule.

I am pleased to follow my friend from Southern California (Mr. DREIER), the chairman of the Committee on Rules, because of one of the areas of concern I have with this bill, and I am hopeful that there will be some amendments made in order, speak specifically to some of the problems of Southern California.

I flew over recently the Alameda Corridor and looked at the problems down there. I have supported it in the past. But the area the gentleman speaks to is currently getting back over a billion dollars a year less from the highway fund than it puts in. There are some serious imbalances currently under our system.

There is a potential that this bill may be hung up at some point over the donor/donee argument, and we will watch as this moves along through the legislative process. But there is a much more fundamental problem in the country in terms of the distribution of transportation money, and that is between our metropolitan area, like my friend from Southern California (Mr. DREIER), where there is a vast amount of money that they put in and they get back a much, much smaller portion.

Orlando, Florida, 58 cents on the dollar; Tucson, 57 cents on the dollar; Dallas, Ft. Worth, 75 cents on the dollar: this is an imbalance for the vast majority of metropolitan areas in the country.

There has been an effort to get an amendment made in order by my friend, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), that would require some of the CMAQ funding that is used to solve air quality problems to be spent by the States. And currently some of the States like Texas are withholding this money, not spending it on the area to solve the air quality problem which is actually the source of the money.

I am hopeful before we are through we will be able to have this rule amended, to be able to make that in order, and that we look at this overall imbalance.

I am also deeply concerned about an element that is coming forward from my friend, the gentleman from Minnesota (Mr. KENNEDY). Last year he had an amendment that is out that would restrict the ability of toll revenues just to be used for new construction. This is a horrific proposal. There is no reason to restrict State and regional areas on how they spend that money. This would allow them to spend the money to expand the road system, but not use the same money to maintain the road system. Even worse than that, it would not allow San Diego, Houston, New York, Minneapolis, or other communities which are currently doing valued pricing to continue to do this.

This is a bad idea. It is opposed by most of the State and local authorities who are going to have to live with this bill.

Now, I for one hope that we will be able to continue in the bipartisan spirit from which it came from our committee. We have the broadest coalition supporting our chairman, the gentleman from Alaska (Mr. YOUNG), assembled in the history of infrastructure that has been considered by this Congress, from the Chamber of Commerce to the environmental groups, from the bicyclists, to the asphalt folks, the Women's Federated Garden Club of America all are on board for this broad-based, bipartisan bill. I sincerely hope we do not have it hijacked by narrow special interests and that we are able to debate it fully, fairly, honestly to make it work best for the American people.

We have been in the infrastructure business for the Federal Government since the founding of the Republic. It is an important national issue. I hope we maintain it.

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 reserve the balance of my time.

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

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

TEA-LU 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 bill would make our highways safer and prolong the life of our roads and bridges by extending the commonsense limits we already have on the

interstate highways to the entire national highway system.

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 combination vehicles, 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, this amendment 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.

Allocating 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 network through increased 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 pool benefits. 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 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 formula funding 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 and States. It designates 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 gentlewoman 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 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.

□ 1128

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) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

The Chair designates the gentleman from New York (Mr. FOSSELLA) as chairman of the Committee of the Whole, and requests 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 yield myself such time as I may consume.

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

Mr. YOUNG of Alaska. Mr. Chairman, today I rise once again 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 stuck in traffic, actually more days than they usually get 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. PETRI), and another subcommittee ranking minority member, the gentleman from Oregon (Mr. DEFAZIO).

□ 1130

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 operating under the extension until May 31, 2005. After that date, 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 283, very frankly, $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–21. 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 remove bottlenecks.

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 our city and to man 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. PETRI), has been the real workhorse on this bill. He has taken his subcommittee around 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 and efforts of the gentleman from California (Mr. THOMAS), 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 spent working for us 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 Miller, Suzanne Newhouse, Bailey Edwards, Will Bland, Sharon Barkeloo; Debbie Gephart and Patrick Mullane on the gentleman from Wisconsin's (Mr. PETRI) staff.

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

I want to thank the gentleman from Minnesota (Mr. OBERSTAR), who is not here, but I see the gentleman 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 Heymsfeld, and chief counsel, Ward McCarragher, as well as Kathy Zern, Art Chan, Ken House, Eric Vanschyndle, 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 who have made sure the proposal ended up on paper and in proper form. Our appreciation goes to David Mendelsogn, 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 endeavor.

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 transit, for every billion we spend, the President's Department of Transportation estimates that 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 subcontract, the communities where the projects take place with the spending in those communities, with improvement in the movement of freight so trucks do not have to take lengthy detours, so the just-in-time delivery can work better for American businesses, 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 larger 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, 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 to do that.

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 during 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 alike, 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.

Coincidentally, today 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 1993, 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 ''scope'' issue has been addressed so that, for example, high 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 the 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 have several provisions addressing motorcycle safety.

□ 1145

Motorcycle safety grants are authorized, and I encourage States to look at using these and section 402 funds to address impaired driving, which is a great cause of concern.

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 other projects that have regional national significance yet overwhelm the financial capabilities of any one State.

We retain funding for transit at the traditional split and include programs that will 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 Subcommittee 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 our surface transportation programs 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, at $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 time we introduced that bill, gasoline was selling at $1.34 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, the 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 America provisions 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 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. American 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 your purchase at the pump, and you drive away on good roads. It is just that simple. And this committee has been faithful and true to that principle since 1956, going on 50 years.

But when we got that message that, oh no, that is not the number, we scaled our bill back; you did not hear any partisan bickering. What you saw was bipartisan cooperation. We brought a much lower bill to the floor, the Transportation Equity Act, a Legacy for Users, TEA–LU, and we took it through this House to the conference, where it stalled again over the level of investment that we need to make in America's transportation future. And it could not be resolved all the way through and up to the election, nor in the lame duck session afterward. So we are here again to make that effort.

Now, in the committee, we have agreed on the structure of the legislation, on the way in which those dollars are going to be invested, the programs, the allocated and allotted programs, the apportioned programs, and we bring to this body good investment in the future of transportation in America.

In safety alone, we invest $6 billion in the future of safe roads in America. In 1956, when the Highway Trust Fund was created and the interstate highway program launched, the projections were, if America did not move to a much safer highway system, a divided access controlled superhighway program, we would be killing 110,000 a year on America's roads. And because of the interstate highway, we are saving well over 50,000 lives a year.

We need to do better, however, and we can and will do better with the investments we are making in this legislation. For example, the $550 million investment in rural road safety. Forty-three percent of America's fatalities occur on rural roads. In our State of Minnesota, half of those fatalities are people from the metropolitan area driving in rural Minnesota who are killed on unsafe rural roads.

We need to make the investments to improve the quality of safety on our rural road system as well as in urban-suburban areas. We do that in this legislation. We make the right investments.

We need to move this bill forward, get it through this House. Unfortunately, we are delayed. And while discussions continue and negotiations continue on a term that is a term of art, 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, bring the manager's 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, 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 ahead 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 signature. Even at this lower level of $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 together for the betterment 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. And at that 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 I 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.

I support this legislation today 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 $299 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.

□ 1200

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 somewhere around 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 do support this.

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 we are going 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 the 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 am hopeful 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. Chairman, 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 TEA-LU. 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 the capital 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 macadam 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. MENENDEZ and Mr. LOBIONDO) 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, States like Connecticut 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 contractors, this is 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 chairman and 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 $284 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 more than extend the expenditure authority of the Highway Trust Fund through fiscal year 2009. They reauthorize transfers from the Highway

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 motor boat fuel taxes.

It also extends the excise tax to fund the Highway Trust Fund at current levels. Mr. Chairman, these tax provisions will fund new highway projects that will strengthen local economies and create local jobs.

Mr. Chairman, I urge my colleagues to vote in favor of this legislation.

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

Mr. THOMPSON of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise on behalf of the Committee on Ways and Means, and the committee approved the tax title to the highway reauthorization bill last week. The tax title of this bill appears to be noncontroversial.

To summarize, the tax provisions would extend current law highway-related excise taxes until 2011 and the Highway Trust Fund expenditure authorities until 2009. These provisions under current law expire in 2005.

We need more transportation funding. This is a good bill, and I commend both the chairman and the ranking member and all of those on the Committee on Transportation and Infrastructure who have worked so hard to bring this bill to the floor today. Apparently, there has been agreement among the Republican leadership that H.R. 3 provides the right level of funding for our transportation systems in the coming years. However, I believe strongly that we still need to be doing more.

I know that the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), who has done so much on this for so long, will speak strongly on the need to do more to improve and to maintain our existing transportation system and to ensure adequate infrastructure investments nationwide; and I strongly agree with the gentleman.

Our Nation's long- and short-term needs have been specific and well documented by the Department of Transportation. All that needs to be done is for this Congress to act and to provide that adequate level of funding.

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

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

To quickly summarize, this bill, on behalf of the Committee on Ways and Means, provides new highway projects that will strengthen local economies and create local jobs; extends the authority to spend money from the Highway Trust Fund through September 30, 2009; provides $284 billion in needed funding for Federal highways; and extends the present law excise tax that finances Highway Trust Funds through September 30, 2011. It reauthorizes Highway Trust Fund transfers to the Aquatic Resources Trust Fund to account for fuel taxes collected for motorboat 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).

The Acting CHAIRMAN. The gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5½ minutes.

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 80 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.

□ 1215

I did want to make one brief reference to the donor-donee that my friend from Florida was talking about, that they are up to 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 in 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 area to deal with its transportation needs. There are any number of 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 it is needed, we 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 environmental 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 Chairman 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 that is to better the transportation system within our Nation.

I would also like to commend Chairman YOUNG'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 borders. This bill 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, the problem we face with 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 harbors to 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 come up with the funds to improve our at-grade crossings for the trains, we are just going to sit there and watch trains go by. We are going to sit on the freeways and watch trucks coming back and forth from those harbors when people are trying to get back and forth to work to provide for their families.

Nothing has as great an impact on our economic development, growth patterns and quality of life as transportation. If you are going to have a good system, if you are going to have a system that is critical in keeping people moving and goods moving and cities and communities prosperous, you have to provide for the transportation needs that the American people are demanding and require.

In California, they have gone through some very difficult economic times. The State of California has been in deficit for recent years and is having to continue to cut back on their spending. One area they tend to focus on cutting back on seems to be transportation. I have never been as impacted by calls, letters and requests from my local communities, and those requests are for dollars to be able to meet the local transportation needs that they have, needs that, in the past, they have been able to accommodate themselves.

This year, in some of our communities in California, it is worse than others because we have been plagued by an incredible amount of rain, more rain than the sewers in California are able to accommodate. We have houses sliding off of hills, very severe economic problems and situations that our cities and counties have been put into. And dollars that would otherwise be placed in transportation to fulfill those needs locally are being placed to help people who are being impacted by the slides and the devastation that California has recently experienced. Then that puts the cities in a situation where they have to come back to Congress and say, we need some of our tax dollars back to be able to help move people, to repair the potholes, to improve the highways, the freeways that are impacted, the bridges that are deteriorating in California and throughout this country. We have to do something about that. That is what this bill does.

Again, I want to praise Chairman YOUNG. He has done everything he can to provide 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 the 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 to enact a reauthorization 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 thousand 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 residents, 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 crumbling infrastructure. This 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 contracting 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 recently and spending time understanding the important transit issues that we are facing in Miami-Dade County. The most important issue at this point, as the gentleman from Alaska knows, Mr. Chairman, is allowing $100 million committed 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, also with 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

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 legislative language 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.

□ 1230

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 title of the TEA–LU bill regulates 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 system for ensuring 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 million 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.

Recent incidents 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, H.R. 909, 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 crosscutting 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 create 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 booths that add to 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. It has been 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.

My 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, benefit, while we still suffer 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 needs so that we can 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 government 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 viability through 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. DENT), for their support on our effort on this issue.

It is critical that Congress address this issue and examine the possible

need of limiting Governors' ability to shift funds in the future. Rural Pennsylvanians, rural Americans should not have to continue to foot the bill for transit riders in the large metropolitan areas of this country.

Mr. Chairman, I want to thank the chairman again, the gentleman from Wisconsin (Chairman PETRI), and the committee staff for all their hard work and efforts in getting H.R. 3 to the floor today.

Mr. DEFAZIO. 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 the 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 common interest of providing 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 are in an ever-changing world with 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 Congressman 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 please that in this legislation this highway 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 bipartisan bill.

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 approaches to meeting current and future transportation demands.

In 2002, I worked to launch the Comprehensive Economic Development Strategy Process in the eighth district. As part of this process, the CEDS Committee 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 translate into 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 directed 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 of 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 and around 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 gentlewoman 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, the gentleman from Minnesota (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 ranking member, 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 governments 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 $67.5 billion a year in wasted 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 spoken loud 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

(Mr. DEFAZIO); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); the former ranking member, the gentleman from Illinois (Mr. LIPINSKI); the gentleman from Alaska (Chairman YOUNG); and the gentleman from Wisconsin (Chairman PETRI) for including and supporting the projects of national and regional significance.

This new program will go a long way in relieving our Nation's transportation choke points and help reduce the congestion that plagues our communities and slows down our national economy. We desperately need programs like this to address our Nation's growth in trade.

In 1970, the amount of U.S. trade in goods totaled $83 billion a year. Today, that figure has grown to $2.29 trillion, a nearly 28-fold increase in 35 years. Over the same period, the U.S. population has grown by 40 percent and the number of registered vehicles has increased by 100 percent, yet our road capacity has increased by only 6 percent.

Mr. Chairman, we must and we can do better.

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Think about this: In the last 35 years, we have revolutionized how we communicate and conduct commerce. We have transformed the size and scale of business in a global economy. Yet, how we get our goods and services is the one element we have not changed during that time. Our economy is evolving and our transportation infrastructure must be an integral part of this evolution.

A prime example of our economy's evolution is the emergence of just-in-time delivery, which is the way that most major businesses run and grow their businesses. Just-in-time delivery minimizes the storage costs for businesses, allowing them to keep smaller inventories, which ultimately keeps consumer prices down across the country. We must have a transportation infrastructure that meets the many demands placed upon it.

The Projects of National and Regional Significance program and funding addresses the increasing importance of moving goods safely, securely, and efficiently, as well as the mobilization of people. This program does what only a transportation reauthorization bill can do; it makes sure that our transportation infrastructure is coordinated, balanced and national in scope.

In addition, I want to thank the committee for including another provision that speaks to goods movement, and that is the designation of the I–710 as a high-priority corridor. Fifteen percent of our Nation's total commerce of inbound and outbound containerized goods move along the I–710. This is truly a high-priority corridor.

Finally, this is a jobs bill, Mr. Chairman. Every $1 invested in public transportation infrastructure provides up to $6 in economic return, and every $1 billion invested in our transportation infrastructure creates and sustains 48,000 jobs.

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. FORTUÑO) for 3 minutes.

Mr. FORTUÑO. 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 through 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 will take 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 a 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 made 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 of Puerto Rico whom I have the great honor to represent, 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 a long way towards 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 originally passed, we would begin to address our immediate needs to create tens of thousands of good-paying jobs. We know that each $1 billion of Federal funds invested in infrastructure creates approximately 47,000 jobs and generates $6.2 billion in economic activity, and our economy 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. Our transportation policy now directs 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 colleague, the gentleman from upstate New York (Mr. KUHL), for his amendment naming a section of Interstate 86 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) and the gentleman from Oregon (Mr. DEFAZIO) for bringing this important bill to the Floor. They and their staffs have produced 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 both House reauthorization bills during the last Congress, I realize that members and staff, Democrats and Republicans alike, have worked tirelessly and relentlessly to produce today the 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 obviously 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 the legislative 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, vehicular congestion. It costs taxpayers millions of dollars each year, and I do not suggest that the bill before us will automatically cure that problem, but it will certainly address it and assuage the discomfort that results therefrom.

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 TEA–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 Northwest with its critical freight corridors, border 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 service and replace aging vessels and continue providing service to many island 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 shut off 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 transborder infrastructure needs.

In Washington State and along the West Coast, we are seeing record levels of NAFTA and Asian-Pacific freight. Federal funds are necessary in order to keep our West Coast ports and border crossings open and flowing smoothly. These Federal funds must target and maintain the trade arteries that bring goods from Seattle and Tacoma to Chicago, New York and destinations all across the country.

We have a great start in TEA–LU. I am confident that we will only make this bill better as it progresses through Congress.

Mr. PETRI. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Chairman, I thank the gentleman from Wisconsin (Chairman PETRI) and want to congratulate him for his patience and persistence and for getting 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 called 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 under the influence of illegal 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, methamphetamines, 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.

The Drug Impaired Driving Research and Prevention Act is bipartisan legislation I introduced last year, along with the gentleman from Nevada (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. LATOURETTE), the gentleman from Minnesota (Mr. RAMSTAD), and the gentleman from Ohio (Mr. HOBSON). 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 laws. It also funds research to develop field tests to be able to identify drug impaired drivers, which is a critical part of this.

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.

I thank 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), the gentleman from Oregon (Mr. DEFAZIO), and others for bringing this legislation to the Floor.

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Mr. DEFAZIO. Mr. Chairman, I yield 3 minutes to the gentlewoman 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 gentlemen 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 want to bring 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 to use 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 Metro riders have grown so rapidly, by one-third in just the past 8 years.

The regional delegation needs the Federal Government to do its fair share, beginning with helping to secure additional rail cars necessary to keep up with the astounding growth in ridership driven by Federal employees in 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 gentleman for yielding me time.

I want to commend the chairman; the subcommittee chairman; the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), 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 and challenging parts to this 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 should not be included in the 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 overreaching 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, projects using Federal dollars, 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. OBERSTAR), 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 many months in order 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 consider 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 hopes 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 38 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 billion dollars 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: A Legacy for Users.

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 roadway safety. It authorizes 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.

These 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.

Accordingly, I support the tradition of recent transportation authorizations in which funding is returned to the States on a need-based approach. In my district, the Greater Lehigh Valley of Pennsylvania and its environs, the maintenance of existing and the creation of new infrastructure are of vital importance to the well-being of the residents. Thus, as part of this bill, I have asked for an allocation of funds for a host of transportation projects including the construction of the bridge crossing the Lehigh River to connect both sides of the American Parkway in the city of Allentown, the expansion of State Route 412 from interstate 78 into the city of Bethlehem, the improvement of State Route 145 in Whitehall Township, and the construction of intermodal facilities in the cities of Easton and Allentown.

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 in this bill 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 all citizens of a State and how those officials are accounting for those dollars.

While no one objects to giving States some flexibility to the allocation of Federal highway money in order to benefit the common good, diverting these highway funds to a particular mass transit project or projects to such a significant extent is simply unacceptable to me and most Pennsylvanians.

Mr. Chairman, I support this legislation.

Mr. DEFAZIO. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. SALAZAR), a new member of the committee who has already made his mark.

Mr. SALAZAR. Mr. Chairman, I rise today in support of the Transportation Equity Act and urge swift passage of the measure. I would like to recognize the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), as well as the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Oregon (Mr. DEFAZIO), for their leadership in this historic bill.

Over the past couple of months I visited across the Third Congressional District of Colorado. From Grand Junction down to Durango and across the mountain to Pueblo, it is clear that rural America cannot afford to wait any longer.

For too long, Coloradans have put more money into the Highway Trust Fund than we have gotten out of it. As a Member of Congress, I have sworn to make sure Colorado receives its fair share of Federal tax dollars.

I am pleased with the progress that has been made on the rate-of-return issue. I thank the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for coming up to compromise on this important issue.

This funding is necessary to invest back in our own infrastructure. Increased truck traffic from I–70 and I–25 all throughout my district has put additional strain on the infrastructure already at capacity and in need of much improvement. Many of us view TEA–LU as an investment, as a stimulus for economic development and agree that we should have a higher funding level. But the reality of the budget constraints have hit hard. Rural communities have suffered most.

This legislation is a fair solution, a compromise with the total of $284 billion in guaranteed funding, a 42-percent increase over the previous bill. With this new funding, we will create and protect millions of U.S. jobs within the transportation sector and related industries. It will allow us to direct critical resources to improve highways, roadways, and other forms of transit.

In Colorado alone, nearly 75 percent of the current interstate system was built before 1970, but our population has increased by 37 percent over the past decade, and we are projected to increase another 35 percent by the year 2020. Now is the time for us to start investing in the infrastructure that will bring and support growth.

TEA–LU is a bill that will touch people at all levels. It is about connecting communities. It is about ensuring that trade flows across this country and benefits rural communities.

I urge my colleagues to support the development of rural America and passage of this bill.

Mr. PETRI. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), a senior member of our committee.

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

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

Mr. Chairman, I rise to proudly and enthusiastically endorse this measure. I will tell you what it is all about. It is about my favorite four-letter word and you can use this in polite company: jobs.

This is essentially a jobs bill that is using taxpayer money, users' money, for wise purposes to improve our basic infrastructure transportation network within the United States.

There is not a State or a county or a jurisdiction in America that does not already have preapproved plans for worthy, and let me emphasize worthy, transportation projects; but they do not have the resources to go forward with them. This bill provides the resources.

□ 1315

Let me add as a co-leader of the Fair Coalition, along with the gentleman from New York (Mr. NADLER), my colleague, Democrat he, Republican me, working very hard in support of the basic equity that is contained in the base bill, and that is to provide resources based upon need.

There are some that would change the formula rather dramatically, and I oppose that, not just because it would not work to New York's advantage, but it would not work to the Nation's advantage.

There are some who suggest we ought to distribute aid for highways and bridges and road projects based upon the number of miles of highways in the State or the number of gallons of gasoline purchased in a given State. Well, that is not the wisest choice for a formula. That rewards conspicuous consumption. That penalizes States, like my own State of New York, and we are not the only one who wisely have thought this thing through and move large amounts of people, millions of people, through public mass transit systems.

That makes sense to me, and I am going to work very hard to preserve the basic formula in this bill, but I urge my colleagues to support it in the interest of jobs for America.

Mr. DEFAZIO. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. HOLDEN), a prominent member of the committee.

Mr. HOLDEN. Mr. Chairman, I would like to thank the gentleman for yielding me time.

I want to commend and congratulate the chairmen and the ranking members of the committee and subcommittee for their hard work on this legislation for the past 18 months.

As many speakers have said previous to me today, Mr. Chairman, we all on

this committee wish we could be at our original target of $375 billion, but it is important that we pass this legislation here today, and it is very important that we get to a conference with the other body as quickly as possible.

This legislation is important to all of our districts and all of our States. As my friend from Pennsylvania said two speakers previously, Pennsylvania has specific transportation needs. Pennsylvania has more road miles to maintain than our friends in New Jersey, New York and New England combined.

In addition to that, the majority of truck traffic travelling in the Commonwealth of Pennsylvania on our interstate system, particularly on Route 80, is not traffic that begins and ends in the Commonwealth of Pennsylvania. Pennsylvania truly is the Keystone State when it comes to the economy of the northeast and of the Mid-Atlantic States. So this legislation is very important all across the country, but particularly to the Commonwealth of Pennsylvania.

So I want to again commend the chairman and the ranking member for their hard work and look forward to a conference where we have as robust an investment as possible into our highway and transit systems.

Mr. PETRI. Mr. Chairman, I reserve my time.

Mr. DEFAZIO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN), a friend 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 current 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 have dangerously 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 Bush 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 Wisconsin (Chairman PETRI) and 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 a 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 included 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 Americans who come to my area.

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 would assist rural communities 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, indeed, 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 adviser. 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, not 284? Is this the basement 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 $17.5 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? Let us get to $375 billion. Let us do what is right for 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.

□ 1330

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 primarily with rural America. 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 is 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 Nebraska to revisit, through the State legislative process, its length law for custom harvesters harvesting wheat, milo and soybeans. I hope this amendment will be added to the 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 section.

Mr. Chairman, I rise in strong support of this very important legislation which will improve our transportation infrastructure and create millions of jobs. Our chairman, the gentleman from Alaska (Mr. YOUNG) and 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 travelling, 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 good 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 vote for 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 reserve the balance of my time.

Mr. PETRI. 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 revenue stream to address the challenge of negotiating a new formula and numerous priorities. It has been a tough job, but I applaud the Chairman's tenacity and that of the gentleman from Minnesota (Mr. OBERSTAR) and the others on the committee leading to what I think is an excellent product.

I am pleased to say that Kentucky will be receiving a fairer share and more funding to address our substantial needs, and for that, I am very grateful. I would also like to thank Chairman YOUNG for including $35 million to continue work on the Interstate 66 projects in Kentucky, a vital national east-west corridor.

The eventual and inevitable completion of I–66 will create a seamless and safer expressway from the coal beds of West Virginia to the corn fields of Missouri. I–66 will fill gaps in our national highway system and open up commerce to the Appalachian areas. Most importantly, this route will reduce the dangers of everyday travel for my constituents and the increasing number of visitors to the mountains in my district.

Finally, I want to thank the committee for continuing our commitment to the Appalachian Development Highway System. The benefits of this road development program to communities in my district cannot be understated. Communities have been reborn, businesses started, and health care received because of this investment. Over $2 billion will be invested to a commitment made to the Appalachian communities over 40 years ago, and I thank the committee for including these monies, especially for the Appalachian region.

This is a good bill, Mr. Chairman. I urge all my colleagues to support this legislation and let us get on with it.

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

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume just to urge all Members to vote for this bill when it reaches final passage.

Mr. GARY G. MILLER of California. Mr. Chairman, I would like to begin by commending Chairman YOUNG, Subcommittee Chairman PETRI, and Ranking Member OBERSTAR for working tirelessly over the past several months to produce a reauthorization bill that effectively addresses America's transportation needs. As we all know, nothing has as great an impact on our economic development, growth patterns, and quality of life as transportation. A reliable and efficient transportation system is critical to keeping people and goods moving and cities and communities prosperous. Our Founding Fathers believed that the free-flow of interstate commerce was one of the important foundations of this country. 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–LU) 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 state's communities 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–LU is its attention to the infrastructure deficiencies facing our nation's freight corridors. Southern California serves as a vital conduit for transporting goods to the rest of 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.

Currently in my district, more than 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 train traffic has had on local communities' quality of life. Traffic congestion, noise, air pollution and delays in emergency-response time are just some of the negative side effects that accompany heavy rail traffic. Our local freeways, 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 consumers 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 duplicative 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 between floor consideration and conference 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 the rest of America, with a framework 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–LU).

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. U.S. Route 30, the prime east-west truck route in my district, exemplifies this problem.

As the main alternative to the Ohio Turnpike and Interstate 70, Route 30 has seen huge increases in truck traffic over the years—roughly 65 percent in the last decade. This has led to a tragic number of fatal accidents on the narrow two-lane segments of this road. Obviously, the need for a four-lane upgrade has never been more crucial.

Seven years ago, as part of TEA–21, I was able to secure more than $11 million for the purchase of right-of-ways for the Route 30 modernization throughout my congressional district. Since that time, I have been honored to join my constituents at groundbreaking and ribbon-cutting ceremonies to mark continuing progress on this lifesaving project, for which they have been waiting for more than four decades. The four-lane segment between Upper Sandusky and Bucyrus opened just last December, and completion of the Bucyrus-Ontario section is expected by August of this year. As soon as next week, construction work could begin on the longest uncompleted section in the Fourth District between State Route 235 and Upper Sandusky. I'm grateful that TEA–LU will provide an additional $10 million in direct funding for Route 30 modernization to bring much needed relief to those who drive and live near this major highway.

I'm also pleased that the bill provides $2.3 million to continue U.S. Route 68 bypass construction efforts in Urbana. Nearly fifty years ago, the State of Ohio launched this project to connect Interstate 70 to U.S. Route 33 west of Columbus, purchasing significant parcels of land for the new road. Little progress has been made on it, though, hindering economic development on the west side of the city. This bill will advance the second phase of the overall project by providing needed design and right-of-way funding.

In accord with TEA–LU's expansion of rail/highway crossing safety programs, I am grateful to the Committee for including important rail grade separation projects in the reauthorization as well. In the city of Lima, the construction of new grade separations will alleviate the potential dangers that arise when stopped trains cut off an entire sector of the populace from emergency services. A similar project in Urbana will allow for the rehabilitation of the rail bridge over U.S. Route 36.

Mr. Chairman, I salute the commitment of Chairmen DON YOUNG and TOM PETRI in setting a course toward meeting our nation's growing transportation needs. I applaud the continuing hard work of STEVE LATOURETTE and BOB NEY in securing the best possible rate of return for Ohio and other donor states to the Highway Trust Fund. As we move to conference, their efforts in support of highway funding equity will help our state to complete the many vital infrastructure projects that have been on the shelf for years due to lack of funding. I also thank them and our outstanding senators, MIKE DEWINE and GEORGE VOINOVICH, for their leadership in fixing the ethanol tax penalty last year—a fix that will result in an additional $160 million in highway funds for Ohio each year. Their work is ensuring that our state and our nation have the best and most modern transportation systems in the world.

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.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, March 3, 2005.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing with regard to 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 conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 3 or similar 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.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 3, 2005.

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 waving 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 cooperation at all 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 business 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 repairs, the reconfiguration 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 hours 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 Schyndle. 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 fraudulent 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:

Sec. 1. Short title, table of contents.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorization of Programs

Sec. 1101. Authorizations of appropriations.
Sec. 1102. Obligation ceiling.
Sec. 1103. Apportionments.
Sec. 1104. Minimum guarantee.
Sec. 1105. Project approval and oversight.
Sec. 1106. Use of excess funds.
Sec. 1107. Temporary traffic control devices.
Sec. 1108. Revenue aligned budget authority.
Sec. 1109. Emergency relief.
Sec. 1110. Surface transportation program.
Sec. 1111. Highway use tax evasion projects.
Sec. 1112. Appalachian development highway system.
Sec. 1113. Construction of ferry boats and ferry terminal facilities.
Sec. 1114. Interstate maintenance discretionary.
Sec. 1115. Highway bridge.
Sec. 1116. Transportation and community and system preservation program.
Sec. 1117. Deployment of magnetic levitation transportation projects.
Sec. 1118. Recreational trails.
Sec. 1119. Federal lands highways.
Sec. 1120. Conservation measures.
Sec. 1121. Pedestrian and cyclist equity.
Sec. 1122. National commissions.
Sec. 1123. Adjustments for the Surface Transportation Extension Act of 2004, Part V.
Sec. 1124. Roadway safety.
Sec. 1125. Equity requirement.

Subtitle B—Congestion Relief

Sec. 1201. Motor vehicle congestion relief.
Sec. 1202. Transportation systems management and operations.
Sec. 1203. Real-time system management information program.
Sec. 1204. Expedited national intelligent transportation systems deployment program.
Sec. 1205. Intelligent transportation systems deployment.
Sec. 1206. Environmental review of activities that support deployment of intelligent transportation systems.
Sec. 1207. State assumption of responsibilities for certain programs and projects.
Sec. 1208. HOV facilities.
Sec. 1209. Congestion pricing pilot program.
Sec. 1210. Congestion mitigation and air quality improvement program eligibility.
Sec. 1211. Special rules for State assumption of responsibilities.
Sec. 1212. Opening of Interstate ramps.

Subtitle C—Mobility and Efficiency

Sec. 1301. National corridor infrastructure improvement program.
Sec. 1302. Coordinated border infrastructure program.
Sec. 1303. Freight intermodal connectors.
Sec. 1304. Projects of national and regional significance.
Sec. 1305. Dedicated truck lanes.
Sec. 1306. Truck parking facilities.

Subtitle D—Highway Safety

Sec. 1401. Highway safety improvement program.
Sec. 1402. Worker injury prevention and free flow of vehicular traffic.
Sec. 1403. High risk rural road safety improvement program.
Sec. 1404. Transfers of apportionments to safety programs.
Sec. 1405. Safety incentive grants for use of seat belts.
Sec. 1406. Safety incentives to prevent operation of motor vehicles by intoxicated persons.
Sec. 1407. Repeat offenders for driving while intoxicated.
Sec. 1408. Repair or replacement of highway features on National Highway System.

Subtitle E—Construction and Contract Efficiencies

Sec. 1501. Design–build.
Sec. 1502. Warranty highway construction project pilot program.
Sec. 1503. Private investment study.
Sec. 1504. Highways for LIFE pilot program.

Subtitle F—Finance

Sec. 1601. Transportation Infrastructure Finance and Innovation Act.

Sec. 1602. State infrastructure banks.
Sec. 1603. Interstate System reconstruction and rehabilitation toll pilot program.
Sec. 1604. Interstate System construction toll pilot program.
Sec. 1605. Special rules relating to State infrastructure bank program.

Subtitle G—High Priority Projects

Sec. 1701. High priority projects program.
Sec. 1702. Project authorizations.

Subtitle H—Miscellaneous Provisions

Sec. 1801. Budget justification.
Sec. 1802. Motorist information.
Sec. 1803. Motorist information concerning full-service restaurants.
Sec. 1804. High priority corridors on the National Highway System.
Sec. 1805. Additions to Appalachian region.
Sec. 1806. Transportation assets and needs of Delta region.
Sec. 1807. Toll facilities workplace safety study.
Sec. 1808. Pavement marking systems demonstration projects.
Sec. 1809. Work zone safety grants.
Sec. 1810. Grant program to prohibit racial profiling.
Sec. 1811. America's Byways Resource Center.
Sec. 1812. Technical adjustment.
Sec. 1813. Road user charge evaluation pilot project.
Sec. 1814. Thomas P. ''Tip'' O'Neill, Jr. Tunnel.
Sec. 1815. Conforming amendment for transportation planning sections.
Sec. 1816. Distribution of metropolitan planning funds within States.
Sec. 1817. Treatment of off ramp.
Sec. 1818. Loan forgiveness.
Sec. 1819. Lead agency designation.
Sec. 1820. Use of debris from demolished bridges and overpasses.
Sec. 1821. Hubzone program.
Sec. 1822. Technical amendments to TEA 21 projects.
Sec. 1823. National Work Zone Safety Information Clearinghouse.
Sec. 1824. Transportation conformity.
Sec. 1825. Eligibility to participate in western Alaska community development quota program.
Sec. 1826. Metropolitan regional freight and passenger transportation study.
Sec. 1827. Intermodal transportation facility expansion.
Sec. 1828. Advanced truck stop electrification system.
Sec. 1829. Technology.
Sec. 1830. Extension of public transit vehicle exemption from axle weight restrictions.
Sec. 1831. Motorcyclist Advisory Council.
Sec. 1832. Sharing of monetary recoveries.
Sec. 1833. Eligibility under CMAQ.
Sec. 1834. Sense of Congress regarding Buy America.
Sec. 1835. Community enhancement study.
Sec. 1836. Transportation and local workforce investment.
Sec. 1837. Special rule for fiscal year 2004.

TITLE II—HIGHWAY SAFETY

Sec. 2001. Authorization of appropriations.
Sec. 2002. Occupant protection incentive grants.
Sec. 2003. Alcohol-impaired driving countermeasures.
Sec. 2004. State traffic safety information system improvements.
Sec. 2005. High visibility enforcement program.
Sec. 2006. Motorcycle crash causation study.
Sec. 2007. Child safety and child booster seat incentive grants.
Sec. 2008. Motorcyclist safety.
Sec. 2009. Driver fatigue.
Sec. 2010. Authorization of appropriations for highway safety research and development.
Sec. 2011. Safety data.
Sec. 2012. Driver performance study.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

Sec. 3001. Short title; amendments to title 49, United States Code.
Sec. 3002. Policies, findings, and purposes.
Sec. 3003. Definitions.
Sec. 3004. Metropolitan planning.
Sec. 3005. Statewide planning.
Sec. 3006. Planning programs.
Sec. 3007. Private enterprise participation.
Sec. 3008. Urbanized area formula grants.
Sec. 3009. Clean fuels formula grant program.
Sec. 3010. Capital investment grants.
Sec. 3011. Formula grants for special needs of elderly individuals and individuals with disabilities.
Sec. 3012. Formula grants for other than urbanized areas.
Sec. 3013. Research, development, demonstration, and deployment projects.
Sec. 3014. Cooperative research program.
Sec. 3015. National research and technology programs.
Sec. 3016. National Transit Institute.
Sec. 3017. Job access and reverse commute formula grants.
Sec. 3018. New Freedom program.
Sec. 3019. Bus testing facility.
Sec. 3020. Bicycle facilities.
Sec. 3021. Transit in the parks pilot program.
Sec. 3022. Human resource programs.
Sec. 3023. General provisions on assistance.
Sec. 3024. Special provisions for capital projects.
Sec. 3025. Contract requirements.
Sec. 3026. Project management oversight and review.
Sec. 3027. Investigations of safety and hazards.
Sec. 3028. State safety oversight.
Sec. 3029. Controlled substances and alcohol misuse testing.
Sec. 3030. Employee protective arrangements.
Sec. 3031. Administrative procedures.
Sec. 3032. National transit database.
Sec. 3033. Apportionments based on fixed guideway factors.
Sec. 3034. Authorizations.
Sec. 3035. Over-the-road bus accessibility program.
Sec. 3036. Updated terminology.
Sec. 3037. Project authorizations for new fixed guideway capital projects.
Sec. 3038. Projects for bus and bus-related facilities.
Sec. 3039. National fuel cell bus technology development program.
Sec. 3040. High-intensity small-urbanized area formula grant program.
Sec. 3041. Allocations for national research and technology programs.
Sec. 3042. Relationship to other laws.
Sec. 3043. Cooperative procurement.
Sec. 3044. Obligation ceiling.
Sec. 3045. Adjustments for the Surface Transportation Extension Act of 2004, Part V.
Sec. 3046. Special rule for fiscal year 2004.

TITLE IV—MOTOR CARRIER TRANSPORTATION AND SAFETY

Subtitle A—Commercial Motor Vehicle Safety

Sec. 4101. Authorization of appropriations.
Sec. 4102. Motor carrier safety grants.
Sec. 4103. Border enforcement grants.
Sec. 4104. Commercial driver's license improvements.
Sec. 4105. Hobbs Act.
Sec. 4106. Penalty for denial of access to records.
Sec. 4107. Medical Review Board.
Sec. 4108. Increased penalties for out-of-service violations and false records.
Sec. 4109. Commercial vehicle information systems and networks deployment.
Sec. 4110. Safety fitness.
Sec. 4111. Pattern of safety violations by motor carrier management.
Sec. 4112. Motor carrier research and technology program.
Sec. 4113. International cooperation.
Sec. 4114. Performance and registration information System management.
Sec. 4115. Data quality improvement.
Sec. 4116. Driveaway saddlemount vehicles.
Sec. 4117. Completion of uniform carrier registration.
Sec. 4118. Registration of motor carriers and freight forwarders.
Sec. 4119. Deposit of certain civil penalties into Highway Trust Fund.
Sec. 4120. Outreach and education.
Sec. 4121. Insulin treated diabetes mellitus.
Sec. 4122. Grant program for commercial motor vehicle operators.
Sec. 4123. Commercial motor vehicle safety advisory committee.
Sec. 4124. Safety data improvement program.
Sec. 4125. Commercial driver's license information System modernization.
Sec. 4126. Maximum hours of service for operators of ground water well drilling rigs.
Sec. 4127. Safety performance history screening.
Sec. 4128. Intermodal chassis roadability rulemaking.
Sec. 4129. Substance abuse professionals.
Sec. 4130. Interstate van operations.
Sec. 4131. Hours of service for operators of utility service vehicles.
Sec. 4132. Technical corrections.
Sec. 4133. Intrastate and foreign operations of interstate motor carriers.
Sec. 4134. Operators of vehicles transporting agricultural commodities and farm supplies.
Sec. 4135. Hours of service rules for operators providing transportation to movie production sites.
Sec. 4136. Special rule for fiscal year 2004.

Subtitle B—Household Goods Transportation

Sec. 4201. Federal-State relations relating to transportation of household goods.
Sec. 4202. Arbitration requirements.
Sec. 4203. Civil Penalties relating to household goods brokers and unauthorized transportation.
Sec. 4204. Civil penalty for holding household goods hostage.
Sec. 4205. Working group for development of practices and procedures to enhance Federal-State relations.
Sec. 4206. Consumer handbook on DOT web site.
Sec. 4207. Release of household goods broker information.
Sec. 4208. Consumer complaint information.
Sec. 4209. Insurance regulations.
Sec. 4210. Estimating requirements.
Sec. 4211. Application of State consumer protection laws to certain household goods carriers.
Sec. 4212. Applicability to household goods motor carriers.
Sec. 4213. Violations of Out-of-Service Orders.
Sec. 4214. Criminal penalty for holding goods hostage.

TITLE V—TRANSPORTATION RESEARCH AND EDUCATION

Subtitle A—Funding

Sec. 5101. Authorization of appropriations.
Sec. 5102. Obligation ceiling.
Sec. 5103. Findings.

Subtitle B—Research, Technology, and Education

Sec. 5201. Research, technology, and education.
Sec. 5202. Long-term bridge performance program; innovative bridge research and deployment program.
Sec. 5203. Surface transportation environment and planning cooperative research program.
Sec. 5204. Technology deployment.
Sec. 5205. Training and education.
Sec. 5206. Freight planning capacity building.

Sec. 5207. Advanced travel forecasting procedures program.
Sec. 5208. National cooperative freight transportation research program.
Sec. 5209. Future strategic highway research program.
Sec. 5210. Transportation safety information management system project.
Sec. 5211. Surface transportation congestion relief solutions research initiative.
Sec. 5212. Motor carrier efficiency study.
Sec. 5213. Transportation research and development strategic planning.
Sec. 5214. Limitation on remedies for future strategic highway research program.
Sec. 5215. Center for Transportation Advancement and Regional Development.
Subtitle C—University Transportation Research; Scholarship Opportunities
Sec. 5301. National university transportation centers.
Sec. 5302. University transportation research.
Sec. 5303. Transportation scholarship opportunities program.
Subtitle D—Advanced Technologies
Sec. 5401. Advanced heavy-duty vehicle technologies research program.
Sec. 5402. Commercial remote sensing products and spatial information technologies.
Subtitle E—Transportation Data and Analysis
Sec. 5501. Bureau of Transportation Statistics.
Sec. 5502. Reports of Bureau of Transportation Statistics.
Subtitle F—Intelligent Transportation Systems Research
Sec. 5601. Short title.
Sec. 5602. Goals and purposes.
Sec. 5603. General authorities and requirements.
Sec. 5604. National architecture and Standards.
Sec. 5605. Research and development.
Sec. 5606. Infrastructure development.
Sec. 5607. Road weather research and development program.
Sec. 5608. Definitions.
Sec. 5609. Rural interstate corridor communications study.
Sec. 5610. Centers for surface transportation excellence.
Sec. 5611. Repeal.
Sec. 5612. Special rule for fiscal year 2004.
TITLE VI—TRANSPORTATION PLANNING AND PROJECT DELIVERY
Sec. 6001. Transportation planning.
Sec. 6002. Efficient environmental reviews for project decisionmaking.
Sec. 6003. Policy on historic sites.
Sec. 6004. Exemption of Interstate System.
Sec. 6005. Interstate compacts.
Sec. 6006. Development of transportation plan.
Sec. 6007. Interstate agreements.
Sec. 6008. Regulations relating to transportation planning.
Sec. 6009. Special rules relating to project development procedures.
TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION
Sec. 7001. Amendment of title 49, United States Code.
Sec. 7002. Findings and purpose.
Sec. 7003. Definitions.
Sec. 7004. General regulatory authority.
Sec. 7005. Chemical or biological materials.
Sec. 7006. Representation and tampering.
Sec. 7007. Technical amendments.
Sec. 7008. Training of certain employees.
Sec. 7009. Registration.
Sec. 7010. Providing shipping papers.
Sec. 7011. Rail tank cars.
Sec. 7012. Unsatisfactory safety rating.
Sec. 7013. Training curriculum for the public sector.
Sec. 7014. Planning and training grants, monitoring, and review.
Sec. 7015. Special permits and exclusions.
Sec. 7016. Uniform forms and Procedures.
Sec. 7017. International uniformity of standards and requirements.
Sec. 7018. Administrative.
Sec. 7019. Enforcement.
Sec. 7020. Civil penalty.
Sec. 7021. Criminal penalty.
Sec. 7022. Preemption.
Sec. 7023. Relationship to other laws.
Sec. 7024. Judicial review.
Sec. 7025. Authorization of appropriations.
Sec. 7026. Determining amount of undeclared shipments of hazardous materials entering the United States.
Sec. 7027. Conforming amendments.
TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE
Sec. 8001. Policy.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorization of Programs

SEC. 1101. AUTHORIZATIONS OF APPROPRIATIONS.

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

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, $4,323,076,000 for fiscal year 2004, $4,431,153,000 for fiscal year 2005, $4,541,932,000 for fiscal year, 2006, $4,655,480,000 for fiscal year 2007, $4,771,867,000 for fiscal year 2008, and $4,891,164,000 for fiscal year 2009.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of that title, $5,187,691,000 for fiscal year 2004, $5,317,383,000 for fiscal year 2005, $5,450,318,000 for fiscal year 2006, $5,586,576,000 for fiscal year 2007, $5,726,240,000 for fiscal year 2008, and $5,869,396,000 for fiscal year 2009.

(3) BRIDGE PROGRAM.—For the bridge program under section 144 of that title, $3,709,440,000 for fiscal year 2004, $3,802,176,000 for fiscal year 2005, $3,897,231,000 for fiscal year 2006, $3,994,661,000 for fiscal year 2007, $4,094,528,000 for fiscal year 2008, and $4,196,891,000 for fiscal year 2009.

(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, $660,000,000 for fiscal year 2007, $680,000,000 for fiscal year 2008, and $695,000,000 for fiscal year 2009. Of such funds ⅓ per fiscal year shall be available to carry out section 130 and ⅔ shall be available to carry out section 152.

(5) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title, $6,052,306,000 for fiscal year 2004, $6,203,614,000 for fiscal year 2005, $6,358,704,000 for fiscal year 2006, $6,517,672,000 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 14501 of title 40, United States Code, $460,000,000 for fiscal year 2004 and $470,000,000 for each of fiscal years 2005 through 2009.

(8) RECREATIONAL TRAILS PROGRAM.—For the recreational trails program under section 206 of title 23, United States Code, $53,000,000 for fiscal year 2004, $70,000,000 for fiscal year 2005, $80,000,000 for fiscal year 2006, $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 PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of title 23, United States Code, $325,000,000 for fiscal year 2004, $365,000,000 for fiscal year 2005, $390,000,000 for fiscal year 2006, $395,000,000 for fiscal year 2007, $420,000,000 for fiscal year 2008, and $420,000,000 for fiscal year 2009.

(B) PARK ROADS AND PARKWAYS.—For park roads and parkways roads under section 204 of that title, $170,000,000 for fiscal year 2004, $185,000,000 for fiscal year 2005, $200,000,000 for fiscal year 2006, $215,000,000 for fiscal year 2007, $225,000,000 for fiscal year 2008, and $225,000,000 for fiscal year 2009.

(C) PUBLIC LANDS HIGHWAY.—For public lands highway under section 204 of that title, $250,000,000 for fiscal year 2004, $260,000,000 for fiscal year 2005, $280,000,000 for fiscal year 2006, $280,000,000 for fiscal year 2007, $290,000,000 for fiscal year 2008, and $300,000,000 for fiscal year 2009.

(D) REFUGE ROADS.—For refuge roads under section 204 of that title, $20,000,000 for each of fiscal years 2004 through 2009.

(10) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAM.—For the national corridor infrastructure improvement program under section 1301 of this title, $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 PROGRAM.—For the coordinated border infrastructure program under section 1302 of this title, $200,000,000 for fiscal year 2005, $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) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE PROGRAM.—For the projects of national and regional significance program under section 1304 of this title, $1,100,000,000 for fiscal year 2005, $1,100,000,000 for fiscal year 2006, $1,200,000,000 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 construction of ferry boats and ferry terminal facilities under section 165 of title 23, United States Code, $60,000,000 for fiscal year 2004, $70,000,000 for fiscal year 2005, $75,000,000 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 162 of title 23, United States Code, $30,000,000 for fiscal year 2004, $40,000,000 for fiscal year 2005, $45,000,000 for fiscal year 2006, $55,000,000 for fiscal year 2007, $55,000,000 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 1209 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, $15,000,000 for fiscal year 2008, and $15,000,000 for fiscal year 2009.

(16) DEPLOYMENT OF 511 TRAVELER INFORMATION PROGRAM.—For the 511 traveler information program under section 1204(c)(7) of this title, $6,000,000 for each of fiscal years 2005 through 2009.

(17) HIGH PRIORITY PROJECTS PROGRAM.—For the high priority projects program under section 117 of title 23, United States Code, $2,496,450,000 for fiscal year 2005, $2,244,550,000 for fiscal year 2006, $2,143,250,000 for fiscal year 2007, $2,192,450,000 for fiscal year 2008, and $2,050,450,000 for fiscal year 2009.

(18) FREIGHT INTERMODAL CONNECTOR PROGRAM.—For the freight intermodal connector

program under section 1303 of this title, $250,000,000 for fiscal year 2005, $250,000,000 for fiscal year 2006, $250,000,000 for fiscal year 2007, $250,000,000 for fiscal year 2008, and $250,000,000 for fiscal year 2009.

(19) HIGH RISK RURAL ROAD SAFETY IMPROVEMENT PROGRAM.—For the high risk rural road safety improvement program under section 1403 of this title, $105,000,000 for fiscal year 2005, $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.

(20) HIGHWAY USE TAX EVASION PROGRAM.—For highway use tax evasion projects under section 143 of title 23, United States Code, $12,000,000 for fiscal year 2004, $30,000,000 for fiscal year 2005, $30,000,000 for fiscal year 2006, $20,000,000 for fiscal year 2007, $10,000,000 for fiscal year 2008, and $7,000,000 for fiscal year 2009.

(21) PEDESTRIAN AND CYCLIST EQUITY.—

(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 2005, $175,000,000 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 2005 through 2009.

(22) DEDICATED TRUCK LANES.—For dedicated truck lanes under section 1305 of this title, $165,000,000 for each of fiscal years 2005 through 2008 and $170,000,000 for fiscal year 2009.

(23) HIGHWAYS FOR LIFE PROGRAM.—For the Highways for LIFE program under section 1504 of this title, $55,000,000 for fiscal year 2005 and $60,000,000 for each of fiscal years 2006 through 2009.

(24) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—For the Commonwealth of Puerto Rico highway program under section 1214(r) 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.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, III, and V of this Act and section 403 of title 23, United States Code, shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $17,420,000, as adjusted by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individuals'' has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(4) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include, but not be limited to, on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(5) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an entity or person to receive funds made available under titles I, III, and V of this Act and section 403 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. 1102. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—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;

(2) $34,412,000,000 for fiscal year 2005;

(3) $36,287,100,000 for fiscal year 2006;

(4) $37,616,700,000 for fiscal year 2007;

(5) $38,876,400,000 for fiscal year 2008; and

(6) $40,231,500,000 for fiscal year 2009.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations—

(1) under section 125 of title 23, United States Code;

(2) under section 147 of the Surface Transportation Assistance Act of 1978;

(3) under section 9 of the Federal-Aid Highway Act of 1981;

(4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

(5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;

(7) under section 157 of title 23, United States Code, as in effect on June 8, 1998;

(8) under section 105 of title 23, United States Code (but, for each of fiscal years 1998 through 2013), only in an amount equal to $639,000,000 per fiscal year; and

(9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that such obligation authority has not lapsed or been used.

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 2004 through 2009, the Secretary shall—

(1) not distribute obligation authority provided by subsection (a) for such fiscal year for amounts authorized for administrative expenses and amounts authorized for the highway use tax evasion program and the Bureau of Transportation Statistics;

(2) not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation authority provided by subsection (a) for such fiscal year less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) for section 117 of title 23, United States Code (relating to high priority projects program), section 14501 of title 40, United States Code (relating to Appalachian development highway system), and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under this Act and title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highway and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under this Act and title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall after August 1 of each of fiscal years 2004 through 2009 revise a distribution of the obligation authority made available under subsection (c) if an amount made available under this section will not be obligated during the fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year. In making the redistribution, the Secretary shall give priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations imposed by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and under title V of this Act; except that obligation authority made available for such programs under such limitations shall remain available for a period of 3 fiscal years.

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of

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 such fiscal year 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 year 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.

(g) SPECIAL RULE.—Obligation authority distributed for a fiscal year under subsection (c)(4) for a section set forth in subsection (c)(4) shall remain available until used for obligation of funds for such section and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(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)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(B)(ii)(I)(cc)) for such fiscal year. Any 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) $395,000,000 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. APPORTIONMENTS.

(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 from 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, $395,000,000 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 Regional Commission for administrative activities associated with the Appalachian development highway system.'';

(2) in paragraph (3) by striking ''sum deducted under'' and inserting ''amounts authorized to be appropriated by''; and

(3) in paragraph (4)—

(A) by striking ''sums deducted under'' and inserting ''amounts authorized to be appropriated by''; and

(B) by striking ''and the Federal Motor Carrier Safety Administration''.

(b) NATIONAL HIGHWAY SYSTEM.—Section 104(b) of such title is amended—

(1) by striking ''the deduction authorized by subsection (a) and''; and

(2) in paragraph (1)(A)—

(A) by striking ''$36,400,000 for each fiscal year'' and inserting ''$40,000,000 for fiscal year 2004, $40,000,000 for fiscal year 2005, $40,000,000 for fiscal year 2006, $50,000,000 for fiscal year 2007, $50,000,000 for fiscal year 2008, and $50,000,000 for fiscal year 2009''; and

(B) by striking ''$18,800,000 for each of fiscal years 1998 through 2002'' and inserting ''$20,000,000 for fiscal year 2004 and $30,000,000 for each of fiscal years 2005 through 2009''.

(c) REPORT.—Section 104(j) of title 23, United States Code, is amended by striking ''submit to Congress a report'' and inserting ''transmit to Congress a report, and also make such report available to the public in a user-friendly format via the Internet,''.

(d) CONFORMING AMENDMENTS.—Section 104 of such 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''.

(e) PUERTO RICO HIGHWAY PROGRAM.—Section 1214(r) 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)(24) for each of fiscal years 2004 through 2009 of the Transportation Equity Act: A Legacy for Users''; and

(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. PROJECT APPROVAL AND OVERSIGHT.

Section 106 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 departments' financial management systems that affect projects approved under subsection (a).

''(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 subrecipients 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 subrecipients.

''(3) PROJECT DELIVERY.—The Secretary shall perform annual reviews that address elements of a State's project delivery system, which includes one or more activities that are involved in the life cycle of a project from its conception to its completion.

''(4) RESPONSIBILITY OF THE STATES.—The States are responsible for determining that subrecipients of Federal funds under this title have adequate project delivery systems for projects approved under this section. The Secretary shall periodically review the States' monitoring of subrecipients.

''(5) SPECIFIC OVERSIGHT RESPONSIBILITIES.—Nothing in this section shall affect or discharge any oversight responsibility of the Secretary specifically provided for under this title or other Federal law. In addition, the Secretary shall retain full oversight responsibilities for the design and construction of all Appalachian development highways under section 14501 of title 40.

''(i) MAJOR PROJECTS.—

''(1) IN GENERAL.—Notwithstanding any other provision in this section, a recipient of Federal financial assistance for a project under this title with an estimated total cost of $500,000,000 or more, or any other project in the discretion of the Secretary, shall submit to the Secretary a project management plan and an annual financial plan.

''(2) PROJECT MANAGEMENT PLAN.—The project management plan shall document the procedures and processes in place to provide timely information to the project decision makers to manage effectively the scope, costs, schedules, and quality, and the Federal requirements of the project and the role of the agency leadership and management team in the delivery of the project.

''(3) FINANCIAL PLAN.—The financial plan shall be based on detailed estimates of the cost to complete the project. Annual updates shall be submitted based on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.

''(j) OTHER PROJECTS.—A recipient of Federal financial assistance for a project under this title with an estimated total cost of $100,000,000 or more that is not covered by subsection (h) shall prepare an annual financial plan. Annual financial plans prepared under this subsection shall be made available to the Secretary for review upon the Secretary's request.''.

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 144 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 funds obligated for a project are excess funds, the State may develop a plan for obligating the funds for the design and construction of—

''(A) with respect to excess funds derived from the surface transportation program under section 133(d)(1), 133(d) (2), or 133(d)(3), the highway bridge replacement and rehabilitation program under section 144, the congestion mitigation and air quality improvement program under section 149, or the recreational trails program under section 206, one or more projects that are eligible for funding under that program; and

''(B) with respect to excess funds derived from any other program under this title, one or more projects that are eligible for funding those programs or the surface transportation program under section 133.

''(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 subparagraph (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) STP ALLOCATIONS.—Section 133(d) shall not apply to excess funds used to carry out a project under this section, unless such funds are derived from amounts apportioned under 104(b)(3).

''(6) EXCESS FUNDS DEFINED.—In this subsection, the term 'excess funds' means funds obligated for a project 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) HIGHWAY AND RAILROAD 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 are to be made. Installation and maintenance of the devices shall be in accordance with the Manual on Uniform Traffic Control Devices.''.

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

(1) by striking subsection (f);

(2) by redesignating subsection (g) as subsection (f); and

(3) by adding at the end the following:

''(g) TEMPORARY TRAFFIC CONTROL DEVICES.—

''(1) ISSUANCE OF REGULATIONS.—The Secretary, after consultation with appropriate Federal and State officials, shall issue regulations establishing the conditions for the appropriate use of, and expenditure of funds for, uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility, and maintenance operations.

''(2) EFFECTS OF REGULATIONS.—Based on regulations issued under paragraph (1), a State shall—

''(A) develop separate pay items for the use of uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility, and maintenance operations; and

''(B) incorporate such pay items into contract provisions to be included in each contract entered into by the State with respect to a highway project to ensure compliance with section 109(e)(2).

''(3) LIMITATION.—Nothing in the regulations shall be construed to prohibit a State from implementing standards that are more stringent than those required under the regulations.

''(4) POSITIVE PROTECTIVE MEASURES DEFINED.—In this subsection, the term 'positive protective measures' means temporary traffic barriers, crash cushions, and other strategies to avoid traffic accidents in work zones, including full road closures.''.

SEC. 1108. REVENUE ALIGNED BUDGET AUTHORITY.

(a) ALLOCATION.—Section 110(a)(1) of title 23, United States Code, is amended—

(1) by striking ''2000'' and inserting ''2006'';

(2) by inserting after ''such fiscal year'' the following: ''and the succeeding fiscal year''.

(b) REDUCTION.—Section 110(a)(2) of such title is amended—

(1) by striking ''2000'' 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: ''for such fiscal year and the succeeding fiscal year''.

(c) GENERAL DISTRIBUTION.—Section 110(b)(1)(A) of such title is amended by striking ''Transportation Equity Act for the 21st Century'' and inserting ''Transportation Equity Act: A Legacy for Users''.

(d) TECHNICAL AMENDMENT.—Section 110(b)(1)(A) of title 23, United States Code, is amended by striking ''for'' the second place it appears.

SEC. 1109. EMERGENCY RELIEF.

There is authorized to be appropriated for a fiscal year such sums as may be necessary for allocations by the Secretary described in subsections (a) and (b) of sections 125 of title 23, United States Code, if the total of those allocations in such fiscal year are in excess of $100,000,000.

SEC. 1110. SURFACE TRANSPORTATION PROGRAM.

Section 133(f)(1) of title 23, United States Code, is amended—

(1) by striking ''1998 through 2000'' and inserting ''2004 through 2006''; and

(2) by striking ''2001 through 2003'' and inserting ''2007 through 2009''.

SEC. 1111. HIGHWAY USE TAX EVASION PROJECTS.

(a) ELIGIBLE ACTIVITIES.—

(1) INTERGOVERNMENTAL ENFORCEMENT EFFORTS.—Section 143(b)(2) of title 23, United States Code, is amended by inserting before the period the following: ''; except that of funds so made available for each of fiscal years 2004 through 2009, $2,000,000 shall be available only to carry out intergovernmental enforcement efforts, including research and training''.

(2) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—Section 143(b)(3) of such title is amended by striking ''The'' and inserting ''Except as otherwise provided in this section, the''.

(3) LIMITATION ON USE OF FUNDS.—Section 143(b)(4) of such title is amended—

(A) by striking ''and'' at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting a semicolon; and

(C) by adding at the end the following:

''(H) to support efforts between States and Indian tribes to address issues related to State motor fuel taxes; and

''(I) to analyze and implement programs to reduce tax evasion associated with foreign imported fuel.''.

(4) REPORTS.—Section 143(b) of such title is amended by adding at the end the following:

''(9) REPORTS.—The Commissioner of the Internal Revenue Service and each State shall submit to the Secretary an annual report that describes the projects, examinations, and criminal investigations funded by and carried out under this section. Such report shall specify the annual yield estimated for each project funded under this section.''.

(b) EXCISE FUEL REPORTING SYSTEM.—

(1) IN GENERAL.—Section 143(c)(1) of such title is amended—

(A) by striking ''August 1, 1998,'' and inserting ''90 days after the date of enactment of the Transportation Equity Act: A Legacy for Users,'';

(B) by striking ''development'' and inserting ''completion, operation,''; and

(C) by striking ''an excise fuel reporting system (in this subsection referred to as 'the system')'' and inserting ''an excise summary terminal activity reporting system''.

(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—Section 143(c)(2) of such title is amended—

(A) by striking ''the system'' the first place it appears and inserting ''the excise summary terminal activity reporting system'';

(B) in subparagraph (A) by striking ''develop'' and inserting ''complete'';

(C) by striking ''and'' at the end of subparagraph (B);

(D) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(E) by adding at the end the following:

''(D) the Commissioner of the Internal Revenue Service shall submit and the Secretary shall approve a budget and project plan for the completion, operation, and maintenance of the system.''; and

(3) FUNDING PRIORITY.—Section 143(c)(3) of such title is amended to read as follows:

''(3) FUNDING.—Of the amounts made available to carry out this section for each of fiscal years 2004 through 2009, the Secretary shall make available to the Internal Revenue Service such funds as may be necessary to complete, operate, and maintain the excise summary terminal activity reporting system in accordance with this subsection.''.

(c) REGISTRATION SYSTEM AND ELECTRONIC DATABASE.—Section 143 of such title is further amended by adding at the end the following:

''(d) PIPELINE, VESSEL, AND BARGE REGISTRATION SYSTEM.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development, operation, and maintenance of a registration system for pipelines, vessels, and barges, and operators of such pipelines, vessels, and barges, that make bulk transfers of taxable fuel.

''(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

''(A) the Internal Revenue Service shall develop and maintain the registration system through contracts;

''(B) the Commissioner of the Internal Revenue Service shall submit and the Secretary shall approve a budget and project plan for development, operation, and maintenance of the registration system;

''(C) the registration system shall be under the control of the Internal Revenue Service; and

''(D) the registration system shall be made available for use by appropriate State and Federal revenue, tax, and law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

''(3) FUNDING.—Of the amounts made available to carry out this section for each of fiscal years 2004 through 2009, the Secretary shall make available to the Internal Revenue Service such funds as may be necessary to complete, operate, and maintain a registration system for pipelines, vessels, and barges, and operators of such pipelines, vessels, and barges, that make bulk transfers of taxable fuel in accordance with this subsection.

''(e) HEAVY VEHICLE USE TAX PAYMENT DATABASE.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the establishment, operation, and maintenance of an electronic database of heavy vehicle highway use tax payments.

''(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

''(A) the Internal Revenue Service shall establish and maintain the electronic database through contracts;

''(B) the Commissioner of the Internal Revenue Service shall submit and the Secretary shall approve a budget and project plan for establishment, operation, and maintenance of the electronic database;

''(C) the electronic database shall be under the control of the Internal Revenue Service; and

''(D) the electronic database shall be made available for use by appropriate State and Federal revenue, tax, and law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

''(3) FUNDING.—Of the amounts made available to carry out this section for each of fiscal years 2004 through 2009, the Secretary shall make available to the Internal Revenue Service such funds as may be necessary to establish, operate, and maintain an electronic database of heavy vehicle highway use tax payments in accordance with this subsection.

''(f) REPORTS.—Not later than March 31 and September 30 of each year, the Commissioner of

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 activity reporting system, the pipeline, vessel, and barge registration system, and the heavy vehicle use tax electronic database.''.

SEC. 1112. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) APPORTIONMENT.—The Secretary shall apportion funds made available by section 1101(a)(7) of this Act for fiscal years 2004 through 2009 among the States based on the latest available cost to complete estimate for the Appalachian development highway system under section 14501 title 40, United States Code.

(b) APPLICABILITY OF TITLE 23.—Funds made available by section 1101(a)(7) of this Act for the Appalachian development highway system 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 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 ''and the Appalachian development highway system program under section 14501 of title 40'' after ''section 125''.

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

(a) IN GENERAL.—Subchapter I 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 terminal facilities in accordance with section 129(c).

''(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 NHS.—

''(1) IN GENERAL.—$20,000,000 of the amount made available to carry out this section for each of fiscal years 2004 through 2009 shall be obligated for the construction or refurbishment of ferry boats and ferry terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System.

''(2) ALASKA.—$10,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Alaska.

''(3) NEW JERSEY.—$5,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of New Jersey.

''(4) WASHINGTON.—$5,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Washington.

''(e) APPLICABILITY.—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of such title is amended by adding at the end the following:

''165. Construction of ferry boats and ferry terminal facilities.''.

(c) NATIONAL FERRY DATABASE.—

(1) ESTABLISHMENT.—The Secretary, acting through the Bureau of Transportation Statistics, shall establish and maintain a national ferry database.

(2) CONTENTS.—The database shall contain current information regarding ferry systems, including information regarding routes, vessels, passengers and vehicles carried, funding sources and such other information as the Secretary considers useful.

(3) UPDATE REPORT.—Using information collected through the database, the Secretary shall periodically modify as appropriate the report submitted under section 1207(c) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 185–186).

(4) REQUIREMENTS.—The Secretary shall—

(A) compile the database not later than 1 year after the date of enactment of this Act and update the database every 2 years thereafter;

(B) ensure that the database is easily accessible to the public;

(C) make available, from the ferry boat and ferry terminal program authorized under section 165 of title 23, United States Code, not more than $500,000 for each of fiscal years 2005 through 2009 to establish the database.

SEC. 1114. INTERSTATE MAINTENANCE DISCRETIONARY.

(a) IN GENERAL.—Section 118 of title 23, United States Code, is amended—

(1) by striking subsection (c);

(2) in subsection (e) by inserting ''Special Rules.—'' before ''Funds made''; and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) CONFORMING AMENDMENT.—Section 103(d)(1) of such title is amended by striking ''or 118(c)''.

(c) TECHNICAL AMENDMENTS.—

(1) SECTION 114.—Section 114(a) of such title is amended by striking ''Except as provided in section 117 of this title, such'' and inserting ''Such''.

(2) SECTION 116.—Section 116(b) of such title is amended by striking ''highway department'' and inserting ''transportation department''.

(3) SECTION 120.—Section 120(e) of such title is amended in the first sentence by striking ''such system'' and inserting ''such highway''.

(4) SECTION 126.—Section 126(a) of such title is amended by inserting ''under'' before ''section 104(b)(3)''.

(5) SECTION 127.—Section 127 of such title is amended by striking ''118(b)(1)'' and inserting ''118(b)(2)''.

(6) BICYCLE AND PEDESTRIAN SAFETY GRANTS.—Section 1212(i) of the Transportation Equity Act for the 21st Century (112 Stat. 196–197) is amended by redesignating subparagraphs (D) and (E) as paragraphs (2) and (3), respectively, and moving such paragraphs 2 ems to the left.

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

(e) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of 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:

''(d) APPLICATIONS FOR AND APPROVAL OF ASSISTANCE.—

''(1) BRIDGE REPLACEMENT OR REHABILITATION.—Whenever any State or States make application to the Secretary for assistance in replacing or rehabilitating a highway bridge which the priority system established under subsections (b) and (c) shows to be eligible, the Secretary may approve Federal participation in replacing such bridge with a comparable facility or in rehabilitating such bridge.

''(2) PREVENTIVE MAINTENANCE, SCOUR MEASURES, AND APPLICATIONS OF CERTAIN COMPOSITIONS.—Whenever any State makes application to the Secretary for assistance in painting, seismic retrofit, or preventive maintenance of, or installing scour countermeasures or applying calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting, seismic retrofit, or preventive maintenance of, or installation of scour countermeasures or application of acetate or sodium acetate/formate or such anti-icing or de-icing composition to, such structure.

''(3) ELIGIBILITY.—The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based upon the unsafe highway bridges in such State; except that a State may carry out a project for preventive maintenance on a bridge, seismic retrofit of a bridge, or installing scour countermeasures to a bridge under this section without regard to whether the bridge is eligible for replacement or rehabilitation under this section.''.

(b) BRIDGE DISCRETIONARY SET-ASIDE.—Section 144(g)(1) of such title is amended by adding at the end the following:

''(D) FISCAL YEARS 2004 THROUGH 2009.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of the fiscal years 2004 through 2009, all but $100,000,000 shall be apportioned as provided in subsection (e). Such $100,000,000 shall be available at the discretion of the Secretary; except that $25,000,000 shall be available only for projects for the seismic retrofit of bridges, and of which $10,000,000 shall be available only for the seismic retrofit of a bridge described in subsection (l), and except as provided in subparagraph (E).

''(E) GRAVINA ACCESS.—

''(i) IN GENERAL.—Of the amounts authorized to be appropriated to carry out the bridge program under this paragraph, for each of the fiscal years 2005 through 2009, $10,000,000 shall be set aside from the $100,000,000 available at the discretion of the Secretary under subparagraph (D) for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska.

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

(c) OFF-SYSTEM BRIDGES.—Section 144(g)(3) of such title is amended—

(1) by striking ''15 percent'' and inserting ''20 percent'';

(2) by striking ''1987'' and inserting ''2005'';

(3) by striking ''2004'' the first place it appears and all that follows through ''2005,'' and inserting ''2009 for the bridge program,'';

(4) by inserting '', perform systematic preventive maintenance,'' after ''paint''; and

(5) by inserting a comma before ''to highway bridges''.

(d) TECHNICAL AMENDMENT.—Section 144(i) of such title is amended by striking ''at the same time'' and all that follows through ''Congress''.

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

(a) EXTENSION.—Section 1221(e)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 879; 118 Stat. 1149) is amended—

(1) by striking ''1999 and'' and inserting ''1999,''; and

(2) by striking ''2004'' the first place it appears and all that follows through ''2005'' and inserting the following: '', and $25,000,000 for fiscal year 2004, $30,000,000 for fiscal year 2005, $35,000,000 for fiscal year 2006, $35,000,000 for fiscal year 2007, and $35,000,000 for each of fiscal years 2008 and 2009''.

(b) FEDERAL SHARE.—Section 1221(e)(2) of such Act is amended by inserting before the period at the end ''; except that such funds shall not be transferable and the Federal share for

projects and activities carried out with such funds shall be determined in accordance with section 120(b) of title 23, United States Code''.

(c) PLANNING ACTIVITIES PILOT PROGRAM.—Section 1221 of such Act is amended by adding at the end the following:

''(f) 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) ELIGIBLE 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) Using 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, including tools having a structure that enables modifications to scenarios and assumptions in real time.

''(D) Enhancing coordination among transportation, land use, workforce development, human service, economic development, and other agencies to strengthen access to job training services, daycare centers, health care facilities, senior centers, public 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 regarding—

''(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 emission modeling to examine factors not currently considered, such as induced travel and land use effects 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 protected under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

''(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 to carry out this section for each of fiscal years 2005 through 2009 to carry out the pilot program under this subsection.''.

SEC. 1117. DEPLOYMENT OF MAGNETIC LEVITATION TRANSPORTATION PROJECTS.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE PROJECT COSTS.—The term ''eligible project costs''—

(A) means the capital cost of the fixed guideway infrastructure of a MAGLEV project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but not including costs incurred for a new station; and

(B) includes the costs of preconstruction planning activities.

(2) FULL PROJECT COSTS.—The term ''full project costs'' means the total capital costs of a MAGLEV project, including eligible project costs and the costs of stations, vehicles, and equipment.

(3) MAGLEV.—The term ''MAGLEV'' means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour.

(4) STATE.—The term ''State'' has the meaning such term has under section 101(a) of title 23, United States Code.

(b) IN GENERAL.—

(1) ASSISTANCE FOR ELIGIBLE PROJECTS.—The Secretary shall make available financial assistance to pay the Federal share of full project costs of eligible projects authorized by this section.

(2) USE OF ASSISTANCE.—Financial assistance provided under paragraph (1) shall be used only to pay eligible project costs of projects authorized by this section.

(3) APPLICABILITY OF OTHER LAWS.—Financial assistance made available under this section, and projects assisted with such assistance, shall be subject to section 5333(a) of title 49, United States Code.

(c) PROJECT ELIGIBILITY.—To be eligible to receive financial assistance under subsection (b), a project shall—

(1) involve a segment or segments of a high-speed ground transportation corridor;

(2) result in an operating transportation facility that provides a revenue producing service; and

(3) be approved by the Secretary based on an application submitted to the Secretary by a State or authority designated by 1 or more States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $15,000,000 for fiscal year 2005 and $20,000,000 for each of fiscal years 2006 through 2009.

(e) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by 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 the Federal share of the full project costs of an eligible project shall be 80 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1118. RECREATIONAL TRAILS.

(a) RECREATIONAL TRAILS PROGRAM FORMULA.—Section 104(h)(1) of title 23, United States Code, is amended by striking ''research and technical'' and all that follows through ''Committee'' and inserting ''research, technical assistance, and training under the recreational trails program''.

(b) PERMISSIBLE USES.—Section 206(d)(2) of such title is amended to read as follows:

''(2) PERMISSIBLE USES.—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

''(A) maintenance and restoration of existing recreational trails;

''(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

''(C) purchase and lease of recreational trail construction and maintenance equipment;

''(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

''(i) permissible under other law;

''(ii) necessary and recommended by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.) and that is in effect;

''(iii) approved by the administering agency of the State designated under subsection (c)(1); and

''(iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

''(E) acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

''(F) assessment of trail conditions for accessibility and maintenance;

''(G) operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails, but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year; and

''(H) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year to carry out this section.''.

(c) USE OF APPORTIONMENTS.—Section 206(d)(3) of such title is amended—

(1) by striking subparagraph (C);

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

(3) in subparagraph (C) (as so redesignated) by striking ''(2)(F)'' and inserting ''(2)(H)''.

(d) FEDERAL SHARE.—Section 206(f) of such title is amended—

(1) in paragraph (1)—

(A) by inserting ''and the Federal share of the administrative costs of a State'' after ''project''; and

(B) by striking ''not exceed 80 percent'' and inserting ''be determined in accordance with section 120(b)'';

(2) in paragraph (2)(A) by striking ''80 percent of'' and inserting ''the amount determined in accordance with section 120(b) for'';

(3) in paragraph (2)(B) by inserting ''sponsoring the project'' after ''Federal agency'';

(4) by striking paragraph (5);

(5) by redesignating paragraph (4) as paragraph (5);

(6) in paragraph (5) (as so redesignated) by striking ''80 percent'' and inserting ''the Federal share as determined in accordance with section 120(b)''; and

(7) by inserting after paragraph (3) the following:

''(4) USE OF RECREATIONAL TRAILS PROGRAM FUNDS TO MATCH OTHER FEDERAL PROGRAM FUNDS.—Notwithstanding any other provision of law, funds made available under this section may be used toward the non-Federal matching share for other Federal program funds that are—

''(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

''(B) expended on a project that is eligible for assistance under this section.''.

(e) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.—Section 206(h)(1) of such title is amended by adding at the end the following:

''(C) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.—The Secretary may allow pre-approval planning and environmental compliance costs to be credited toward the non-Federal share of the cost of a project described under subsection (d)(2) (other than subparagraph (I)) in accordance with subsection (f), limited to costs incurred less than 18 months prior to project approval.''.

(f) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails under section 206 of title 23, United States Code.

SEC. 1119. FEDERAL LANDS HIGHWAYS.

(a) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—Section 202(d)(3) of title 23, United States Code, is amended to read as follows:

''(3) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—

''(A) IN GENERAL.—Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available to an Indian tribal government under this title for a highway, road, bridge, parkway, or transit facility project that is located on an Indian reservation or provides access to the reservation or a community of the Indian tribe shall be made available, on the request of the Indian tribal government, to the Indian tribal government for use in carrying out, in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), contracts and agreements for the planning, research, engineering, and construction relating to such project.

''(B) EXCLUSION OF AGENCY PARTICIPATION.—In accordance with subparagraph (A), all funds for a project to which subparagraph (A) applies shall be paid to the Indian tribal government without regard to the organizational level at which the Department of the Interior has previously carried out, or the Department of Transportation has previously carried out under the Federal lands highway programs, the programs, functions, services, or activities involved.

''(C) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a project to which this title applies may form a consortium to be considered as a single Indian tribe for the purpose of participating in the project under this section.

''(D) FUNDING.—The amount an Indian tribal government receives for a project under subparagraph (A) shall equal the sum of the funding that the Indian tribal government would otherwise receive for the project in accordance with the funding formula established under this subsection and such additional amount as the Secretary determines equal the amounts that would have been withheld for the costs of the Bureau of Indian Affairs for administration of the project.

''(E) ELIGIBILITY.—An Indian tribal government may receive funding under subparagraph (A) for a project in a fiscal year if the Indian tribal government demonstrates to the satisfaction of the Secretary financial stability and financial management capability as demonstrated in the annual auditing required under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and, during the preceding fiscal year, had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency.

''(F) ASSUMPTION OF FUNCTIONS AND DUTIES.—An Indian tribal government receiving funding under subparagraph (A) for a project shall assume all functions and duties that the Secretary of the Interior would have performed with respect to projects under this chapter, other than those functions and duties that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b 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 administering the funds transferred to the Indian tribal government for such project under this section if such funds had not been transferred, except to the extent that such powers are powers that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.).

''(H) DISPUTE RESOLUTION.—In the event of a disagreement between the Secretary of Transportation or 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 Education Assistance Act (25 U.S.C. 450b 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.''.

(b) ALASKA NATIVE VILLAGE INVENTORY.—Section 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 2005 and each fiscal year thereafter, any allocation of sums authorized to be appropriated for Indian reservation roads in Alaska shall be based on an inventory of roads within the exterior boundaries of village corporation land selected pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that includes all routes previously included in such an inventory. The Secretary of Transportation and the Secretary of the Interior may include, in the inventory of roads, those proposed for inclusion by tribal village governments from among community streets within the village and those proposed primary access routes for inclusion by tribal village governments, including roads and trails between villages (including links over water), roads and trails to landfills, roads and trails to drinking water sources, roads and trails to natural resources identified for economic development, and roads and trails that provide access to intermodal termini, such as airports, harbors, or boat landings.

''(ii) LIMITATION ON PRIMARY ACCESS ROUTES.—For purposes of this subparagraph, a proposed primary access route is the shortest practicable route connecting 2 points of the proposed route.''.

(c) GRANTS FOR FINANCING TRANSPORTATION DEBT.—Section 202(d)(2)(A) of such title is amended by inserting before the period at the end the following: ''; except that, beginning October 1, 2004, the Secretary may use up to 3 percent of such funds for making grants to Indian tribes for the purpose of financing transportation debt for individual Indian reservation roads subject to all requirements governing Federal assistance for Indian roads under this section and section 204''.

(d) DEPUTY ASSISTANT SECRETARY OF TRANSPORTATION FOR TRIBAL GOVERNMENT AFFAIRS.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

''(f) DEPUTY ASSISTANT SECRETARY FOR TRIBAL GOVERNMENT AFFAIRS.—The Department of Transportation shall have, within the office of the Secretary, a Deputy Assistant Secretary for Tribal Government Affairs appointed by the President to plan, coordinate, and implement the Department of Transportation policy and programs serving Indian tribes and tribal organizations and to coordinate tribal transportation programs and activities in all offices and administrations of the Department and to be a participant in any negotiated rulemaking related to, or has impact on, projects, programs, or funding associated with the tribal transportation program.''.

(e) ALASKA NATIVE VILLAGE TRANSPORTATION PROGRAM.—

(1) ESTABLISHMENT.—Not later than 3 months after the date of enactment of this Act, the Secretary and the Denali Commission, in coordination with the Alaska Federation of Natives, shall establish an Alaska Native Village transportation program to pay the costs of planning, design, construction, and maintenance of road and other surface transportation facilities identified 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 23, United States Code.

SEC. 1120. CONSERVATION MEASURES.

(a) REFUGE ROADS.—Section 204(k)(1) of title 23, United States Code, is amended—

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

(2) by redesigning subparagraph (C) as subparagraph (D);

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

''(C) construction, maintenance, and improvement of wildlife observation infrastructure; and''; and

(4) in subparagraph (D) (as so redesignated) by striking ''maintenance and improvements'' and inserting ''construction, maintenance, and improvements''.

(b) FOREST HIGHWAYS.—Of the amounts made available for public lands highways under section 1101—

(1) not to exceed $20,000,000 per fiscal year may be used for the maintenance of forest highways;

(2) not to exceed $2,500,000 per fiscal year may be used to repair culverts and bridges on forest highways to facilitate appropriate fish passage and ensure reasonable flows and to maintain and remove such culverts and bridges as appropriate; and

(3) not to exceed $1,000,000 per fiscal year may be used for signage identifying public hunting and fishing access.

(c) WILDLIFE VEHICLE COLLISION REDUCTION STUDY.—

(1) IN GENERAL.—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'').

(2) CONTENTS.—

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

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

(i) conduct a thorough literature review; and

(ii) survey current practices of the Department of Transportation.

(3) CONSULTATION.—In carrying out the study, the Secretary shall consult with appropriate experts in the field of wildlife vehicle collisions.

(4) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

(B) CONTENTS.—The report shall include a description of each of the following:

(i) Causes of wildlife vehicle collisions.

(ii) Impacts of wildlife vehicle collisions.

(iii) Solutions to and prevention of wildlife vehicle collisions.

(5) MANUAL.—

(A) DEVELOPMENT.—Based upon the results of the study, the Secretary shall develop a best practices manual to support State efforts to reduce wildlife vehicle collisions.

(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

(6) TRAINING.—Based upon the manual developed under paragraph (5), the Secretary shall develop a training course on 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) PURPOSES.—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) APPORTIONMENT OF FUNDS.—

(A) IN GENERAL.—Subject to 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 2 percent of such amounts for the administrative expenses of the Secretary in carrying out this subsection.

(D) DETERMINATION OF STUDENT ENROLLMENTS.—Determinations 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 bike 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 any 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 walking and bicycling to school, including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and 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 use a sufficient amount of the apportionment to fund a full-time position of coordinator of the State's safe routes to school program.

(7) CLEARINGHOUSE.—

(A) IN GENERAL.—The Secretary shall make grants to a national nonprofit organization engaged in promoting safe routes to schools to—

(i) operate a national safe routes to school clearinghouse;

(ii) develop information and educational programs on safe routes to school; and

(iii) provide technical assistance and disseminate techniques and strategies used for successful safe routes to school programs.

(B) FUNDING.—The Secretary shall carry out this paragraph using amounts set aside for administrative expenses under paragraph (3)(C).

(8) TASK FORCE.—

(A) IN GENERAL.—The Secretary shall establish a national safe routes to school task force composed of leaders in health, transportation, and education, including representatives of appropriate Federal agencies, to study and develop a strategy for advancing safe routes to school programs nationwide.

(B) REPORT.—Not later than March 31, 2006, the Secretary shall transmit to Congress a report containing the results of the study conducted, and a description of the strategy developed, under subparagraph (A) and information regarding the use of funds for infrastructure-related and noninfrastructure-related activities under subparagraphs (A) and (B) of paragraph (6).

(C) FUNDING.—The Secretary shall carry out this paragraph using amounts set aside for administrative expenses under paragraph (3)(C).

(9) 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 such funds shall not be transferable and shall remain available until expended and the Federal share of the cost of a project or activity under this section shall be 100 percent. Notwithstanding any other provision of law, projects assisted under this subsection shall be treated as projects on a Federal-aid system under such chapter.

(10) DEFINITIONS.—In this subsection, the following definitions apply:

(A) IN THE VICINITY OF SCHOOLS.—The term ''in the vicinity of schools'' means, with respect to a school, the area within bicycling and walking distance of the school (approximately 2 miles).

(B) PRIMARY AND MIDDLE SCHOOLS.—The term ''primary and middle schools'' means schools providing education from kindergarten through eighth grade.

(C) STATE.—The term ''State'' has the meaning such term has in section 101(a) of title 23, United States Code.

(b) NONMOTORIZED TRANSPORTATION PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish and carry out a nonmotorized transportation pilot program to construct, in 4 communities selected by the Secretary, a network of nonmotorized transportation infrastructure facilities, including sidewalks, bicycle lanes, and pedestrian and bicycle trails, that connect directly with transit stations, schools, residences, businesses, recreation areas, and other community activity centers.

(2) PURPOSE.—The purpose of the program shall be to demonstrate the extent to which bicycling and walking can carry a significant part of the transportation load, and represent a major portion of the transportation solution, within selected communities.

(3) GRANTS.—In carrying out the program, the Secretary may make grants to State, local, and regional agencies, that the Secretary determines are suitably equipped and organized to carry out the objectives and requirements of this subsection. An agency that receives a grant under this subsection may suballocate grant funds to a nonprofit organization to carry out the program under this subsection.

(4) 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 a project carried out under this subsection shall be 80 percent, and such funds shall not be transferable 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 Highway Trust Fund revenue 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 alternatives to the fuel tax to support highway program financing and other relevant prior research.

(2) FUNCTIONS.—The Commission shall—

(A) develop recommendations to generate Highway Trust Fund revenue necessary to accomplish the requirements of section 1124;

(B) oversee a comprehensive investigation of alternatives to replace the fuel tax as the principal revenue source to support the Highway Trust Fund over at least the next 30 years;

(C) consult with the Secretary of Transportation and the Secretary of the Treasury to assure that their views concerning essential attributes of Highway Trust Fund revenue alternatives are understood;

(D) assure that State transportation agency views on alternative revenue sources to support State transportation improvement programs are appropriately considered and that any recommended Federal financing strategy take into account State financial requirements; and

(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) advantages and disadvantages of alternative revenue sources to meet anticipated Federal surface transportation financial requirements;

(B) the time frame within which actions must be taken to transition from the fuel tax to alternative revenue sources to support the Highway Trust Fund;

(C) recommendations concerning the most promising revenue sources to support long-term Federal surface transportation financing requirements;

(D) development of a broad transition strategy to move from the current tax base to new funding mechanisms, including the time frame for various aspects of the transition strategy;

(E) recommendations for additional research that may be needed to implement recommended alternatives; and

(F) the extent to which revenues should reflect the relative use of the highway system.

(4) MATTERS TO CONSIDER AND EVALUATE.—To the maximum extent feasible, the Commission, in conducting the study 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 Research Board, and others. In developing recommendations under paragraph (2), the Commission shall consider—

(A) the ability to generate sufficient revenues to meet anticipated long term 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 enforcement, to implement each option;

(D) potential taxpayer 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 nine members of whom—

(i) three members shall be appointed by the Secretary;

(ii) two members shall be appointed by the Speaker of the House of Representatives;

(iii) one member shall be appointed by the minority leader of the House of Representatives;

(iv) two members shall be appointed by the majority leader of the Senate; and

(v) one member shall be appointed by the minority leader of the Senate.

(B) QUALIFICATIONS.—Members appointed under subparagraph (A) shall have experience in public finance, surface transportation program administration, managing organizations that use surface transportation facilities, academic research into related issues, or other activities that provide unique perspectives on current and future requirements for revenue sources to 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 be filled 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 in lieu of subsistence, 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.

(6) 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) DETAIL STAFF.—Upon request of the Commission, the Secretary may detail, on a reimbursable basis, any of the personnel of the Department of Transportation to the Commission to assist 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 nonconfidential data and information as necessary for conducting and completing the study.

(7) 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.

(8) REPORTS AND RECOMMENDATIONS.—

(A) REVENUE ACTIONS.—Not later than September 30, 2005, the Commission shall transmit to Congress a report on revenue actions that would support the requirements of section 1124.

(B) ALTERNATIVE LONG-TERM SOURCES OF REVENUE.—Not later than September 30, 2006, the Commission shall transmit to Congress a report on the results of the study conducted under paragraph (1)(B), relating to alternative long-term sources of revenue to support the Highway Trust Fund, including recommendations to address the needs identified in the study.

(9) TERMINATION.—The Commission shall terminate on the 180th day following the date of transmittal of the report under paragraph (8)(B). By such 180th day, the Commission shall deliver all records and papers of the Commission to the Archivist of the United States for deposit in the National Archives.

(10) 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.

(11) 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 activities carried out under this subsection shall be 100 percent, and such funds shall remain available until expended.

(b) DECLARATION OF POLICY REGARDING FUTURE OF THE INTERSTATE HIGHWAY SYSTEM STUDY.—Section 101(b) of title 23, United States Code, is amended by striking the last paragraph and inserting the following:

''It is further declared that it is in the national interest to preserve and enhance the Dwight D. Eisenhower National System of Interstate and Defense Highways to meet the Nation's needs for the 21st century. The current urban and long distance personal travel and freight movement demands have surpassed the vision of the original Interstate System and travel demand patterns are expected to change. Continued planning for and investment in the Interstate System is critical to assure it adequately meets the changing travel demands of the future. Among the foremost needs that the Interstate System must provide are safe, efficient, and reliable (1) national and interregional personal mobility, (2) flow of interstate commerce, and (3) travel movements essential for national security. To the maximum extent, actions under this title should address congestion, safety, and freight transportation to provide for a strong and vigorous national economy. The Interstate System is hereby declared to be the Nation's premiere highway system, essential for the Nation's economic vitality, national security, 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.—

(1) ESTABLISHMENT.—There is established a National Commission on the Future of the Dwight D. Eisenhower National System of Interstate and Defense Highways (in this subsection referred to as the ''Interstate System'').

(2) FUNCTION.—The Commission shall—

(A) conduct a study of the current condition and future of the Interstate System and 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;

(B) 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 future Interstate System needs.

(3) SPECIFIC MATTERS TO BE ADDRESSED.—The Commission shall assure that the study under this subsection specifically addresses the following:

(A) CURRENT CONDITION.—The current condition and performance of the Interstate System, including physical condition of bridges and pavements and operational characteristics and performance, shall be examined, relying primarily on existing data sources.

(B) FUTURE ASSESSMENT.—The future of the Interstate System, based on a range of legislative and policy approaches for 15-, 30-, and 50-year horizons.

(4) SPECIFIC ISSUES AND DETAILS TO ADDRESS.—The following specific issues and details shall be addressed as a part of the study under this subsection:

(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, including safety improvement and additional access points.

(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 travel; improvements to inter-modal linkages; strategies to enhance asset preservation; and implementation strategies.

(G) COMMUNITY VALUES.—Consideration of alternative approaches to maintaining or enhancing community values in those neighborhoods adjacent to the Interstate System.

(H) ENVIRONMENTAL ISSUES.—Consideration of alternative approaches to addressing environmental concerns relative to recommended alternatives.

(I) SYSTEM PERFORMANCE.—Evaluation and assessment of the current and future capabilities for conducting system-wide real-time performance data collection and analysis, traffic monitoring, system operations and management.

(5) ALTERNATIVES.—A range of policy recommendations shall be developed as a part of the plan under this subsection to address identified future needs of the Interstate System. The alternatives shall include funding needs and potential approaches to provide those funds.

(6) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of nine members of whom—

(i) three members shall be appointed by the Secretary;

(ii) two members shall be appointed by the Speaker of the House of Representatives;

(iii) one member shall be appointed by the minority leader of the House of Representatives;

(iv) two members shall be appointed by the majority leader of the Senate; and

(v) one member shall be appointed by the minority leader of the Senate.

(B) QUALIFICATIONS.—Members appointed under subparagraph (A) shall be appointed from among individuals that have a concern for maintaining a strong role for the Interstate System in the future of the Nation and may include representatives from Federal, State, and local governments, other transportation authorities or agencies, and organizations representing surface transportation owners and operators.

(C) TERMS.—Members shall be appointed for the life of the Commission.

(D) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(E) TRAVEL EXPENSES.—Member shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, 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.

(7) STAFF.—

(A) IN GENERAL.—The Commission may engage the services of an appropriate organization, agency, or firm to conduct the study under this subsection, but the Commission shall provide strategic guidance for the study.

(B) DETAIL STAFF.—Upon request of the Commission, the Secretary may detail, on a reimbursable basis, any of the personnel of the Department of Transportation to the Commission to assist the Commission in carrying out its duties under this subsection.

(C) COOPERATION.—The Secretary shall cooperate with the Commission in the study, including providing the Commission with such nonconfidential data and information as necessary for conducting and completing the study.

(8) 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.

(9) REPORT AND RECOMMENDATIONS.—Not later than September 30, 2006, the Commission shall transmit to Congress a final report on the results of the study conducted under this subsection, including recommendations to address the needs identified in the study.

(10) TERMINATION.—The Commission shall terminate on the 180th day following the date of transmittal of the report under paragraph (9). By such 180th day, the Commission shall deliver all records and papers of the Commission to the Archivist of the United States for deposit in the National Archives.

(11) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Funds (other than the Mass Transit Account) to carry out this subsection $1,000,000 for each of fiscal years 2005 and 2006.

(12) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by 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 the Federal share of the cost of activities carried out under this subsection shall be 100 percent and such funds shall remain available until expended.

SEC. 1123. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART V.

[Reserved]

SEC. 1124. ROADWAY SAFETY.

(a) ROAD SAFETY.—

(1) 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—

(A) by improving the quality of data pertaining to public road hazards and design features that affect or increase the severity of motor vehicle crashes;

(B) 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

(C) by promoting public road safety research and technology transfer activities.

(2) 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.

(3) APPLICABILITY OF TITLE 23.—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;

(B) to develop information and educational programs; and

(C) to disseminate techniques and strategies for improving bicycle and pedestrian safety.

(2) 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 2004 through 2009 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—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.

SEC. 1125. EQUITY REQUIREMENT.

(a) GENERAL PROVISIONS.—The Secretary may not apportion before August 1, 2006, any funds for any of the programs referred to in subsection (b) for fiscal year 2006 unless, after the date of enactment of this Act, a law has been enacted that—

(1) increases the guaranteed rate of return pursuant to section 105 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

(2) requires that each State receive apportionments for such programs for each of such fiscal years that in the aggregate are at least equal to the greater of—

(A) the State's minimum guaranteed rate of return required under paragraph (1); and

(B) the State's prior fiscal year's apportioned highway funds for programs referred in subsection (b) plus an amount equal to the State's prior year apportioned funds for such programs multiplied by the percentage increase in the consumer price index during the 12-month period ending June 30 of the calendar year in which the fiscal year begins.

(b) APPLICABILITY.—The withholding of apportioned funds 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.

(4) The surface transportation program under section 133 of such title.

(5) Metropolitan planning under chapter 52 of title 49, United States Code.

(6) The highway bridge replacement and rehabilitation program under section 144 of title 23, United States Code.

(7) The congestion mitigation and air quality improvement program under section 149 of such title.

(8) The recreational trails program under section 206 of such title.

(9) The Appalachian development highway system under subtitle IV of title 40, United States Code.

(10) The freight intermodal connectors program under section 1303 of this Act.

(11) The coordinated border infrastructure program under section 1302 of this Act.

(12) The high risk rural road safety improvement program under section 1403 of this Act.

(13) The safe routes to schools program under section 1120 of this Act.

(14) The minimum guarantee program under section 105 of title 23, United States Code.

(c) CONSIDERATION OF COMMISSION FINDINGS.—In considering a law that increases the guaranteed rate of return referred to in subsection (a), Congress should consider the findings of the report on alternative short-term sources of Highway Trust Fund revenue to be published by the National Commission on Future Revenue Sources to Support the Highway Trust Fund pursuant to section 1121 of this Act.

Subtitle B—Congestion Relief

SEC. 1201. MOTOR VEHICLE CONGESTION RELIEF.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 138 the following:

"§ 139. Motor vehicle congestion relief

''(a) IN GENERAL.—Each State that has an urbanized area with an urbanized area population of over 200,000 individuals shall obligate in each of fiscal years 2005 through 2009 a portion of the State's apportionments under section 104(b) in such fiscal year, as calculated under subsection (b), for congestion relief activities in such urbanized areas in accordance with this section.

''(b) 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—

''(1) the total of amounts apportioned to the State under each of paragraphs (1), (2), (3), and (4) of section 104(b) in such fiscal year; by

''(2) 10 percent; by

''(3) the percentage of the State's population residing in urbanized areas of the State with an urbanized area population of over 200,000 individuals.

''(c) ALLOCATION BETWEEN UNDER ONE AND UNDER THREE CONGESTION RELIEF ACTIVITIES.—Of the total amount of a State's apportionments to be obligated for congestion relief activities for a fiscal year as calculated under subsection (b)—

''(1) 40 percent shall be obligated for under one congestion relief activities;

''(2) 35 percent shall be obligated for under three congestion relief activities; and

''(3) 25 percent shall be obligated at the discretion of the State department of transportation for 1 or more of the following:

''(A) Under one congestion relief activities.

''(B) Under three congestion relief activities.

''(C) Capital costs for transit projects that are eligible for assistance under chapter 53 of title 49.

''(D) 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 demand for roads through such means as telecommuting, ridesharing, alternative work hour programs, and value pricing.

''(d) OBLIGATION OF AMOUNTS.—

''(1) IN GENERAL.—In complying with the requirements of this section, the amounts obligated by a State for congestion relief activities

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).

''(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.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as altering or otherwise affecting the applicability of the requirements of this chapter (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 account of the project) to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for congestion relief activities under subsection (a).

''(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 the amount that the State must obligate for under one congestion relief activities in a fiscal year under this section to the amount the State must obligate for under three congestion relief activities under this section if the State certifies to the Secretary that there are no under one congestion relief activities for which such portion can be obligated in such fiscal year and the Secretary does not disapprove such transfer within 30 days after the date of such certification.

''(2) LIMITATION.—The amount that a State may transfer in a fiscal year under this subsection may not reduce the amount the State must obligate for under one congestion relief activities to less than 10 percent of the total amount of the State's apportionments to be obligated for congestion relief activities for such fiscal year as calculated under subsection (b).

''(3) TREATMENT.—Amounts transferred by a State under this subsection for a fiscal year shall be included in the amount of the State's apportionments allocated for under three congestion relief activities for such fiscal year under subsection (c)(2).

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(1) CONGESTION RELIEF ACTIVITIES.—

''(A) IN GENERAL.—The term 'congestion relief activity' means any activity, project, or program that has as its primary purpose, as determined by the State transportation department, the relief of motor vehicle congestion.

''(B) INCLUSIONS.—Such term includes the following:

''(i) Relief of motor vehicle congestion through additional capacity, construction of additional lanes, improvements to interchanges, improved access to major terminals, construction of parallel roads, construction of truck only lanes, and major arterial improvements.

''(ii) Transportation systemwide operational improvements targeted at increasing motor vehicle travel reliability through such means as incident management programs, traffic monitoring and surveillance, and traveler information initiatives.

''(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) EXCLUSIONS.—Such 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 demand for roads through such means as telecommuting, ridesharing, alternative work hour programs, and value pricing.

''(2) UNDER ONE CONGESTION RELIEF ACTIVITIES.—The term 'under one congestion relief activity' means a congestion relief activity that—

''(A) will be completed within one year after the date of commencement of onsite improvements;

''(B) has a total projected cost of less than $1,000,000; and

''(C) will improve conditions in the applicable urbanized area or is an element of the congestion management system of the applicable metropolitan planning organization.

''(3) UNDER THREE CONGESTION RELIEF ACTIVITIES.—The term 'under three congestion relief activities' means congestion relief activities that—

''(A) will be completed within 3 years after the date of commencement of onsite improvements; and

''(B) will improve conditions in the applicable urbanized area or is an element of the congestion management system of the applicable metropolitan planning organization.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter I of such title is amended by inserting after the item relating to section 138 the following:

''139. Motor vehicle congestion relief.''.

(c) MOTOR VEHICLE DEFINED.—Title 23, United States Code, is amended—

(1) in section 154(a)(2), relating to the definition of motor vehicle, by inserting ''streets, roads, and'' before ''highways'';

(2) by redesignating paragraph (2) of section 154(a) as paragraph (38);

(3) by moving such redesignated paragraph from section 154(a) to the end of section 101(a);

(4) by redesignating paragraphs (3) and (4) of section 154(a) as paragraphs (2) and (3), respectively;

(5) in section 153(i)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(6) in section 164(a)(4) by striking ''means'' and all that follows through ''rail line or'' and inserting ''does not include''; and

(7) in section 405(f)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5).

SEC. 1202. TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.

(a) DEFINITIONS.—

(1) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—Section 101(a)(17) of title 23, United States Code, is amended by inserting ''transportation systems management and operations and'' after ''associated with''.

(2) OPERATIONAL IMPROVEMENT.—Section 101(a)(18)(A)(i) of such title is amended—

(A) by inserting ''transportation systems management and operations, including'' after ''for''; and

(B) by inserting ''equipment and programs for transportation response to natural disasters,'' after ''incident management programs,''.

(3) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—Section 101(a) of such title is further amended by adding at the end the following:

''(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

''(A) IN GENERAL.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve the security, safety, and reliability of Federal-aid highways.

''(B) INCLUDED ACTIVITIES AND IMPROVEMENTS.—The term includes regional operations collaboration and coordination activities between transportation and public safety agencies and improvements such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic operations measures to improve capacity, traffic signal coordination, optimization of traffic signal timing, traffic incident management, communications equipment related to traffic incident management (including integrated, interoperable, emergency communications equipment), roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.''.

(b) SURFACE TRANSPORTATION PROGRAM ELIGIBILITY.—Section 133(b) of such title is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively; and

(2) by adding at the end the following:

''(14) Regional transportation operations collaboration and coordination activities that are associated with regional improvements, including activities for traffic incident management, technology deployment, emergency management and response, traveler information, and regional congestion relief.''.

(c) NATIONAL HIGHWAY SYSTEM ELIGIBILITY.—Section 103(b)(6) of such title is amended by adding at the end the following:

''(Q) Capital, operating, and systems maintenance costs for transportation systems management and operations.''.

(d) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—Subchapter I of chapter 1 of such title is further amended by adding at the end the following:

''§ 166. Transportation systems management and operations

''(a) AUTHORITY.—The Secretary may—

''(1) encourage transportation system managers, operators, public safety officials, and transportation planners within an urbanized area, who are actively engaged in and responsible for conducting activities relating to day-to-day management, operations, public safety, and planning of transportation facilities and services, to collaborate and coordinate on a regional level in a continuous and sustained manner for improved transportation systems management and operations, including, at a minimum—

''(A) developing a regional concept of operations that defines a regional strategy shared by all transportation and public safety participants for how the region's systems should be managed, operated, and measured;

''(B) sharing of information among operators, service providers, public safety officials, and the general public; and

''(C) guiding, in a regionally-coordinated manner, the implementation of regional transportation system management and operations initiatives, including emergency evacuation and response, traffic incident management, technology deployment, and traveler information systems delivery, in a manner consistent with and integrated into the ongoing metropolitan and statewide transportation planning processes and regional intelligent transportation system architecture, if required; and

''(2) encourage States to establish a system of basic real-time monitoring capability for the surface transportation system and provide the capability and means to share that data among agencies (including highway, transit, and public safety agencies), jurisdictions (including States, cities, counties, and areas represented by metropolitan planning organizations), private-sector entities, and the traveling public.

''(b) EXECUTION.—To support the successful execution of transportation systems management and operations activities, the Secretary may undertake the following activities:

''(1) Assist and cooperate with other Federal departments and agencies, State and local governments, metropolitan planning organizations,

private industry representatives, and other interested parties to improve regional collaboration and real-time information sharing between transportation system managers and operators, public safety officials, 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 for the procurement of transportation system management and operations facilities, equipment, and services, including equipment procured in preparation for natural disasters and emergencies, system hardware, software, and software integration services.''.

(e) CONFORMING AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

''166. Transportation systems management and operations.''.

(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) RECOMMENDATIONS.—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) CURRENT CONDITION.—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) ASSESSMENT OF NEED FOR POLICY REFORM.—The ability 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 regarding the results of the study conducted under this subsection and recommendations to address the needs identified in such study.

(5) INITIATION OF RULEMAKING PROCEEDING.—To the extent any recommendation made by the Secretary under this subsection may be implemented by regulation, the Secretary shall initiate a 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 shall be 100 percent and such funds shall remain available until expended.

SEC. 1203. REAL-TIME SYSTEM MANAGEMENT INFORMATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a real-time system management information program to provide, in all States, the capability to monitor, 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 congestion problems, to support improved response to weather events and surface transportation incidents, and to facilitate national and regional highway traveler information.

(2) PURPOSES.—The purposes of the real-time system management information program are to—

(A) establish, in all States, a system of basic real-time information for managing and operating the surface transportation system;

(B) identify longer range real-time highway and transit monitoring needs and develop plans and strategies for meeting such needs; and

(C) provide the capability and means to share that data with State and local governments and the traveling public.

(b) NATIONAL STEERING COMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish a national steering committee to assist in the development of data exchange formats under subsection (c).

(2) REPRESENTATIVES.—The national steering committee shall consist of representatives of State transportation departments, metropolitan planning organizations, local governments, nonprofit entities, the private sector, and academia.

(3) PURPOSE.—The purpose of the national steering committee shall be to provide guidance regarding the content and uniformity of data exchange formats.

(c) 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 across jurisdictional boundaries, facilitating nationwide availability of information.

(d) REGIONAL INTELLIGENT TRANSPORTATION SYSTEM ARCHITECTURE.—

(1) ADDRESSING 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, monitoring systems, data fusion and archiving, and methods of exchanging or sharing highway and transit information.

(2) DATA EXCHANGE.—States 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 may readily be exchanged with State and local governments and may be made available to the traveling public.

(e) ELIGIBILITY.—Subject to project approval by the Secretary, a State may obligate funds apportioned to the State under sections 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).

(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section 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 account of the project), to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for activities and projects under this section.

(g) STATEWIDE INCIDENT REPORTING SYSTEM DEFINED.—In this section, the term ''statewide incident reporting system'' means a statewide system for facilitating the real-time electronic reporting of surface transportation incidents to a central location for use in monitoring the event, providing accurate traveler information, and responding to the incident as appropriate.

SEC. 1204. EXPEDITED NATIONAL INTELLIGENT TRANSPORTATION SYSTEMS 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 may make grants, through competitive solicitation, for projects that will serve as models to improve transportation efficiency, promote surface transportation safety (including safe freight movement), increase traffic flow (including the flow of intermodal travel at ports of entry), reduce emissions of air pollutants, improve traveler information, enhance alternative transportation modes, 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) contribute to national deployment 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 needed to support deployment of intelligent transportation systems;

(3) encourage private sector involvement and financial commitment to such deployment to 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 deployment 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) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated under section 1101(a)(16) of this Act shall be available for obligation to carry out subsection (c)(7) in the same 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 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.

(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 for fiscal years 2005 through 2009 is utilized to expand deployment of intelligent transportation systems.

(b) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 149 the following:

"§ 150. Deployment of intelligent transportation systems

''(a) IN GENERAL.—In each of fiscal years 2005 through 2009, each State 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); bears to

''(2) the aggregate of amounts apportioned to all States for such fiscal year under such sections.

''(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 incidents, surface transportation incident management, 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, the infrastructure, and information to the driver.

''(4) OPERATION AND MANAGEMENT.—Provision of services necessary to ensure the efficient 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 agencies, 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 in such State 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).

''(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.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as altering or otherwise affecting the applicability of the requirements of this chapter (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 account of the project) to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for projects under this section.

''(f) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with this section.''.

(c) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 149 the following:

''150. Deployment of intelligent transportation systems.''.

SEC. 1206. 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, to the extent appropriate, categorical exclusions for activities that support the deployment of intelligent transportation infrastructure and systems from the requirement that an environmental assessment or 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. 4332) in compliance with the standards for categorical exclusions established by that Act.

(b) NATIONWIDE 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. 470f) 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 other interested parties.

(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 5607.

SEC. 1207. STATE ASSUMPTION OF RESPONSIBILITIES FOR CERTAIN PROGRAMS AND PROJECTS.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 167. State assumption of responsibilities for certain programs and projects

''(a) ASSUMPTION OF SECRETARY'S RESPONSIBILITIES UNDER APPLICABLE FEDERAL LAWS.—

''(1) PILOT PROGRAM.—

''(A) ESTABLISHMENT.—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.

''(B) 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.

''(2) 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 or other actions required under any Federal law as such requirements apply to the following projects:

''(A) Projects funded under section 104(h).

''(B) Transportation enhancement activities under section 133, as such term is defined in section 101(a)(35).

''(C) Projects as defined in section 101(a)(39) and section 5607 of the Transportation Equity Act: A Legacy for Users.

''(b) AGREEMENTS.—

''(1) IN GENERAL.—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 being made.

''(2) CERTIFICATION.—Before the Secretary enters into a memorandum of understanding with a State under paragraph (1), the State 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 49 that authorize the State to carry out the responsibilities being assumed.

''(3) MAXIMUM DURATION.—A memorandum of understanding with a State under this section shall be established for an initial period 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.

''(4) COMPLIANCE.—

''(A) IN GENERAL.—After entering into a memorandum of understanding under paragraph (1), the Secretary shall review and determine compliance by 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.

''(c) 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 seeks 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 in the Federal Register of the Secretary's intent to allow the State to participate in the program, including a copy of the State's application to the Secretary and the terms of the proposed agreement with the State; and

''(B) provide an opportunity for public comment.

''(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 AGENCY VIEWS.—Before assigning to a State a responsibility of the Secretary that requires the Secretary to consult with another Federal agency, the Secretary shall solicit the views of the Federal agency.

''(d) 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 206(c)(1).

''(e) PRESERVATION OF PUBLIC INTEREST CONSIDERATION.—Nothing in this section shall be

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

''(a) IN GENERAL.—

''(1) AUTHORITY OF STATE AGENCIES.—A State agency that has jurisdiction over the operation of a HOV facility shall 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 requirements of subsection (a)(2), the following exceptions shall apply with respect to a State agency operating a HOV facility:

''(1) MOTORCYCLES AND BICYCLES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the State agency shall allow motorcycles and bicycles to use the HOV facility.

''(B) SAFETY EXCEPTION.—A State agency may restrict 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 how motorists can enroll and participate in the toll program;

''(B) develops, manages, and maintains a system that will automatically collect the toll; and

''(C) establishes policies and procedures to—

''(i) manage the demand to use the facility by varying the toll amount that is charged;

''(ii) enforce violations of use of the facility; and

''(iii) permit low-income individuals to pay reduced tolls.

''(4) LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—

''(A) INHERENTLY LOW-EMISSION VEHICLE.—Before September 30, 2009, the State agency may allow vehicles that are certified as inherently low-emission vehicles pursuant to section 88.311–93 of title 40, Code of Federal Regulations, and are labeled in accordance with section 88.312–93 of such title, to use the HOV facility if the agency establishes procedures for enforcing the restrictions on the use of the facility by such vehicles.

''(B) OTHER LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—Before September 30, 2009, the State agency may allow vehicles certified as low emission and energy-efficient vehicles under subsection (e), and labeled in accordance with subsection (e), 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—

''(i) establishes a program that addresses the selection of vehicles under this paragraph; and

''(ii) establishes procedures for enforcing the restrictions on the use of the facility by such vehicles.

''(C) AMOUNT OF TOLLS.—Under subparagraph (B), a State agency may charge no toll or a toll that is less than tolls charged under paragraph (3).

''(c) REQUIREMENTS APPLICABLE TO TOLLS.—

''(1) IN GENERAL.—Tolls may be charged under subsections (b)(3) and (b)(4) notwithstanding section 301 and, except as provided in paragraphs (2) and (3), subject to the requirements of section 129.

''(2) HOV FACILITIES ON THE INTERSTATE SYSTEM.—Notwithstanding section 129, tolls may be charged under subsections (b)(3) and (b)(4) on a HOV facility on the Interstate System.

''(3) EXCESS TOLL REVENUES.—If a State agency makes a certification under the last sentence of section 129(a)(3) with respect to toll revenues collected under subsections (b)(3) and (b)(4), the State, in the use of tolls revenues under that sentence, shall give priority consideration to projects for developing alternatives to single occupancy vehicle travel and projects for improving highway safety.

''(d) HOV FACILITY MANAGEMENT, OPERATION, MONITORING, AND ENFORCEMENT.—

''(1) IN GENERAL.—A State agency that allows vehicles to use a HOV facility under subsection (b)(3) or (b)(4) in a fiscal year shall certify to the Secretary that the agency will carry out the following responsibilities with respect to the facility in the fiscal year:

''(A) Establishing, managing, and supporting a performance monitoring, evaluation, and reporting program for the facility that provides for continuous monitoring, assessment, and reporting on the impacts that such vehicles may have on the operation of the facility and adjacent highways.

''(B) Establishing, managing, and supporting an enforcement program that ensures that the facility is being operated in accordance with the requirements of this section.

''(C) Limiting or discontinuing the use of the facility by such vehicles if the presence of 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 are failing to maintain a minimum average operating speed 90 percent of the time over a consecutive 6-month period during morning or evening weekday peak hour periods (or both).

''(B) MINIMUM AVERAGE OPERATING SPEED DEFINED.—In subparagraph (A), the term 'minimum average operating speed' means—

''(i) 45 miles per hour, in the case of a HOV facility with a speed limit of 50 miles per hour or greater; and

''(ii) 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.

''(e) 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.

''(f) DEFINITIONS.—In this section, the following definitions apply:

''(1) ALTERNATIVE FUEL VEHICLE.—The term 'alternative fuel vehicle' means a vehicle that operates on—

''(A) methanol, denatured ethanol, or other alcohols;

''(B) a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels;

''(C) natural gas;

''(D) liquefied petroleum gas;

''(E) hydrogen;

''(F) coal derived liquid fuels;

''(G) fuels (except alcohol) derived from biological materials;

''(H) electricity (including electricity from solar energy); or

''(I) any other fuel that the Secretary prescribes by regulation that is not substantially petroleum and that would yield substantial energy security and environmental benefits.

''(2) HOV FACILITY.—The term 'HOV facility' means a high occupancy vehicle facility.

''(3) LOW EMISSION AND ENERGY EFFICIENT VEHICLE.—The term 'low emission and energy-efficient vehicle' means a vehicle that—

''(A) has been certified by the Administrator of the Environmental Protection Agency as meeting the Tier II emission level established in regulations prescribed by the Administrator under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

''(B)(i) has been certified by the Administrator to have a 45-mile-per-gallon or greater fuel economy highway rating; or

''(ii) is an alternative fuel vehicle.

''(4) PUBLIC TRANSPORTATION VEHICLE.—The term 'public transportation vehicle' means a vehicle that provides public transportation (as defined in section 5302(a) of title 49).

''(5) STATE AGENCY.—The term 'State agency', as used with respect to a HOV facility, means an agency of a State or local government having jurisdiction over the operation of the facility and includes a State transportation department.''.

(b) CONFORMING AMENDMENTS.—

(1) PROGRAM EFFICIENCIES.—Section 102 of title 23, United States Code, is amended by striking 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.''.

(c) TECHNICAL AMENDMENT.—Section 102(b) 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 ''after'' 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 Intermodal 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) PREVIOUSLY APPROVED PROJECTS.—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 DRIVERS.—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) SET-ASIDE FOR PROJECTS NOT INVOLVING HIGHWAY TOLLS.—At the end of section 1012(b)(8) of such Act add the following:

''(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 pilot projects that do not involve highway tolls.''.

(d) CONFORMING AMENDMENTS.—Section 1012(b) of such Act is amended—

(1) in the subsection heading by striking ''VALUE PRICING'' and inserting ''CONGESTION PRICING'';

(2) in paragraph (2)—

(A) by striking ''(2) Notwithstanding'' and inserting the following:

''(2) FEDERAL SHARE; ELIGIBLE COSTS.—Notwithstanding'';

(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 ''(3) Revenues'' and inserting the following:

''(3) USE OF REVENUES.—Revenues'';

(4) in paragraph (4)—

(A) by striking ''(4) Notwithstanding'' and inserting the following:

''(4) USE OF TOLLS ON INTERSTATE SYSTEM.—Notwithstanding'';

(B) by striking ''value pricing pilot program'' and inserting ''congestion pricing pilot project'';

(5) in paragraph (5)—

(A) by striking ''(5) The Secretary'' and inserting the following:

''(5) MONITORING.—The Secretary''; and

(B) by striking ''programs'' 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 149(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 would 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 a 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 167(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.—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 compliance, discharge, 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, after providing an opportunity for a hearing, issues a finding that the State is not in compliance with the terms of the agreement.''.

(c) 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 under subsection (b) is deemed to be a Federal agency to the extent the State is carrying out the Secretary's 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 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 exit Interstate Route 495 in both northern and southern directions onto Arena Drive. Such ramp shall be open for 24 hours a day, every day during the calendar year.

(b) FULLY OPENING ARENA DRIVE RAMP.—

(1) STUDY.—The Secretary shall conduct a study to determine the most appropriate method for opening the ramps for allowing motor vehicles to enter 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 the 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 international or interregional trade pursuant to the selection factors provided in this section. 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 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 any project that will be completed within 5 years of the date of the allocation of funds for the project.

(2) SELECTION FACTORS.—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—

(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 projected to increase in the future.

(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 reduction in commercial and other travel time through a major freight corridor expected as a result of the project.

(G) The value of the cargo carried by commercial vehicle traffic in the corridor and the economic costs arising from congestion in the corridor.

(H) The extent of leveraging of Federal funds provided to carry out this section, including—

(i) use of innovative financing;

(ii) combination with funding 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) PERIOD OF AVAILABILITY.—Funds allocated for a project to a State under this section shall remain available for obligation in that State until 6 months from the day on which they are allocated. Sums not obligated within 6 months of the day on which they are allocated shall be available to the Secretary to be allocated for other projects eligible under this section.

(d) 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.

(e) APPLICABILITY OF TITLE 23.—Except as provided in subsections (c) and (d), funds made available by section 1101(a)(10) of this Act 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.

(f) 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 safety enforcement facilities in a border region that facilitate 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 telecommunications, 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

(5) international coordination of transportation planning, programming, and border operation with 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—

(A) the total number of incoming commercial trucks that pass through the land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to

(B) the total number of incoming commercial trucks that pass through such ports of entry within the boundaries of all the border States, as determined by the Secretary.

(2) 30 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 border State, as determined by the Secretary; bears to

(B) the total number of incoming personal motor vehicles and incoming buses that pass through such 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 weight of incoming cargo by commercial trucks that pass through such ports of entry within the boundaries of all the border States, as determined by the Secretary.

(4) 25 percent of the ratio that—

(A) the total number of 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 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 80 percent.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) BORDER REGION.—The term ''border region'' means any portion of a border State within 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 31301(4) (other than subparagraph (B)) of title 49, United States Code.

(4) MOTOR VEHICLE.—The term ''motor vehicle'' has the meaning such term has under section 101(a) of title 23, United States Code.

(5) STATE.—The term ''State'' has the meaning such term has in section 101(a) of such title 23.

SEC. 1303. FREIGHT INTERMODAL CONNECTORS.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish a freight intermodal connector program to improve productivity and improve the efficiency of the transportation of freight, while mitigating congestion in the area of freight intermodal connectors.

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

(A) to facilitate and support intermodal freight transportation initiatives at the State and local levels in order to improve freight intermodal connectors and mitigate the impact of congestion in the area of such connectors; and

(B) to provide capital funding to address infrastructure and freight operational needs at freight intermodal connectors.

(b) STATE RESPONSIBILITIES.—Under the program, each State shall ensure that intermodal freight transportation and trade facilitation and are adequately addressed integrated into the project development process, including transportation planning, through final design and construction of freight related transportation projects.

(c) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—Projects eligible for funding under this section may include the construction of and improvements to publicly owned freight intermodal connectors, the provision of access to such connectors, and operational improvements for such connectors (including capital investment for intelligent transportation systems); except that a project located within the boundaries of an intermodal freight facility shall only include highway infrastructure modifications necessary to facilitate direct intermodal access between the connector and the facility.

(2) SPECIAL RULE.—If a State that does not have any freight intermodal connectors within its boundaries or has only freight intermodal connectors within its boundaries that are in good condition and provide an adequate level of service, projects within the boundaries of the State that are eligible for assistance under section 103(b)(6) of title 23, United States Code, relating to the National Highway System, shall be eligible for funding under this section.

(d) PRIORITY.—Under the program, a State shall give priority to projects on freight intermodal connectors to the National Highway System as identified according to the criteria set forth in the report of the Department of Transportation to Congress entitled ''Pulling Together: The NHS and its Connections to Major Intermodal Terminals''.

(e) APPORTIONMENT.—On October 1 of each fiscal year, the Secretary shall apportion among the States sums made available to carry out this section for such fiscal year as follows:

(1) 33.3 percent in the ratio that—

(A) the number of freight intermodal connectors identified in the most recent Intermodal Freight Connectors study of the Federal Highway Administration within the boundaries of a State; bears to

(B) the total number of such connectors within the boundaries of all the States.

(2) 33.3 percent in the ratio that—

(A) the total of each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial motor vehicles; bears to

(B) the total of such annual contributions by all States.

(3) 33.4 percent in the same ratios as funds are apportioned for the National Highway System under clauses (i), (ii), (iii), and (iv) of section 104(b)(1)(A) of title 23, United States Code.

(f) 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 80 percent.

(g) UPDATE REPORT.—Not later than August 1, 2005, the Secretary shall publish an update to the report entitled ''Pulling Together: the National Highway System and its Connections to Major Intermodal Terminals''.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) FREIGHT INTERMODAL CONNECTORS.—The term ''freight intermodal connector'' means the roadway that connects to an intermodal freight facility that carries or will carry intermodal traffic.

(2) INTERMODAL FREIGHT FACILITY.—The term ''intermodal freight facility'' means a port, airport, truck-rail terminal, and pipeline-truck terminal.

(3) STATE.—The term ''State'' has the meaning such term has in section 101(a) of title 23, United States Code.

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 the 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 high-cost transportation infrastructure facilities that address critical national economic and transportation needs.

(3) Critical high-cost transportation infrastructure facilities often include multiple levels of government, agencies, modes of transportation, and transportation goals and planning processes that are not easily addressed or funded within existing surface transportation program categories.

(4) Projects of national and regional significance have national and regional benefits, including improving economic productivity by facilitating international trade, relieving congestion, and improving transportation safety by facilitating 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 effect such projects have 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 national economy.

(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 PROJECT COSTS.—The term ''eligible project costs'' means the costs of—

(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, rehabilitation, and acquisition of real property (including land related to the project and improvements to 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, including freight railroad projects and activities eligible under such title.

(3) QUALIFIED ENTITY.—The term ''qualified entity'' means a State as defined in section 101(a) of title 23, United States Code.

(d) 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 highway assistance funds apportioned for the most recently completed fiscal year to the State in which the project is located.

(e) APPLICATIONS.—Each qualified entity seeking to receive a grant under this section for an eligible project shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish.

(f) COMPETITIVE GRANT SELECTION AND CRITERIA FOR GRANTS.—

(1) IN GENERAL.—The Secretary shall—

(A) establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (d);

(B) conduct a national solicitation for applications; and

(C) award grants on a competitive basis.

(2) CRITERIA FOR GRANTS.—The Secretary may approve a grant under this section for a project only if the Secretary determines that the project—

(A) is based on the results of preliminary engineering;

(B) is justified based on the project's ability—

(i) to generate national economic benefits, including creating jobs, expanding business opportunities, and impacting the gross domestic product;

(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 facility; 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 facility.

(3) SELECTION CONSIDERATIONS.—In selecting a project under this section, the Secretary shall consider the extent to which the project—

(A) leverages Federal investment by 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 determines to be 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) the degree 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 issue regulations on the manner in which the Secretary will 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.

(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 project as ''highly recommended'', ''recommended'', or ''not recommended'' based on the results of preliminary engineering, the project justification criteria, and the degree of non-Federal financial commitment, as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each of the criteria established under the regulations issued under paragraph (6).

(g) LETTERS 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 specified in law 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 deemed not to be 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)(7).

(B) TERMS.—If 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;

(iii) cover the period of time for completing 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 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 from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government. 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 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.

(3) 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 grant agreements may be not more than the greater of the amount authorized to carry out this section or an amount equivalent to the last 2 fiscal years of funding authorized to carry out this section less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements may be not more than a limitation specified in law.

(h) GRANT REQUIREMENTS.—

(1) IN GENERAL.—A grant for a project under this section shall be subject to all of the requirements of title 23, United States Code, and chapter 52 of title 49, United States Code.

(2) OTHER TERMS AND CONDITIONS.—The Secretary shall require that all grants under this section be subject to all terms, conditions, and requirements that the Secretary decides are necessary or appropriate for purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section.

(i) GOVERNMENT'S SHARE OF PROJECT COST.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the cost of a project receiving assistance under this section. A grant for the project is for 80 percent of the project cost, unless the grant recipient requests a lower grant percentage. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Government is made at the same time.

(j) FISCAL CAPACITY CONSIDERATIONS.—If the Secretary gives priority consideration to financing projects that include more than the non-Government share required under subsection (i) the Secretary shall give equal consideration to differences in the fiscal capacity of State and local governments.

(k) 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 this paragraph shall include evaluations and ratings, as required under subsection (f). The report shall also include recommendations of projects for funding based on the evaluations and 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 currently available to the Secretary.

(l) 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 by providing limited access lanes that allow commercial truck traffic to enter the Interstate System at the posted speed limit.

(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) combination with funding 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 1101(a)(22) of this Act 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.

(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. 1306. TRUCK PARKING FACILITIES.

(a) ESTABLISHMENT.—In cooperation with appropriate State, regional, and local governments, the Secretary shall establish a pilot program to address the shortage of long-term parking for commercial motor vehicles on the National Highway System.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—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 containing 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 120(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 vehicle parking, including inspection and weigh stations and park-and-ride facilities.

(D) Promoting the availability of publicly or privately provided commercial motor vehicle parking on 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 remain open year-round.

(G) Improving the geometric design of interchanges 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 positive effects 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 2005 through 2009.

(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 transmit to Congress 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) APPLICABILITY OF TITLE 23.—Notwithstanding any other provision of law, projects funded under this section shall be treated as projects on a Federal-aid system under chapter 1 of title 23, United States Code.

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 inserting ''installs fluorescent, yellow-green signs at pedestrian or bicycle crossings or school zones,'' after ''call boxes,''.

(b) OPERATION LIFESAVER.—Section 104(d)(1) of such title is amended—

(1) by striking ''subsection (b)(3) of this section'' and inserting ''section 130(f)''; and

(2) by striking ''$500,000'' and inserting ''$600,000''.

(c) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

(1) IN GENERAL.—Section 104(d)(2) of such title is amended—

(A) in subparagraph (A) by striking ''$5,250,000'' and inserting ''$7,500,000 for each of fiscal years 2004 and 2005, $10,000,000 for each of fiscal years 2006 and 2007, 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 2004 and 2005, $1,500,000 for each of fiscal years 2006 and 2007, and $2,750,000 for each of fiscal years 2008 and 2009''; and

(ii) by striking ''per fiscal year''.

(2) DESIGNATION OF CORRIDORS.—Of the rail corridors selected by the Secretary in accordance with section 104(d)(2) of title 23, United States Code—

(A) the Northern New England High Speed Rail Corridor is expanded to include the 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) RAILWAY-HIGHWAY CROSSINGS.—

(1) FUNDS FOR PROTECTIVE DEVICES.—Section 130(e) of such title is amended—

(A) by striking ''At'' and inserting the following:

''(1) IN GENERAL.—At''; and

(B) 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 to carry out 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.

''(2) MINIMUM APPORTIONMENT.—Notwithstanding paragraph (1), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under paragraph (1).

''(3) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds authorized to be appropriated to carry out this section shall be 90 percent of the cost thereof.''.

(3) BIENNIAL REPORT TO CONGRESS.—The third sentence of section 130(g) of such title is amended by striking ''not later than April 1 of each year,'' and inserting '', not later than April 1, 2006, and every 2 years thereafter,''.

(4) EXPENDITURE OF FUNDS.—Section 130 of such title is further amended by adding at the end the following:

''(k) EXPENDITURE OF FUNDS.—Not more than 2 percent of funds apportioned to a State to carry out this section may be used by the State for compilation and analysis of data in support of activities carried out under subsection (g).''.

(e) SURFACE TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—Section 133(d) of such title is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) in paragraph (2) (as so redesignated)—

(i) in subparagraph (A) by striking ''80 percent'' and inserting ''90 percent'';

(ii) in subparagraph (B) by striking ''tobe'' and inserting ''to be''; and

(iii) in subparagraph (D) by adding a period at the end.

(2) CONFORMING AMENDMENTS.—

(A) SECTION 133.—Section 133(e) is amended by striking ''(d)(2)'' and inserting ''(d)(1)'' in each of paragraphs (3)(B)(i), (5)(A), and (5)(B).

(B) SECTION 126.—Section 126(b) of such title is amended—

(i) by striking ''to the last sentence of section 133(d)(1) or'';

(ii) by striking ''section 133(d)(3)'' and inserting ''section 133(d)(2)''; and

(iii) by striking ''or 133(d)(2)''.

(f) HAZARD ELIMINATION PROGRAM.—

(1) PURPOSES.—Section 152(a)(1) of such title is amended—

(A) by striking ''and'' after ''bicyclists,''; and

(B) by inserting after ''pedestrians,'' the following: ''and the disabled, identify roadway safety improvement needs for such locations, sections, and elements,''.

(2) HAZARDS.—Section 152(a)(2)(A) of such title is amended by inserting ''the disabled,'' after ''pedestrians,''.

(3) APPROVAL OF PROJECTS.—Section 152(b) of such title is amended by inserting before the period at the end the following: ''that reduces the likelihood of crashes involving road departures, intersections, pedestrians, the disabled, bicyclists, older drivers, or construction work zones''.

(4) EXPENDITURE OF FUNDS.—Section 152(c) of such title is amended—

(A) in paragraph (2) by striking ''or'' at the end;

(B) in paragraph (3) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(4) police assistance for traffic and speed management in construction work zones;

''(5) installation of barriers between construction work zones and traffic lanes for the safety of motorists and workers;

''(6) installation of protective devices at railway-highway crossings; and

''(7) compilation and analysis of data under subsections (f) and (g) if the funds used for this purpose by a State do not exceed 2 percent of the amount apportioned to such State to carry out this section.''.

(5) APPORTIONMENT.—Section 152(d) of such title is amended to read as follows:

''(d) APPORTIONMENT.—

''(1) FORMULA.—Funds authorized to be appropriated to carry out this section shall be apportioned to the States in accordance with the formula set forth in section 104(b)(3)(A).

''(2) MINIMUM APPORTIONMENT.—Notwithstanding paragraph (1), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under paragraph (1).

''(3) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds authorized to be appropriated to carry out this section shall be 90 percent of the cost thereof.''.

(6) BIENNIAL REPORT TO CONGRESS.—

(A) IN GENERAL.—Section 152 of such title is amended by adding at the end the following:

''(i) BIENNIAL REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this subsection, and every 2 years thereafter, 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 program under this section. The report shall include, at a minimum, the following:

''(1) A summary of State projects completed under this section categorized by the types of hazards and a statement of the cost of such projects.

''(2) An analysis of the effectiveness of such categories of projects in reducing the number and severity of crashes at high hazard locations.

''(3) An assessment of the adequacy of authorized funding for the program and State use of such funding to address the national need for such projects.

''(4) Recommendations for funding and program improvements to reduce the number of high hazard locations.

''(5) An analysis and evaluation of each State program, an identification of any State found not to be in compliance with the schedule of improvements required by subsection (a), and recommendations for future implementation of the hazard elimination program.''.

(B) CONFORMING AMENDMENT.—Section 152(g) of such title is amended by striking the third sentence through the last sentence.

(g) EFFECTIVE DATE.—The amendments made by subsections (b)(1), (d), (e), and (f) shall take effect on September 30, 2005.

SEC. 1402. WORKER INJURY PREVENTION AND FREE FLOW OF VEHICULAR TRAFFIC.

Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations to decrease the likelihood of worker injury and maintain the free flow of vehicular traffic by requiring workers whose duties place them on or in close proximity to a Federal-aid highway (as defined in section 101 of title 23, United States Code) to wear high visibility garments. Such regulations may also require such other worker-safety measures for workers with those duties as the Secretary determines appropriate.

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 operational 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) SPECIAL RULE.—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 system for allocating funds apportioned to it under this section among projects eligible for assistance under this section that have the highest benefits to highway safety. Such system may include a safety management system established by the State 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) ⅓ 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) ⅓ in the ratio that—

(A) the population of areas other than urbanized areas in each State, as shown by the most recent 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) ⅓ 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.—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 80 percent. Notwithstanding any other provision of law, projects assisted under this section shall be treated as projects on a Federal-aid system under such chapter.

(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 volume 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. TRANSFERS 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 1995–2004.—''; and

(B) by inserting ''and ending before October 1, 2004,'' after ''September 30, 1994,'';

(2) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(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''.

(b) OPEN CONTAINER REQUIREMENTS.—Section 154(c) 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 (7) as paragraphs (4) through (8), respectively;

(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 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 on that date under each of paragraphs (1), (3), and (4) of section 104(b) an amount equal to 3 percent of 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) or (2)'' and inserting ''paragraph (1), (2), or (3)''; and

(6) in paragraph (7)(B) (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''.

(c) 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 ''AND FISCAL YEARS THEREAFTER'' and inserting ''FISCAL YEAR 2004'' ; and

(B) by striking ''and each October 1 thereafter,'';

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(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 has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer from the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) an amount equal to 3 percent of 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) or (2)'' and inserting ''paragraph (1), (2), or (3)''; and

(6) in paragraph (7)(B) (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 2004'' and all that follows through ''2005'' and inserting ''and 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 163 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 enacted or is not enforcing a law described in subsection (a), the Secretary shall withhold from amounts apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) an amount equal to the amount specified in paragraph (2).

''(2) AMOUNT TO BE WITHHELD.—If a State is subject to a penalty under paragraph (1), the Secretary shall withhold for a fiscal year from the apportionments of the State described in paragraph (1) an amount equal to a percentage of the funds apportioned to the State under paragraphs (1), (3), and (4) of section 104(b) for fiscal year 2003. The percentage shall be as follows:

''(A) For fiscal year 2004, 2 percent.

''(B) For fiscal year 2005, 4 percent.

''(C) For fiscal year 2006, 6 percent.

''(D) For fiscal year 2007, and each fiscal year thereafter, 8 percent.

''(3) FAILURE TO COMPLY.—If, within 4 years from the date that an apportionment for a State is withheld in accordance with this subsection, the Secretary determines that the State has enacted and is enforcing a law described in subsection (a), the apportionment of the State shall be increased by an amount equal to the amount withheld. If, at the end of such 4-year period, any State has not enacted or is not enforcing a law described in subsection (a) any amounts so withheld from such State shall lapse.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 163(f)(1) of such title, as redesignated by subsection (a)(1) of this section, is amended by striking ''for fiscal year 2004'' and all that follows through ''2005'' and inserting ''and for each of fiscal years 2004 and 2005''.

(c) REPEAL.—Section 351 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (23 U.S.C. 163 note; 114 Stat. 1356A–34) is repealed.

SEC. 1407. REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED.

Section 164(a)(5)(A) of title 23, United States Code, is amended to read as follows:

''(A) receive (i) a driver's license suspension for not less than 1 year, or (ii) a combination of suspension of all driving privileges of an individual for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the propose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;''.

SEC. 1408. REPAIR OR REPLACEMENT OF HIGHWAY FEATURES ON NATIONAL HIGHWAY SYSTEM.

(a) RULEMAKING PROCEEDING.—The Secretary shall conduct a rulemaking proceeding to determine the appropriate conditions under which a State when choosing to repair or replace damaged highway features on the National Highway System with State funds (rather than with available Federal financial assistance) should be required to repair or replace such features with highway features that have been tested, evaluated, and found to be acceptable under the guidelines contained in the report of the Transportation Research Board of the National Research Council entitled ''NCHRP Report 350-Recommended Procedures for the Safety Performance Evaluation of Highway Features''.

(b) MATTERS TO BE CONSIDERED.—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.

(c) 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 has approved the use of design-build contracting under criteria specified in regulations issued by the Secretary.''.

(b) EXPERIMENTAL PROCUREMENT.—Section 112(b)(3) 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 effecting 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 subparagraph.

''(F) REPORT.—Not later than 3 years after the date of enactment of this subparagraph, the Secretary shall transmit to Congress a report on the effectiveness of design-build contracting procedures in which the majority of the selection determinations are made 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 allow not 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.

(d) MINIMUM PROJECT COST.—The estimated total cost of a project to be carried out under the pilot program must be greater than $15,000,000.

(e) SELECTION PROCESS.—In the selection process for the pilot program, the Secretary shall select, to the extent possible, projects from several different regions of the United States in order to demonstrate the effects that different climates and traffic patterns have on warranty highway construction projects.

(f) RULEMAKING.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a rule to implement the pilot program. The rule shall include the following factors for eligibility of a highway construction project to be included in the program:

(A) A requirement that the contract for the project must include a long-term limited warranty that is of a duration sufficient to ensure that—

(i) the cost to the State of the project that will be carried out is less than the estimated cost to construct the project without the warranty plus the estimated costs that would be incurred by the State and that would otherwise be covered during the proposed warranty period if a warranty were in effect; and

(ii) the estimated cost to road users during the warranty period is less than such estimated cost without a warranty.

(B) In determining the sufficient duration of a long-term limited warranty under subparagraph (A), the Secretary shall establish separate sufficient durations for different types of projects, such as initial construction, pavement resurfacing and rehabilitation, and pavement markings.

(C) A requirement that the limited warranty must address, at a minimum—

(i) the responsibilities of the warranty provider;

(ii) the responsibilities of the Department of Transportation;

(iii) the terms of the warranty, including duration and, if applicable, traffic volumes and vehicle classification; and

(iv) performance criteria to be met to determine if maintenance is required.

(2) FACTORS TO CONSIDER.—In issuing the rule, the Secretary may consider the following factors as requirements for the warranty contract for eligibility under the pilot program:

(A) A plan to account for inflation during the warranty period.

(B) The frequency of performance assessments performed.

(C) The response time for repairs.

(D) A plan for emergency repairs.

(E) Clearly set out limits of liability under the warranty, if any.

(F) Dispute resolution provisions.

(G) A severability provision.

(H) Other provisions the Secretary considers necessary for carrying out the program.

(g) SAVINGS.—Section 112 of title 23, United States Code, shall apply to the projects carried out under this section unless the Secretary determines that applying such section to such projects is inconsistent with the provisions of this section.

(h) REPORTS.—Not later than 5 years after the date of enactment of this Act and every year thereafter, 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 outlining activities carried out under the program and the results of the program.

SEC. 1503. PRIVATE INVESTMENT STUDY.

(a) STUDY.—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 comprehensive 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;

(4) use of toll credits by State and local authorities;

(5) requirements for debt financing instruments, reimbursable expenses, and conditions on payments;

(6) limitation on fees charged at federally funded fringe and corridor parking facilities;

(7) revenues needed to provide a reasonable rate of return to private investors;

(8) costs to users of facilities due to imposition of tolls;

(9) sales-in-lease-out arrangement of transportation assets; and

(10) such other matters as the Secretary considers appropriate.

(c) REPORT.—

(1) TO SECRETARY.—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 pilot program to be known as the ''Highways for LIFE pilot program''.

(2) PURPOSE.—The purpose of the pilot program shall be to advance longer-lasting highways using innovative technologies and practices to accomplish the fast construction of efficient and safe highways and bridges.

(3) OBJECTIVES.—Under the pilot program, the Secretary shall provide leadership and incentives 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 contains 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) ELIGIBILITY.—A proposed project shall be eligible for assistance under the pilot program if the project—

(A) constructs, reconstructs, or rehabilitates a route or connection on a Federal-aid highway eligible for assistance under chapter 1 of title 23, United States Code;

(B) uses innovative technologies, manufacturing processes, financing, 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 proposed projects; and

(D) such other information as the Secretary may require.

(4) SELECTION CRITERIA.—In selecting projects for approval under this section, the Secretary shall ensure that the projects provide an evaluation of a broad range of technologies in a wide variety of project types and shall give priority to the projects that—

(A) address achieving the Highways for LIFE performance standards for quality, safety, and speed of construction;

(B) deliver and deploy innovative technologies, manufacturing processes, financing, contracting practices, and performance measures that will demonstrate substantial improvements in safety, congestion, quality, and cost-effectiveness;

(C) include innovation that will lead to change in the administration of the State's transportation program to more quickly construct long-lasting, high-quality, cost-effective projects that improve safety and reduce congestion;

(D) are or will be ready for construction within 12 months of approval of the project proposal; and

(E) meet such other criteria as the Secretary determines appropriate.

(5) FINANCIAL ASSISTANCE.—

(A) FUNDS FOR HIGHWAYS FOR LIFE PROJECTS.—Out of amounts made available to carry out this section for a fiscal year, the Secretary may allocate to a State up to 20 percent, but not more than $15,000,000, of the total cost of a project approved under this section. Notwithstanding any other provision of law, funds allocated to a State under this subparagraph may be applied to the non-Federal share of the cost of construction of a project under title 23, United States Code.

(B) USE OF APPORTIONED FUNDS.—A State may obligate not more than 10 percent of the amount apportioned to the State under 1 or more of paragraphs (1), (2), (3), and (4) of section 104(b) of title 23, United States Code, for a fiscal year for projects approved under this section.

(C) INCREASED FEDERAL SHARE.—Notwithstanding sections 120 and 129 of title 23, United States Code, the Federal share payable on account of any project constructed with Federal funds allocated under this section, or apportioned under section 104(b) of such title, to a State under such title and approved under this section may amount to 100 percent of the cost of construction of such project.

(D) LIMITATION ON STATUTORY CONSTRUCTION.—Except as provided in subparagraph (C), nothing in this subsection 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 and the location of the project), to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for projects approved under this subsection.

(6) PROJECT SELECTIONS.—In the period of fiscal years 2005 through 2009, the Secretary shall approve at least one project in each State for participation in the pilot program and for financial assistance under paragraph (5) if the State submits an application and the project meets the eligibility requirements and selection criteria under this subsection.

(c) TECHNOLOGY PARTNERSHIPS.—

(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 SHARE.—The Federal share of the cost of an activity carried out under this subsection shall not exceed 80 percent.

(d) 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.

(e) STAKEHOLDER INPUT AND INVOLVEMENT.—The Secretary shall establish a process for stakeholder input and involvement in 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.

(f) PROJECT MONITORING AND EVALUATION.—The Secretary shall monitor and evaluate the effectiveness of any activity carried out under this section.

(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'' has the meaning such term has under section 101(a) of title 23, United States Code.

Subtitle F—Finance

SEC. 1601. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(a) DEFINITIONS.—Section 181 of title 23, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking ''category''; and

(B) by striking ''offered into the capital markets'';

(2) by striking paragraph (7);

(3) by redesignating paragraphs (8) through (15) as paragraphs (7) through (14), respectively;

(4) by striking the period at the end of paragraph (8)(B) (as so redesignated) and inserting a semicolon; and

(5) in paragraph (10) (as so redesignated) by striking ''bond'' and inserting ''credit''.

(b) DETERMINATION OF ELIGIBILITY.—Section 182(a) of such title is amended—

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

''(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project shall satisfy the applicable planning and programming requirements of sections 134 and 135 at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter.

''(2) APPLICATION.—A State, a local government, public authority, public-private partnership, or any other legal entity undertaking the project and authorized by the Secretary, shall submit a project application to the Secretary.'';

(2) in paragraph (3)(A)(i) by striking ''$100,000,000'' and inserting ''$50,000,000'';

(3) in paragraph (3)(B) by striking ''$30,000,000'' and inserting ''$15,000,000''; and

(4) in paragraph (4)—

(A) by striking ''Project financing'' and inserting ''The Federal credit instrument''; and

(B) by inserting before the period at the end ''that also secure the project obligations''.

(c) PROJECT SELECTION.—Section 182(b) of such title is amended—

(1) in paragraph (1) by striking ''criteria'' the second place it appears and inserting ''requirements''; and

(2) in paragraph (2)(B) by inserting '', which may be the Federal credit instrument,'' after ''obligations''.

(d) SECURED LOANS.—

(1) AGREEMENTS.—Section 183(a)(1) of such title is amended—

(A) in each of subparagraphs (A) and (B) by inserting ''of any project selected under section 602'' after ''costs''; and

(B) by striking the semicolon at the end of subparagraph (B) and all that follows through ''under section 602''.

(2) INVESTMENT-GRADE RATING REQUIREMENT.—Section 183(a)(4) of such title is amended—

(A) by striking ''The funding'' and inserting ''The execution''; and

(B) by striking the first comma and all that follows through ''1 rating agency''.

(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) REPAYMENT.—Section 183(c) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(e) LINES 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'';

(B) in paragraph (4)—

(i) by striking ''marketable'';

(ii) by striking ''on which'' and inserting ''of execution of''; and

(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''; and

(2) REPAYMENT.—Section 184(c) of such title is amended—

(A) in paragraph (2)—

(i) by striking ''scheduled'';

(ii) by inserting ''be scheduled to'' after ''shall''; and

(iii) by striking ''be fully repaid, with interest,'' and inserting ''conclude, with full repayment of principal and interest,''; and

(B) by striking paragraph (3).

(f) PROGRAM ADMINISTRATION.—Section 185 of such title is amended to read as follows:

''§ 185. Program administration

''(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) FUNDING.—

''(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $130,000,000 for fiscal year 2004 and $140,000,000 for each of fiscal years 2005 through 2009 to carry out this chapter.

''(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $3,000,000 for each of fiscal years 2004 through 2009.

''(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

''(b) 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 a fiscal year shall be available for obligation on October 1 of the fiscal year.

''(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 2004 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) DEFINITIONS.—In this section, the following definitions apply:

''(1) CAPITAL PROJECT.—The term 'capital project' has the meaning such term has under section 5302 of title 49, United States Code.

''(2) OTHER FORMS OF CREDIT ASSISTANCE.—The term 'other forms of credit assistance' includes any use of funds in an infrastructure bank—

''(A) to provide credit enhancements;

''(B) to serve as a capital reserve for bond or debt instrument financing;

''(C) to subsidize interest rates;

''(D) to insure or guarantee letters of credit and credit instruments against credit risk of loss;

''(E) to finance purchase and lease agreements with respect to transit projects;

''(F) to provide bond or debt financing instrument security; and

''(G) to provide other forms of debt 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.

''(3) STATE.—The term 'State' has the meaning such term has under section 401 of this title.

''(4) CAPITALIZATION.—The term 'capitalization' means the process used for depositing funds as initial capital into a State infrastructure bank to establish the infrastructure bank.

''(5) COOPERATIVE AGREEMENT.—The term 'cooperative agreement' means written consent between a State and the Secretary which sets forth the manner in which the infrastructure bank established by the State in accordance with this section will be administered.

''(6) LOAN.—The term 'loan' means any form of direct financial assistance from a State infrastructure bank that is required to be repaid over a period of time and that is provided to a project sponsor for all or part of the costs of the project.

''(7) GUARANTEE.—The term 'guarantee' means a contract entered into by a State infrastructure bank in which the bank agrees to take responsibility for all or a portion of a project sponsor's financial obligations for a project under specified conditions.

''(8) INITIAL ASSISTANCE.—The term 'initial assistance' means the first round of funds that are loaned or used for credit enhancement by a State infrastructure bank for projects eligible for assistance under this section.

''(9) LEVERAGE.—The term 'leverage' means a financial structure used to increase funds in a State infrastructure bank through the issuance of debt instruments.

''(10) LEVERAGED.—The term 'leveraged', as used with respect to a State infrastructure bank, means that the bank has total potential liabilities that exceed the capital of the bank.

''(b) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary may enter into cooperative 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.

''(d) FUNDING.—

''(1) HIGHWAY ACCOUNT.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank to deposit into the highway account of the bank not to exceed—

''(A) 10 percent of the funds apportioned to the State for each of fiscal years 2005 through 2009 under each of sections 104(b)(1), 104(b)(3), 104(b)(4), and 144; and

''(B) 10 percent of the funds allocated to the State for each of such fiscal years under section 105.

''(2) TRANSIT ACCOUNT.—Subject to subsection (j), 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 section 5307, 5309, or 5311 of title 49, to deposit into the transit account of the bank not to exceed 10 percent of the funds made available to the State or other recipient in each of fiscal years 2005 through 2009 for capital projects under each of such sections.

''(3) RAIL ACCOUNT.—Subject to subsection (j), 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 subtitle V of title 49, to deposit into the rail account of the bank funds made available to the State or other recipient in each of fiscal years 2005 through 2009 for capital projects under such subtitle.

''(4) CAPITAL GRANTS.—

''(A) HIGHWAY ACCOUNT.—Federal funds deposited into a highway account of a State infrastructure bank under paragraph (1) 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.

''(5) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—Funds in a State infrastructure bank that are attributed to urbanized areas of a State with urbanized populations of over 200,000 under section 133(d)(3) may be used to provide assistance with respect to a project only if the metropolitan planning organization designated for such area concurs, in writing, with the provision of such assistance.

''(6) DISCONTINUANCE OF FUNDING.—If the Secretary determines that a State is not implementing the State's infrastructure bank in accordance with a cooperative agreement entered into under subsection (b), the Secretary may prohibit the State from contributing additional Federal funds to the bank.

''(e) FORMS OF ASSISTANCE FROM INFRASTRUCTURE BANKS.—An infrastructure bank established under this section may make loans or provide other forms of credit assistance to a public or private entity 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. Initial assistance provided with respect to a project from Federal funds deposited into an infrastructure bank under this section may not be made in the form of a grant.

''(f) 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 capitalization grant made to the State and deposited into such account; except that, if the deposit is into the highway account of the bank and the State has a non-Federal share 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 financing instrument insurance, to maintain the viability of the bank;

''(3) ensure that investment income derived from funds deposited to an account of the bank are—

''(A) credited to the account;

''(B) available for use in providing loans and other forms of credit assistance to projects eligible for assistance from the account; and

''(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

''(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 issued to carry out this section.

''(i) UNITED STATES NOT OBLIGATED.—The deposit of Federal funds into an infrastructure bank established under this section shall not be construed as a commitment, guarantee, or obligation 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 by virtue of the contribution. Any security or debt-financing instrument issued by the infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

''(j) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6503 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 to exceed 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.''.

(b) PREPARATORY AMENDMENTS.—

(1) SECTION 181.—Section 181 of such title is further amended—

(A) by striking the section designator and heading and inserting the following:

***''§ 181. Generally applicable provisions''**;*

(B) by striking ''In this subchapter'' and inserting ''(a) DEFINITIONS.—In this chapter'';

(C) in paragraph (5) by striking ''184'' and inserting ''604'';

(D) in paragraph (11) (as redesignated by section 1601(a) of this Act) by striking ''183'' and inserting ''603''; and

(E) by adding at the end the following:

''(b) TREATMENT OF CHAPTER.—For purposes of this title, this chapter shall be treated as being part of chapter 1.''.

(2) SECTION 182.—Section 182(b)(2)(A)(viii) of such title is further amended by inserting ''and chapter 1'' after ''this chapter''.

(3) SECTION 183.—Section 183(a) of such title is further amended—

(A) in paragraph (1) by striking ''182'' and inserting ''602''; and

(B) in paragraph (3) by striking ''182(b)(2)(B)'' and inserting ''602(b)(2)(B)''.

(4) SECTION 184.—Section 184 of such title is further amended—

(A) in subsection (a)(1) by striking ''182'' and inserting ''602'';

(B) in subsection (a)(3) by striking ''182(b)(2)(B)'' and inserting ''602(b)(2)(B)''; and

(C) in subsection (b)(10) by striking ''183'' and inserting ''603''.

(5) REFERENCES IN SUBCHAPTER.—Subchapter II of chapter 1 of such title is amended by striking ''this subchapter'' each place it appears and inserting ''this chapter''.

(6) SUBCHAPTER HEADINGS.—Chapter 1 of such title is further amended—

*(A) by striking ''**SUBCHAPTER I—GENERAL PROVISIONS**'' preceding section 101; and*

*(B) by striking ''**SUBCHAPTER II—INFRASTRUCTURE FINANCE**'' preceding section 181.*

(c) CHAPTER 6.—Such title is further amended by adding at the end the following:

''CHAPTER 6—INFRASTRUCTURE FINANCE

''Sec.
''601. Generally applicable provisions.
''602. Determination of eligibility and project selection.
''603. Secured loans.
''604. Lines of credit.
''605. Program administration.
''606. State and local permits.
''607. Regulations.
''608. Funding.
''609. State infrastructure bank program.''.

(d) MOVING AND REDESIGNATING.—Such title is further amended—

(1) by redesignating sections 181 through 189 as sections 601 through 609, respectively;

(2) by moving such sections from chapter 1 to chapter 6 (as added by subsection (c)); and

(3) by inserting such sections after the analysis for chapter 6.

(e) ANALYSIS FOR CHAPTER 1 AND TABLE OF CHAPTERS.—

(1) ANALYSIS FOR CHAPTER 1.—The analysis for chapter 1 of such title is amended—

(A) by striking the headings for subchapters I and II; and

(B) by striking the items relating to sections 181 through 189.

(2) TABLE OF CHAPTERS.—The table of chapters for such title is amended by inserting after the item relating to chapter 5 the following:

''6. Infrastructure Finance ..... 601''.

SEC. 1603. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION TOLL PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System reconstruction and rehabilitation toll pilot program under which the Secretary, notwithstanding sections 129 and 301 of title 23, United States Code, may permit a State to collect tolls on a highway, bridge, or tunnel on the Interstate System for the purpose of reconstructing and rehabilitating the facility.

(b) LIMITATION ON NUMBER OF FACILITIES.—The Secretary may permit the collection of tolls under this section on 3 facilities on the Interstate System. Each of such facilities shall be located in a different State.

(c) ELIGIBILITY.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains, at a minimum, the following:

(1) An identification of the facility on the Interstate System proposed to be a toll facility, including the age, condition, and intensity of use of the facility.

(2) In the case of a facility that affects a metropolitan area, an assurance that the metropolitan planning organization designated under chapter 52 of title 49, United States Code, for the area has been consulted concerning the placement and amount of tolls on the facility.

(3) An analysis demonstrating that financing the reconstruction or rehabilitation of the facility with the collection of tolls under the pilot program is the most efficient and economical way to advance the project.

(4) A facility management plan that includes—

(A) a plan for implementing the imposition of tolls on the facility;

(B) a schedule and finance plan for the reconstruction or rehabilitation of the facility using toll revenues;

(C) a description of the public transportation agency that will be responsible for implementation and administration of the pilot program;

(D) a description of whether consideration will be given to privatizing the maintenance and operational aspects of the facility, while retaining legal and administrative control of the portion of the Interstate route; and

(E) such other information as the Secretary may require.

(d) SELECTION CRITERIA.—The Secretary may approve the application of a State under subsection (c) only if the Secretary determines that—

(1) the State's analysis under subsection (c)(3) is reasonable;

(2) the facility has a sufficient intensity of use, age, or condition to warrant the collection of tolls;

(3) the State plan for implementing tolls on the facility takes into account the interests of local, regional, and interstate travelers;

(4) the State plan for reconstruction or rehabilitation of the facility using toll revenues is reasonable;

(5) the State will develop, manage, and maintain a system that will automatically collect the tolls;

(6) in developing the State plan for implementing tolls on the facility, the State includes a program to permit low income drivers to pay a reduced toll amount; and

(7) the State has given preference to the use of a public toll agency with demonstrated capability to build, operate, and maintain a toll expressway system meeting criteria for the Interstate System.

(e) PROHIBITION ON NONCOMPETE AGREEMENTS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that the State will not enter into an agreement with a private person under which the State is prevented from improving or expanding the capacity of public roads adjacent to the toll facility to address conditions resulting from traffic diverted to such roads from the toll facility, including—

(1) excessive congestion;

(2) pavement wear; and

(3) an increased incidence of traffic accidents, injuries, or fatalities.

(f) LIMITATIONS ON USE OF REVENUES; AUDITS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that—

(1) all toll revenues received from operation of the toll facility will be used only for—

(A) debt service;

(B) reasonable return on investment of any private person financing the project; and

(C) any costs necessary for the improvement of and the proper operation and maintenance of

the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

(2) regular audits will be conducted to ensure compliance with paragraph (1) and the results of such audits will be transmitted to the Secretary.

(g) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(4) of title 23, United States Code, may not be used on a facility for which tolls are being collected under the program.

(h) PROGRAM TERM.—The Secretary may approve an application of a State for permission to collect a toll under this section only if the application is received by the Secretary before the last day of the 10-year period beginning on the date of enactment of this Act.

(i) INTERSTATE SYSTEM DEFINED.—In this section, the term ''Interstate System'' has the meaning such term has under section 101 of title 23, United States Code.

(j) REPORT.—Not later than September 30, 2011, 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 traffic congestion on, pavement wear of, and incidence of accidents, injuries, and fatalities on public roads adjacent to toll facilities established under this section and section 1604.

(k) REPEAL.—Section 1216(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212) is repealed.

SEC. 1604. INTERSTATE SYSTEM CONSTRUCTION TOLL PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System construction toll pilot program under which the Secretary, notwithstanding sections 129 and 301 of title 23, United States Code, may permit a State or an interstate compact of States to collect tolls on a highway, bridge, or tunnel on the Interstate System for the purpose of constructing Interstate highways.

(b) LIMITATION ON NUMBER OF FACILITIES.—The Secretary may permit the collection of tolls under this section on 3 facilities on the Interstate System.

(c) ELIGIBILITY.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains, at a minimum, the following:

(1) An identification of the facility on the Interstate System proposed to be a toll facility.

(2) In the case of a facility that affects a metropolitan area, an assurance that the metropolitan planning organization designated under chapter 52 of title 49, United States Code, for the area has been consulted concerning the placement and amount of tolls on the facility.

(3) An analysis demonstrating that financing the construction of the facility with the collection of tolls under the pilot program is the most efficient and economical way to advance the project.

(4) A facility management plan that includes—

(A) a plan for implementing the imposition of tolls on the facility;

(B) a schedule and finance plan for the construction of the facility using toll revenues;

(C) a description of the public transportation agency that will be responsible for implementation and administration of the pilot program;

(D) a description of whether consideration will be given to privatizing the maintenance and operational aspects of the facility, while retaining legal and administrative control of the portion of the Interstate route; and

(E) such other information as the Secretary may require.

(d) SELECTION CRITERIA.—The Secretary may approve the application of a State under subsection (c) only if the Secretary determines that—

(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 interstate travelers;

(3) the State plan for construction of the facility using toll revenues is reasonable;

(4) the State will develop, manage, and maintain a system that will automatically collect the tolls;

(5) in developing the State plan for implementing tolls on the facility, the State includes a program to permit low-income drivers to pay a reduced toll amount; and

(6) the State has given preference to the use of a public toll agency with demonstrated capability to build, operate, and maintain a toll expressway system meeting criteria for the Interstate System.

(e) PROHIBITION ON NONCOMPETE AGREEMENTS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that the State will not enter into an agreement with a private person under which the State is prevented from improving or expanding the capacity of public roads adjacent to the toll facility to address conditions resulting from traffic diverted to such roads from the toll facility, including—

(1) excessive congestion;

(2) pavement wear; and

(3) an increased incidence of traffic accidents, injuries, or fatalities.

(f) LIMITATIONS ON USE OF REVENUES; AUDITS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that—

(1) all toll revenues received from operation of the toll facility will be used only for—

(A) debt service;

(B) reasonable return on investment of any private person financing the project; and

(C) any costs necessary for the improvement of and the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

(2) regular audits will be conducted to ensure compliance with paragraph (1) and the results of such audits will be transmitted to the Secretary.

(g) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(4) of title 23, United States Code, may not be used on a facility for which tolls are being collected under the program.

(h) PROGRAM TERM.—The Secretary may approve an application of a State for permission to collect a toll under this section only if the application is received by the Secretary before the last day of the 10-year period beginning on the date of enactment of this Act.

(i) INTERSTATE SYSTEM DEFINED.—In this section, the term ''Interstate System'' has the meaning such term has under section 101 of title 23, United States Code.

SEC. 1605. SPECIAL RULES RELATING TO STATE INFRASTRUCTURE BANK PROGRAM.

(a) INTERSTATE COMPACTS.—Section 189 of title 23, United States Code, as amended by section 1602(a) of this Act, is amended by inserting after subsection (b) the following:

''(c) INTERSTATE COMPACTS.—

''(1) IN GENERAL.—Congress grants consent to 2 or more of the States, entering into a cooperative agreement under subsection (a) with the Secretary for the establishment by such States of a multi-State infrastructure bank in accordance with this section, to enter into an interstate compact establishing such bank in accordance with this section.

''(2) RESERVATION OF RIGHTS.—The right to alter, amend or repeal interstate compacts entered into under this subsection is expressly reserved.''.

(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 (g) the following:

''(h) APPLICABILITY OF FEDERAL LAW.—

''(1) IN GENERAL.—The requirements of this title and title 49 that would otherwise apply to funds made available under this title or such title and projects assisted with those funds shall apply to—

''(A) funds made available under this title or such title and contributed to an infrastructure bank established under this section, including the non-Federal contribution required under subsection (g); and

''(B) projects assisted by the bank through the use of the funds;

except to the extent that the Secretary determines that any requirement of such title (other than sections 113 and 114 of this title and section 5333 of title 49), is not consistent with the objectives of this section.

''(2) REPAYMENTS.—The requirements of this title and title 49 shall apply to repayments from non-Federal sources to an infrastructure bank from projects assisted by the bank. Such a repayment shall be considered to be Federal funds.''.

Subtitle G—High Priority Projects

SEC. 1701. HIGH PRIORITY PROJECTS PROGRAM.

(a) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—Section 117(a) of title 23, United States Code, is amended by striking ''1602 of the Transportation Equity Act for the 21st Century'' and inserting ''1701 of the Transportation Equity Act: A Legacy for Users''.

(b) ALLOCATION PERCENTAGES.—Section 117(b) of such title is amended by striking paragraphs (1) through (6) and inserting the following:

''(1) 22.4 percent of such amount shall be available for obligation beginning in fiscal year 2005;

''(2) 20.2 percent of such amount shall be available for obligation beginning in fiscal year 2006;

''(3) 19.3 percent of such amount shall be available for obligation beginning in fiscal year 2007;

''(4) 19.7 percent of such amount shall be available for obligation beginning in fiscal year 2008; and

''(5) 18.4 percent of such amount shall be available for obligation beginning in fiscal year 2009.''.

(c) FEDERAL SHARE.—Section 117(c) of such title is amended by striking ''; except'' and all that follows through ''cost thereof''.

(d) ADVANCE CONSTRUCTION.—Section 117(e) of such title is amended by striking ''1602 of the Transportation Equity Act for the 21st Century'' each place it appears and inserting ''1701 of the Transportation Equity Act: A Legacy for Users''.

(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: A Legacy for Users''.

(f) FEDERAL-STATE RELATIONSHIP.—Section 145(b) of such title is amended—

(1) by inserting after ''described in'' the following: ''section 1702 of the Transportation Equity Act: A Legacy for Users,'';

(2) by inserting after ''for such projects by'' the following: ''section 1101(a)(17) of the Transportation Equity Act: A Legacy for Users,''; and

(3) by striking ''117 of title 23, United States Code,'' and inserting ''section 117 of this title,''.

SEC. 1702. PROJECT AUTHORIZATIONS.

Subject to section 117 of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 1101(a)(17) of the Transportation Equity Act: A Legacy for Users) for fiscal years 2005 through 2009 to carry out each such project:

HIGH PRIORITY PROJECTS

No.	State	Project Description	Amount
1	CA	Construct safe access to streets for bicyclists and pedestrians including crosswalks, sidewalks and traffic calming measures, Covina	$500,000
2	CA	Develop and implement ITS master plan in Anaheim	$1,500,000
3	TN	Improve circuitry on vehicle protection device installed at highway-RR crossing in Athens, TN	$59,000
4	CA	Builds a pedestrian bridge from Hiller Street to the Bay Trail, Belmont	$2,450,000
5	OH	Renovate and expand National Packard Museum and adjacent historic Packard facilities	$3,000,000
6	IL	Land acquisition for the widening of Rt. 47 in Yorkville, IL	$1,000,000
7	NE	Interstate 80 Interchange at Pflug Road, Sarpy County, Nebraska	$1,400,000
8	TX	Construction of Segment #1 of Morrison Road for the City of Brownsville	$2,000,000
9	MI	I-96 at Latson Road Interchange Improvements	$6,000,000
10	IL	Preconstruction and Construction of IL 83 at IL 132	$1,000,000
11	TN	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	$6,000,000
12	MI	Reconfiguration of US-31 from the Manistee Basquel Bridge to Lincoln Street in the city of Manistee	$750,000
13	AR	Bentonville, Arkansas—widen and improve I-540 and SH-102 Interchange	$1,420,000
14	WA	41st St. Interstate 5 Interchange Project in Everett	$2,600,000
15	CA	Reconstruct and deep-lift asphalt on various roads throughout the district in Santa Barbara County	$4,644,000
16	OK	Improving the I-35 Interchange at Milepost 1 Near Thackerville	$2,000,000
17	NJ	Laurel Avenue Bridge replacement in Holmdel Township	$1,000,000
18	OH	Construct overpass over CSX Railroad on Columbia Road (State Route 252), Olmsted Falls	$460,000
19	TN	Reconstruct and widen US-72 from south of State Route 175 to State Route 57, Shelby County	$1,000,000
20	NY	Construct roundabout at Oregon Road-Westbrook Dr-Red Mill Road in Town of Cortlandt	$475,000
21	IL	Construct Bike, Pedestrian Paths, Orland Hills	$400,000
22	PA	Construct I-79/Rte 3025 missing ramps at Jackson Township, PA	$1,150,000
23	PR	Construction of PR 833 to PR 831. PR 831 to PR 5. Bridge #667 PR 830, KM 2.40 PR 5 connector from PR 167 to intersection with PR 5 and Las Cumbres Ave	$6,000,000
24	TX	Extension of SH349 to US 87 Relief Route in Dawson County	$2,500,000
25	IL	Parking facility in Peoria, IL	$1,000,000
26	IL	Construct Interchange on Interstate 255 at Dupo/Columbia	$19,000,000
27	MN	Construction and right-of-way acquisition for interchange at TH65 and TH242 in Blaine, MN	$4,000,000
28	CA	Huntington Beach, Remove off-ramp on I-405 at Beach Blvd. Construct fourth lane on I-405 North, at the Beach Blvd. interchange	$500,000
29	TN	Addition of an interchange on I-40 in Roane County at Buttermilk Road and I-40	$3,000,000
30	NY	Purchase Three Ferries and Establish System for Ferry Service from Rockaway Peninsula to Manhattan	$15,000,000
31	IL	Reconstruction of Mockingbird Lane and Stratford St, Granite City	$1,500,000
32	FL	Construction a new multi-lane tunnel below the channel to link the Port of Miami on Dodge Island with I-395 on Watson Island and I-95 in Downtown Miami	$500,000
33	MD	Rehabilitation of West Baltimore Trail and Implementation of Pedestrian Improvements Along Associated Roadways	$900,000
34	TN	Removal and Reconfiguration of Interstate Ramps—I-240, Memphis	$3,000,000
35	CA	Replace structurally unsafe Winters Bridge for vehicles, bicycles and pedestrians between Yolo and Solano Counties	$2,000,000
36	IL	City of Havana, Illinois Upgrades to Broadway Street	$952,572
37	MN	Construction of Gitchi-Gami State Trail from Cascade River to Grand Marais	$900,000
38	LA	Develop master transportation plan for the New Orleans Regional Medical Center	$500,000
39	VA	Final Design and Construction for improvements at I-64 and City Line Road, Virginia Beach and Chesapeake	$1,000,000
40	MA	Replacement of Cross Street Bridge spanning flood prone Aberjona River, Winchester	$1,000,000
41	NC	Construction of and improvement to I-73, I-74, US 220 in Montgomery and Randolph Counties, NC	$11,000,000
42	IA	Access and enhancements to access Lake Belva Deer, Sigourney	$1,000,000
43	CA	Roadway surface improvements, street lighting, and storm drain improvements to South Center Street from Baughman Road to State Route 78/86, Westmorland	$800,000
44	TX	Construct two connectors between SH 288 and Beltway 8	$5,000,000
45	NY	Implement Central NY highway grade crossing and grade separation project	$2,000,000
46	CA	Douglas St. Improvements, El Segundo	$4,000,000
47	MA	Reconstruction of Massachusetts Avenue including safety improvements and related pedestrian, bike way in Arlington	$2,000,000
48	NY	Reconstruction of Rt 5,8,12 (North South Arterial) Burrstone Rd. to Oriskany Circle, City of Utica	$1,000,000
49	OK	Construction of Norman highway-rail Grade Separation	$1,000,000
50	PA	Construction of the Montour Trail, Great Allegheny Passage	$1,000,000
51	CA	Route 1 San Pedro Creek Bridge replacement in Pacifica	$3,000,000
52	MI	South Lyon, 2nd St. between Warren and Haggadorn	$125,000
53	PA	Street improvements, Abington Township	$2,000,000
54	IA	Study of a direct link to I 80, Pella	$500,000
55	TN	Sweetwater, TN Improving Vehicle Efficiencies at At-Grade highway-railroad Crossings	$96,000
56	OR	Construct bike/pedestrian path, Powers	$440,000
57	IL	IL 6 to I-180—Phase 2 study and land acquisition	$2,000,000
58	FL	Construct a new bridge at Indian Street, Martin County	$1,000,000
59	GA	Improve sidewalks, upgrade lighting, and add landscaping in downtown Glennville	$500,000
60	LA	Continue planning and construction of the New Orleans Regional Planning Commission Mississippi River trail in St. John, Plaquemines St. Bernard and St. Charles parishes	$1,900,000
61	MO	Road widening and curb and gutter improvements on Hwy 33 in Kearney	$3,000,000
62	TX	The SH146, Port Rd direct connectors allows traffic bypass several rail lines & traffic signals at, near intersection of SH146 and Port Rd	$13,200,000
63	UT	Reconstruct South Moore Cut-off Road in Emery County	$4,500,000
64	PA	Improvements to exits along Interstate 81 in Franklin County, PA—Antrim Road	$8,200,000
65	OH	Plan and construct the Southeast Arterial Connector highway at Delaware, Ohio	$5,000,000
66	TN	To construct transportation enhancements on a multi-faceted greenway in downtown Columbia on the Duck River	$8,000,000
67	RI	New Interchange constructed from I-195 to Taunton and Warren Avenue in East Providence	$5,800,000
68	NY	Town of Chester reconstruction of Walton Lake Estates subdivision and related roads	$80,000
69	NC	Extend M.L. King Jr. Boulevard in Monroe	$2,000,000
70	NY	Town of Fishkill Old Glenham Road (aka Washington Ave) reconstruction	$325,500
71	PA	U.S. Route 13 Corridor Reconstruction, Redevelopment and Beautification, Bucks County	$2,000,000
72	NY	Rochester & Southern Highway-Rail Grade Crossing Bypass, Silver Springs, New York	$1,500,000
73	IL	Upgrade streets in the City of Rushville, IL	$1,000,000
74	MO	Construct 2 lanes on Chouteau Trafficway from MO 210 to I-35	$2,000,000
75	AZ	US 60 to Gonzalez Pass	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
76	LA	Interstate lighting system (I 10 and LA 93)	$300,000
77	GU	Reconstruct Hagåtña River Bridges, Municipality of Hagåtña	$6,600,000
78	WA	SR 704 Cross-Base Highway, Spanaway Loop Road to SR 7	$1,500,000
79	NY	Village of Brewster Main Street and Route 6 related construction and improvements	$975,000
80	PA	Design and construct relocation of US 11 between Ridge Hill and Hempt Roads	$5,680,000
81	VA	Improve Route 42 (Main Street) in Bridgewater, Virginia	$500,000
82	NY	Construction of Route 59 Palisades Interstate Parkway to Route 303	$1,000,000
83	IL	Improve University Drive, Macomb	$500,000
84	CA	Adams Street Rehabilitation Project, Glendale	$388,000
85	NY	Construct grade separation-interchange between Taconic Parkway and Pudding Street	$1,450,000
86	IA	Construction of 100th St interchange on I 35-80, Urbandale	$1,000,000
87	MO	Lewis and Clark Expressway	$2,000,000
88	PA	Mercer County, PA I-79 and PA 208 Interchange Improvement Project	$2,000,000
89	WA	Plan to relieve traffic until North-South freeway-HWY 2	$550,000
90	CA	San Diego River Multiuse Bicycle and Pedestrian Path	$500,000
91	PA	Construction of the Lafayette Street extension project in Montgomery County, PA	$10,400,000
92	NJ	Construct new ramps between I-295 and Route 42	$5,000,000
93	PA	Construct S.R. 29 Wal-mart to River Betterment, Eaton Tunkhannock, Wyoming County	$1,700,000
94	WV	Construct Shawnee Parkway	$1,100,000
95	FL	Improve pedestrian and bicycle sidewalks, lighting, and ADA ramps—Main Street, Canal Street, Miramar	$600,000
96	MN	Reconstruct CSAH 19 from CSAH 36 to CSAH 2, Morrison County	$200,000
97	TN	Develop trails, bike paths and recreational facilities on Bird Mountain, Morgan County for Cumberland Trail State Park	$250,000
98	MN	Lyndale Avenue Bridge, Richfield	$13,000,000
99	MI	Provide a bypass around the Village of Almont during M-53 reconstruction which is contiguous with Macomb County	$100,000
100	NY	Town of Wallkill new construction road-tunnel under Rt. 17	$1,000,000
101	NY	Village of Cold Spring Main Street and ancillary road and sidewalk improvements	$820,000
102	IL	West Ridge Nature Preserve, Chicago	$3,000,000
103	TN	widen Campbell Station Road in Knoxville, TN	$1,800,000
104	AL	Widen Hwy. 84 to 4 lanes west of I-65 from Evergreen to Monroeville and beyond to the State of AL line	$4,000,000
105	MS	Widen State Highway 57 from I-10 through Vancleave	$5,000,000
106	WA	Widening SR527 from 2 lanes to 5 from Bothell to Mill Creek	$1,500,000
107	OH	Construct proposed connection SR 207, SR 104, and US 23 in Ross County	$2,000,000
108	MI	Construct improvements to Finkbeiner Road from Patterson Road to Whitneyville Road in Barry County, and new bridge over Thornapple River	$4,400,000
109	PA	York Road improvements from Horsham Road to Summit Avenue, Borough of Hatboro	$1,250,000
110	OH	Intersection improvements at Highland and Bishop Roads in the City of Highland Heights, OH	$612,000
111	WI	Reconstruct Wisconsin State Highway 21 at I-94 interchange	$3,000,000
112	MN	Safety improvements and intersection enhancements of TH 95 and TH 169, Princeton	$1,800,000
113	NY	Wading River Bicycle and Pedestrian Project in Riverhead	$1,200,000
114	FL	Widen County Line Road (CR 578) from Suncoast Parkway to US41 to four lanes	$6,000,000
115	IL	Improve Great River Road, Warsaw	$750,000
116	NY	Yonkers, New York, Trolley Bus Acquisition	$300,000
117	FL	Construct East Central Regional Rail Trail in Volusia County, Florida	$1,000,000
118	MO	Y Highway US 71 to MO 58, Cass County	$2,000,000
119	WY	WYO 59 Reconstruction	$2,000,000
120	LA	Plan and construct bike/pedestrian crossings of Washington-Palmetto Canal in the vicinity of Xavier University, New Orleans	$4,000,000
121	NC	Winston-Salem Northern Beltway, Eastern Section and Extension, NC	$5,000,000
122	CA	Willow and Herndon Traffic Flow Improvements, City of Clovis, California	$300,000
123	MO	US 71 at Y Highway North and Southbound Ramps	$2,000,000
124	CA	Will add landscaping enhancements along the Ronald Reagan Freeway Route 118 for aesthetic purposes	$2,500,000
125	NC	Widens US 29 Business Freeway Drive from South Scales St. to NC 14 in Rockingham County	$10,000,000
126	PA	Widening, rechannelization, signalization to 2nd Ave. and Bates Street, replace Elisa Furnace bridge over Bates Street	$800,000
127	KS	Resurfacing, grading, replacing guardrails & adding shoulders to Highway 77 in Geary Cty, to accommodate expected traffic increase	$784,000
128	MO	Widening, curb and gutter improvements as part of Hwy 33 redevelopment project in Kearney	$3,000,000
129	IL	Construct streetscape along Morse avenue from Clark street to Sheridan Road, Chicago	$2,000,000
130	SC	Build extension of North Rhett Boulevard from Liberty Hall Road to US 176 in SC	$7,000,000
131	NH	Construct and upgrade intersection of Route 3 and Franklin Industrial Drive in Franklin	$1,000,000
132	GA	Construct Waycross East Bypass from US 84 in Pierce County, Georgia to US 1 in Ware County, Georgia	$2,200,000
133	NY	Design and Construction of a transportation enhancement project at the Erie Canal Aqueduct in downtown Rochester	$1,500,000
134	CA	Improvement of intersection at Balboa Blvd. and San Fernando Rd	$500,000
135	TN	Impove Vehicle Efficiencies at highway At-Grade Railroad Crossing in Athens, TN	$99,000
136	WI	Develop pedestrian and bike connections that link to Hank Aaron State Trail in Milwaukee	$2,100,000
137	AK	Keystone Drive Road Improvements	$1,000,000
138	GA	Pedestrian and streetscape improvements, Ellaville	$400,000
139	NY	Construct and improve pedestrian access on Main Street in Hempstead	$2,000,000
140	IL	Preconstruction activities IL 336 from Macomb to Peoria	$2,000,000
141	OH	Purchase of right-of-ways for construction of pedestrian and bicycle improvements in the City of Aurora, OH	$500,000
142	IL	Replacement of bridge on Harlem Avenue, The Village of River Forest	$1,000,000
143	CA	State Route 86S and Ave 66 highway safety grade separation	$4,500,000
144	IL	Construct Bissel Street Roadway Connector, Tri-City Regional Port District	$850,000
145	CT	Improve Route 1 between East Avenue and Belden Avenue, Norwalk, CT	$2,000,000
146	IA	Central IA Trail Loop, bicycle and pedestrian, Ankeny to Woodward section	$1,000,000
147	MI	Chippewa County, Upgrade Tilson Road between M-28 South to intersection of M-48 at Rudyard	$1,000,000
148	WA	Coal Creek Parkway Bridge Replacement, Newcastle WA	$1,000,000
149	PA	Complete gaps in the Pittsburgh Riverfront Trail Network including the Hot Metal Bridge	$750,000
150	TX	Construct passing lanes on Texas State Highway 16 in Atascosa County	$797,000
151	TX	Construct street and drainage improvements to road system in Encinal	$250,000
152	MN	Environmental assessment and right of way acquisition at US52 and CSAH24 Interchange, Cannon Falls, Goodhue Cnty, MN	$2,000,000
153	NY	Construction for Peace Bridge Redevelopment Project, Buffalo	$10,000,000
154	MN	Construct recreational visitor center on the Mesabi Trail, City of Virginia	$1,300,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
155	NE	Engineering, right-of-way and construction of the 23rd Street Viaduct in Fremont, Nebraska	$400,000
156	MN	Phase III of Devil Track Road Project, Cook County	$1,200,000
157	ME	Relocation of southbound on-ramp to I-95 at exit 184, Bangor	$1,500,000
158	MA	Construct access roads to Hospital Hill project in Northampton, MA	$2,000,000
159	IN	Construct interchange for 146th St. and I-69, Hamilton County, Indiana	$3,000,000
160	NY	Design & Construct a Bicycle and Pedestrian Walkway along the Decommissioned Putnam Rail Line	$950,000
161	AK	False Pass Road construction from small boat harbor dock to airport and town	$3,000,000
162	IL	Improve North Illinois St and related roads, Belleville	$6,500,000
163	AR	Construction of I-49, Highway 71: Arkansas portion of Bella Vista Bypass	$9,000,000
164	NM	Coors-I-40 Interchange Reconstruction, Albuquerque	$7,000,000
165	GA	Extend the south Toccoa Bypass east of Toccoa to CR 311, four lanes for approximately 5.7 miles on new location	$2,900,000
166	TX	Construct SH 183 from SH 360 to Belt Line Road in Irving, Texas	$2,000,000
167	CA	Construct pedestrian, bicycle and ADA accessible boardwalks at the Pismo Beach Promenade in San Luis Obispo County	$300,000
168	TX	SH 44 E of Alice near SH 359 to US 281, Jim Wells County	$2,000,000
169	TX	Corpus Christi, TX Corpus Regional Transit Authority for maintenance facility improvements	$2,000,000
170	PA	For design, land & ROW acquisition, & construction of a parking facility and associated activities in the City of Wilkes-Barre	$1,000,000
171	TN	Hawkins County, Tennessee SR-31 reconstruction	$500,000
172	WI	Reconstruct US Highway 41—STH 67 interchange (Dodge County, Wisconsin)	$650,000
173	MA	Reconstruct Route 24/Route 140 Interchange, replace bridge and ramps, widen and extend acceleration and deceleration lanes	$14,750,000
174	OR	Study landslides on U.S. Hwy. 20 between Cascadia and Santiam Pass to develop long-term repair strategy	$1,000,000
175	MS	Upgrade Alex Gates Road and Walnut Road in Quitman County, and roads in Falcon, Sledge and Lambert	$1,750,000
176	IL	Upgrades for Muller Road in the City of Washington, IL	$280,000
177	AL	Construction of Valleydale Road Flyover, Widening and Improvements	$5,000,000
178	MS	Upgrade roads in Beauregard (U. S. Hwy 51), Crystal Springs (U.S. Hwy 51 and I-55), and Hazelhurst (U.S. Hwy 51 and I-55), Copiah County	$1,000,000
179	NY	Westchester County, NY Rehabilitation of June Road Town of North Salem	$650,000
180	CA	Implement streetscape improvements on segments of Laurel Canyon Blvd. and Victory Blvd. in North Hollywood	$1,200,000
181	OH	Construct loop road along US 23 in City of Fostoria, Seneca County	$7,700,000
182	PA	Design, engineering, ROW acquisition, & construction of street improvements, parking, safety enhancements & roadway redesign in Nanticoke	$2,000,000
183	LA	Improve Ralph Darden Memorial Parkway Between LA182 and Martin Luther King Road, St. Mary Parish	$350,000
184	CA	Reconstruct segments of Hollister Avenue between San Antonio Road and State Route 154 in Santa Barbara County	$2,500,000
185	NY	Reconstruction of Schenck Avenue from Jamaica Avenue to Flatlands Avenue, Brooklyn	$5,000,000
186	CO	Construct Wadsworth Interchange over US 36 in Broomfield	$2,000,000
187	NY	Enhance Battery Park Bikeway Perimeter, New York City	$2,000,000
188	FL	I-95 Interchange in the City of Boca Raton	$14,250,000
189	NJ	Construct Long Valley Bypass	$1,000,000
190	MI	Alpena County, Resurface 3.51 miles of Hamilton and Wessel Roads	$640,000
191	CA	Construct a 2.8 mile bikeway along Lambert Road from Mills Ave. to Valley Home Ave. in the City of Whittier, CA	$2,500,000
192	TX	Hidalgo County Loop	$1,000,000
193	ME	Improvements to Route 108 to enhance access to business park, Rumford	$1,500,000
194	NY	Installation of new turning lane from Mohansic Ave onto eastbound Route 202, & addition of new striped crosswalk	$375,000
195	NY	Rockland County Hudson River Greenway Trail Project construction	$2,000,000
196	TX	Construct a segment of FM 110 in San Marcos	$1,000,000
197	TX	Big Spring, TX Construction of the Big Spring Reliever Route	$2,800,000
198	NY	Improvements to Intermodal Transportation Facility and Construction of Waterfront Esplanade at Fort Totten	$2,800,000
199	PA	Reconstruction and repair of Haverford Ave. Between 68th St. and Lansdowne Ave	$300,000
200	ND	Bismarck/Mandan Liberty Memorial Bridge over the Missouri River	$30,000,000
201	WI	City of Glendale, WI. Develop and rehabilitate exit ramps on I-43, and improvements at West Silver Spring Dr. and North Port Washington Rd	$3,000,000
202	TX	Construction of Lake Ridge and US67 Project, Cedar Hill, TX	$3,000,000
203	NY	Install Improvements for Pedestrian Safety in the vicinity of PS 277	$250,000
204	WI	Resurface USH 8 between CTH C and Monico	$1,100,000
205	PA	South Phila. Access Rd. Design and construction of port access road from South Phila Port and intermodal facilities, Philadelphia	$3,000,000
206	NY	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	$100,000
207	PA	SR 219 Purchase of Right of Way and completion of four lane extension from the Town of Somerset to the Maryland border	$15,000,000
208	WI	Expand USH 41 between Oconto and Peshtigo, Wisconsin (Oconto and Marinette Counties, Wisconsin)	$2,000,000
209	IA	Study for NE Beltway, Polk Co	$500,000
210	NY	This project involves a full reconstruction of all the streets in Long Island City surrounding 11th Street	$3,400,000
211	AZ	Upgrade and Widen SR85 to I-10 (Mileposts 120–141)	$1,500,000
212	MS	Upgrade Dog Pen Road and Galilee Road in Holmes County, and roads in Cruger, Pickens, and Goodman	$1,000,000
213	GA	U.S. 19/SR92 median work from Ellis RD to West Taylor ST, Griffin	$1,500,000
214	MS	Upgrade roads at Coahoma Community College, and roads in Coahoma and Jonestown, Coahoma County	$1,500,000
215	IN	Construction of Dixon Road from Markland Avenue to Judson Road in Kokomo, Indiana	$500,000
216	CA	Construction of Cross Vally Connector between I-5 and SR 14	$4,000,000
217	MA	State Street Corridor Redevelopment Project includes street resurfacing, pedestrian walkway improvements and ornate lighting from Main Street to St. Michael's Cemetery, Springfield	$6,000,000
218	MI	Resurfacing of Stephenson Highway in Madison Heights	$350,000
219	CA	Soundwall construction on the 210 Freeway, Pasadena	$1,800,000
220	GA	Streetscape-Ashburn	$250,000
221	NY	Design, Study and Construct Ferry Terminal Facilities at Floyd Bennett Field	$1,000,000
222	WI	Improve Superior Avenue: Interstate 43 to State Highway 32, Sheboygan County, Wisconsin	$1,000,000
223	TX	Design and construction streetscape improvements to enhance pedestrian access, pedestrian access to bus services and facilities	$1,000,000
224	IL	Upgrade roads, The Village of Berkeley	$1,000,000
225	GA	Upgrade sidewalks and lighting, Wrightsville	$400,000
226	PA	Upgrades to Bedford Route 220 at the entrance of the Bedford Business Park to Beldon Ridge intersection	$2,100,000
227	MI	Widen Baldwin Road from Morgan to Waldon in Orion Township	$4,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
228	FL	Construct Saxon Boulevard Extension, Volusia County, Florida	$2,100,000
229	NY	Construction and rehabilitation of East and West Gates Avenues in the Village of Lindenhurst, NY	$930,000
230	TN	Widen Interstate 240 from Interstate 55 to Interstate 40 West of Memphis, Shelby County	$1,000,000
231	NJ	Rahway River Corridor Greenway Bicycle and Pedestrian Path, South Orange	$500,000
232	CT	Reconstruct Pearl Harbor Memorial Bridge, New Haven	$2,000,000
233	PA	Development of Northwest Lancaster County River Trail	$250,000
234	CA	Widen SR89 at existing mousehole two lane RR underpass	$3,000,000
235	LA	Construct Mississippi River Trail and Bikepath, New Orleans	$500,000
236	NY	Utica Marsh-Reestablish Water Street	$2,650,000
237	AR	Widen to 5 lanes, improvement, and other development to U.S. Highway 79B/Univeristy Ave. in Pine Bluff	$3,200,000
238	WA	SR 9 & 20th St. SE Intersection Reconstruction in Snohomish County	$1,000,000
239	OH	Streetscape and related safety improvements to US 20 in Painesville Township, OH	$350,000
240	PA	Design, construct intersection and other upgrades on PA 24 and 124 in York County, PA	$1,000,000
241	WA	Issaquah Historical Society, Issaquah Valley Trolley Project	$250,000
242	IL	Construct new bridge on Illinois Prairie Path over East Branch River in Milton Township, IL	$300,000
243	TN	Plan and construct improvements, Livingston public square	$50,000
244	GA	Construction on US 82 from Dawson to Alabama Line	$1,000,000
245	IA	Construct I-74 Bridge in Bettendorf, IA	$1,500,000
246	CA	Operations and management improvements, including ITS technologies, on U.S. Highway 101 in Santa Barbara County	$1,000,000
247	OH	Plan and construct new interchange on Interstate 71 at Big Walnut Road in Delaware County, Ohio	$5,000,000
248	PA	Design and construct access to intermodal facility in York County	$2,000,000
249	WA	Complete preliminary engineering and environmental analysis for SR14 through Camas and Washougal	$1,000,000
250	UT	Construct Bingham Junction Boulevard in Midvale City	$5,000,000
251	MD	Construct Centreville, MD spur of Queen Annes County Cross Island Trail, Centreville to US Route 301	$382,000
252	MN	Polk, Pennington, Marshall County 10-Ton Corridor in Northwestern Minnesota	$5,600,000
253	CA	Quincy-Oroville Highway Rehabilitation in Plumas County	$1,000,000
254	CA	Construct Coyote Creek Trail Project from Story Road to Montague Expressway in San Jose	$2,000,000
255	TX	Construct Depression of Belt Line Road at I-35E Intermodal Transportation Project in Carrollton, TX	$6,000,000
256	AL	Construct Anniston Eastern Bypass from Golden Springs Road to US Hwy 431	$12,500,000
257	NY	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	$1,250,000
258	NE	Construction of I-80-Cherry Avenue Interchange and East Bypass, Kearney, Nebraska	$8,000,000
259	MN	Design, engineering, ROW acquisition and construction for the French Rapids Bridge, City of Brainerd	$1,000,000
260	CA	Escondido, CA Construction of Bear Valley Parkway, East Valley Parkway	$2,000,000
261	AR	Junction Bridge—rehabilitation & conversion from rail to pedestrian use	$800,000
262	WA	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	$500,000
263	NY	Realign Union Valley Road in Town of Carmel	$330,000
264	MO	Roadway improvements to U.S. 67 in St. Francois County	$2,000,000
265	FL	Homestead, FL Widening of SW 328 from SW 137 Ave to 152 Ave	$7,000,000
266	CA	Reconstruct I-710 southern terminus off ramps, Long Beach	$1,000,000
267	GA	SR 4 widen from Milledgeville Road to Government Street, Richmond County	$4,000,000
268	TN	Develop trails, bike paths and recreational facilities on Western Slope of Black Mountain, Cumberland County for Cumberland Trail State Park	$250,000
269	NJ	Routes 1 & 9 Secaucus Road to Broad Avenue in Hudson and Bergen Counties	$1,000,000
270	MA	Massachusetts Avenue Reconstruction, Boston	$5,000,000
271	NY	Improve Ashburton Ave. from the Saw Mill River Parkway to the waterfront, Yonkers	$1,500,000
272	MN	Trail extensions to Mesabi Trail, City of Aurora	$294,745
273	LA	I-10 Ryan Street exit ramp to include relocation and realignment of Lakeshore Drive to include portions of Front Street and or Ann Street, and to include expansion of Contraband Bayou Bridge	$5,000,000
274	MI	Van Buren, Belleville Road widen to 5 lanes between Tyler and Ecorse	$1,100,000
275	IA	Widening University Blvd, Clive	$1,000,000
276	HI	Construct Waimea Bypass	$1,000,000
277	IL	Widening two blocks of Poplar St from Park Ave to 13th Street, Williamson County	$480,000
278	CA	Widening the highway and reconstructing off ramps on Hwy 101 between Steele Lane and Windsor, CA to reduce traffic and promote carpools	$5,000,000
279	WA	Granite Falls Alternate Freight Route in Granite Falls	$2,930,000
280	NY	Construction and rehabilitation of North Queens Avenue and Grand Avenue in the Village of Lindenhurst, NY	$680,000
281	SC	Extension & Expansion of Lower Richland Roads Phase I	$1,000,000
282	OR	Kuebler Boulevard improvements, Salem	$1,500,000
283	NC	Upgrade US 1 in Rockingham	$10,000,000
284	CA	Implement Southwest San Fernando Valley Road and Safety Improvements	$2,300,000
285	VA	Upgrade DOT crossing #467662S to constant warning time devices	$201,800
286	TX	Construct new location highway & interchanges on Inner Loop, from Global Reach to Loop 375 including the Global Reach ext., El Paso	$16,000,000
287	CA	Rehabilitation, repair, and/or reconstruction of deficient two-lane roads that connect to Interstate 5, SR 180, SR 41 and SR 99 countywide, Fresno County	$3,500,000
288	OH	Relocate SR 149 from 26th Street to Trough Run in Bellaire	$650,000
289	WA	Auburn, Washington—M Street SE rehabilitation between 29th Street SE and 37th Street SE	$500,000
290	KY	Replace Bridge over Stoner Creek, 2 Miles East of US 27 Junction, Bourbon County	$1,000,000
291	NM	Development of Paseo del Volcan corridor located in Sandoval County from Iris Road to U.S. Highway 550	$2,000,000
292	OH	Stan Hywet Hall and Gardens to restore, expand, construct, and improve pedestrian paths and bike trail system	$180,000
293	MS	Construct bicycle path, Petal	$200,000
294	NJ	Construction of Route 206 Chester Township, NJ	$1,000,000
295	IL	For IDOT to conduct Phase II engineering for reconstruction of 159th St-US 6-IL 7 in Will and Cook Counties	$1,000,000
296	IL	For Will County to begin Phase II engineering and preconstruction activities for a high level bridge linking Caton Farm Road with Bruce Road	$2,000,000
297	CA	Study of Thomas Bridge to meet future cargo and passenger traffic needs of the ports of Long Beach and Los Angeles	$2,000,000
298	TX	US377 Hood Co., TX—From BU377H east of Granbury to the new location of FM 4	$1,500,000
299	IL	Construct Citywide bicycle path network, city of Evanston	$250,000
300	CA	Mount Vernon Avenue grade separation and bridge expansion in Colton	$2,000,000
301	NJ	Widening Routes 1 and 9, Production Way to East Lincoln Avenue, Union County	$500,000
302	PA	Design, construct and upgrade interchange of US 15 and US 30 in Adams County	$4,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
303	OH	State Route 8 Improvements in Northern Summit County	$3,000,000
304	CO	US 50 East, State Line to Pueblo	$7,500,000
305	IN	Widening road (along Gordon Road, Sixth Street, and West Shafer Drive) to 3-lane street, with sidewalk and improvements to existing bridge—White County/Monticello, Indiana	$10,000,000
306	OH	Widening Pleasant Valley Bagley Road (Rte 27), Parma and Middleburg Heights	$1,000,000
307	MA	Rehabilitation of I-95 Whittier Bridge—Amesbury and Newburyport	$2,000,000
308	CA	Streetscape improvements at East 14th St-Mission Blvd in Alameda County	$750,000
309	NY	Construct W. 79th St Rotunda, New York City	$2,000,000
310	TX	Acquire Kelly Parkway Corridor Right-of-way through San Antonio	$2,000,000
311	NC	Construct new route from US 17 to US 421 in Brunswick and New Hanover Counties	$1,000,000
312	PA	Construct safety and capacity improvements to Route 309 and Old Packhouse Road	$250,000
313	OR	Delta Ponds Bike/Pedestrian Path	$2,880,000
314	FL	Hollywood US Route 1 Young Circle Safety Improvement	$2,300,000
315	MI	Houghton County, Gravel and paving of remaining 3.2 miles in 5.5 mile stretch of Jacobsville Rd	$430,000
316	PA	Improve access to Airport Connector from PA 283 to the terminus of the Airport Connector at State Route 230 and adjacent access roads	$500,000
317	CA	Construct one additional all purpose lane in each direction on I 405 and provide additional capital improvements from SR 73 through the LA County line	$1,210,000
318	IL	Improve Roads and Bridges, Cook County	$4,000,000
319	CA	Improve traffic safety, including streetlights, from Queen to Barclay to Los Angeles River to Riverside in Elysian Valley, Los Angeles	$1,400,000
320	MI	Construction and improvements to Western Avenue and associated streets betweeen Third Street and Terrace Street in Muskegon	$2,300,000
321	IL	Construct Reed Station Parkway Extension to IL Rt 3, Carbondale	$2,000,000
322	AL	Construction of Patton Island Bridge Corridor	$10,000,000
323	MI	Highland, Clyde Road from Hickory Ridge to Strathcona	$125,000
324	MI	Alger County, Repaving a portion of H-58 between Sullivan Creek towards Little Beaver Road	$1,600,900
325	TX	Improvements to US 183 in Gonzales County	$500,000
326	CA	Construct a raised landscaped median on Alondra Blvd between Clark Ave and Woodruff Ave in Bellflower	$400,000
327	MN	Right of way acquisition for TH23 Paynesville Bypass	$2,500,000
328	FL	Construct interchange improvements at I-75 and University Parkway	$500,000
329	CO	For construction and architectural improvements of Wadsworth Bypass (SH121) Burlington Northern Railroad and Grandview Grade Separation	$4,000,000
330	KS	Construction of 4-lane improvement on K-18 in Riley County, Kansas	$2,000,000
331	NJ	Replace Rockaway Road Bridge, Randolph Tonwhsip, New Jersey	$1,000,000
332	FL	Construction of paved road over existing unpaved roadway on SE 144th Ave from SR 100 to US 301, distance of 1.2 miles	$3,000,000
333	FL	Construct I-4 Frontage Rd, Volusia County, Florida	$2,000,000
334	MD	Construction of Fringe and Corridor Parking Facility at intersection of Clinton Street and Keith Avenue in Baltimore	$4,000,000
335	OH	Purchase of Right of Way for transportation enhancement activities in Bainbridge Township, OH	$1,440,000
336	NJ	Rowan Boulevard Parking adjacent to Highway 322 Corridor in Glassboro Township	$1,000,556
337	CA	Construct interchange on US 50 at Empire Ranch Road in Folsom	$1,800,000
338	FL	Bicycle and Pedestrian Improvements in the Town of Windermere, Florida	$300,000
339	TN	Plan and construct a bicycle and pedestrian trail, Smyrna	$3,000,000
340	CA	Santa Anita Avenue Corridor Improvement project, Arcadia, California	$3,000,000
341	AS	Shoreline protection and drainage mitigation for Nuuuli village roads	$1,000,000
342	PA	Design, engineering, ROW acquisition, & construction of a connector road between Pennsylvania Rt. 93 & Pennsylvania Rt. 309 in Hazle Township	$600,000
343	GA	South Tifton Bypass from US 82/SR 520 west to US 319/SR 35 east, Tift County	$500,000
344	NJ	Streetscape and Traffic Improvement Project to Downtown West Orange	$1,000,000
345	NJ	Bergen County, NJ—On Route 17, address congestion, safety, drainage, maintenance, signing, access, pedestrian circulation and transit access	$4,500,000
346	CA	Road widening, construct bike path, lighting, and safety improvements on road leading to Hansen Dam Recreation Area, Los Angeles	$6,500,000
347	TX	Construct additional 2 lanes to Loop 335 in Amarillo from .3 miles West of Western street to .5 miles West of Broadway	$2,000,000
348	NY	Reconstruct a historic bridge crossing Maxwell Creek in the Town of Sodus, NY	$580,000
349	NJ	Safety and operation improvements on Route 73 in Berlin, Voorhees and Evesham	$1,200,000
350	NJ	Study and preliminary engineering designs for a boulevard on State Route 440 and U.S. Highway Route 1 & 9, Jersey City	$1,000,000
351	VA	Construction of Route 17-Dominion Boulevard, Chesapeake, VA	$6,000,000
352	LA	Installation of proper lighting standards to illuminate inbound and outbound ramps of I 10 and portions of HWY 95	$200,000
353	IN	Cyntheanne Rd. Interchange and Corridor Improvements, Town of Fishers, Indiana	$500,000
354	ME	Plan and construct North-South Aroostook highways, to improve access to St. John Valley, including Presque Isle Bypass and other improvements	$4,000,000
355	TN	Plan and construct a bicycle and pedestrian trail, LaVergne	$1,500,000
356	TX	Build Arkansas Street Grade Separation in Laredo	$1,000,000
357	CA	Construct new left turn lane at State Route 19 and Telstar in El Monte	$700,000
358	NY	Meadow Drive Extension—North Tonawanda, New York	$2,000,000
359	CA	Reconstruct I-880 & Coleman Avenue Interchange & implement other I-880 Corridor operational improvements in Santa Clara County	$8,000,000
360	OR	Improve Millican, West Butte Road which connects U.S. Highway 20 with U.S. Highway 126	$2,000,000
361	VA	Metropolitan Washington, D.C. Regional Transportation Coordination Program	$2,000,000
362	NY	Brooks Landing Transportation Improvements and Enhancement project, Rochester	$500,000
363	NJ	Construct CR 538 Coles Mill Road Bridge over Scotland Run, Gloucester County	$500,000
364	TX	Convert discontinuous two-way frontage roads to continuous one-way frontage roads on IH 30 in Texarkana, TX	$5,000,000
365	TX	Regional bicycle routes on existing highways in Austin, TX	$1,000,000
366	IN	Construct Interchange at I-65 and 109th Avenue, Crown Point	$7,454,219
367	GA	Intersection improvement at Harris Drive at SR 42	$600,000
368	IL	Engineering and construction of the East Branch DuPage River Greenway Trail in central DuPage County, IL	$100,000
369	NY	Rehabilitate a historic transporation-related warehouse on the Erie Canal in the Town of Lyons, NY	$600,000
370	NY	Relocating Miller Highway W 59th-72 St. Manhattan under future expansion of Riverside Park; demolishing existing elevated road over park	$2,500,000
371	MI	Allen Road under the CN Railroad Grade Separation, Woodhaven	$4,450,000
372	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Larksville Borough, Luzerne County	$200,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
373	AR	Northeast Arkansas Connector (relocation of Highway 226)	$3,000,000
374	NJ	Reconstruct Route 168 from Route 41 to 6th Avenue in Runnemede	$658,000
375	NY	Renovation of Metropolitian Avenue center islands	$1,700,000
376	PA	Rt 60 Millennium Park Interchange, construct new interchange on Rt 60 to provide access to new Lawrence County Industrial Park	$800,000
377	AR	Bentonville, Arkansas—widen Arkansas Highway 102 between U.S. 71B and the west city limits	$1,500,000
378	PA	Purchase of right-of-way, utilities and construction for Northern Access to Altoona from Interstate 99, Blair County, PA	$3,000,000
379	CA	Construct Class I bike and pedestrian path from San Luis Obispo to Avila Beach	$400,000
380	MN	Reconstruct CSAH 61 from south county line to TH 73, Moose Lake	$316,000
381	AZ	Improving Lone Pine Dam Road in Navajo County	$1,500,000
382	MI	Construct Road Improvements to North Henry St. from Vermont Ave. to Wilder Rd. Bay City	$2,700,000
383	TX	Reconstruct I-35E Trinity River Bridge, Dallas	$15,000,000
384	NY	Town of Greenville rehabilitation of Grahamtown Rd. & Burnt Corners Rd	$125,000
385	NJ	Completion of Hudson River Waterfront Walkway through Stevens Institute of Technology in Hoboken	$1,000,000
386	NC	Construct US 74 Bypass, Shelby, NC	$3,000,000
387	WA	Tukwila Urban Access Improvement Project—address necessary improvements to Southcenter Parkway in Tukwila to relieve congestion	$1,000,000
388	CA	Construction of a traffic signal at the intersection of Independence Avenue and Sherman Way	$125,000
389	NH	Design and construction of intersection of Rte 101A and Rte 13 in Milford	$1,000,000
390	NJ	Construct Rte 30—Pomona Road Intersection Improvements, Atlantic County	$5,000,000
391	CA	I-10 and Indian Ave Interchange, Palm Springs, CA	$2,750,000
392	NY	Reconstruction of street, sidewalks and curbs outside of Museum of Modern Art (MOMA)	$500,000
393	KY	Right of way for and construction of Pennyrile Parkway Extension from 41A S. to I-24	$3,200,000
394	TN	Sevier County, Tennessee SR-66 widening	$1,750,000
395	TN	Plan and construct interchange improvements, I-65 at Highland Road	$400,000
396	IA	Reconstruction of NW Madrid Dr, Polk Co	$500,000
397	NH	Relocation and Reconstruction of intersection at Route 103 and North Street in Claremont	$1,300,000
398	IL	To construct a new 2-lane road extending 1650 feet north from intersection with University Park Drive, Edwardsville	$500,000
399	NY	Town of Highlands reconstruction of bridge on School Street	$225,000
400	AK	Unalaska, AK Construction of AMHW ferry terminal including approach, staging, and upland improvements	$7,500,000
401	PA	Design and construct interchange and related improvements to I 83 Exit 4	$3,500,000
402	OR	U.S. 101 Improvements, Bandon	$3,300,000
403	MI	Northwestern Highway Extension projects in Oakland County	$5,000,000
404	PA	PA Route 61 safety improvements, Leesport Borough and Ontelaunee and Muhlenburg Townships	$2,468,300
405	OH	Improve Rt 62 (Main and Town Streets) Bridges over Scioto River, Columbus	$3,000,000
406	AK	Planning, design, and construction of a bridge joining the Island of Gravina to the Community of Ketchikan	$3,000,000
407	MN	U.S. Trunk Highway 14 from Waseca to Owatonna, Minnesota	$12,000,000
408	TX	Construct Mission Trails Project Packages 4 & 5 in San Antonio	$5,500,000
409	MS	Upgrade Roads in Carthage, Leake County	$200,000
410	MI	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	$26,000
411	MS	Upgrade roads in Humphreys County Districts 1 and 5 and Isola	$850,000
412	IN	126th Street Project, Town of Fishers, Indiana	$1,250,000
413	HI	Construct Puanaiko Street	$1,000,000
414	AZ	Burro Creek section between Wikieup and the Santa Maria River	$1,000,000
415	PA	Conduct Environmental Impact Statement study for Parkway West corridor	$1,000,000
416	SC	Build Railroad Avenue Extension in Berkeley County, SC—SCDOT	$2,000,000
417	MD	Construct a visitors center and related roads serving Ft. McHenry	$4,700,000
418	OH	Construction of Gracemont Street Exchange Interstate 77—Bethlehem Township and Pike Township, Ohio	$3,000,000
419	MI	Design, Right-of-Way and Construction of the I-196 Chicago Drive (Baldwin Street) Interchange Modificaiton, Michigan	$21,400,000
420	CA	Folsom Blvd. Transportation Enhancements, City of Rancho Cordova	$7,000,000
421	TN	improve streetscape and pavement repair, Monroe County, TN	$300,000
422	TX	IH37 frontage roads in Mathis	$2,000,000
423	WV	Construct New River Parkway	$4,500,000
424	NY	Construct sidewalk and improvements on Broadway in the Town of Cortlandt	$330,000
425	PA	Erie, PA Powell Avenue Bridge Replacement, Asbury Road Improvement Project	$3,000,000
426	VA	Liberty Street Construction in Martinsville, Virginia	$1,000,000
427	CA	Implement streetscape project on Central Avenue from 103rd Street to Watts/103rd Street Station, Watts	$3,000,000
428	MA	Realignments and reconstruction of a section of Route 32 in Palmer to the Ware town line	$3,200,000
429	CA	Seismic retrofit of the Golden Gate Bridge	$10,000,000
430	CA	Upgrade and extend Commerce Avenue, City of Concord	$1,750,000
431	MA	Somerville Roadway Improvements	$2,000,000
432	LA	Replace Almonaster Bridge, New Orleans	$500,000
433	IN	Upgrade Traffic Signals Phase III in the City of Muncie, Indiana	$640,000
434	FL	Sharpes Ferry Bridge replacement in Marion County	$800,000
435	IA	US 34 Missouri River bridge relocation and replacement	$2,500,000
436	NY	Village of Highland Falls repaving and sidewalk construction of Oak Avenue	$150,000
437	MN	Interchange Reconstruction at CSAH4 and US169	$1,000,000
438	IL	Development and construction of an interchange at Brisbin Rd and Interstate 80	$6,000,000
439	NE	Design, right-of-way and construction of rail-grade separations throughout Nebraska as identified by Nebraska Dept. of Roads	$15,000,000
440	MO	Redesign & Reconstruction of the I-270 Dorsett Road Interchange Complex in the City of Maryland Heights	$2,000,000
441	SC	Build Berlin Myers Extension in Summerville, SC	$8,000,000
442	IN	Improve 100 South, Porter County	$1,000,000
443	NY	Improve safety measures at the railroad grade crossings on the West Short River Line, Rockland County	$1,600,000
444	NJ	Street Improvements and Traffic Signal Replacement in Union City Central Business District	$800,000
445	GA	Streetscape project to replace sidewalks in downtown Forsyth	$300,000
446	AK	Westside development Williamsport-Pile Bay Road	$5,000,000
447	NV	Construct Interstate 15—Las Vegas Beltway Interchange	$9,000,000
448	NY	Palisades Trailway Phase 2—Rockland County, New York	$200,000
449	PA	Replace a Highway Rail Grade crossing in Jeanette, PA at Wegleys Road	$500,000
450	CA	Conduct project design and environmental analysis of Heritage Bridge on Heritage Road linking Chula Vista to Otay Mesa	$2,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
451	MA	Assabet River National Wildlife Refuge, MA, Design and Construction of parking areas	$500,000
452	NY	Reconstruct Main Street in the Town of Lewisboro	$90,000
453	MA	Study and analysis of Lowell Westford St.-Wood St. Rourke Bridge Corridor, Lowell	$600,000
454	OR	Highway 20, Lincoln County	$7,000,000
455	MN	Construction of 8th Street North: Stearns C.R. 120 to T.H. 15 in St. Cloud, MN	$2,000,000
456	IL	Construction of a pedestrian sidewalk along S. Chicago Street in Geneseo, IL	$145,000
457	OH	Construct Bike and Walking Path from West 210 St to Metroparks Fairview Park	$450,000
458	NY	Improve Bronx River Greenway 180th St Park Link to Bronx Park	$800,000
459	MN	City of East Grand Forks Construct 13th St SE Extension	$1,200,000
460	NY	Improvements to Clark Pl and Cherry Ln-Rt. 6 and 6N in Putnam County	$370,000
461	NJ	Construct Garden State Parkway Grade Separation, Cape May County	$40,000,000
462	VA	High Knob Horse Trails—construction of horse riding trails and associated facilities in High Knob area of Jefferson National Forest	$750,000
463	TN	Plan and construct a bicycle and pedestrian trail, Cookeville	$2,500,000
464	UT	Provo, Utah Westside Connector from I-15 to Provo Municipal Airport	$1,000,000
465	CA	I-5 Santa Clarita-Los Angeles Gateway Improvement Project	$1,500,000
466	NY	Project will revitalize staircases used as streets due to steep grade of terrain in areas in which they are located, the Bronx	$1,000,000
467	TX	Construct and rehabilitate pedestrian walkways along the Main Street Corridor to improve transit-related accessibility	$1,000,000
468	MD	Reconstruct East North Avenue (US Route 1) in Baltimore	$3,200,000
469	CT	Reconstructoin of Lakeville Center to improve pedestrian and vehicle safety at the intersection of Routes 41 and 44	$895,000
470	NY	Rehabilition of Bay Ridge 86th Street Subway Station, Brooklyn, NY	$2,000,000
471	CA	San Gabriel Blvd Rehabilitation Project—Mission Rd to Broadway, San Gabriel	$300,000
472	NC	To plan, design, and construct the 10th Street Connector Project in Greenville, NC	$8,000,000
473	OH	To widen Western Reserve Road from SR 7 to Hitchcock Road, Mahoning Co	$2,500,000
474	NY	Binghamton, Improve Front Street	$5,000,000
475	FL	U.S. Highway 19 Bayside Segment	$2,000,000
476	MI	Arenac County, Upgrade Maple Ridge Road from Briggs Road east to M-65	$1,646,000
477	NY	Village of Highland Falls repaving and sidewalk construction of Mearns Ave	$225,000
478	NY	Village of Nelsonville improvements, paving & sidewalk installation to North Pearl St, Crown St, Pine St, & Wood Ave	$250,000
479	CA	Widen Firestone Blvd between Ryerson Blvd and Stewart and Gray Road in Downey	$2,000,000
480	CA	Construct Air Cargo Access Road to Oakland International Airport.	$900,000
481	MD	Peer review study of conflicts between road system and light rail operations in Linthicum, MD	$100,000
482	GA	Resurface and widen Jac-Art Road as part of the Bleckley County Development Authority project	$200,000
483	VA	Construction of Virginia Blue Ridge Trail in Amherst County, VA	$300,000
484	FL	Implement NE 6th Street/Sistrunk Boulevard Streetscape and Enhancement Project, City of Ft. Lauderdale	$1,000,000
485	CA	Widen Lakewood Blvd between Telegraph Rd and Fifth St in Downey	$2,000,000
486	TX	Widen Motor Street thoroughfare in Dallas to improve accessibility to Southwestern Medical District	$2,500,000
487	MN	Construction of Gitchi-Gami State Trail, Lutsen Phase, CR 34 to Lockport store	$500,000
488	PA	Widen of SR 309 through the Borough of Coopersburg to create left-turn lanes and complete the Rt. 309 Corridor Improvement Project	$3,000,000
489	CA	Pasadena Ave/Monterey Rd Partial Grade Separation—Preliminary Engineering—Feasibility, South Pasadena	$300,000
490	OH	Intermodal Bikeway, Independence	$500,000
491	MO	Widen shoulder and resurface US 136 and replace 2 deficient bridges between Rock Port and Bethany, Missouri	$2,000,000
492	FL	S.R.43 (U.S.301) Improvement Project—Ellentown to Parrish, Florida	$3,000,000
493	GA	Bike and pedestrian paths and other transportation enhancements at Georgia Veterans Memorial Park	$800,000
494	AK	Citywide pavement rehabilitation in City of North Pole	$1,000,000
495	GA	Replace and upgrade sidewalks, Glenwood	$50,000
496	NY	Bruckner blvd along Bronx River Ave, Story Ave to Soundview Park Greenway	$1,600,000
497	GA	Widen SR 133 from Spence Field to SR 35 in Colquitt County, Georgia	$2,000,000
498	CA	Mariposa County, CA Improve 16 roads, bridge and one bike path	$2,500,000
499	LA	Upgrade highway-rail crossings at Madison Street, City of Gretna	$200,000
500	PA	Two-lane Extension of Bristol Road, Bucks County	$1,000,000
501	TN	Widen SR30 From Athens to Etowah, Tennessee	$5,758,000
502	MI	Iosco County, Reconstruct Bissonette Road from Lorenz Road to Chambers Road	$322,500
503	TX	Development of one-story 300-vehicle parking facility	$1,200,000
504	WA	Design and construct improved I-182 interchange ramps at Broadmoor Blvd. in Pasco, WA	$2,000,000
505	NY	Erie Canalway National Heritage Corridor in Lockport, NY—Transportation Enhancements	$3,250,000
506	MI	M-6 Paul Henry Freeway trail design and construction	$2,780,000
507	CT	Reconstruction and conversion of Union Station in North Canaan to establish a transportation museum	$1,705,000
508	OR	Construct passing lanes on U.S. 199, Josephine County	$1,107,000
509	CA	Scenic preservation and run-off mitigation in the Santa Monica Mountains National Recreation Area near PCH and US101	$1,500,000
510	IL	South Shore Drive and 67th Underpass	$1,300,000
511	CA	Mission Boulevard / State Route 71 Interchange—Corridor Improvements	$4,200,000
512	OR	For purchase of right of way, planning, design and construction of a highway, Newberg	$11,000,000
513	VA	Smith River Trail—construction of trail along Smith River in Henry County	$500,000
514	IL	Resurface Clifton Park Ave. and S. Louis Ave., Village of Evergreen	$400,000
515	NJ	University Heights Connector for improvements to First Street in Newark from Sussex Street to West Market Street	$637,000
516	GA	Broad Avenue Bridge: Albany	$500,000
517	CA	Caelsbad, CA Construction of Poinsettia Lane	$2,000,000
518	CA	Construct pedestrian enhancements on Broadway in Los Angeles	$2,500,000
519	NJ	Construct Rt 56 Maurice River Bridge Replacement, Salem & Cumberland Counties	$2,000,000
520	WA	Conduct route analysis for community pathway through Chehalis	$50,000
521	WA	Construct a multi-jurisdictional non-motorized transportation project parallel to SR99 called the Interurban Trail	$2,000,000
522	FL	Construct Downtown Bypass Roadway Connector, Lake Mary, Florida	$500,000
523	NY	To study, design and construct transportation enhancements on the Brooklyn Waterfront Greenway in Red Hook, Greenpoint, and the Navy Yard in Brooklyn	$5,800,000
524	NY	Update all county and town traffic signage in Wayne County, NY	$75,000
525	CA	Construct Route 101 Auxiliary Lanes 3rd Ave in the City of San Mateo to Millbrae Ave in Millbrae	$5,000,000
526	CA	Undertake Cordelia Hill Sky Valley transportation enhancement project, including upgrade of pedestrian and bicycle corridors, Solano County	$3,000,000
527	MS	Construct I-20 Interchange at Hawkins Crossing, Lauderdale County	$2,000,000
528	TN	Sevier, Jefferson, Cocke Counties, Tennessee SR-35&US411 widening	$1,750,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
529	GA	Upgrade Safety of Bicycle and Pedestrian Access to Public Schools, Dekalb County	$3,000,000
530	OH	Construction of Safety and related improvements on Rutlege Transfer Road in Vernon Township, OH	$120,000
531	WI	Reconstruct USH 45 in Antigo	$2,020,000
532	WA	SR 2/Main Street/Old Owen Road Intersection in Monroe	$480,000
533	GA	Install landscaping and upgrade lighting on Fall Line Freeway, Reynolds	$350,000
534	WA	Congestion relief on I-405 with added lanes from SR520-SR522 including 2 lanes each way from NE 85th-NE 124th	$1,000,000
535	NY	Conduct NYS 5 construction study	$80,000
536	PA	Widen lanes, add left turn lanes and update & install traffic signals at SR309, SR 4010 interchange in North Whitehall Township	$1,500,000
537	KY	Reconstruct I-64-KY 180 Interchange, Boyd County, Kentucky	$2,000,000
538	TX	Widen US 271 from a 2-lane facility to a 4-lane divided facility from Paris, TX to Pattonville, TX	$1,500,000
539	TN	Carter County, Tennessee SR-362 reconstruction	$500,000
540	OH	Construct Ohio River Trail, Anderson Township	$150,000
541	MI	Delta County, CR 515 from US 2 and US 41 in Rapid River to County Road 446 at Days River Road-Bituminous overlay and joint repair	$320,000
542	FL	Fund design phase for widening US 41 north of Dunnellon to four lanes	$1,000,000
543	TN	Construction of Elizabethton Connector in Carter County, Tennessee	$500,000
544	NJ	Newark Waterfront Pedestrian and Bicycle Access project	$1,500,000
545	ME	Plan and construct Lewiston/Auburn Downtown Connector	$5,800,000
546	OH	Conduct Miami St along SR Route 53 safety enhancement project to improve access to railroad crossing	$1,000,000
547	AK	Planning, design, and construction of Juneau access roads in Juneau, Alaska	$15,000,000
548	TN	Construction of an intersection/interchange in the City of Cleveland along I-75	$2,400,000
549	FL	Construct Flagler Avenue Improvements, City of Key West, Florida	$1,000,000
550	CA	Rehabilitate street surface of Cedros Avenue between Burbank Blvd. and Magnolia Blvd	$43,000
551	VA	Engineering and Right of Way to widen Route 221 in Forest, Virginia	$1,000,000
552	NY	Install Improvements for Pedestrian Safety in the vicinity of PS 200	$250,000
553	TX	SH146 grade separation over Red Bluff Rd	$17,000,000
554	TN	construction of park access road and adjacent trails at the Athens Regional Park in Athens, TN	$300,000
555	IL	State Street Road Improvements from 43rd Street to IL Rt 157, East St. Louis	$2,945,000
556	GA	Streetscape-Dawson	$200,000
557	SC	Build Carolina Bays Parkway Segment from SC544 to US 17 in Myrtle Beach, SC	$3,000,000
558	GA	US 341 US 41 SR 7 from Barnesville to SR 3, Georgia	$4,000,000
559	OH	Reconstruct and widen State Route 82 in North Royalton	$1,000,000
560	FL	Acquisition, engineering, and construction of West Avenue Connector Bridge, City of Miami Beach, FL	$1,500,000
561	ME	Safety Enhancements on Routes 11, 6, and 16 for Piscataquis County Industrial Development	$400,000
562	IL	Study, design, and construction of a designated truck route through the City of Monticello	$1,132,000
563	CA	Improvement of intersection at Aviation Blvd. and Rosecrans Ave. to reduce congestion	$2,000,000
564	WI	Preliminary engineering for upgrading I94 between Illinois State Line and Mitchell Interchange in SE Wisconsin	$9,000,000
565	MI	Cogshall Road Crossing Improvement and Life Safety Access Project in Holly, MI	$1,200,000
566	MI	Ontonagon County, Improve Fed Forest Hwy 16 from M-38 to Houghton County Line	$500,000
567	UT	Forest Street Improvements, Brigham City, UT	$2,000,000
568	NC	I40 Union Cross Road Interchange in Forsyth County, NC	$1,000,000
569	NJ	Construct Sea Isle Boulevard Reconstruction from Garden State Parkway to Ludlams Thoroughfare, Cape May County	$2,000,000
570	CA	I-5 HOV Improvements from Route 134 to Route 170	$500,000
571	NY	Reconfiguration of intersection and redesign of traffic signal timing at Mohegan Ave and Lakeland St	$475,000
572	CA	Shoal Creek Pedestrian Bridge (San Diego)	$1,000,000
573	GA	Streetscape-Cordele	$250,000
574	CA	Construct I-605 Interchange Capacity Improvements in Irwindale	$2,000,000
575	SC	Construction of interchange at I-385 and SC 14, Exit 19, in Laurens County, South Carolina	$2,200,000
576	NE	Design, right-of-way and construction of Nebraska Highway 35 between Norfolk and South Sioux City	$4,000,000
577	MO	Complete impact study for North Oak Highway corridor redevelopment	$500,000
578	MA	Design and construct the 1.5 mile East Longmeadow Redstone rail Trail bike path	$1,500,000
579	NY	Improve bicycle and pedestrian safety on Main Street, Holbrook	$100,000
580	CA	Tuolumne, Stanislaus and Merced Counties Upgrade existing county highway, J59	$2,500,000
581	FL	U.S. 19 Continuous right turn lanes in Pasco County	$7,000,000
582	NJ	Union Boulevard Revitalization and Streetscape Enhancements, Totowa	$500,000
583	IL	Improve roads, The Village of Westchester	$1,000,000
584	IN	Reconstruct 45th Avenue from Colfax Street to Grant Street, Lake County	$2,700,000
585	IN	Construct Grade Separation Underpass on Main Street in Mishawaka, Indiana	$1,000,000
586	UT	Construct two-lane divided highway from the Atkinville Interchange to the new replacement airport access road in St. George	$4,000,000
587	CA	Diamond Bar On-Off Ramp at Lemon Ave on SR-60	$12,000,000
588	NY	Harlem Hospital Parking Garage	$10,000,000
589	MA	Downtown revitalization for Pleasant Street, Malden	$1,900,000
590	NY	Install Improvements for Pedestrian Safety in the vicinity of Prospect Park Yeshiva	$250,000
591	NY	Emergency vehicle preemption system at traffic signals, Smithtown	$500,000
592	CA	Reconstruct interchange for south-bound traffic entering I-80 from Central Avenue, City of Richmond	$3,000,000
593	KY	Reconstruct KY 393, Oldham County, Kentucky	$2,000,000
594	CA	Reduce Orange County Congestion Program	$250,000
595	CA	Street Closure at Chevy Chase Drive, Glendale	$800,000
596	PA	Allegheny City Urban Runoff Mitigation-eliminate urban highway runoff and the discharge of culverted streams into municipal combined sewers	$1,000,000
597	SC	Construct Briggs-Pearson-DeLaine Connector	$25,000,000
598	NM	Construct an interchange on I-25 to provide access to Mesa del Sol in Albuquerque	$4,000,000
599	OR	Short Haul Intermodal Pilot Project, Eugene	$2,500,000
600	VA	Rivermont Ave. (Lynchburg) Bridge improvements	$1,700,000
601	MA	Construct new interchange on I-95 between existing Route 1A ramp to the north and Route 123 ramp to the south, Attleboro	$500,000
602	OH	Construct Waverly, Ohio South Connector from US 23 to SR 104 to SR 220	$3,200,000
603	VA	Craig County Trail—improvements to trail in Craig County	$150,000
604	CO	US 160, State Highway 3 to East of the Florida River	$6,000,000
605	AS	Village road improvements for Ta'u, Ofu, and Olosega-Sili counties in Manu'a district	$1,400,000
606	PR	Construction of 4 lane connector serving PR 9922, PR 9939 and PR 183	$1,950,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
607	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking, garage & roadway redesign in Duryea Borough, Luzerne County	$200,000
608	OK	SH-33, Widen SH-33 from the Cimarron River East to US-177 Payne County, OK	$8,000,000
609	TX	Washington Boulevard Improvements in Beaumont, Texas	$2,600,000
610	FL	Widen Midway Road from South 25th Street to U.S. 1 in St. Lucie County	$2,000,000
611	NY	Enhance road and transportation facilities in the vicinity of W. 65th St and Broadway, New York City	$5,000,000
612	LA	Construct Kansas-Garrett Connector and I-20 Interchange Improvements	$5,000,000
613	PA	Construct the SR 1058 Connector between PA 309 and the Pennsylvania Turnpike Northeast Extension in Montgomery County	$1,600,000
614	OK	Reconstruct the Interstate 44 193rd street interchange	$3,000,000
615	NY	Roadway improvements to Woodbury Rd at intersection with Syosset-Woodbury Rd	$2,000,000
616	RI	Construct a handicapped accessible trail and platform at Kettle Pond Visitor Center Administrative Facility	$200,000
617	NJ	Construct Great Swamp National Wildlife Refuge Road	$250,000
618	CA	Grade Separation at 32nd Street between I-15 and Harbor Drive, San Diego	$1,000,000
619	IN	Widen Old Meridian Street from 2 to 4 lanes, City of Carmel, Indiana	$1,000,000
620	WI	Construct a bicycle/pedestrian path, City of Portage	$2,200,000
621	VA	Widen Route 17 in Stafford	$4,000,000
622	VA	Widen Route 820 in Bergton, Virginia	$1,200,000
623	IL	Construction of 2 North/South Blvds. and 2 East/West Blvds. in the vicinity of Northern Illinois University	$7,500,000
624	CA	Begin construction of road from US-395 west towards SR-14	$1,000,000
625	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Old Forge Borough, Lackawanna County	$200,000
626	PA	Improvements to Amtrak Keystone Corridor grade crossings at Irishtown Rd., New Comer Rd., and a new bridge at Ebychiques Rd	$500,000
627	TN	Acquire and construct trail and bikeway along S. Chickamauga Creek in Chattanooga, TN	$1,600,000
628	TX	Interchange improvements IH-30 Arlington at FM 157 (Collins Street) and Center Street	$2,000,000
629	MO	Highway 350 Access Management Study from I435 to I470	$1,000,000
630	TX	Mile 6 W from US83 to SH 107, Hidalgo County	$1,000,000
631	NJ	Pedestrian facilities and street lighting on Haddon Avenue from Albertson Avenue to Glenwood Avenue, Haddon Township	$433,000
632	NY	Rehabilitate highway bridges—Ithaca secondary line	$2,500,000
633	WA	Buckley, WA; New Road alignments on 112th Street Corridor	$2,000,000
634	ID	Construct Washington Street North from Addison Avenue to Pole Line Road	$4,500,000
635	SC	Construction of the US-15/SC-341 connector parallel to I-20, Lee County	$4,500,000
636	PA	Construct Recreational Trail from Oil City to Rynd Farm (Venango County)	$1,000,000
637	TX	FM 1637 from FM 3051 to FM 185, Waco	$2,000,000
638	VA	Green Cove Station—improvements to existing Forest Service facility located at trailhead of Virginia Creeper Trail	$100,000
639	NJ	South Essex Street Bridge Pedestrian Access Improvements, Orange	$578,000
640	TX	FM 3391 (East Renfro St.) from I-35W to CR 602, Burleson	$1,500,000
641	WI	Replace Wisconsin Street Bridge (STH 44) in Oshkosh, Wisconsin	$10,000,000
642	CT	Construct Route 11 Extension and Greenway from Salem to Waterford	$16,000,000
643	TX	Drainage Study and Engineering for US 83 in Starr County	$1,000,000
644	TN	widen SR-62 in Knox County, TN	$6,500,000
645	GA	Widen US 17 SR 25 from Yacht Drive to Harry Driggers Boulevard, Glynn County, Georgia	$2,000,000
646	KY	Widen US 25 from US 421 North to KY 876, Madison County	$1,000,000
647	GA	Widen US 280/SR 30 from east of Flint River to SR 300 Connector west of Cordele	$1,000,000
648	MS	Upgrade roads in Gunnison, Mound Bayou, Beulah, Benoit, and Shaw, Bolivar County	$2,000,000
649	NY	Construct and enhance Fillmore Avenue and traffic down-grade and infrastructure improvements to Humboldt Parkway, Buffalo	$1,500,000
650	NJ	Construct Route 46 & Main Street intersection in Lodi	$2,000,000
651	MN	Phase III construction of Trunk Highway 610-10 Minnesota	$5,000,000
652	NM	NM 128 JCT NM 31 East to Texas State Line	$3,000,000
653	NJ	Replacement of Prospect Avenue Culvert, City of Summit, County of Union	$400,000
654	FL	US 441 Traffic Improvements——Road surface, road access, curb, gutter, and right of way, Miami Gardens	$900,000
655	MN	Environmental studies and right of way acuisition for Trunk Highway 55 Corridor Protection Project	$5,000,000
656	NY	Roadway improvements on Woodbine Avenue between 5th Avenue and Beach Avenue	$800,000
657	NY	Saugerties, Improve downtown streets	$1,200,000
658	IN	Widen US 31 Hamilton County, Indiana	$1,000,000
659	GA	Build a bridge across Big Indian Creek, Perry	$1,500,000
660	MI	Carpenter Road Reconstruction—700 feet South of Textile Road to I-94, Washtenaw County	$2,000,000
661	IN	Resurface and widen Shelby County Indiana 400 North Phases IV and V	$500,000
662	SC	Widen West Georgia Road from Neely Ferry Road to Fork Shoals Road	$2,000,000
663	TX	Construct Phase II of City of Killeen SH-201	$4,000,000
664	MN	Interchange improvements at I-94 and CSAH 19 and at CSAH 37 in the city of Albertville, MN	$1,000,000
665	KY	Construction of bypass between KY 55 and US 68 at Lebanon in Marion County	$1,000,000
666	NY	Peruville Road. Creating overpass to address intersection safety issue	$2,000,000
667	OR	Add a southbound lane to section of I-5 through Portland, OR between Delta Park and Lombard	$5,000,000
668	MN	10th Street Bridge Expansion in St. Cloud, MN	$1,000,000
669	NJ	Intermodal Access Improvements to the Peninsula at Bayonne Harbor	$2,000,000
670	TX	Nolana Loop from FM 1426 to FM 88, Hidalgo County	$2,000,000
671	OH	Perry Park Road Improvements and Pedestrian Trail Expansion at Call Road in the Village of Perry, OH	$67,000
672	NV	Implement Regional Transportation of Southern Nevada FAST system	$3,000,000
673	NY	Bronx River Greenway 233rd Street Connection	$1,000,000
674	PA	Construction of turn lanes, increase curve radius at the intersection of SR 3041 and Industrial Park Road, Somerset, Pa	$435,000
675	FL	Planning and design for development of future highway connections to the Southwest Florida International Airport	$500,000
676	WI	Reconstruct and rebuild St. Croix River Crossing, connecting Wisconsin State Highway 64 in Houlton, Wisconsin to Minnesota State Highway 36 in Stillwater Minnesota	$7,000,000
677	TN	Conduct study for SR45 to SR386 Connector	$500,000
678	IN	Reconstruct and widen Shelby County Indiana 500 East from 1200 N to US 52	$1,000,000
679	MO	Removal and Replacement of the Grand Avenue Bridge in the City of St. Louis	$3,500,000
680	TX	Conduct reconstruction and managed lanes project on Airport Freeway (SH 183-SH 121) from IH 820 to the Dallas County Line	$5,000,000
681	FL	Reconstruction of Hanford Boulevard, North Miami Beach	$2,750,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
682	MA	Commonwealth Ave/Kenmore Sq. Roadway & Pedestrian Improvements	$5,000,000
683	NY	Pedestrian walkway and bikeway improvements along the NYC Greenway System in Coney Island	$3,200,000
684	PA	Restore Route 222 in Maxatawny and Richmond Townships, Berks County, PA	$2,500,000
685	OH	Study and design of modifications to I-75 interchanges at M.L. King-Hopple, I-74, and Mitchell in Cincinnati	$1,500,000
686	VA	Widen Route 10 to six lanes from Route 1 to Meadowville Road, Chesterfield	$1,000,000
687	GA	Rebuild sidewalks, install sidewalks, and add speed monitoring system, Alamo	$250,000
688	CA	Widen Wilmington Ave from 223rd street including ramp modifications, Carson	$3,000,000
689	WI	Construct STH 32 (Claude Allouez) bridge in DePere, Wisconsin (Brown County, Wisconsin)	$500,000
690	NY	Construction of drainage improvements and aethetic enhancements to Oak Beach Road in the Town of Babylon, NY	$430,000
691	WI	Construct an alternative connection to divert local traffic from I-90, a major highway, and allow movement through the Gateway commercial development project	$4,000,000
692	WA	East Marine View Drive Widening in Everett	$3,500,000
693	OH	Construction of safety improvements at intersection of US 422 and SR 700 in Geauga County, OH	$300,000
694	WV	Upgrade Route 10, Logan Co	$5,000,000
695	TX	Conduct Preliminary Engineering for Funnel Project on SH 114 from BS 114L to Dallas County Line and on SH 121 from SH 360 to Dallas Co Line	$4,000,000
696	NC	Install ITS on US70 Clayton Bypass	$1,000,000
697	PA	Brighton Road Extension-add new street to N Shore roadway network to facilitate access to amphitheater	$1,000,000
698	NJ	Broad Street Streetscape Project in Elizabeth to provide physical improvements and to enhance transportation flow and efficiency	$700,000
699	FL	Construction of 4 lane highway around Jacksonville connecting US1 to Route 9A	$3,000,000
700	WA	510-507 Loop—Conduct engineering, design, and ROW acquisition for alternative route to two existing highways that bisect Yelm, WA	$2,500,000
701	CA	Develop and implement traffic calming measures for traffic exiting the I-710 into Long Beach	$1,000,000
702	CA	San Diego, CA Construction of the I-5 and SR-56 Connectors	$4,000,000
703	IL	Upgrade Ridge Avenue, Evanston	$3,000,000
704	SC	Widening and Improvements for Highway 901, York County	$2,000,000
705	IA	Widening and Reconstruction, I 235, Des Moines	$6,500,000
706	CA	Bay Road improvements between University Avenue to Fordham, and from Clarke Avenue to Cooley Landing. Northern access improvements between University and Illinois Avenues, East Palo Alto	$6,000,000
707	NC	Project to widen US 501 from NC 49 in Roxboro to the VA state line with part on new location	$4,000,000
708	NY	Congestion reduction, traffic flow improvement and intermodal transfer study at Roosevelt Avenue/74th Street in Queens	$640,000
709	CA	Construct bicycle and pedestrian bridge between Oyster Bay Regional Park in San Leandro and Metropolitan Golf Course in Oakland	$750,000
710	TX	For construction of Seg 5 and 6 of SH 130 from 183 to Seguin, TX	$5,000,000
711	NJ	Construct the Airport Circle Elimination at Tilton and Delilah Roads, Atlantic County	$1,000,000
712	KY	Construct North Somerset Bypass in Pulaski County from Nunn Parkway to KY 80	$7,000,000
713	NV	Construct US Highway 95—Las Vegas Beltway Interchange	$8,000,000
714	NY	Repair and repave the north side of the Mineola train station	$150,000
715	IL	Repair of CH 29 and reconstruction of CH 8 at interchanges with Interstate 55 at Towanda and Lexington Illinois	$1,000,000
716	CA	Conduct a Project Study Report for new Highway 99 interchange between SR 165 and Bradbury Road, serving Turlock/Hilmar region	$500,000
717	PA	Construction of US-22 to I-79 Section of Southern Beltway, Pittsburgh, Pennsylvania	$1,000,000
718	MN	Construction of new highway between the bridge over Partridge River on CR 565 in Hoyt Lakes to the intersection of CSAH 21 and 70, Babbitt	$3,000,000
719	CA	State Route 1 improvements between Soquel and Morrissey Blvd including merge lanes and the La Fonda overpass, Santa Cruz	$3,670,000
720	WA	The West Corridor Coalition in Washington state	$500,000
721	WA	North Sound Connecting Communities Transportation Project Planning	$1,000,000
722	FL	West Relief Bridge Rehabilitation, Bay Harbor Islands	$1,500,000
723	NE	Western Douglas County Trails Project, Nebraska	$5,500,000
724	TN	Bristol, Tennessee highway-RR grade Crossing improvement—Hazelwood Street	$100,000
725	GA	Extend East Greene Street, install street lights, utilities, and landscaping, Milledgeville	$400,000
726	CA	Grade Separation at Vanowen and Cliveborne, Burbank	$1,000,000
727	MA	Improve traffic signal operations, pavement markings & regulatory signage, Milton-Boston City Line	$1,500,000
728	NY	Port Jervis, NY downtown pedestrian mall and promenade	$650,000
729	MN	Construct Soo Line Trail from north of Bowlus to the east side of Mississippi River	$495,000
730	WI	Construct traffic mitigation signals, signs, and other upgrades for Howard Ave, St. Francis	$400,000
731	NH	Reconstruction of NH 11 and NH 28 Intersection in Alton	$700,000
732	CA	Riverside Drive Improvements, Los Angeles	$400,000
733	CA	Upgrade CA SR 4 East from the vicinity of Loveridge Road to G Street, Contra Costa County	$15,000,000
734	TX	Widen SH 24 from a 2-lane facility to 4-lane divided facility from SH 19 to Cooper, TX	$1,500,000
735	PA	Rail crossing signalization upgrade, Willow Street, Fleetwood, Berks	$325,400
736	IL	25th Avenue Grade Separation, Melrose Park	$500,000
737	SC	Construct Hub City Connector Passage (12.5 miles of bicycle-pedestrian improvements, 176-SC 56), part of state-wide Palmetto Trail Project	$1,000,000
738	FL	Construct US 1/SR 100 Connector, Bunnell, Florida	$2,500,000
739	MN	Construction of Gitchi-Gami State Trail from Gooseberry Falls State Park Trail Head parking lot to 2.3 miles east	$700,000
740	CA	Design and environmental analysis for State Route 11 connecting State Route 905 to the new East Otay Mesa Port of Entry, San Diego	$1,000,000
741	NY	Improve North Fork Trail, Southold	$200,000
742	HI	Interstate Route H1 Deck Repair, Airport Viaduct	$4,770,000
743	OH	Replace Grade Separation at Eastland and Sheldon Road, Berea	$750,000
744	WA	Widen I-5 through Lewis County	$3,500,000
745	SC	Engineering design and construction of I-73 from the North Carolina State Line to I-95	$10,000,000
746	OH	Planning and construction of a bicycle trail adjacent to the I-90 and SR 615 Interchange in Lake County, OH	$2,500,000
747	SC	Widening of Boiling Springs 9 from Rainbow Lake Rd. to SC 292	$5,000,000
748	IL	Construct Streetscape Project, Orland Hills	$400,000
749	IL	Widening of Lake Cook Road ITS in Deerfield, IL	$500,000
750	OR	Widening of Oregon Hwy 217 between Tualatin Valley Hwy and the US 26 interchange, Beaverton	$10,000,000
751	PR	Widening of PR 111 at the intersections of PR-444 through PR-423	$6,000,000
752	MI	Widen M-72 from US-31 easterly 7.2 miles to Old M-72	$2,500,000
753	PA	Widening of Rt.22 and SR.26 in Huntingdon. Upgrades to the interchange at US RT 22 and SR26	$3,375,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
754	MN	Widening of US Highway 61 at Frontenac Station, MN	$800,000
755	KS	Construction and reconstruction of four interchanges on I-435, I-35 and US-69 in Johnson Co	$4,000,000
756	MA	Melnea Cass Blvd Reconstruction	$2,000,000
757	NH	Improve Meredith Village Traffic Rotary	$1,000,000
758	FL	Implement Blue Heron Boulevard Streetscape Improvements, City of Riviera Beach	$2,500,000
759	NY	Install Improvements for Pedestrian Safety in the vicinity of PS 114	$250,000
760	WI	Reconstruct STH 181 between Florist Ave and North Milwaukee County Line	$4,500,000
761	LA	Replace the Prospect Street Bridge (LA 3087), Houma	$3,000,000
762	GA	Streetscape improvements along LaVista Road in the Northlake business district of DeKalb County, Georgia	$200,000
763	MD	Study Greater Towson Area traffic flow and future needs	$200,000
764	FL	Construct US 1 Improvements, Cities of Holly Hill and Ormond Beach, Florida	$400,000
765	OH	Transportation Enhancements to the downtown area of the Village of Chagrin Falls, OH	$700,000
766	MA	Pedestrian Walkway for the Town of Norwood	$780,000
767	NJ	Restoration of Route 35 in Ocean County, New Jersey	$1,500,000
768	PA	Extension of Third Street from Interstate 83 to Chestnut Street, Harrisburg	$4,800,000
769	TX	Carlton road grade separation, Laredo, TX	$5,000,000
770	OH	Construct connector roadway between SR13 13 and Horns Hill Road in north Newark	$250,000
771	TN	Construct new lighting on Veterans Memorial Bridge, Loudon County, Tennessee	$250,000
772	NY	Roadway improvements on CR3 between Ruland Rd and I-495	$2,220,000
773	TN	Construct State Route 385 (North and East) around the city of Memphis	$3,150,000
774	NY	Waterloo, NY by-pass project	$7,000,000
775	IN	Extend Everbrook Drive from SR 332 to Bethel Avenue in the City of Muncie, Indiana	$640,000
776	TN	Construct Proposed SR397 extension from SR96 West to US 431 North to Franklin WIlliamson County	$2,225,000
777	AK	Construct linking road from airport to port in Akutan	$1,500,000
778	PA	Uniontown to Brownsville section of Pennsylvania Mon/Fayette Expressway	$5,000,000
779	NY	Ashburton Avenue Reconstruction, Yonkers, New York	$1,000,000
780	OR	Highway 22, Polk County	$1,000,000
781	FL	I-75 Widening and Improvements in Collier and Lee County, Florida	$45,000,000
782	WI	Pioneer Road Rail Grade Separation (Fond du Lac, Wisconsin)	$4,000,000
783	FL	Design and construction of double-deck roadway system exiting FLL airport connecting Y.S. 1 and I-595	$4,000,000
784	MI	Wayne, Reconstruct one quarter of a mile stretch of Laurenwood	$125,000
785	GA	Construct the West Cleveland Bypass from US 129SR 11 near Hope Road exteding west of Cleveland, on new and existing locations to SR75	$2,900,000
786	IL	Eliminate Highway-Railway crossing over US 14 and realignment of US 14, Des Plaines	$2,000,000
787	OR	Highway 22-Cascade Highway interchange improvements, Marion County	$500,000
788	VA	Widen Route 29 between Eaton Place and Route 123 in Fairfax City, VA	$3,000,000
789	WI	Reroute State Hwy 11 near Burlington, WI (Kenosha County, WI)	$2,000,000
790	IL	East Peoria, Illinois Technology Blvd. upgrades	$1,000,000
791	DC	Metro Branch Trail Construction	$2,000,000
792	MA	Study and design I-93 / Mystic Ave. Interchange at Assembly Sq	$500,000
793	NM	Widening of US 491 from Navajo 9 to Colorado state border	$2,000,000
794	FL	Construct access road to link Jacksonville International Airport to I-95	$5,000,000
795	FL	Widening of SR 60 from 66th Avenue to I-95 in Indian River County, FL	$1,000,000
796	GA	Widening of SR 133: Colquitt Co./Daughtery Co	$1,000,000
797	PA	Rail Bridge Removal and intersection improvements, Cameron and Paxton Streets, Harrisburg	$1,300,000
798	PA	Widening of SR 1001 Section 601 in Clinton County	$1,000,000
799	PA	Widening of Route 40 in Wharton Township, Fayette County, Pa	$2,000,000
800	NJ	Widening of Route 1 and intersection improvements in South Brunswick	$1,000,000
801	PA	construct PA 706 Wyalusing Bypass Bradford County, Pennsylvania	$1,000,000
802	IL	Construct four lane extension of IL RT29 from Rochester to Taylorville	$600,000
803	IL	Widening of Old Madison Road, St. Clair County	$2,000,000
804	NY	Construction of Bicycle Path and Pedestrian Trail in City of Dunkirk	$500,000
805	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Plains Township, Luzerne County	$200,000
806	CA	Replace I-880 overpass at Davis St in San Leandro	$750,000
807	PA	DuBois-Jefferson County Airport Access Road Construction	$1,000,000
808	GA	Streetscape project to improve accessibility and safety for pedestrians, Mount Vernon	$500,000
809	IL	Replacement of Fullerton Avenue Bridge and Pedestrian Walkway	$4,800,000
810	NH	Construct intersection at US 3 and Pembroke Hill Road in Pembroke	$700,000
811	FL	A new interchange with the Pineda Causeway Extension and I-95	$11,000,000
812	CT	Make Improvements to Groton Bicycle and Pedestrian Trails and Facilities	$380,000
813	MN	TH36—Stillwater Bridge; cut-and-cover approach to river crossing	$500,000
814	NM	US 54 Reconstruction, Tularosa to Santa Rosa	$2,000,000
815	VA	Daniel Boone Wilderness Trail Corridor—acquire site; design and construction of interpretative center, enhancement of trail corridor	$3,200,000
816	MI	Widening of M-24 from two lanes to four lanes with a boulevard from I-69 to the county line	$1,000,000
817	IN	Construct US231 in Spencer and Dubois Counties in Indiana	$6,000,000
818	TN	Construct overpass at Highway 321 and Highway 11 Loudon County, Tennessee	$6,500,000
819	SD	Improve the SD Advanced Traveler Information System	$1,400,000
820	NV	Construct I-15 Widening—US 95—I 515 Interchange to Apex Road	$6,000,000
821	NY	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	$100,000
822	GA	Install sidewalks, trails, lighting, and amenities in Balls Ferry Park, Wilkinson County	$500,000
823	CA	Construct Inland Empire Transportation Management Center in Fontana to better regulate traffic and dispatch personnel to incidents	$1,500,000
824	IL	Reconstruct Milwaukee Avenue, including Six Corners	$17,000,000
825	TX	Implementation and quantification of benefits of large-scale landscaping along freeways and interchanges in the Houston region	$18,496,000
826	PA	Design, engineering, ROW acquisition & construction of a connector road between PA 115 & Interstate 81 in Luzerne County	$250,000
827	AL	Pedestrian Improvements for Homewood, AL	$100,000
828	TN	Plan and construct a bicycle and pedestrian trail, Gallatin	$665,000
829	MA	Conduct design, feasibility and environmental impact studies of proposal to relocate New Bedford/Fairhaven bridge	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
830	IA	Iowa City, IA Construction of arterial extension project connecting Coralville to west and south Iowa City	$2,500,000
831	NJ	Rehabilitate Route 139 in Jersey City—Portway	$2,000,000
832	NJ	Route 605 extension to US-206	$1,000,000
833	OH	Widen SR 170 Calcutta	$2,500,000
834	IA	Widening of Hwy 44, Grimes	$500,000
835	VA	Widening of Highway 15 in Farmville, Virginia	$5,000,000
836	MA	Design and construct intersection improvements at Memorial Park II on Roosevelt Ave from Bay St to Page Boulevard, Springfield	$1,000,000
837	SC	Widening of Frontage Road from U.S. 72 to U.S. 56, Laurens, SC	$2,800,000
838	NY	Mill Road: NY Rte 261 to North Avenue in the Town of Greece	$2,500,000
839	NC	Widening of Beckford Drive, City of Henderson	$960,000
840	NY	Realignment of Clove Road and Rt 208, access management improvements in Orange County	$1,200,000
841	NY	City of Peeskill, NY Street Resurfacing Program—Brown Street	$52,000
842	FL	Fund advanced Right-of-Way Acquisition along SR 52 in Pasco County, Florida	$3,700,000
843	MA	Design, engineer, permit, and construct ''Border to Boston Bikeway'' rails-trails project, from Salisbury to Danvers	$1,000,000
844	FL	Soutel Drive Road Enhancements, Jacksonville	$1,500,000
845	NJ	Bicycle facilities in West Deptford Township	$115,000
846	PA	Create a direct connection between State Road 29 and State Route 113	$3,000,000
847	MA	Design and construction of the north and southbound ramps on Interstate 91 at Exit 19	$1,500,000
848	IA	NW 70th Ave reconstruction, Johnston	$4,500,000
849	NY	Town of Minisink South Plank Road	$275,000
850	VA	Town of St. Paul—restoration of historic Hillman House to serve as trail system information center and construction of stations on trails	$150,000
851	PA	Conduct environmental review and acquire right of way for preferred alternative to improve PA 41	$4,000,000
852	FL	Acquire Right-of-Way for Ludlam Trail, Miami, Florida	$750,000
853	NY	Construct Safe Routes to Schools projects in New York City	$3,000,000
854	CO	Construction of US 24—Tennessee Pass, Colorado	$6,000,000
855	CA	Implement Riverside Avenue Railroad Bridge improvements, south of Interstate 10 in Rialto	$500,000
856	MA	Longwood Ave/Urban Ring Tunnel Study	$450,000
857	IL	Traffic Signal Coordination at US 45 at IL 132 (Grand Avenue) and IL 132 at Rollins Road and US 45 at Rollins Road	$100,000
858	IA	US 63 improvement near New Hampton, Iowa	$8,700,000
859	NY	Village of Unionville reconstruction of Main Street	$80,000
860	TX	Widening from two lanes to four of SH 36 from Bellville, TX to Sealy, TX	$7,000,000
861	KY	Comprehensive Traffic Study for intersection of Main Street and Berea College Campus, Berea	$600,000
862	TN	Improve State Route 62 in Morgan County near US-27 in Wartburg to Petit Lane from existing two lane highway to four lanes	$2,000,000
863	IL	Construct West Corbin Overpass over Illinois 255, Bethalto	$5,000,000
864	OR	Improvements for intersections heavily traveled through which include Beaverton Hillsdale Hwy Scholls Ferry and Oleson, Beaverton	$250,000
865	FL	Improvements to I-75 in the City of Pembroke Pines, Florida	$9,750,000
866	CA	Planning, design, engineering and construction of Naval Air Station, North Island access tunnel on SR 75-282 corridor, San Diego	$5,000,000
867	CA	Construct road from Mace Blvd in Yolo County to federally supported Pacific Flyway wildlife area	$1,000,000
868	PA	Construction of ramps on I-95 and US 322, widening of streets and intersections	$3,000,000
869	NY	Construct and restore pedestrian and residential roadways in downtown business district in Rockville Centre	$1,000,000
870	LA	Plan, design and construct Pointe Clair Expressway in Iberville Parish	$3,000,000
871	MA	Construction of East Milton Parking Deck over Interstate/Rt. 93	$1,000,000
872	PA	Reconstruction of I-176 in Cumru and Robeson Townships, Berks County	$5,000,000
873	MI	Resurfacing of Masonic Boulevard in Fraser	$1,160,000
874	OH	Construct Ohio River Trail from Downtown Cincinnati, Ohio to Salem Road	$1,400,000
875	PA	Realignment and reconstruction of SR60 interchange with US22-30 and reconstruct adjacent Tonidale-Bayer intersection	$1,000,000
876	NY	Construtction and rehabilitation of East and West John Streets in the Village of Lindenhurst, NY	$930,000
877	NY	Construct Northern State Parkway and Long Island Expressway access at Marcus Avenue and Lakeville Road and associated Park and Ride	$6,000,000
878	PA	Deployment of an Intelligent Transportation System along I-476 Pa Tpke NE Ext/Pa-309 and I-76 Schuylkill Exwy in Montgomery County	$2,500,000
879	NY	Install Improvements for Pedestrian Safety in the vicinity of PS 153	$250,000
880	TX	Build 36th Street Extension in San Antonio	$2,000,000
881	CA	North Atlantic Pedestrian Bridge, Monterey Park	$600,000
882	CA	Reconstruct Eastern Ave from Muller St to Watcher St in Bell Gardens	$1,000,000
883	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in West Pittston, Luzerne County	$200,000
884	CA	Design Traffic Flow Improvements Azusa and Amar, City of West Covina	$1,250,000
885	MI	Reconstruction of Nine Mile Road in Eastpointe	$1,120,000
886	WA	Redmond, WA City-wide ITS	$1,000,000
887	IL	Reconstruction and realignment of Baseline Rd, Montgomery, IL	$2,080,000
888	NY	Transportation Enhancements to support Development of Erie Canal in Niagra and Orleans Counties	$750,000
889	CO	US 160, East of Wolf Creek Pass	$7,500,000
890	MA	Design, engineering and construction at I-93 The Junction Interchange, Andover, Tewksbury and Wilmington	$2,500,000
891	CA	Rosemead Boulevard/Highway 19 Renovation Project, Pico Rivera	$100,000
892	PA	Intersection improvements at PA Route 209 and Water Company Road, construction of a bridge and access enhancements to Nature and Arts Center, Upper Paxton Township	$500,000
893	TX	Improvements to FM 1979 in Caldwell County	$300,000
894	HI	Interstate Route H1 guard rail and shoulder improvements, Waikele Bridge to Airport Interchange, Honolulu	$3,800,000
895	MI	M-168 Reconstruction in the village of Elberta	$2,200,000
896	CA	Colima Road at Fullerton Road Intersection Improvements	$1,000,000
897	OH	Design and construct Youngstown State University Roadway and Pedestrian Safety Improvements, Youngstown	$2,500,000
898	MO	Reconstruct Interstate 44 and Highway 39 Interchange	$5,000,000
899	WA	Complete final Columbia River crossing Environmental Impact Statement for SR35 in Klickitat County	$800,000
900	KY	Reconstruct US 127 at Bellows Road, Mercer County	$600,000
901	NY	Roadway and Pedestrian Improvements for Times and Duffy Squares in New York City	$2,000,000
902	FL	Six lane expansion of State Road 200 (A1A) from Interstate 95 east to Amelia Island	$4,000,000
903	MI	Widen and reconstruct Tienken Road in Rochester Hills from Livernois to Sheldon	$4,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
904	NV	Design and Construct I-580 Meadowood Complex Improvements, Washoe County	$2,000,000
905	NY	Town of Chester reconstruction of 13 independent town roads	$200,000
906	NY	Implement ITS system and apparatus to enhance citywide truck route system at 9th Street and 3rd Avenue intersection in Kings County	$100,000
907	TX	Construction of highway infrastructure to provide flood protection for Nueces County	$1,000,000
908	FL	Widen State Road 80, Hendry County	$3,500,000
909	NE	Construction of the Columbus, Nebraska North Arterial Road	$4,500,000
910	KY	Extension of Newtown Pike from West Main Street to South Limestone Street, Lexington	$16,500,000
911	OH	Road construction and related improvements in the Village of Gates Mills, OH	$500,000
912	IL	Widening and Reconstruction of 55th Street from Holmes Avenue to Williams Street in Westmont and Clarendon Hills	$1,000,000
913	IL	Road upgrades for the Village of Oreana, IL	$884,000
914	ID	Widen Amity Road from Chestnut Street to Robinson Road in Nampa, Idaho	$2,000,000
915	TX	Widening FM 60 (University Drive) from SH6 to FM 158, College Station	$3,000,000
916	GA	Widening Cedarcrest Road from Paulding County line to Governors Towne	$3,150,000
917	CA	Widening Avenue 416 in Dinuba California	$1,500,000
918	MA	Design and construction of streetscape improvements on Main and Maywood Streets, Worcester	$600,000
919	TX	Extend Munn Street from Demaree Ln to Gellhorn Drive	$1,000,000
920	MN	City of Moorhead SE Main GSI, 34th St. and I94 Interchange and Moorhead Comprehensive Rail Safety Program	$3,000,000
921	AL	Widening and safety improvements to SR-216 between SR-215 and I-59, I-20	$3,000,000
922	WA	Improve 13.5 mile section of Klickitat bicycle and pedestrian trail between Lyle and Klickitat	$250,000
923	IL	Improve safety of culvert replacement on 250th Rd between 460th St and Cty Hwy 20 in Grandview Township, Edgar County, IL	$320,000
924	NY	Kingston, Improve uptown streets	$1,000,000
925	PA	Replace Blair Creek Bridg over the Little Lehigh Creek, just west of the Maple Grove Bridge, in Longswamp Township, Berks County	$1,600,000
926	CA	Construct highway connecting State Route 78/86 and State Route 111, Brawley	$9,500,000
927	GA	Widening and improvements on Colerain Road in St. Marys, Georgia	$1,000,000
928	MD	Implement Pedestrian and Roadway Improvements Contained in the Druid Hill Park Neighborhood Access Program in Baltimore	$2,000,000
929	AZ	Kabba Wash project between I-40 and Wikieup	$2,000,000
930	ME	Route 2 Improvements from Bethel to Gilead	$500,000
931	FL	Widening and Improvements for I-75 in Collier and Lee County	$27,000,000
932	TX	Widening 349 Dawson and Martin County	$2,000,000
933	WI	Widen Wisconsin State Highway 64 between Houlton and New Richmond	$4,000,000
934	IN	Widen Wheeling Avenue from Centennial to McGalliard Road in the City of Muncie, Indiana	$960,000
935	MN	Construct a bike trail along the north side of TH 11 to the Voyageurs National Park Visitor Center on Black Bay of Rainy Lake	$540,000
936	FL	Construct pedestrian underpass and safety improvements at SR A1A and Castillo Drive, City of St. Augustine	$1,600,000
937	CA	Rehabilitate street surfaces in Sherman Oaks	$124,000
938	CA	Repair and realignment of Brahma Dr. and Winnetka Ave	$300,000
939	NJ	Riverwalk in Millburn along the West Branch of the Rahway River	$750,000
940	AL	I-20 widening and safety improvements in St. Clair County	$4,000,000
941	TN	Plan and construct Rutherford County visitor's center/ transportation information hub	$500,000
942	UT	Streetscape a two-lane road and add turning lanes at key intersections on Santa Clara Drive in Santa Clara	$500,000
943	CA	US 101 Operational Improvements, San Jose	$5,000,000
944	IL	Upgrade traffic signal system on 87th Street, Chicago	$500,000
945	LA	Water Well Road Gateway Cooridor (LA 478)—Design, Right of Way, and Construction of 3.6 miles from I-49 to LA 1	$5,650,000
946	CO	East 104th and US85 Intersection: Study, design and construction of needed improvements to intersection	$1,000,000
947	FL	Widen West Virginia Drive from Floresta Drive to US 1 in St. Lucie	$3,000,000
948	ID	Widen US-95 in Idaho from Jct. SH-1 to Canadian Border	$3,000,000
949	IL	Engineering of the Willow Creek Trail Extension from Rock Cut State Park to the Long Prairie Trail	$200,000
950	CA	Widen Interstate 8 overpass at Dogwood Road, Imperial County	$2,122,500
951	CA	Improve bridge 58-7 on SR 115 that crosses the Alamo River in Holtville and also project design and environmental analysis of a new bridge over the same river	$1,000,000
952	ID	Widen US-95 from Worley to Mica Creek, Idaho	$3,000,000
953	MI	Complete the 2 segments of US-127 from Ithaca to St. Johns to a limited access freeway	$5,000,000
954	CA	Construct a new interchange where I-15 meets Cajalco Road in Corona, CA	$10,000,000
955	OH	Construct interchange at CR 80 on IR 77 near Dover	$5,000,000
956	TX	US 67, widening from Nolan River to West Buffalo Creek, Cleburne	$3,000,000
957	NC	Widen and improve I 85 through Cabarrus County from US 29—49 to 29—601	$8,000,000
958	NC	US401 from Raleigh to Fayetteville	$4,000,000
959	GA	Construct and Improve Westside Parkway, Northern Section, in Fulton County	$4,000,000
960	NY	City of Peeskill, NY Street Resurfacing Program. Hudson Avenue	$130,000
961	CA	Construction of CA 101 Auxiliary Lanes, Marsh Rd. to Santa Clara County Line	$2,250,000
962	NY	For the acquisition of ferry boats and ferry terminal facilities and operation of ferry service from Rockland County-Yonkers-Manhattan	$1,500,000
963	IL	For engineering, right-of-way acquisition and reconstruction of two existing lanes on Arsenal Road from Baseline Rd to Rt 53	$1,750,000
964	PA	For the Scranton City Redevelopment Authority to design, engineer, acquire ROW & construct streetscaping enhancements, paving, lighting & safety improvements, parking & roadway redesign	$2,500,000
965	FL	Construct landscaped sidewalks, bus lanes, pedestrian/bicycle paths, vehicular lanes, City of Plantation	$1,536,041
966	NY	Improve Route 17—Access Control, Elmira to Chemung	$2,500,000
967	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Plymouth Borough, Luzerne County	$200,000
968	ID	Improve SH-75 from Timmerman to Ketchum	$5,000,000
969	OR	Improve U.S. 97 from Modoc Point to Algoma	$2,000,000
970	SD	Construct an interchange on I-90 at Marion Road west of Sioux Falls	$1,400,000
971	CA	Realign First St between Mission Rd and Clarence St in Los Angeles	$1,250,000
972	MO	Relocation of Route 13 Branson West Bypass	$5,200,000
973	IL	Resurfacing Congress Parkway, The Illinois Department of Transportation	$500,000
974	RI	Establish interchange between Route 4 and Interstate 95	$6,000,000
975	TX	Improvements to FM 676 in Alton	$500,000
976	MA	Reconstruction of Goddard Memorial Drive from State Route 9 to Airport Drive, Worcester	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
977	FL	Homestead, FL Widening of SW 320 Street (Mowry Drive) from Flagler Avenue to SW 187 Avenue	$2,500,000
978	CT	Broad Street Reconstruction Project in New Britain	$1,800,000
979	PA	Construct Johnsonburg Bypass	$4,400,000
980	CT	Construct Valley Service Road Extension, North Haven	$2,000,000
981	VA	Construction of transportation related enhancements and infrastructure of the VMFA project	$1,000,000
982	MI	Reconstruct and Widen I-94 in Kalamazoo, MI	$14,000,000
983	MD	Land Acquistion for Highway Mitigation in Cecil and Worcester Conties, MD	$19,500,000
984	CA	Construct overpass on Central Ave at the railroad crossing in Newark	$750,000
985	IL	City of Bartonville, Street widening and improvements and sidewalk improvements	$952,572
986	OH	Construct Williamsburg, Ohio to Batavia, Ohio Hike & Bike Trail	$250,000
987	IL	The continuation of US Route 12 from the Wisconsin state line to the intersection of Tryon Grove Road, Route 12 and Illinois State Route 31	$3,000,000
988	FL	US17-92 and French Ave. Roundabout, Sanford	$500,000
989	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Hanover Township, Luzerne County	$200,000
990	MI	Reduction from 3.5 miles of travel to 1.0 miles of travel crossing over the Tittabawassee River on Meridian Road	$3,000,000
991	ID	Widen US-95 from Top of Lewiston Hill to Moscow, Idaho	$2,000,000
992	TX	Construct a pedestrian/bicycle trail in the Sunnyside area of Houston	$750,000
993	TX	Construct remaining 800-foot 4-lane divided thoroughfare for Preston Rd segment between Beltway 8 and Genoa Red Bluff Rd	$1,160,000
994	AS	Shoreline protection and drainage mitigation for Aua village roads	$1,000,000
995	SC	Medical University of South Carolina Roadway Enhancement	$4,000,000
996	PR	Replacement ferries on Culebra and Vieques routes	$2,000,000
997	MI	Livonia, reconstruct Stark Rd. between Plymouth Rd. and I-96	$1,000,000
998	PA	PA Route 309 roadway construction and signalization improvements in Tamaqua Borough	$2,000,000
999	MA	Union Square Roadway & Streetscape Improvements	$500,000
1000	TX	Improvements to South McColl Road in Hidalgo County	$2,400,000
1001	MS	Widen US Hwy 61 and improve major intersections, Natchez	$2,000,000
1002	TX	Widen US 82 from 2-lane facility to 4-lane facility from FM 1417 in Sherman, TX to US 69 in Bells, TX	$4,000,000
1003	TX	Widen US 79, from FM 1512 near Jewett to IH-45 to a four-lane divided highway	$2,000,000
1004	TN	Construct shoulder and turn lane on SR 35 in Seymour, Tennessee	$1,500,000
1005	NE	Construction of Heartland Expressway between Alliance and Minatare, NE	$7,500,000
1006	WA	Pedestrian Sidewalk Construction in Snohomish	$175,000
1007	TN	North Second Street Corridor Upgrade, Memphis	$2,000,000
1008	OH	Purchase High Speed Ferries for Black River Excursion Boat Service, Lorain	$750,000
1009	MD	MD4 at Suitland Parkway	$4,000,000
1010	OK	Widen US 60 from approximately 2 miles east of the US 60-US 75 interchange east approximately 5.5 miles	$1,000,000
1011	NC	Widen US 401 from Wake County to Louisburg	$3,000,000
1012	PA	CUPSS, Pennsylvania, Urban Maglev Demonstration Test Project	$5,000,000
1013	TX	Widen US 287 Bypass at Ennis from two to four lanes	$7,000,000
1014	KY	Widen US 27 from KY 34 to US 150 Bypass, Garrard County and Lincoln County	$2,000,000
1015	MN	Right of way acquisition for Mississippi River Bridge connecting I94 and US10 between US169 and TH101	$1,000,000
1016	WI	Rehabilitate Highway 53 between Chippewa Falls and New Auburn	$4,000,000
1017	IL	Widen U.S. Route 67 from Macomb to Illinois 101	$2,000,000
1018	IL	Widen U.S. Route 51 from Pana to Vandalia	$3,000,000
1019	IL	Widen U.S. Route 34 from U.S. 67 to Carmen Road	$4,000,000
1020	WA	Alaskan Way Viaduct and Seawall	$14,000,000
1021	NJ	East Coast Greenway bicycle and pedestrian path from New Brunswick to Hudson River	$1,000,000
1022	FL	Construct bicycle and pedestrian undperpass and park under I-95, Miami	$1,500,000
1023	CA	Implement Van Nuys Road and Safety Improvements	$500,000
1024	FL	New systems interchange ramps at SR 417 and Boggy Creek Road in Orange County, FL	$6,000,000
1025	NY	Reconstruction of Tappan Street Bridge in Town of Newark Valley	$1,000,000
1026	IL	Widen Rakow Road from Ackman Road to IL Rt 31 in McHenry County, Illinois	$6,400,000
1027	IL	Widen U.S. Route 30 from Rock Falls to Round Grove, Whiteside County	$500,000
1028	TN	Bristol, Tennessee highway-RR grade crossing improvement—Cedar Street	$50,000
1029	IL	Perform Broadway and Sheridan Road signal interconnect project, Chicago	$1,500,000
1030	IL	Widen U.S. Highway 30 in Whiteside County, Illinois	$1,000,000
1031	WI	Rehabilitate existing bridge and construct new bridge on Michigan Street in Sturgeon Bay, Wisconsin	$5,000,000
1032	ME	Replacement of the Route 201-A ''covered'' bridge, Norridgewock	$1,000,000
1033	AR	Widen to four lanes, improvement, and other development to U.S. Highway 167 from LA state line north to I-530	$5,000,000
1034	PA	Widen the Route 412 corridor from I-76 into the City of Bethlehem	$10,000,000
1035	HI	Construct access road for Kahului Airport	$1,000,000
1036	IL	Improve Highway-Railroad Crossings, Galesburg	$750,000
1037	MN	Sauk Rapids Bridge and Roadway Replacement in Sauk Rapids, MN	$6,000,000
1038	TN	Construct Transportation and Heritage Museum in Townsend, Tennessee	$1,000,000
1039	CA	Widen State Route 98, including storm drain developments, from Kloke Road to State Route 111, Calexico	$3,000,000
1040	CA	Widen State Route 98 from Route 111 to State Route 7, Calexico	$5,000,000
1041	GA	Construction of bypass around town of Hiram, from SR 92 to US 278, Paulding County, Georgia	$2,500,000
1042	TX	Construction of the interchanges at BI20 and IH20 for JBS Parkway	$2,500,000
1043	CA	Widen State Route 46 between Airport Road and the Shandon Rest Stop in San Luis Obispo County	$33,461,000
1044	TN	Widen State Route 4 (US-78) from Mississippi State Line to Getwell Road (SR-176) in Memphis, Shelby County	$1,000,000
1045	MI	Baraga County, Reconstruction of county primary road on Bayshore Drive from Haanpaa Road northerly 1.7 miles to Whirligig Road	$750,000
1046	NY	Town of Warwick, NY walking and biking trail	$500,000
1047	AK	Bridge over Fish Creek in Matanuska-Susitna Borough	$1,000,000
1048	GA	GA 400 and McGinnis Ferry Road Interchange, Forsyth County, GA	$3,900,000
1049	NY	Implement Improvements for Pedestrian Safety in Kings County	$1,000,000
1050	NY	Reconfigure road through FDR VA Hospital to provide access to Battery Place in Town of Cortlandt	$395,000
1051	CA	Widen State Route 262, replace two railroad overpass structures, and rebuild on and off ramps between SR 262 and Kato Rd in Fremont	$4,000,000
1052	TN	Widen State Route 101 in Cumberland County from two lane highway to five lanes between State Routes 282 (Dunbar Road) and 392 in Crossville	$8,000,000
1053	FL	Widen State Road 50 in Lake County, Florida	$7,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1054	AZ	Widen SR 95 through Lake Havasu City	$2,000,000
1055	GA	Widen SR 85 from SR 74 to County Route 126 Bernhard Road, Fayette County, Georgia	$3,000,000
1056	CT	Construct New arterial roadway from Boston Avenue north to proposed Lake Success Business Park in Bridgeport, CT	$10,000,000
1057	MI	M-13 Washington Avenue Streetscape Project. Phase II of High Priority Project 192 in PL 105-550. City of Saginaw	$1,500,000
1058	TX	Improvements to FM 716 in Duval County	$1,000,000
1059	NY	Town of Chester Surrey Meadow subdivision road improvements	$300,000
1060	PA	Cresheim Valley Drive Revitalization project involving scenic enhancements & pedestrian safety improvements from Lincoln Drive to Navajo Street	$1,100,000
1061	NC	Transportation Improvements at Piedmont Triad Research Park, Winston-Salem, NC	$2,000,000
1062	MO	Upgrade and partially relocate MO Rt 141 from I-64 to Rt 340	$2,600,000
1063	NY	Construct Millennium Parkway in the Towns of Dunkirk and Sheridan	$10,500,000
1064	AZ	Construct the Rio Salado Parkway to connect I-10 and Loop 202 freeways to 7th Street in downtown Phoenix	$8,000,000
1065	TN	Improving Vehicle Efficiencies at At-Grade highway-Railroad Crossing in Lenoir City, TN	$104,000
1066	NJ	Replacement of Monmouth County bridges W-7, W-8, and W-9	$2,000,000
1067	OK	US-54, Widen US-54 from North of Optima Northeast to Kansas State Line, Texas County, OK	$1,000,000
1068	FL	Widen Palm Coast Parkway and I-95 interchange and overpass, Flagler County, Florida	$2,900,000
1069	FL	Delray Beach Federal Highway pedestrian improvements SE 4th Street to NE 4th Street	$2,000,000
1070	WI	Expand Highway 10 between Marshfield and Stevens Point	$20,000,000
1071	NY	Install Improvements for Pedestrian Safety in the vicinity of IS 72/PS 69	$250,000
1072	TN	Upgrade roads for Slack Water Port facility and industrial park Lake County	$1,875,000
1073	AK	Emergency evacuation road at Point Hope in North Slope Borough	$3,000,000
1074	MI	Construct railroad grade separation on M-85 (Fort Street) North of Van Horn Road, Trenton	$2,000,000
1075	IL	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	$1,000,000
1076	PA	Modernize traffic signals, complete minor roadway realignment, and improve channelization at US322 and PA10 intersection	$480,000
1077	KS	Construction of a four-lane access controlled improvement for 4 miles on US-54/400 in Pratt County	$10,686,000
1078	IN	Upgrade rail crossing at 93rd Avenue, St. John	$200,000
1079	FL	Widen SR 710 by 2 lanes from Congress Avenue to US-1	$3,000,000
1080	GA	Widen SR 234/Gillionville Road from Eight Mile Road to Lockett Station, Dougherty County	$1,000,000
1081	CA	Widen SR 12 to four lanes through Jamieson Canyon (between I-80 and SR 29) for safety concerns and economic growth	$5,000,000
1082	GA	Widen SR 104 from SR 383/Belaire Road to CR 515/Cumberland Drive (including bridges) in Columbia County	$4,000,000
1083	IN	Study Traffic on Muncie By-Pass from Centennial Avenue to McGalliard Road in the City of Muncie and Delaware County, Indiana	$120,000
1084	FL	Construct US 17-92 improvements, Maitland, Florida	$1,500,000
1085	CA	Widen South Main St.-Soda Bay Rd. between CR 400A (mile marker 0.0-miler marker and 0.7) and CR 502 (mile marker 0.0 and 0.9)	$3,000,000
1086	VA	Replacement of the 635 Bridge in Orange County, VA	$500,000
1087	TX	Construct Loop 20 in Laredo	$16,000,000
1088	IA	Construct SE Connector/MLK Pkwy, Des Moines	$7,500,000
1089	FL	Construction and Design of Miami River Greenway Road Improvements and 5th Street Improvements	$2,000,000
1090	TX	Widen SH 317 from two lanes to four lane divided facility	$2,000,000
1091	TX	Widen SH 205 from two lanes to a six lane urban divided highway from North of SH 66 to proposed SH 276	$1,000,000
1092	CA	Widen Santa Maria River Bridge on U.S. Highway 101 between Santa Barbara County and San Luis Obispo County	$3,400,000
1093	CA	Widen San Fernando Road North, including streetscape projects, Sylmar	$1,060,000
1094	PA	Central Susquehanna Valley Transportation Project US 15: $5 million for the final design	$4,100,000
1095	NJ	Construct Rt 49 Cohansey River Bridge Replacement, Cumberland County	$3,000,000
1096	ME	Construction and snowmobile safety accommodations for Route 116 Bridge, Medway	$4,000,000
1097	MI	Construct pedestrian trail and bridge in Kearsley Park in Flint	$100,000
1098	IA	Coralville, IA Implementation of final phase of Safety Improvements Project from 12th Ave to 22nd Ave	$900,000
1099	IL	Expand and improve Illinois Route 47 Roadway from Reed Road to Kreutzer Road in Huntley, Illinois	$6,400,000
1100	NY	Build Route 15, Pennsylvania to Presho	$10,000,000
1101	GA	I-285 Riverside interchange reconstruction, Fulton County, Georgia	$1,500,000
1102	MN	Construct 3 segments of Cuyuna Lakes Trails, Crow Wing County	$1,200,000
1103	WA	Improve I-5 interchange at 134th Street in Clark County	$11,350,000
1104	GA	Construct Pedestrian Safety Improvements on Buford Hwy (SR-13), Dekalb County	$3,000,000
1105	DC	11th St. Bridges, Rehabilitation of structures as well as new ramps to provide for traffic at Navy Yard, Southeast Federal Ctr., and Gateway Government Ctr	$32,000,000
1106	MO	Improve U.S. 36 to divided four lane expressway from Macon to Route 24	$8,000,000
1107	VA	Mill Road Slip Ramp	$500,000
1108	NY	Construct sidewalks and curbing on Tate Avenue in Village of Buchanan	$375,000
1109	MI	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	$575,000
1110	UT	Construction of 200 North Street highway-rail graded crossing separation, Kaysville, Utah	$4,000,000
1111	FL	Kennedy Blvd. Reconstruction, Eatonville	$2,000,000
1112	VA	Improvements to public roadways within the campus boundaries of the Virginia Biotechnology Park, Richmond, VA	$2,000,000
1113	VA	Install Transporation Critical Incident Mobile Data Collection Device in Charlottesville	$400,000
1114	NY	Ithaca, Design and construct pedestrian and bicycle path	$544,000
1115	AZ	Navajo Mountain Road on the Navajo Nation	$1,000,000
1116	PA	Expansion of existing PA Turnpike ITS System	$4,100,000
1117	TX	Construction of ferryboat for City of Port Aransas	$400,000
1118	NY	Project will rehabilitate and reopen historic High Bridge, which crosses the Harlem River between Manhattan and the Bronx	$5,000,000
1119	NJ	Route 17 Congestion Improvements and Widening, from Williams Avenue to the Garden State Parkway and Route 4 in Bergen County	$12,000,000
1120	IN	Design and construct Tanner Creek Bridge on US50, Dearborn County Indiana	$1,240,000
1121	NC	Environmental studies and construction of US 74 Monroe Bypass Extension	$5,000,000
1122	OH	Construct Pedestrian Bridge from east of Dock 32 to Voinovich Park southwest corner, Cleveland	$2,140,000
1123	GA	Extension of Sugarloaf Parkway, Gwinnett County	$1,000,000
1124	ME	Construct bicycle and pedestrian bridge over Stillwater River, Orono	$1,000,000
1125	IL	For widening from two to four lanes, the Brookmont Boulevard Viaduct in Kankakee, IL and adjusting approach grades	$750,000
1126	GA	I-285 SR 400 interchange reconstruction and HOV interchange, Fulton County, Georgia	$1,000,000
1127	MN	Construct a road between Highway 332 and TH 11 including a signalized rail road crossing, Koochiching County	$300,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1128	MO	Hanley Road from I-64 to south of State Route 100, St. Louis County	$4,000,000
1129	AL	Expand SR-167 from Troy, AL to Enterprise, AL	$3,000,000
1130	MN	Construction of primary and secondary access roadways to the Duluth Air National Guard Base, City of Duluth	$4,250,000
1131	CT	Construct high-speed rail crossing to bike and pedestrian trails—Enfield, CT	$2,300,000
1132	TX	Expansion of Port Rd at Northbound Frontage Rd of SH146 east to intersection with Cruise Terminal Rd to 6-lane section with raised median	$7,340,000
1133	TN	Constuct Western Bipass from Zinc Plant Road to Dotsonville Road, Montgomery County	$3,400,000
1134	CA	Improvements to SR-67, Mapleview to Dye Road (San Diego)	$5,000,000
1135	TN	Plan and construct a bicycle and pedestrian trail, Springfield	$250,000
1136	TX	Expansion of Daniel McCall Dr., Lufkin, TX	$3,220,000
1137	NY	Rehabilitate the Pines Bridge Road and Lake Avenue and Ryder Road, in Ossining, Yorktown, and New Castle	$2,765,000
1138	CA	Construct Valley Boulevard Drainage Improvements, El Monte	$750,000
1139	NJ	Route 82 Union County Streetscape and Intersection Improvements	$1,000,000
1140	NY	Short Clove Road Rail Overpass, Haverstraw	$1,000,000
1141	FL	Construct Atlantic Boulevard Improvements, Key West, Florida	$1,000,000
1142	CA	Implement intelligent management & logistics measures to improve freight movement, Gateway Cities.	$3,000,000
1143	WI	Expand USH 45 between CTH G and Winchester, Winnebago County, WI	$5,000,000
1144	NY	Implement ITS system and apparatus to enhance citywide truck route system on LIE Eastbound Service Road at 74th Street to Caldwell Ave, Grand Ave from 69th Street to Flushing Ave, and Eliot Ave from 6	$100,000
1145	IA	Construct IA-32 Arterial from US 20 in Dubuque Co, IA to US 61 and US 151	$19,000,000
1146	HI	Kapolei Transportation Improvements, Island of Oahu	$1,000,000
1147	MA	Quincy Avenue Bridge Replacement	$900,000
1148	CA	Los Angeles Regional Diesel Emissions Reduction Program For Engine Retrofit, Gateway Cities	$500,000
1149	IL	Reconstruct intersection of Wood Dale and Irving Park roads in DuPage County, IL	$12,300,000
1150	GA	Social Circle bypass completion, from Stanford Road to SR 11, Social Circle	$3,000,000
1151	GA	Streetscape Project to install sidewalks and bicycle trails, Gray	$500,000
1152	MO	Reconstruction of the Tucker Street Bridge in the City of St. Louis	$7,000,000
1153	PA	Bethlehem Pike improvements from Valley Green Road to South of Gordon Lane, Springfield Township	$1,000,000
1154	GA	Construct I-75 I-575 HOV interchange, Cobb County, Georgia	$600,000
1155	IL	Construct multi-use pedestrian path between Oakton St. and Dempster St., Skokie	$250,000
1156	AZ	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	$5,000,000
1157	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Newport Township, Luzerne County	$200,000
1158	VA	Fries Train Station and Trail—restoration of former train station for use as visitors center and construction of trail along New River	$1,000,000
1159	PA	Construction SR 3024, Middle Creek Bridge II, South Canaan, Wayne County	$700,000
1160	WI	Expand USH 141 between STH 22 and STH 64 (Oconto and Marinette Counties, Wisconsin)	$2,000,000
1161	IL	Development of a coordinated trail system, parking and trial systems in Dixon, IL	$3,200,000
1162	PA	Installation of comprehensive signage system across 1700 acres of urban parks in Pittsburgh	$900,000
1163	GA	Interstate 75/ Windy Hill Road Interchange	$2,000,000
1164	NJ	Bridge replacement and SR31 widening over the Raritan Valley Line in Glen Garnder, Hampton, Hunterdon County	$1,000,000
1165	VA	Bristol Train Station—historic preservation and rehabilitation of former Bristol, VA train station	$500,000
1166	CO	I-25 Improvements—Douglas–Arapahoe County Line to El Paso County Line	$4,000,000
1167	TN	Reconstruct connection with Hermitage Avenue to Cumberland River Bluff in Nashville	$500,000
1168	IL	For Village of Lemont to construct a bridge over Chicago Ship and Sanitary Canal linking Centennial Trail to I&M Canal Trail	$100,000
1169	OH	Construct roadway improvement along State Route 62 in Berlin	$100,000
1170	NY	Reconstruction and improvements of University Avenue and the extension of the ARTWalk project, Rochester	$2,000,000
1171	NH	Reconstruction and Improvements to NH Route 110 in Berlin	$2,000,000
1172	PA	Route 6 Resurfacing from Mansfield Borough in Richmond Township to the Village of Mainesburg in Sullivan Township	$1,000,000
1173	WA	SR 167—Right of way acquisition for a new freeway connecting SR 509 to SR 161	$2,500,000
1174	MD	I-70: Frederick	$3,000,000
1175	NY	Planning and Construction of Fort Drum Connector Rd	$6,000,000
1176	CA	Study and construct highway alternatives between Orange and Riverside Counties, directed by RCTC, working with local transp. authorities, and guided by the current MIS	$10,000,000
1177	CA	Fresno County, CA Widen Friant Road to four lanes with class II bicycle lanes	$1,500,000
1178	MO	Study for Highway 160 & Kansas Expressway Corridor	$2,000,000
1179	FL	Construct Route 9B from US 1 to Route 9A (I-295) to the Duval County line	$5,000,000
1180	PA	Design, const. widening of PA 94 from York-Adams County line to Elm Street in Hanover, PA	$3,000,000
1181	CA	Improvement of intersection at Burbank Blvd. and Woodley Ave	$160,000
1182	NY	I-81 Corridor Improvements in Syracuse, NY	$2,000,000
1183	WA	Perform final interchange design and property acqusition at Fleshman Way where it crosses SR 129, that enhances safety and passenger and freight mobility and reduces congestion	$1,050,000
1184	WA	Roosevelt Extension at Urban Avenue to Cameron Way in Mount Vernon	$4,000,000
1185	NJ	Hazel Street reconstruction, Passaic County	$2,250,000
1186	FL	Improvements to Eller Drive including right-of-way acquisition and construction of return loop connector	$1,000,000
1187	MO	Study Highway 37-60 Entire Corridor	$2,500,000
1188	TX	The District-Tyler Outer Loop 49 Construction	$5,880,000
1189	PA	Tidal Schuylkill Riverfront project consists of an eight mile bike and pedestrian recreation trail from Locust Street to Historic Bartram's Gardens	$1,680,000
1190	NY	Town of Fishkill reconstruct Maple Ave	$24,500
1191	IL	For IDOT to expedite pre-construction and construction to widen I-55 from Naperville Road south to I-80	$3,500,000
1192	UT	200 East Minor Arterial, Logan City, Utah	$900,000
1193	NJ	Construct I-287, I-80, Route 202 Interchange	$1,000,000
1194	NY	Design and construction of Fulton Street from Clinton Avenue to Bedford Avenue in Brooklyn, New York	$5,600,000
1195	TX	Port of Corpus Christi Joe Fulton International Trade Corridor for congestion and safety enhancements	$500,000
1196	MO	Renovations and Enhancements on the Bicycle Pedestrian Facility on the Old Chain of Rocks Bridge spanning the Mississippi River	$800,000
1197	CT	Construct Shoreline Transportation Enhancement Projects, Guilford, Branford, East Haven	$2,000,000
1198	NJ	Highway Improvements in Liberty Corridor	$5,000,000
1199	OH	Construct SR 104 into a 4 lane facility with a turning lane in Ross County	$6,000,000
1200	MO	Construct 2 lanes on Hwy 45 from Hwy 9 to Graden Road in Platte County	$3,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1201	MS	Plan and Construct Highway 45 Bypass in Columbus	$4,000,000
1202	PA	Reconstruct hwy & replace of bridge on US 422 between the Berks County Line and the Schuylkill River in Montgomery and Chester Counties	$1,500,000
1203	FL	Construct SR 20 connection to SR 100 via CR 309-C, Putnam County, Florida	$4,300,000
1204	OH	Road and related pedestrian improvements at SR 283 in the Village of Grand River, OH	$100,000
1205	NY	Road infrastracture projects to improve commercial access in the Towns of Malta and Stillwater and the Village of Round Lake, Saratoga County, New York	$8,150,000
1206	NY	Replace structurally deficient bridge over the Pocantico River, the Village of Pleasantville	$1,000,000
1207	IL	Complete Heavy Truck Loop for DuQuoin Industrial Park	$625,000
1208	MD	Construction and dualization of US 113	$15,000,000
1209	GA	Streetscape-Quitman	$200,000
1210	NY	Town of New Windsor Toleman & Station Roads Reconstruction and area Improvements	$715,000
1211	IL	Turning lanes to US Rt. 14 (Northwest Highway) at the Arthur Ave Union Pacific Grade in Arlington Heights	$700,000
1212	WA	Design and construct pedestrian land bridge spanning SR14	$1,354,000
1213	MI	Construction of Greenways in Pittsfield Charter Township—2.5 miles to existing Ann Arbor Greenways, Pittsfield Charter Township	$299,000
1214	CA	Golden Gate National Parks Conservancy—Plan and Implement Trails & Bikeways Plan for the Golden Gate National Recreation Area and Presidio	$5,200,000
1215	NY	State of NY Village of Kiryas Joel sidewalk project	$750,000
1216	OH	Tuscarawas Township, Stark County, Ohio. Improvements to Alabama Ave	$800,000
1217	NE	Resurfacing of Bellevue Bridge, City of Bellevue, Nebraska	$500,000
1218	CA	Upgrade and reconstruct I-580/ Vasco Road Interchange, City of Livermore	$2,500,000
1219	TX	Build Bike Trail at Chacon Creek in Laredo	$3,300,000
1220	UT	3200 South Project, Nibley, Utah	$1,000,000
1221	NJ	Expand Route 440—State Street Interchange in Perth Amboy	$5,000,000
1222	GA	Improvement and construction of SR 40 from east of St. Marys cutoff at mile post 5.0, Charlton County to County Route 61, Camden County, Georgia	$2,000,000
1223	PA	Erie, PA Regional upgrades to urban-rural corridors	$800,000
1224	GA	Georgia Construct Three Greenway Trail Project, Dekalb County	$2,000,000
1225	FL	Croos Creek Boulevard Widening	$1,000,000
1226	MD	Implement Intelligent Transportation System in Baltimore	$500,000
1227	OH	Construct an access road into the industrial park near SR 209 and CR 345 in Guernsey County	$800,000
1228	CA	Improve the Rosecrans Ave and Alondra Blvd bridges over the San Gabriel River in Bellflower	$50,000
1229	PA	Independence National Historic Park scenic enhancement and pedestrian walkways improvement project in conjunction with the park's Executive Mansion Exhibit	$4,500,000
1230	CA	Modesto, Riverbank & Oakdale, CA Improve SR219 to 4-lanes	$2,000,000
1231	ME	Modifications to Exit 7/I-295 and to Franklin Arterial, Portland	$3,380,000
1232	KY	Replace Bridge and Approaches on Searcy School Road over Beaver Creek, Anderson County	$875,000
1233	NJ	Route 22 Sustainable Corridor Plan	$5,750,000
1234	NY	Conduct studies, if necessary, and construct the High Line Trail Project, New York City	$5,000,000
1235	WA	Install dual left turn lanes and intersection signal modifications at SR432 and Columbia Blvd	$1,750,000
1236	OK	Transportaion enhancements for Highway 19 from Ada to Stratford	$3,000,000
1237	CA	Interstate 15-Base Line Road Interchange Project, Rancho Cucamonga, California	$5,000,000
1238	SC	Build Interchange at US 17 and Bowman Road in Mount Pleasant, SC	$6,000,000
1239	CA	Complete Monterey Bay Sanctuary Scenic Trail between Monterey and Santa Cruz counties	$6,000,000
1240	NY	Improve Hospital Road Bridge between CR99 and CR101, Patchogue	$6,000,000
1241	NV	Construct Martin Luther King Blvd.—Industrial Rd. Connector	$6,000,000
1242	MI	I-96 Beck, Wixom Road Interchange, design, ROW, and construction	$1,000,000
1243	IA	Muscatine, IA Construction of 4.2 mile multi-purpose trail from Musser Park to Weggens Road	$500,000
1244	GA	Historic preservation of a city bus station in downtown Eastman	$134,917
1245	TX	Construction of internal roads at Port of Brownsville to make roads safer with less wear and tear	$1,000,000
1246	NY	NYSDOT Route 55 turning lane at Gardner Hollow Road	$400,000
1247	TN	Plan and construct a bicycle and pedestrian trail, Lewisburg	$100,000
1248	TX	Reconstruct Danieldale Rd from I-35E to Houston School Rd in Lancaster	$2,000,000
1249	CT	Relocation of Edmond Road in Newtown and construction of additional turning lanes at Rte 6 and Commerce and Edmond Rds	$600,000
1250	OH	Construction of Interchange at State Route 8 and Seasons Road, Stow, OH	$3,000,000
1251	NJ	North Avenue-Route 1 Elizabeth Pedestrian and Bicycle Project	$75,000
1252	AL	Pedestrian Improvements for Morris, AL	$100,000
1253	NY	Preliminary design and environmental impact study for a collector-distributor road along I-95 from Westchester Ave. to Bartow Ave	$7,360,000
1254	NJ	Replacement of Signals at the Intersections of Centennial Ave @ Lincoln Ave and Walnut Ave @ Lincoln Ave, Cranford, NJ	$490,000
1255	KS	Replacement or rehabilitation of the Amelia Earhart US-59 Bridge in Atchison County, Kansas	$2,000,000
1256	CA	San Diego, CA Interstate 15 Managed Lanes	$1,000,000
1257	CA	Central Galt & State Route 99 Interchange and Access Improvements	$3,000,000
1258	OH	Springfield, OH Relocation of North Street	$2,500,000
1259	KY	Reconstruct KY 89 from Irvine Bypass to 2000 Feet North of Estill County High School, Estill County	$750,000
1260	NY	Town of East Fishkill new construction Bypass road	$800,000
1261	CA	Establish new grade separation at Sunset Ave in Banning	$2,000,000
1262	CT	Construct and Widen Stamford Rail Underpass & Road Realignment Project	$1,000,000
1263	TN	Hamblen County, Tennessee US11E (SR34) interchange improvements	$1,000,000
1264	IL	Implement ITS and congestion Mitigation Project on I-294 and I-90	$4,000,000
1265	AZ	Bridge at 59Th Ave and Glendale Ave	$2,000,000
1266	TX	Hike and bike trail will tie into the Gellhorn Dr. project providing an improved multi-modal transportation facility	$1,000,000
1267	OH	Jackson Township, Ohio—Hill and Dales Road widening	$2,000,000
1268	SC	Build 701 Connector (Southern Conway Bypass) in SC	$5,000,000
1269	MN	Reconstruct I-694 White Bear Avenue (CSAH 65) Interchange in White Bear Lake	$500,000
1270	WI	Replace 17th Street Lift Bridge, Two Rivers, Wisconsin	$6,000,000
1271	MA	Route 116 and Bay Road Intersection Improvements—Amherst	$4,000,000
1272	IL	Streetscape improvements on Blue Island from 19th—21st St, Chicago	$1,000,000
1273	TN	Construct and improves intersections in Niota, Tennessee	$100,000
1274	CA	Upgrade Bellflower intersections at Alondra Blvd and at Rosecrans Ave in Bellflower	$350,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1275	NJ	Construct Riverbank Park Bike Trail, Kearny	$2,500,000
1276	NC	Install ITS on US 52 in Forsyth County	$400,000
1277	MD	Construction and dualization of MD 404 in Queen Anne, Talbot and Caroline Counties	$7,000,000
1278	NY	Dutchess County, NY Replace County Bridge BIN 3358440 on DeGarmo Road CR43, Town of Poughkeepsie	$250,000
1279	IL	Upgrade connector road from IL Rt I-255 to IL Rt 3, Sauget	$2,400,000
1280	NJ	Reconstruction of Route 46/Route 3/Valley Rd/Notch Rd Interchange	$12,000,000
1281	MS	Upgrade roads in Attala County District 4 (Roads 4211 and 4204), Kosciusko, Ward 3 (U.S. Hwy 16), and Ethel (U.S. Hwy 12), Attala County	$1,000,000
1282	TX	Construction of streets in the White Heather area of Houston	$9,250,000
1283	MS	Upgrade roads in Canton (U.S. Hwy 51, 22, 16 and I-55), Madison County	$400,000
1284	IA	Reconstruction of the Neal Smith Trail, bicycle and pedestrian, Polk Co	$1,000,000
1285	CA	Rehabilitate pavement on Azusa Avenue and San Gabriel Avenue in Azusa	$500,000
1286	CA	South Bay Cities COG Coastal Corridor Transportation Initiative, Phase 3, El Segundo	$2,000,000
1287	MS	Upgrade roads in Terry, Edwards, Utica and Bolton, Hinds County	$1,250,000
1288	FL	US 1 six laning from St. Lucie County line to south of 4th St in Indian River County, FL	$1,000,000
1289	MD	Expand Route 29 in Howard County	$5,000,000
1290	WA	Issaquah SE Bypass	$5,000,000
1291	NY	Town of Patterson Couch Road project	$75,000
1292	MD	US 220 MD 53 North South Corridor	$1,000,000
1293	NJ	Improvements to Clove Road and Long Hill Road in Little Falls and Upper Mountain Ave. in Montclair	$2,750,000
1294	HI	Study of East Hawaii Alternative Road, Island of Hawaii	$200,000
1295	FL	Town of Southwest Ranches Urban Interchange	$2,000,000
1296	CA	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	$2,000,000
1297	CA	Almaden Expressway Improvements between Branham Lane and Blossom Road, San Jose	$3,500,000
1298	AR	Construct and rehabilitate University of Arkansas Technology Corridor Enhancement Project	$1,200,000
1299	CO	US 550, New Mexico State Line to Durango	$6,000,000
1300	TX	Construct bicycle and pedestrian trails in Houston's historic Third Ward	$750,000
1301	NY	Village of Cold Spring Main St. sidewalk and lighting improvements	$250,000
1302	NY	Village of Goshen Hatfield Lane reconstruction	$250,000
1303	SC	Plan and build Interstate 73 from NC line to Myrtle Beach, SC	$10,000,000
1304	TX	IH-35E Bridge Reconstruction over Lake Lewisville	$1,000,000
1305	FL	Construct College Road Improvements, Key West, Florida	$500,000
1306	NY	West Harlem Waterfront-ferry, intermodal and street improvements	$14,000,000
1307	CA	Construct sound barriers at the I-805/S.R. 54 Interchange, National City	$850,000
1308	NY	Road projects that develop Access to Port Byron and Erie Canal	$1,250,000
1309	FL	West Palm Beach, Florida, Flagler Drive Reconfiguration	$1,000,000
1310	AL	Construct extension of I-565 westward fromexisting interchange to existing Tennessee River bridges at Decatur, AL	$5,000,000
1311	CT	Construct Farmington Canal Greenway enhancements, New Haven and Hamden	$2,500,000
1312	GA	Replace sidewalks, upgrade lighting, and install landscaping, Helena	$400,000
1313	IA	Upgrade US 30 Liberty Square in City of Clinton, Iowa	$9,500,000
1314	HI	Study of Waianae Coast Emergency Access Road	$500,000
1315	NY	Westchester County, NY Rehabilitation of Lexington Ave, Mt. Kisco	$500,000
1316	CA	Widen and Improve County Line Road in Calimesa	$2,000,000
1317	OH	Construct turn lane, install traffic light, and reorient traffic on SR 146 near Bussemer Lane in Muskingum County	$600,000
1318	RI	Restore and Expand Maritime Heritage site in Bristol	$1,000,000
1319	OH	City of Green, Ohio. Lauby Road exit improvements	$1,500,000
1320	NY	Construct Bicycle Path in Town of Bedford	$500,000
1321	CA	Compton Arterial Reconstruction and Improvement Program, Compton	$4,000,000
1322	MT	Construction of S. 323 from Alzada to Ekalaka in Carter County	$12,000,000
1323	IL	Improve Great River Road, Mercer County	$500,000
1324	FL	Normandy Blvd. & Cassat Ave. Transportation Enhancements, Jacksonville	$500,000
1325	OH	North Canton, OH Applegrove St. road widening	$3,000,000
1326	MA	Design & Build Cape Cod Bike Trail, with Shining Sea Bikeway, to link core with outer Cape communities & heavily visited national sites	$4,000,000
1327	TN	Plan and construct N. Tennessee Boulevard enhancements	$500,000
1328	NJ	Quinn Road realignment, Clifton	$3,000,000
1329	MO	Reconstruct Interstate 44 and Highway 65 Interchange	$16,300,000
1330	MN	Reconstruct TH61 from Beaver Bay to Silver Bay. Construction of Gitchi-Gami Spur Trail between main trail and Silver Bay Marina along TH61 roadway segment	$6,800,000
1331	KY	Reconstruction of KY259 in Edmonson County from Green River Bridge at Brownsville to Kyrock Elementary School	$1,000,000
1332	LA	Construction of a merge lane at the intersection of I-10 and US 190	$500,000
1333	AL	Expand SR-210 (Ross Clark Circle) from US231 North to US231 South in Dothan, AL	$3,000,000
1334	MD	Construct interchange at MD Route 355 at Montrose and Randolph Roads in Montgomery County	$2,000,000
1335	CA	Construct new interchange and related road improvements on US101 near Airport Blvd, Salinas	$3,670,000
1336	PA	COnstruct the French Creek Parkway in Phoenixville, PA	$5,000,000
1337	MN	Capacity and safety improvements to TH 8, west of 306th St. to eastern city limits, Lindstrom	$7,200,000
1338	VA	Eastern Seaboard Intermodal Transportation Applications Center (ESITAC) in Hampton Roads	$1,500,000
1339	IL	Construct underpass at intersection of Damen/Fullerton/Elston Avenues, Chicago	$5,500,000
1340	AR	Highway 165: Railroad Overpass	$2,000,000
1341	FL	Implement Snake Road (BIA Route 1281) Widening and Improvements	$1,000,000
1342	CA	Construction of freeway between I-15 and US-395	$5,000,000
1343	OH	Lake Township, Ohio. Market Avenue-Lake Center intersections improvement	$2,200,000
1344	CT	Construct Quinnipiac Linear Trail, Wallingford	$1,000,000
1345	MI	Construction of a hike and bike path from Riverbends Park, 22 Mile Road, to Stony Creek Park, 25 Mile Road in Shelby Township	$500,000
1346	IN	Reconstruct Boston Street, from State Road 2 to Bach St., Larson-Whirlpool St. in LaPorte, Indiana	$500,000
1347	OR	Improvements to Bandon-Charleston State Scenic Tour on Randolph Road and North Bank Lane	$4,200,000
1348	VA	Conduct study of Route 460 Corridor, Virginia	$2,000,000
1349	NJ	Construct Sparta Stanhope Road Bridge (AKA Bridge K-07)	$1,000,000
1350	KY	Reconstruct Turkeyfoot Road, Kenton County, Kentucky	$3,000,000
1351	OH	Construct additional lane to alleviate traffic congrestion on US 40 in and adjacent to St. Clairsville	$800,000
1352	CO	CO 56th Avenue & Quebec Street Improvements Phase I, Denver	$6,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1353	OH	Construct Truck Bypass—Orville, Ohio	$6,004,400
1354	PA	Conversion of Penn and Park Bridges located over Spring Run in Altoona, Pa into pedestrian bridges	$50,000
1355	CA	Coyote Creek Trail Project—Story Road to Montague Expressway	$2,500,000
1356	PA	Construct Cameron Street Bridge Northumberland County, Pennsylvania	$1,000,000
1357	OH	Construct upgrade of SR 16 to 4 lanes from SR 60 to SR 16 in Coschocton County	$3,000,000
1358	OH	Medina, Ohio. Guilford Avenue urban road collector pavement reconstruction	$1,960,000
1359	TN	Improvements to I-40 interchange at I-240 East of Memphis (Phase II)	$3,000,000
1360	WY	Casper Bypass: Reconstruct Old Yellowstone Hwy and 2nd St	$5,000,000
1361	NY	Construct sidewalks and roadway improvements on Oscawana Lake Road in the Town of Putnam Valley	$600,000
1362	LA	Engineering and right of way acquisition for I-49 Corridor	$10,000,000
1363	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Edwardsville Borough, Luzerne County	$200,000
1364	IL	Foster Avenue at Kedzie Avenue Streetscape	$2,000,000
1365	WV	Construct I-73/74 High Priority Corridor, Mercer Co	$11,200,000
1366	NY	Improve Long and Short Beach Road, Southampton	$2,100,000
1367	CA	Modify I-880 & Stevens Creek Boulevard Interchange to ease traffic congestion in San Jose	$12,000,000
1368	NY	Improve road and streetscape along Prospect Avenue in North Hempstead	$1,000,000
1369	CA	Palm Drive & Interstate 10 interchange project	$2,750,000
1370	MN	Reconstruct TH 36 from expressway to freeway in North St. Paul	$6,000,000
1371	CA	Construct I-580 Interchange Improvements in Castro Valley	$1,200,000
1372	AL	Expand US331 from Luverne, AL to Montgomery, AL	$3,000,000
1373	TX	Construction of highway medians, pedestrian walkways for City of South Padre Island	$500,000
1374	NY	Construct Rt. 12 intersection between Pamela Drive-River Road-Located in the Town of Chenango	$2,400,000
1375	IL	Construct Streetscape Project, Village of Robbins	$800,000
1376	GA	Effingham Parkway to Connect SR119 to SR30	$3,000,000
1377	MD	Construct Phase 2 of the Jones Falls Trail from Baltimore Penn Station to the Maryland Science Center on the Inner Harbor	$4,000,000
1378	IL	For Will County for engineering and right-of-way acquisition to extend 95th Street from Plainfield-Naperville Road east to Boughton Road	$500,000
1379	PA	Construct Valley Business Park Access Road C, Bradford County	$2,700,000
1380	LA	Improve by widening, realigning, & resurfacing 3.2 miles of LA Hwy 820 btwn LA Hwy 145 & LA Hwy 821	$2,000,000
1381	IN	45th Street Improvements, Munster	$500,000
1382	NY	Install Improvements for Pedestrian Safety in the vicinity of PS 124	$250,000
1383	VT	Construction and engineering for the Vermont Smugglers Notch Scenic Highway Corridor Southern Gateway and Notch Proper Facilities	$1,085,514
1384	OH	Planning and construction of a network of recreational trails in Perry Township	$950,000
1385	GA	Construction of the Truman Linear Park Trail-Phase II	$1,260,000
1386	NJ	Pedestrian and bicycle facilities, and street lighting in Haddon Heights/Barrington	$750,000
1387	CA	Reconstruct interchange at I-10 and Riverside Avenue to improve traffic in Rialto	$2,000,000
1388	CA	Reconstruct Bloomfield Av. with medians from Carson St. to north city limits in Hawaiian Gardens	$400,000
1389	SC	Extension of Wells Highway, Oconee County, South Carolina	$2,000,000
1390	CA	Reconstruct Paramount Bl. with medians and improve drainage from Artesia Bl. to Candlewood St. in Long Beach	$600,000
1391	IL	Reconstruction of 5th Street Road (FAS 569)in Logan County, IL	$952,570
1392	WA	Reconstruction of SR99 (Aurora Ave N) between N 145th St and N 205th St	$2,000,000
1393	NY	Page Green—Phase III—Reconstruction of 2.6 miles. Town of Virgil, Cortland County	$3,600,000
1394	MI	Gogebic County, Reconstruct Lake Road in Ironwood from Margaret Street to Airport Road	$805,000
1395	GU	Piti, GU Construct Cabras Island Intermodal Facility	$6,000,000
1396	IN	Redevelop and Complete the Cardinal Greenway and Starr-Gennett Area in the City of Richmond, Indiana	$3,000,000
1397	NY	Rehabilitate and redesign Erie Canal Museum in Syracuse, NY through the Erie Canalway National Heritage Corridor Commission	$400,000
1398	OH	Construction of 6.25 mile bicycle project in Mahoning County	$500,000
1399	NM	I-40/Munoz Reconstruction in the City of Gallup	$1,500,000
1400	TX	Rehabilitate Yale Street between IH10 to IH610	$1,000,000
1401	CA	Reconstruct Long Beach Bl. with medians and improve drainage from Palm Av. to Tweedy Bl. in Lynwood	$3,000,000
1402	CA	Expand carsharing pilot program to serve low- and moderate-income neighborhoods in the City and County of San Francisco	$2,000,000
1403	FL	Implement Kennedy Boulevard corridor improvements to improve safety in Tampa	$2,500,000
1404	MD	Construct Broadneck Peninsula Trail, Anne Arundel County, Maryland	$1,500,000
1405	MO	Relocation and reconstruction of Rt MM from Rt 21 to Rt 30	$15,680,000
1406	MN	Replace three at-grade highway-railroad crossings with grade-separated crossings adjacent to Winona State University	$2,000,000
1407	CA	Construct Traffic flow improvements Vincent and Lakes Drive, West Covina	$750,000
1408	CA	Construction of an interchange located at the intersection of future State Route 65 and Ferrari Ranch Road-Westwood in Placer County	$3,000,000
1409	KS	Construct highway-rail grade separation from Douglas Avenue to 17th Street North in Wichita, KS	$14,000,000
1410	OH	Conduct Phase II of U.S. Route 68 bypass project in Urbana	$2,300,000
1411	GA	Construct sidewalks and install landscaping, Vienna	$500,000
1412	TX	Extension of FM 1427 in Penitas	$700,000
1413	MD	MD 124, Woodfield Road, from Midcounty Highway to Warfield Road	$2,000,000
1414	CA	Rio Vista Bridge Realignment Study & Street Sign Safety Program	$700,000
1415	CO	SH 121—Bowles Ave Intersection and Roadway Improvements, Jefferson County Colorado	$2,000,000
1416	NY	Implement Improvements for Pedestrian Safety in Queens County	$1,000,000
1417	NY	Repair and improve Jericho Turnpike (NYS HWY 25) and construct streetscapes along the Turnpike in New Hyde Park	$2,000,000
1418	GA	SR 316/SR 20 interchange construction Gwinnett, County	$500,000
1419	IL	Construct Pedestrian walkways and streetscaping projects in the Village of Western Springs	$4,210,000
1420	WA	SR 518 corridor—Improvements to SR 518-509 interchange and addition of eastbound travel lane on a portion of the corridor	$1,000,000
1421	CA	Development and construction of improvements to State Route 79 in the San Jacinto Valley	$3,000,000
1422	MN	Construct roadway improvements on the Great River Road on CSAH 10 and CSAH 21, Aitkin County	$6,960,000
1423	WA	Conduct preliminary engineering and EIS for Columbia River Crossing in WA and OR	$10,000,000
1424	NC	Greensboro Signal System Replacement ITS Enhancement Project	$12,500,000
1425	MN	Reconstruction of 1 mile of CR 107 from CSAH 2 to Highway 11 and 71, Koochiching County	$500,000
1426	OH	Plain Township, Ohio. Market Avenue widening	$5,000,000
1427	LA	Construct right of way improvements from Third St. at James St. to LA. Hwy. One at Broadway St. Acquire property at Third St. and Winn St	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1428	PA	State Street Bridge Rehabilitation, Hamburg	$1,500,000
1429	OH	Construct Flats East Bulkhead and Riverwalk: construct bulkhead and riverwalk connecting Front and Maine Ave	$4,150,000
1430	NY	Construct/reconstruct Lincoln Road: Commercial Street to Route 31F in the Town-Village of East Rochester	$900,000
1431	OH	Acquire land and construct Portage Bike and Hike Trail, Portage Co	$1,000,000
1432	NC	Continued development of Cary, NC pedestrian bike paths	$1,500,000
1433	TX	Cottonflat Road overpass at Interstate 20	$1,500,000
1434	NY	Improve Rt. 17M access, safety and traffic management	$750,000
1435	OH	Safety improvements to Paris Avenue intersections and Meese Rd. and Easton St.—Nimishillen Township, Ohio	$1,500,000
1436	CA	Alameda Corridor-East Construction Authority, San Gabriel Valley	$300,000
1437	WA	Construct a tunnel as part of the Bremerton Pedestrian-Bremerton Transportation Center Access Improvement project	$21,000,000
1438	NC	Expand Derita Road	$2,000,000
1439	NJ	Hoboken Observer Highway Operational and Safety Improvements	$2,500,000
1440	CA	Reconfigure San Fernando Road from Fletcher Drive to I-5 Fwy, Los Angeles	$7,000,000
1441	NY	Construction of an access road, drainage improvements, and aesthetic enhancements adjacent to Ocean Parkway in the Town of Babylon, NY	$2,430,000
1442	TX	Construct highway improvements on E. Tidwell, Ley Rd, and E. Little York Rd	$2,800,000
1443	AZ	Construct pedestrian and bicycle overpass at McDowell Road & 35th Avenue in Phoenix	$3,000,000
1444	TX	Reconstruct I-30 Trinity River Bridge, Dallas	$20,000,000
1445	PA	Armstrong and Indiana County, Pennsylvania, U.S. 422 Improvements	$2,000,000
1446	TX	Bicycle and Pedestrian Trail Network in East Austin	$9,600,000
1447	NV	Construct I-15 Cactus Avenue	$10,000,000
1448	AL	I-65 Widening from U.S. 31 in Alabaster (Exit 238) to AL 25 in Calera (Exit 228)	$8,000,000
1449	NY	Improve Route 4 Streetscape and replace waterlines, Town and Village of Fort Edward, Washington County	$4,350,000
1450	OH	Planning and construction on bike paths and trails as part of Phases III-VI in Ashtabula Metroparks Western Reserve Greenway	$1,000,000
1451	CO	Construction of Powers Boulevard and Woodman Road interchange, Colorado Springs	$8,000,000
1452	MN	Environmental review for TH8 upgrade, Forest Lake to Chisago City	$600,000
1453	MD	Construct Pedestrian Bridge and Garage at Coppin State University in Baltimore	$2,100,000
1454	MD	Historic Preservation and Traffic Improvements along Liberty Heights Ave. and in Druid Hill Park in Baltimore	$1,800,000
1455	NC	I-85 in Vance County	$1,000,000
1456	PA	Design and construct interchange and related improvements at I 83 Exit 19	$6,000,000
1457	IL	Preconstruction and Construction at IL 31 from Bull Valley Road to IL 176	$2,420,000
1458	MS	Replace Popps Ferry Road Bridge, Biloxi	$4,000,000
1459	IL	Reconstruct Lakeshore Drive Overpass over Wilson avenue, Chicago	$1,500,000
1460	AL	Pedestrian Improvements for Moody, AL	$100,000
1461	MA	Design and construct Canal and Union Street Corridor improvements, Lawrence	$800,000
1462	OH	Construct new two lane road to Sycamore Street in Gallia County	$1,250,000
1463	AL	Construct interchange on Interstate 85 at Beehive Road in Auburn, AL	$500,000
1464	ME	Improvements to the Interconnecting Trail System for bike/pedestrian trails near Baxter State Park	$500,000
1465	TX	ROW acquisition for 87 Relief Route	$1,500,000
1466	WA	Restore and construct historic Naches Depot and Trail project	$500,000
1467	GA	S.R. 20 widening from I-575 to S.R. 369, Cherokee County	$1,000,000
1468	IL	Road Construction and reconstruction in the Village of Hampshire: Keyes Ave., Industrial Drive Overlay, and Mill Avenue	$2,300,000
1469	IL	Conduct study and design of Chicago North lakefront path expansion project	$1,000,000
1470	MS	I-59 interchange at US 84 and SR 15, Laurel	$2,000,000
1471	TX	Improvements to IH-35E from US 77 North of Waxahachie to US 77 South of Waxahachie	$3,000,000
1472	MO	Scudder Road and I-170 Interchange Improvements, St. Louis County	$2,000,000
1473	GA	Construct and Improve Cobb County Trails	$1,500,000
1474	MS	Extend SR 590 from US 11 to SR 29 near Ellisville	$3,500,000
1475	IN	Improve Intersection at Jackson Street and Morrison Road in the City of Muncie, Delaware County, Indiana	$560,000
1476	CO	Construction of McCaslin Boulevard US 36 Interchange in Superior	$1,000,000
1477	MA	Route 128 Improvements—Route 114 in Peabody to Route 62 in Danvers	$2,000,000
1478	TX	Lubbock, Texas Construction for Marsha Sharp Freeway main lanes between Chicago and Salem Avenues	$5,600,000
1479	NH	South Road Mitigation in Londonderry	$1,000,000
1480	NY	Paul Road—Fisher Road Improvements, Town of Chili, Monroe County	$4,000,000
1481	CA	Construct truck lane on Keystone Road from State Route 111 to Austin Road, Imperial County	$2,500,000
1482	MS	Construct East Metropolitan Corridor linking I-20 at Brandon to Hwy 25 at Flowood	$5,000,000
1483	LA	Leeville Bridge, Port Fourchon to Golden Meadow	$5,000,000
1484	GA	National Infantry Museum Transporation Network	$3,000,000
1485	AL	Interchange at I-65 and Limestone County Road 24 Constuction	$1,000,000
1486	PA	Project to realign intersection of King of Prussia Road and Upper Gulph Road to provide turning lanes and signalization	$1,649,000
1487	MO	Construct diamond interchange at US 71 and Business 71 in Maryville	$2,000,000
1488	SD	Construction of four-lane highway on US 79 between Maverick Junction, and the Nebraska border	$7,500,000
1489	IL	130th and Torrance Avenue Intersection Improvement, Chicago	$9,000,000
1490	OK	Improvements to Hereford Lane and US69 Interchange, McAlester	$1,000,000
1491	GA	Athens-Clarke County Bike Trail Project	$1,400,000
1492	CT	Construct UCONN Storrs Campus-Hillside Road	$5,000,000
1493	NM	I-25, Tramway North to Bernalillo, Reconstruction	$2,000,000
1494	NJ	Planning for Liberty Corridor	$500,000
1495	OR	Sellwood Bridge Replacement,—Multnomah County	$2,000,000
1496	NM	Statewide ITS Deployment	$200,000
1497	FL	Acquire Land and Construct the Englewood Interstate Connector in Sarasota County, Florida	$3,000,000
1498	NY	Elevate and construct drainage improvements to Beach Road, Canal Road, and Sea Breeze Road in Massapequa, New York	$3,000,000
1499	TX	Design and construction streetscape improvements in Midtown, enhance pedestrian access	$1,000,000
1500	NY	Replace sidewalk along Route 9A in Hamlet of Montrose, Town of Cortlandt	$330,000
1501	MN	Construction and widening of TH241 in the city of St. Michael, MN	$2,000,000
1502	GA	I-75 lanes from Aviation Boulevard to SR 54, Clayton County	$1,500,000
1503	VT	Construction and rehabilitation of the Cross Vermont Trail for the Cross Vermont Trail Association	$1,386,000
1504	NY	Construction of a new ramp from 9A Southbound to Taconic State Parkway Southbound, Westchester County	$1,775,000
1505	NY	Restore vehicular traffic to Main Street in Downtown Buffalo	$5,000,000
1506	MI	Construction of 5 lane concrete pavement with curb, gutter and sewer on Romeo Plank Road from M-59 to 23 Mile Road in Macomb Township	$8,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1507	NY	Enhance road and transportation facilities in the vicinity of the Brooklyn Children's Museum	$50,000
1508	IL	Construct and expand Northwest Illinois US Rte 20 from Freeport to Galena, IL	$3,000,000
1509	CA	Construction of new roadway lighting on major transportation corridors in the Southwest San Fernando Valley	$1,000,000
1510	MO	Construct Interstate flyover at Hughes Road and Liberty Drive to 76th Street. Part of Liberty Parkway Project	$18,000,000
1511	CA	Freeway 180 Improvements Fresno	$9,500,000
1512	NY	Construct sidewalks and curbs on Valley Road in Town of Bedford	$450,000
1513	OK	Construction of rail crossing in Claremore at Blue Star Drive and SH66	$2,000,000
1514	IL	Improve U.S. Route 34 from Kewanee to Kentville Road	$500,000
1515	IL	For Naperville Township to fund improvements to North Aurora Road	$200,000
1516	WA	Kent—Construct a single point urban interchange (SPUI) under I-5 at South 272nd St	$1,000,000
1517	TN	Construct Interpretive Visitor Center for the Cherokee Removal Memorial Park Trail of Tears site in Meigs County, TN	$1,000,000
1518	GA	Create a greenway trail along the Oconee River connecting parks, preserving historic sites, and promoting economic development	$2,000,000
1519	PA	Design, engineering, ROW acquisition, & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Dunmore Borough, Lackawanna County	$400,000
1520	PA	Add turn lane, modify signals and install pavement markings at intersection of PA422 and PA662 in Amity Township	$2,430,000
1521	WI	Construct bicycle/pedestrian path and facilities in the Central park area of Madison	$3,500,000
1522	VA	Expand Route 15 29 in Culpeper, Virginia	$2,000,000
1523	WV	Fairmont Gateway Connector System to provide an improved highway link between downtown Fairmont and I-79 in the vicinity of Fairmont	$22,000,000
1524	OR	Construct Barber Street extension, Wilsonville	$3,000,000
1525	FL	Four-laning SR 281 (Avalon Boulevard) in Santa Rosa County from Interstate 10 to north of CSX RR Bridge	$12,500,000
1526	OR	Interstate 5 Interchange at City of Coburg	$9,000,000
1527	IL	Construction of a bridge at Stearns Road in Kane County, Illinois	$2,000,000
1528	TX	East 7th Street Improvements in Austin	$525,000
1529	GA	Rebuild SR-10 Memorial Drive for bicycle and pedestrian safety, from Mountain Drive to Goldsmith Road, Dekalb County	$2,000,000
1530	NJ	Provide an alternative route for traffic passing though congested SR31 corridor in Flemington NJ	$2,000,000
1531	CA	Construction of a smart crosswalk system at the intersection of Arminta St. and Mason Ave	$50,000
1532	WI	Reconstruct U.S. Highway 41 north of Lake Butte des Morts Bridge, Wisconsin	$15,400,000
1533	PA	Improvements to 8th and 9th Street bridges between Pleasant Valley Blvd. and Valley View Blvd, Altoona, Pa	$490,000
1534	LA	Construction of a direct intermodal truck access road from Interstate 210 to the City Docks of the Port of Lake Charles	$13,000,000
1535	TX	Construct Links Hike & Bike Trail Project. 2.2 mile trail project connecting Gaylord Texan to Grapevine Mills Mall. Grapvine, TX	$500,000
1536	GA	Construct sidewalks between Marion Middle School, City Park, and Community Center, Buena Vista	$300,000
1537	IL	Construct a four lane connection between Rt. 13 and Rt. 45	$1,000,000
1538	MI	Plymouth, Haggerty Road from Plymouth Rd. to Schoolcraft Rd	$500,000
1539	TN	Provide streetscape improvements and pavement repair, Greenback, Tennessee	$250,000
1540	IA	Reconstruction of NE 56th St, eastern Polk Co	$1,000,000
1541	IL	Relocate Pocket Road for Access to Racehorse Business Park, Alorton	$500,000
1542	CT	Construct roadway on East Commerce Drive, Oxford, CT	$500,000
1543	TN	Niota, TN Improve vehicle efficiencies at highway At-Grade Railroad Crossing	$57,000
1544	FL	Plan and Construct 17th Street connector in the City of Sarasota, FL	$2,000,000
1545	VT	Reconstruction and widening of U.S. Route 5 for the Town of Hartford	$1,500,000
1546	MO	Relocate the entrance to the Shaw Nature Reserve that is being altered due to a redesign of the Gray Summit I-44 interchange project	$500,000
1547	DC	Replace and reconstruct South Capitol Street/Frederick Douglass Memorial Bridge	$30,000,000
1548	MI	Complete 13.8 miles of nonmotorized pedistrain Fred Meijer Heartland Trail of 30.1 miles	$2,000,000
1549	MO	Roadway improvements on U.S. 60 from Willow Springs to the Van Buren Area	$10,000,000
1550	UT	Construct Parley's Creek Trail	$5,000,000
1551	ME	Construction of Calais/St. Stephen Border Crossing Project	$5,000,000
1552	FL	Alleviate congestion at Atlantic Corridor Greenway Network, City of Miami Beach, FL	$2,000,000
1553	MD	Construction of MD 331 Dover Bridge	$4,318,000
1554	NY	Improve Traffic Flow on Noel Road between Church and Crossbay Boulevard Including Work Necessary to Demolish and Reconstruct the Firehouse Facility	$1,000,000
1555	PA	Construct 9th and 10th Street bridges over Norfolk Southern Tracks, Lebanon	$7,000,000
1556	AS	Drainage mitigation in Malaeloa-Leone village roads	$1,400,000
1557	CA	Improve I-8 off ramp at Ocotillo to the Imperial Valley College Desert Museum/Regional Traveler Visitor Center, Imperial County	$1,000,000
1558	CA	Install new grade separation at Ranchero Road in Hesperia	$5,000,000
1559	NY	Bartow Ave Ramp and Reconstruction at the Hutchinson Parkway	$1,600,000
1560	FL	Airport Access Rd., Gainesville	$1,000,000
1561	WA	Intersection project at South Access-522 beginning and ending at the UWB-CCC campus to improve access and alleviate congestion	$3,000,000
1562	NJ	Reconstruction of CR 530 from RT 206 to CR 644. Construct shoulders, travel lanes, center turn lane, drainage improvements & traffic signal	$10,000,000
1563	NY	Improve SCCC roads, Fallsburg	$1,500,000
1564	CA	Add turn lane and adaptive traffic control system at intersection of San Tomas Expressway and Hamilton Avenue in Campbell	$1,600,000
1565	CA	Interchange improvements at Rice Avenue and U.S. Highway 101 in the City of Oxnard	$3,300,000
1566	GA	Northside Drive Multi Modal Corridor	$2,000,000
1567	GA	Replace sidewalks, meet ADA guidelines, and install a crosswalk, McRae	$400,000
1568	TX	Ritchie Road from FM 1695 to US 84, Waco	$3,000,000
1569	AR	Maumelle Interchange—for third entrance into Maumelle	$500,000
1570	CT	Construct bike/pedestrian path, Shelton	$1,000,000
1571	MD	Rehabilitate Roadways Around East Baltimore Life Science Park in Baltimore	$5,500,000
1572	AL	City of Vestavia Hills Pedestrian Walkway to Cross U.S. 31	$1,000,000
1573	IN	Replace Samuelson Road Underpass, Portage	$3,162,890
1574	IL	Construct Commuter Parking Structure in the Central Business District in the vicinity of La Grange Road	$3,700,000
1575	PA	Design and construct inner loop roadway around Shippensburg Boro	$500,000
1576	WV	Construct I-73/74 High Priority Corridor, Mingo Co	$12,000,000
1577	NY	Roadway improvements to Jackson Avenue between Jericho Turnpike and Teibrook Avenue	$2,250,000
1578	OR	Rogue River Bikeway/Pedestrian Path, Curry County	$600,000
1579	CA	San Gabriel Blvd Intersection Improvements at Broadway and at Las Tunas, San Gabriel	$200,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1580	NY	Improvements to Erie Station Road, Town of Henrietta, Monroe County	$1,000,000
1581	IA	Sioux City, Iowa Hoeven Corridor—Outer Drive Project	$1,500,000
1582	KY	Study & rehabilitate the I-471 corridor, Campbell County, Kentucky	$2,000,000
1583	WA	Construct railroad overpass spanning three mile section of SR501 from MP 0 and MP 3	$1,000,000
1584	NY	Construction and rehabilitation of North and South Delaware Avenues in the Village of Lindenhurst, NY	$780,000
1585	NY	Study on extending Rt. 5 to Auburn	$150,000
1586	AL	Expand US-84 from Andalusia, AL to Enterprise, AL	$3,000,000
1587	NJ	Susse County, NJ Safety and Operational Improvements on Route 23 in Hardyston Township and Franklin Borough	$3,800,000
1588	PA	State Street and Mulberry Street Bridge Lighting project, Harrisburg	$4,000,000
1589	AS	To upgrade, repair and continue construction of Ta'u harbor/ferry terminal facility on Manu'a island	$1,600,000
1590	CA	Interstate 15 and State Route 79 South Freeway Interchange and Ramp Improvement Project	$2,000,000
1591	OH	Road Improvements, streetscapes, and pedestrian safety additions in Ashtabula Harbor	$1,000,000
1592	NY	Town of East Fishkill improvements to Robinson La & Lake Walton Road at NYS Route 376	$500,000
1593	WI	Construct a bicycle/pedestrian path, Wisconsin Dells	$2,000,000
1594	NY	Construct improvements in Sight Distance at Road Grade and Trail Corssings in Oneida and Herkimer Counties	$200,000
1595	NY	Repair Silver Mine Bridge in the Town of Lewisboro	$150,000
1596	IL	River walk Reconstruction, City of Chicago	$600,000
1597	AR	Rogers, Arkansas—Construct new interchange on I-540 near the existing Perry Road overpass	$4,400,000
1598	IN	Design and construct Indiana Ohio River Bridges Project on I-65 and 265	$20,000,000
1599	RI	Transportation Enhacements at Blackstone Valley Heritage Corridor	$500,000
1600	TX	Reconstruction of US 79 from FM 1460 to Williamson County Road 195	$2,000,000
1601	CA	Transportation enhancements to Children's Museum of Los Angeles	$1,200,000
1602	IN	Construct Shelby County Indiana Shelbyville Parkway	$500,000
1603	NY	Reconstruct the Niagara Street culvert/bridge which crosses over Two Mile Creek, City of Tonawanda	$400,000
1604	MA	Reconstruction of Main Street and Lebanon Street in Melrose	$700,000
1605	OH	Construct the existing IR 70 interchange at US 40, SR 331 west of St. Clairsville	$11,550,000
1606	GA	Install traffic lights and pedestrian walkways on Highway 441 at MLK, Jr. Boulevard, Dublin	$500,000
1607	OH	Pike County, OH Fog Road Upgrade	$1,000,000
1608	CA	Project design, environmental assessment, and roadway construction of Lonestar Road from Alta Road to Enrico Fermi Drive San Diego County	$500,000
1609	CA	Project Study Reports for I-105 and I-405 Interchanges at Los Angeles International Airport	$400,000
1610	CA	Reconstruct Whittier Blvd. and improve parkway drainage from Philadelphia Av. to Five Points in Whittier	$1,700,000
1611	NY	Rockland County Railroad Grade Crossings Safety Study	$1,400,000
1612	TX	San Angelo Ports-to-Plains Route Loop 306 at F.M. 388	$1,500,000
1613	MN	City of Hutchinson School Road Underpass of TH7 and TH22 Improvements	$1,000,000
1614	TN	construct and widen SR-33 in Monroe County, TN	$5,000,000
1615	PA	Construct the realignment of Cool Creek Road in York County, PA	$1,000,000
1616	NJ	Construct Waterfront Walkway from North Sinatra Drive and 12th St. south to Sinatra Drive in Hoboken	$2,000,000
1617	TX	Add shoulders to FM 156 from Ponder, Texas to Krum, Texas	$1,000,000
1618	NJ	Bridge replacement on Section 6V of Route 1 from Ryders Lane to Milltown Road, North Brunswick	$2,000,000
1619	MN	Construct Two Harbors High School Trail connecting Two Harbors High School to Two Harbors City	$891,600
1620	SC	Construct I-85 Brockman-McClimon Interchange between Greenville Spartanburg Airport and SC Highway 101 interchanges	$1,000,000
1621	IA	Fort Madison, IA Construction of US 61 bypass around Fort Madison to create a safer and faster route	$2,500,000
1622	PA	Germantown Avenue Revitalization with Mt. Airy USA for landscaping, scenic enhancements and pedestrian safety improvements along the heavily traveled thoroughfare	$2,320,000
1623	NM	I-10 Reconstruction, Las Cruces to Texas State Line	$3,000,000
1624	TX	IH 820 Widening Project	$2,000,000
1625	IL	For Naperville Township to fund improvements to Diehl Road between Eola Road and Route 59	$600,000
1626	KS	Remove and Replace Topeka Blvd. Bridge over the Kansas River	$6,000,000
1627	VA	Clifton, VA Main Street parking and sidewalk improvements	$250,000
1628	SC	Replace Milford Road Bridge, Anderson, SC	$500,000
1629	LA	Improvements to Essen Lane at I-12; and to Perkins Rd.; and to Central Thruway; and to O'Neal Lane; an to Burbank Dr.; and to Essen Park Extension; and for LA408 study	$30,000,000
1630	GA	Streetscape project for lighting and landscaping on Main Street along Georgia Highway 231, Davisboro	$300,000
1631	IA	City of Council Bluffs and Pottawattamie county East Beltway Roadway and Connectors Project	$1,000,000
1632	OR	U.S. 199/Laurel Road Intersection	$2,000,000
1633	CA	Conduct project report study on Old River School Rd—Firestone Blvd intersection reconfiguration	$500,000
1634	FL	Conduct study for Port of Miami Tunnel, Miami, FL	$2,000,000
1635	NY	Ithaca, Design and construct pedestrian and bicycle path (Cayuga Waterfront Trail)	$1,200,000
1636	NC	Rails to Trails Project, Elizabeth City	$640,000
1637	IL	Reconstruct Lakeshore Drive overpass over Lawrence Avenue	$1,500,000
1638	SC	Replace Murphy Road West Bridge, Anderson, SC	$235,000
1639	CA	Resurface and construct truck lane at CA Hwy 94 and Interstate 8 interchange, Boulevard	$3,000,000
1640	CT	Undertake road improvements associated with Coltsville Area Redevelopment, Hartford	$2,000,000
1641	AZ	Upgrade and Re-opening of Main Street in Yuma	$1,200,000
1642	NJ	Pedestrian facilities, street lighting and streetscaping improvements in downtown Laurel Springs	$596,324
1643	MS	Upgrade Blue Cane Road in Tallahatchie County, and roads in Webb and Tutwiler	$750,000
1644	OH	Upgrade circuitry on vehicle protection device at Sheldon Road rail crossing in Berea	$140,000
1645	NY	Design and construct Upper Delaware Scenic Byway Visitor Center, Cochecton	$500,000
1646	NY	Construct sidewalks and curbing on Westchester Avenue in Village of Buchanan	$275,000
1647	NC	Downtown Redevelopment Project, City of Rocky Mount	$6,336,000
1648	TX	Construction of divided four lane concrete arterial with drainage improvements—Sandy Lake Road: Denton Tap Rd to North Coppell Road	$1,000,000
1649	IL	Preconstruction and Construction at IL 120 at Bacon Road and Cedar Lake Road	$1,365,000
1650	GA	Revitalization project will extend and resurface the Roberta Walking Trail, Roberta	$500,000
1651	KY	Construct Westbound Access to Mountain Parkway from Exit 18 (KY 1057), Powell County	$2,900,000
1652	NC	Development of 2 miles of road parallel to I-95 located approximately between the I-95/NC-125 interchange and I-95/US-158 interchange	$1,500,000
1653	CA	Engineering, right of way and construction of HOV lanes on I-580 in the Livermore Valley, California	$5,000,000
1654	IL	Construct Streetscape Project, City of Markham	$500,000
1655	CA	Landscape south side of the 91 fwy at Bellflower Blvd in Bellflower	$250,000
1656	MA	Southwick and Westfield Rail Trail, Design & Construction	$5,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1657	VA	Upgrade DOT crossing #467665M to constant warning time devices	$194,600
1658	TX	Reconstruct and add two lanes to US 287 from the Oklahoma State line to US 54 in Stratford	$3,000,000
1659	WY	Casper West Belt Loop	$2,000,000
1660	MN	Munger Trail extension, City of Duluth	$3,200,000
1661	AK	Bogard/Sheldon Extension in Matanuska-Susitna Borough	$4,000,000
1662	CA	City of Redondo Beach Esplanade Improvement Project	$1,000,000
1663	MN	Kandiyohi and Meeker Counties Hwy 7 between TH 71 and TH 22	$2,000,000
1664	NJ	Construction of Rowan Boulevard from US Route 322 to Main Street, Glassboro	$600,000
1665	CA	Conduct Study of SR 130 Realignment Project, San Joaquin County & Santa Clara County, CA	$2,000,000
1666	CA	Passons Grade Separation in the City of Pico Rivera	$3,700,000
1667	MD	Construct South Shore Trail, Anne Arundel County, MD	$1,000,000
1668	NJ	Realignment of the Routes35/36 intersection in Eatontown	$2,000,000
1669	IN	Construct Hoosier Heartland Highway in Cass and Carroll County, Indiana	$2,000,000
1670	MI	Oscoda County, Reconstruction and surfacing of Valley Road from M-33 west to Mapes Road	$960,000
1671	TX	Reconstruct Precinct Line Road 2-lane bridge as 4-lane bridge and widen Precinct Line Road to 4-lane roadway from SH 10 to Trammel Davis Rd	$1,000,000
1672	CT	Reconstruct Waterfront Street Corridor, New Haven	$1,500,000
1673	TN	Improving Vehicle Efficiencies at At-Grade highway-Railroad Crossing in Philadelphia, Tn	$99,000
1674	TX	Mile 2 W from Mile 12 N to US83, Hidalgo County	$1,000,000
1675	NY	Reconstruction of West Neck Road from Huntington-Lloyd Harbor boundary to the end of the Village-maintained road	$3,000,000
1676	GA	Rehabilitate sidewalks and replace street lights, Swainsboro	$500,000
1677	SC	Replace Murphy Road East Bridge, Anderson, SC	$265,000
1678	MO	Access improvements and safety and mobility upgrades along US 7 as part of the Highway 7 Corridor Development Plan in Blue Springs	$5,000,000
1679	OH	Construct Stearns Road Grade Separation, Olmsted Township	$3,750,000
1680	CA	Implement Grove Avenue Corridor Interstate 10 interchange improvements in Ontario	$3,000,000
1681	MA	Construct & Replace West Corner Bridge & Culvert, Rte 228, spanning Weir River Estuary & Straits Pond Inlet	$1,000,000
1682	OK	Complete Reconstruction of the I-35–SH 9 West Interchange	$4,000,000
1683	NJ	Construct Rte 50 Tuckahoe River Bridge Replacement, Cape May and Atlantic Counties	$4,000,000
1684	NY	Rt. 12 reconstruction—Town and Village of Greene	$4,110,000
1685	MN	Becker County CR 143 and CR 124 Improvements	$960,000
1686	NY	Construct and extend existing pedestrian streetscape areas in Valley Stream	$1,350,000
1687	MI	Construct Interchange at I-675 and M-13 (Washington Avenue). Northbound Exit. Phase I of Construction. City of Saginaw	$2,300,000
1688	OH	Construct Cleveland Towpath Trail. 6-mile extension towards downtown. Cleveland	$4,000,000
1689	FL	Construct widening of US 17 to 4 lanes from San Mateo to Volusia County line, Putnam County, Florida	$16,300,000
1690	MD	Construct Phase 1 of the South Shore Trail in Anne Arundel County from Maryland Route 3 at Millersville Road to I-97 at Waterbury Road	$1,000,000
1691	MI	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	$2,079,500
1692	FL	Design and construct replacement for A. Max Brewer Bridge, Titusville	$10,000,000
1693	NY	Implement ITS system and apparatus to enhance citywide truck route system on Victory Blvd Between Travis Ave and West Shore Expressway Travis Section of SI	$100,000
1694	MI	Purchase and implementation of various Intelligent Transportation System technologies in the Grand Rapids metro region	$12,430,000
1695	WI	Recondition USH 45 between New London and Clintonville, Wisconsin (Waupaca County, Wisconsin)	$2,000,000
1696	CA	Reconstruction of The Strand in the City of Manhattan Beach to improve beach access and accommodate increased pedestrian traffic	$2,000,000
1697	CA	Construction of new roadway lighting on major transportation corridors in the Northeast San Fernando Valley	$500,000
1698	MD	Rehabilitate Hanover Street Bridge in Baltimore	$1,500,000
1699	NY	Rehabilitation of Hornbeck Road in the Town of Poughkeepsie	$426,000
1700	CA	Rehabilitation of Tulare County Farm to Market road system	$4,000,000
1701	GA	Riverside Drive Streetscape Project, Macon	$500,000
1702	GA	South Lumpkin Road Trail-Columbus	$500,000
1703	CA	Implement Northeast San Fernando Valley Road and Safety Improvements	$200,000
1704	NY	Big Ridge Road: Spencerport Village Line to Gillet Road in the Town of Ogden	$2,500,000
1705	TX	Build south bound ramp from east bound I-20 to Clark Road at the southern terminus of Spur 408. Duncanville, TX	$5,000,000
1706	MS	Plan and construct intermodal connector linking I-20 to Hwy 49, Pearl-Richland	$1,000,000
1707	TN	Reconstruct US 64 from west of Bolivar to the Lawrence County Line in Hardemant, McNairy, Hardin, Wayne Counties	$5,225,000
1708	PA	Improve safety of Route 145 in Whitehall Township	$2,225,000
1709	GA	Construct Stone Mountain-Lithonia road Bike Lane and Sidewalks, Dekalb County	$1,000,000
1710	OK	Texanna Road improvements around Lake Eufaula	$1,000,000
1711	PR	To build an extension of PR-53 between Yabucoa and Maunabo	$5,000,000
1712	IL	To contruct a new intersection of a public road and US Route 50 and a new street	$550,000
1713	NC	To plan, design and construct the Northwest Corridor—Western Blvd. Project in Jacksonville, NC	$1,000,000
1714	CT	Upgrade Mark Twain Drive, Hartford	$2,000,000
1715	CO	CO I-70 East Multimodal Corridor (Highway Expansion), Denver	$2,500,000
1716	MS	Upgrade roads in Indianola, Ruleville, Moorehead, Doddsville, Sunflower and Drew, Sunflower County	$2,000,000
1717	MS	Upgrade roads in North Carrollton (U.S. Hwy 35 and 82) McCain Street, South Street, Love Street, and Colver Street, Carroll County	$400,000
1718	NJ	Passaic-Bergen intermodal transportation deployment initiative	$10,000,000
1719	IL	Upgrade roads, The Village of Maywood	$1,000,000
1720	PA	Upgrade Route 30 Corridor and Airport Access	$1,000,000
1721	GA	Upgrade sidewalks and lighting, Lyons	$500,000
1722	CA	State Route 88—Pine Grove Corridor Improvement Project	$500,000
1723	WA	Tacoma—Lincoln Avenue Grade Separation	$1,000,000
1724	NY	Improve NY112 from Old Town Road to NY347	$10,000,000
1725	NJ	Construct I-195 Noise Barrier, Hamilton Twp, Mercer County	$750,000
1726	AR	Highway 77 Rail Grade Separation	$1,000,000
1727	WA	Kent, WA Willis Street BNSF Railroad Grade Separation Project	$500,000
1728	MI	Menominee, Ogden Street Bridge rehabilitation project-replacement of deck, expansion joints, sidewalks, railing and all other joints	$200,000
1729	VA	Pochantas Trail—development and construction of trail from Bluestone Junction to Pochantas adjacent to abandoned rail line	$500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1730	NY	Suffolk County ITS arterial monitoring and performance measures	$1,500,000
1731	LA	Conduct study for Highway 25 in Washington Parish	$500,000
1732	IL	Construction of the 43rd Street Bicycle Pedestrian Bridge over Lake Shore Drive, City of Chicago	$600,000
1733	NY	To design and reconstruct Nassau Avenue, improve sidewalks and include pedestrian amenities in Greenpoint, Brooklyn	$2,400,000
1734	OH	Upgrade the I-480 and Tiedman Road interchange, Brooklyn	$500,000
1735	NJ	Interchange improvements and bridge replacement, Route 46, Passaic County	$5,000,000
1736	PR	Construction of community bridge at Los López Sector, Quebrada Arenas Community	$500,000
1737	IA	Construction of a Four Lane U.S. Highway 20 between Moville in Woodbury County, through Ida County and Sac County to U.S. 71 at Early, IA	$9,000,000
1738	AZ	Paving of Navajo Route 9010—off of I-40 at Houck, AZ (Exit 348) to Pine Springs Day School	$2,000,000
1739	OH	Red Bank Road Improvements from I-71 to Fair Lane in Eastern Hamilton County, Ohio	$3,600,000
1740	CA	Construct earthen berm along Esperanza Road from Yorba Linda Blvd. to the west city limits to mitigate noise	$2,000,000
1741	TX	Construct 6 mainlines from east of Mercury to east of Wallisville	$2,000,000
1742	NY	Town of Chester Trout Brook road improvements and reconstruction	$70,000
1743	OR	Upgrade the I-5 Fern Valley Interchange (Exit 24)	$3,000,000
1744	CA	Construct I-80 Gilman Street interchange improvements in Berkeley	$1,500,000
1745	NJ	Construct Vineland Boulevard and Sherman Avenue Intersection Improvements, Vineland, Cumberland County	$1,750,000
1746	WA	Terry's Corner Park and Ride on Camano Island	$1,400,000
1747	OR	Upgrade U.S. 101 and Utility Relocation, Gold Beach	$200,000
1748	WI	Upgrade USH 41 from DePere to Suamico, Wisconsin (Brown County, Wisconsin)	$2,500,000
1749	IL	Upgrade Veterans Drive in Pekin Illinois	$1,000,000
1750	NY	Saugerties, Improve Tissle Road-Old Kings Highway intersection	$500,000
1751	TX	Design and Construct the Cottonwood Trail pedestrian-bicycle connection	$1,000,000
1752	NY	Rehabilitation of the Ashford Ave. bridge over I-87 in the Villages of Dobbs Ferry and Ardsley	$2,600,000
1753	OH	Streetscape completion along US 40 in Bridgeport	$100,000
1754	SD	Design and construct new Meridian Bridge across the Missouri River at Yankton	$4,500,000
1755	MD	Upgrade MD 210 from MD 228 to I-495	$5,000,000
1756	IL	For DuPage County to construct certain segments of Southern DuPage County Regional Trail	$100,000
1757	IA	US 20 relocated, Webster, Sac and Calhoun Counties, Iowa	$3,000,000
1758	NJ	Construction of new access roads along Route 42/Blackhorse Pike in Washington Township	$1,000,000
1759	CA	Highways 152—156 Intersection improvements, CA	$1,000,000
1760	AK	Coffman Cove IFA ferry terminal	$3,200,000
1761	MA	Acquisition, engineering design, and construction of the Assabet River Rail Trail, Acton, Hudson, Maynard, and Stow	$2,000,000
1762	MI	Conduct Feasibility Study to Extend I-475 to US 23 in Genesee County	$800,000
1763	TX	Construct a reliever route on US 287 South of Dumas to US 287 North of Dumas	$3,000,000
1764	TN	construct new exit on I-75 and connect US-11, US-411, and SR-30	$4,500,000
1765	PA	Design, engineering, ROW acquisition & construction of street improvements, parking, safety enhancements & roadway redesign in Pittston	$1,750,000
1766	TX	Dowlen Road Imprvements for Beaumont, Texas	$3,456,000
1767	CA	Construct Hwy 101 bicycle-pedestrian project in Marin and Sonoma Counties from north of Atherton Ave to south of Petaluma River bridge	$500,000
1768	TX	Construct raised median from Loop 224 to Sradley St. in Nacogdoches, TX	$3,220,000
1769	OH	Construction of bicycle trail extension in Geauga Park District in Chardon, OH	$500,000
1770	CA	Extension of a regional Class I bikeway from the West City limits to the East City limits along leased railroad right-of-away	$400,000
1771	AR	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;	$10,000,000
1772	NY	Court Street & Smith Street Shopping District Enhancements	$800,000
1773	MA	Hampshire County Bike Paths, Design & Construction	$5,500,000
1774	NV	Construct I-15 Starr Interchange	$10,000,000
1775	CA	Construct full-access interchange at SR 120–McKinley Avenue, with the necessary SR120 auxiliary lanes, Manteca, CA	$4,000,000
1776	CA	Install emergency vehicle preemption equipment along major arterials in the I-880 corridor, Alameda County	$500,000
1777	OH	Construct a proposed relocation of US 22 and SR 93 from the current IR 70, US 40 west of Zanesville	$10,000,000
1778	CA	Conduct Study and Construct I 205 Chrisman Road Interchange Project, Tracy, CA	$1,000,000
1779	IL	Construction of part of a 230 mile corridor extending from I-280at Rock Island to I-270 south of Alton	$1,700,000
1780	CA	Construction of Campus Parkway from State Route 99 to Yosemite Ave., Merced County	$500,000
1781	MI	Construction of Superior Road Roundabout, Superior Township	$750,000
1782	OR	Construction and preliminary engineering of a railroad crossing at the intersection of Havlik Road and Hwy 30, Scappoose	$200,000
1783	FL	Clark Road Clover Leaf at I95, Jacksonville	$5,500,000
1784	PA	Construct and widen PA 94 from the Adams and York County line north to Appler Road	$1,500,000
1785	IL	For the reconstruction and realignment of 2 miles of Evergreen Ave. located west of the City of Effingham	$2,000,000
1786	IN	Improve State Road 332 and Nebo Road Intersection in Delaware County, Indiana	$2,930,000
1787	LA	LA 18 Widening (Avondale to US 90), Jefferson Parish, Louisiana	$800,000
1788	WI	Construct Lake Butte des Morts Bridge, US Highway 41, Winnebago County, Wisconsin	$25,600,000
1789	MA	North Worcester County Bike Paths, Design & Construction	$5,000,000
1790	TX	Old Reliance Road Overpass at SH6 (Earl Rudder Freeway)—widening project in Brazos Co	$2,500,000
1791	IA	Phase III of Main St project, Amana	$1,000,000
1792	MN	Re-align Vadnais Boulevard at interchange of I-694/Highway 49, Ramsey County	$1,000,000
1793	CA	Reconfigure intersection at Highways 152 and 156 in Santa Clara County	$10,650,000
1794	KY	Construct Georgetown Northwest Bypass from US 460 West to I-75 North, Scott County	$3,000,000
1795	AZ	Grand Canyon Greenway Trails	$1,500,000
1796	NY	Remediate road runoff in vicinity of Peconic Estuary watershed	$1,000,000
1797	MS	Construct I-55 Interchange at Madison-Ridgeland, Madison County	$5,000,000
1798	OH	Construction of road improvements from Richmond Road to new Cuyahoga Community College in Warrensville Heights, OH	$150,000
1799	MI	Construction of the I-696 and Northwestern Highway Interchange Freeway Ramps at Franklin Road in Southfield	$2,000,000
1800	OH	Construct access improvements to I-680 and internal roadways for Corridor of Opportunity, Mahoning Co	$2,000,000
1801	NY	Mount Vernon Railroad Cut	$2,250,000
1802	TX	Reconstruct and add two lanes to IH 27 from Western Street in Amarillo to Loop 335	$3,000,000
1803	CO	SH83-SH88 Interchange Reconstruction—Arapahoe County, CO	$4,000,000
1804	NY	Town of Pawling Old Rt 55	$500,000
1805	IL	Upgrade Curtis Road in conjunction with state plan for I-57 interchange; from Duncan Rd to 1st Street in Champaign	$7,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1806	MO	Upgrade Rt. 249 [Range Line] from Rt. 171 to I-44	$10,000,000
1807	VA	Bland County Trails and Visitor Center—establishment of multi-use trail network, associated facilities and begin work on visitors center	$1,000,000
1808	NH	Upgrade Sewalls Falls Road bridge over Merrimack River in Concord	$1,000,000
1809	IL	Perform Old Orchard Road Expansion and improvement project between harms road and US 41, Cook County	$1,000,000
1810	MN	Design engineering and ROW acquisition to reconstruct TH 95 bridge, North Branch	$1,000,000
1811	NY	Tappan Zee Bridge to I287 Transportation Corridor	$1,000,000
1812	CA	Upgrade and reconstruct the I-80/I-680/SR12 Interchange, Solano County	$21,000,000
1813	MD	US 219 Oakland Bypass	$1,000,000
1814	NC	US 221 widening from US 421 to Jefferson, NC	$2,000,000
1815	IL	Complete 80,000lb truck route between CH2 (Burma Rd) and IL Rte 130 in Cumberland County	$3,000,000
1816	CA	Improvement of intersection at Burbank Blvd. and Hayvenhurst Ave	$400,000
1817	OH	Construct pedestrain bridge over I77; tunnel underneath railroad; bridge over Tuscarawas River along OH and Erie Canal in Tuscarawas County	$2,000,000
1818	MN	Lake Street Access to I-35W, Minneapolis	$6,000,000
1819	WI	Upgrade USH 2 in Ashland County	$4,000,000
1820	OR	Construct an urban arterial street between NE Weidler and NE Washington on NE 102nd, Portland	$3,700,000
1821	CA	Construct an Interchange on Highway 70 at Georgia Pacific Road in Oroville	$2,000,000
1822	AZ	Construct or Modify Railroad Grade Separations on 6th St. and 22nd St. and Reconstruct Speedway Blvd. Underpass in Tucson	$13,300,000
1823	FL	Construct North Ormond Beach Business Park Interchange at I-95 between U.S. 1 and SR 40, Volusia County	$1,100,000
1824	MN	Environmental review for improvement along the entire US 10 corridor	$1,300,000
1825	NY	Construct visitor center, access road, and parking at Sam's Point Preserve, Ellenville	$750,000
1826	OH	Installation of road improvements on Old State Road-SR 608 in Middlefield, OH	$100,000
1827	WA	To replace BNSF trestle, Sammamish River bridge and reconstruct SR202/127th Pl NE and SR202/180th Ave NE intersections	$2,000,000
1828	PA	Completion of beltway interchanges along Business Route 60 in Moon Township, Allegheny County	$1,000,000
1829	TX	US 290 Improvements in Austin, TX	$3,000,000
1830	CA	City of Madera, CA Improve SR99-SR145 Interchange	$2,000,000
1831	AL	Construct a new interchange on I-65 at Cullman, AL County Road 222	$1,000,000
1832	VA	Improve transportation projects for Jamestown 2007	$3,750,000
1833	MI	Design and construction of West Michigan Regional Trail Network connector to link two trail systems together and to Grand Rapids	$3,000,000
1834	TN	Plan and construct a bicycle and pedestrian trail including enhancements, Murfreesboro	$9,000,000
1835	AZ	Replacement of Safford Bridge which crosses the Gila River directly north of Safford, AZ on North 8th Avenue	$3,500,000
1836	TX	Design & construct streetscape improvements to Old Spanish Trail—SH 288 to Griggs, Griggs to Mykawa	$1,000,000
1837	TN	For each rail-highway crossing: Improve circuitry on vehicle protection device installed at crossing in Knoxville, TN	$57,000
1838	OH	Reconstruct Broadway Ave in Lorain	$750,000
1839	OH	Road Widening and related improvements to SR 82 in Macedonia OH	$3,410,000
1840	MN	Reconstruct CSAH 4 and CSAH 5 (Forest Highway 11) between CSAH 15 and TH 61, Silver Bay	$1,740,000
1841	CA	Ramona Avenue Grade Separation, Montclair, California	$2,000,000
1842	MN	Roadway improvements, City of Federal Dam	$1,000,000
1843	VA	Rocky Knob Heritage Center— planning, design, site acquisition and construction for trail system and visitors center on Blue Ridge Parkway	$1,500,000
1844	FL	Design and construct capacity and safety improvements for State Road 426-County Road 419 in Oviedo from Pine St to west of Lockwood Blvd	$2,000,000
1845	FL	Coordinated Regional Transportation Study of US 98 from Pensacola Bay Bridge, Escambia County to Hathaway Bridge, Walton County, Florida	$1,500,000
1846	PA	Paving and reconstruction in the townships: North and South Eldorado, North Altoona, Fairview, Juniata, East End, Pleasant Valley, South Tracks, Lyswen-Altoona, PA	$2,000,000
1847	AK	Construct access road connection from Seward Highway to rail and airport facilities in Seward	$3,000,000
1848	AZ	Realign Davis Road from State Route 80 to State Route 191	$3,300,000
1849	PA	Reesdale Street roadway reconfiguration to allow HOV access to new parking facility	$1,000,000
1850	WA	SR 538 (College Way) and North 26th St. Signal in Mount Vernon	$175,000
1851	TX	Acquisition of right of way and environmental preservation from I-45 to U.S. 59 for Grand Parkway	$12,000,000
1852	ID	Reconstruct Grangemont Road (Idaho Forest Highway 67) from Orofino to Milepost 9.3	$2,000,000
1853	VA	Expansion of South Airport Connector Road (Clarkson Road to Charles City)	$7,000,000
1854	NY	Design and Construction of bicycle and pedestrian facilities in the area of the Roosevelt Avenue Bridge	$480,000
1855	NC	Construct Endor Iron Furnace Greenway enhancements from Deep River to Sanford	$1,000,000
1856	CO	Improve and widen State Highway 44 from Colorado Boulevard to State Highway 2	$4,000,000
1857	FL	Fund improvement of US 301 corridor in Sumter and Marion Counties	$2,000,000
1858	TN	complete construction and landscaping of visitor center on Cherohala Skyway in Monroe County, TN	$100,000
1859	OR	Construction of the East Burnside Street improvements, Portland	$3,700,000
1860	AL	Expand to 4 lanes US Highway 278 from Sulligent to Guin	$1,000,000
1861	IL	Francis Cabrini/W. Green Homes CHA Street Construction, City of Chicago	$600,000
1862	NY	Plan and construct bicycle path, esplanades and ferry landing along New York Bay in Sunset Park, Brooklyn	$10,000,000
1863	PA	Construct Dubois Regional Medical Center Access Road	$600,000
1864	NY	To design and construct safe route to school projects in Brooklyn, Queens and Manhattan, NY	$550,000
1865	PA	US 30 corridor improvements from PA 896 to PA 897. Connects PA 41	$3,000,000
1866	MD	US 40 Alternate, Middletown Bypass	$5,000,000
1867	CA	Construction of a smart crosswalk system at the intersection of Topanga Canyon Blvd. and Gault St	$50,000
1868	WI	Expand USH 51 & STH 29 in Marathon County	$8,000,000
1869	PA	Construct 2 flyover ramps and S Linden St ext for access to industrial sites in the cities of McKeesport and Duquesne	$7,000,000
1870	NY	Construct 4-lane bypass roadway along US Route 6 in Lake Mohegan parallel to Strawberry Road in Yorktown ending in Town of Cortlandt Manor	$130,000
1871	NY	Construct pedestrian walkway along Route 9A in Hudson River Park, New York City	$5,000,000
1872	IN	Design engineering, right-of-way acquistion, and construction for the Grant County Economic Corridor	$2,000,000
1873	MN	City of Marshall TH 23 4-Lane Extension	$3,288,000
1874	IL	Henry Horner Homes CHA Street Construction, City of Chicago	$1,000,000
1875	TN	Improve circuitry on vehicle protection device installed at highway-RR crossing in Knoxville, TN	$158,000
1876	NJ	Construct Intersection at Route 46 and Little Ferry Circle in Little Ferry	$1,500,000
1877	AR	Improve State Highway 88 (Higdon Ferry Road) in Hot Springs	$4,000,000
1878	MD	Improve US 1, Washington Boulevard Corridor in Howard County	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1879	NY	Downtown Flushing Traffic and Pedestrian Improvements	$1,000,000
1880	FL	Arlington Expressway Access Rd., Jacksonville	$1,500,000
1881	CO	Construct arterial on W side of Montrose to ease traffic congestion on SH 550 between Grand Avenue, N/S of city	$7,500,000
1882	CO	North I-25: Denver to Fort Collins Colorado	$8,000,000
1883	CA	Planning for Orange Line Mag Lev from downtown Los Angeles to central Orange County	$350,000
1884	NJ	Rahway Streetscape Replacement Project	$500,000
1885	CT	Reconstruct I-95/I-91 interchange and construct pedestrian walkway, New Haven	$2,000,000
1886	VA	Blue Ridge Music Center—install lighting/steps, upgrade existing trail system and equip interpretative center with visitor information	$1,500,000
1887	VA	Ceres Recreation Trail and Center—design and construct pedestrian/bicycle trail in community of Ceres and establish trail center	$150,000
1888	ME	Construction of trails within the Eastern Trail Management District	$1,000,000
1889	GA	1-75 interchanges from north of Tifton to Turner County line	$1,000,000
1890	GA	City of Savannah, Construct bike and pedestrian paths along Heritage Rail	$200,000
1891	FL	Implementation of the Advanced Traffic Managament System, Boca Raton, FL	$2,000,000
1892	TX	Construct reliever route on US 287 South of Stratford to US 287 North of Stratford	$3,000,000
1893	WI	Construct HSH 151 between CTH D and STH 175, Fond du Lac County, WI	$3,000,000
1894	OH	Construct transportation enhancement projects, Toledo	$10,500,000
1895	TX	Contruct grade separation at US59 and SH99. Replace the proposed interim cloverleaf ramps at the intersection	$5,000,000
1896	MS	Gateways Transportation Enhancement Project, Hancock County	$250,000
1897	NY	Install Improvements for Pedestrian Safety in the vicinity of IS 194	$250,000
1898	OK	Improvements to SH412P at I-44 Interchange	$4,500,000
1899	FL	Acquire right-of-way and construct East-West Connector from SR 37 to SR 563 in Lakeland, FL	$3,000,000
1900	WA	Design Valley Mall Blvd for Main St to I-82 and two I-82 interchanges at Mileposts 36 and 38 in Union Gap, WA	$6,400,000
1901	WA	Extension of Waaga Way west to Old Frontier Rd and construction of a ramp from SR3 to SR303	$500,000
1902	ME	Plan and construct highway access between US Route 161 and US Route 1 in Madawaska	$1,000,000
1903	CA	Randolph St improvements between Wilmington Ave and Fishburn Ave in Huntington Park	$1,200,000
1904	CA	Reconstruct Azusa Ave and San Gabriel Ave for two-way traffic in Azusa	$2,500,000
1905	KS	Construction of a 1.5 mile alternate truck route in Downs, Kansas	$500,000
1906	AL	Pedestrian Improvements for Columbiana, AL	$100,000
1907	MN	Reconstruct CSAH 91 from the D.M. and I.R. Railroad crossing at 8th Street in Duluth to CSAH 56, St Louis County	$5,000,000
1908	NY	Construct Wayne County, NY rails to trails initiative	$345,000
1909	MA	Design and construct signal crossing and other safety improvements to Bicycle/ Pedestrian Path	$750,000
1910	MI	Construction of Nonmotorized Pathway, City of Rockwood	$300,000
1911	WA	Purchase of scenic easement at I-90 and Highway 18	$600,000
1912	PA	Reconstruct the SR 33, 512 interchange in the Borough of Wind Gap	$2,500,000
1913	NY	Access improvements for terminal located on 12th Ave between W. 44th and W. 54th St in Manhattan	$4,000,000
1914	IL	Completion of the Grand Illinois Trail, Cook County	$1,292,500
1915	CA	Construct and improve medians and drainage on Imperial Highway from west border to east border of city in La Mirada	$1,700,000
1916	CT	Construct Pomfret Pedestrian Bridge	$120,000
1917	NV	Construct Laughlin Bullhead City Bridge	$2,000,000
1918	PA	Design, engineering, ROW acquisition, & construction of the widening of Pennsylvania Rt. 443 Corridor in Carbon County	$1,000,000
1919	NY	Palisades Interstate Parkway Mitigation Measures for New Square	$600,000
1920	CA	Reconstruct and widen Del Amo Blvd to four lanes between Normandie Ave and New Hampshire Ave, Los Angeles County	$3,000,000
1921	MN	Reconstruct Unorganized Township Road 488 from CSAH 138, Koochiching County	$1,025,000
1922	NY	Reconstruction of Empire Boulevard	$6,400,000
1923	PA	Reconstruction of PA 309 from Greenwood Avenue to Welsh Road	$2,500,000
1924	TN	Construction of I-69 in Obion, Dyer, Lauderdale & Tipton Counties	$14,125,000
1925	IL	Design, land acquistion, and construction of South Main St (IL 2) Corridor from Beltline Rd to Cedar Street in Rockford, IL	$2,000,000
1926	OH	Grading, paving, roads for the transfer of rail to truck for the intermodal facility at Rickenbacker Airport	$12,500,000
1927	MA	Reconstruction of Pleasant Street, Watertown	$2,000,000
1928	MN	Lake Wobegon Trail corridor from Sauk Centre to the Stearns County line	$352,000
1929	RI	Replace Sakonnet Bridge	$2,000,000
1930	CA	Conduct study and construct CA State Route 239 from State Route 4 in Brentwood area to I-205 in Tracy area	$5,000,000
1931	MA	Geometric improvements, safety enhancements and signal upgrades at Rt. 28 & Rt.106, intersection West Bridgewater	$1,500,000
1932	WA	Fife—Widen 70th Ave. East and Valley Ave. East	$1,000,000
1933	CA	Construct two right hand turn for Byzantine Latino Quarter transit plazas at Normandie and Pico, and Hoover and Pico, Los Angeles	$400,000
1934	WA	I-90 Two-Way Transit-HOV Project	$4,000,000
1935	AL	Construct Talladega Mountains Natural Resource Center—an educaational center and hub for hikers, bicyclists, and automobiles	$500,000
1936	MD	Gaithersburg, MD Extension of Teachers Way-Olde Towne Gaithersburg Revitalization	$1,400,000
1937	IL	Intersection Reconstruction and Bridge Rehabilitation at IL 60 and Peterson Road	$2,500,000
1938	AK	Planning, design, and EIS of Bradfield Canal Road	$2,300,000
1939	TX	Reconstruct Clinton Dr. from Federal Rd. to N. Wayside Dr	$14,000,000
1940	GA	Pave portions of CR 345, CR 44, and CR 45, Hancock County	$370,000
1941	NY	Deer Avoidance System, to deter deer from milepost marker 494.5, Ripley, PA, to 304.2., Weedsport, NY along I-90	$250,000
1942	CA	El Camino Real Grand Blvd Initiative in San Mateo County	$3,500,000
1943	CA	Construct Guadalupe River Trail from I-880 to Highway 237 in Santa Clara County	$7,000,000
1944	TN	Cocke County, Tennessee SR-32 reconstruction	$500,000
1945	IL	Construct I-80, Ridgeland Ave. Improvements, Tinley Park	$1,000,000
1946	KY	Construct Pedestrian Mall and Streetscape Improvements, Wilmore	$3,905,000
1947	PA	PA 23 corridor improvements from US 30 to US 322	$2,450,000
1948	NJ	Replacement and realignment of Amwell Road Bridge over Neshanic River	$555,000
1949	FL	City of Wilton Manors Powerline Road Streetscape Enhancement Project	$375,000
1950	TX	Construct SH 199 (Henderson St.) through the Trinity Uptown Project between the West Fork and Clear Fork of the Trinity River in Fort Worth	$7,000,000
1951	IN	Construction of multi-use paths, Town of Fishers, Indiana	$250,000
1952	OH	Construct White Pond Dr. project in Akron	$1,000,000
1953	MN	Design and right of way acquisition for I-35E-CSAH 14 Main Street Interchange, city of Lino Lakes, Minnesota	$1,000,000
1954	OR	Expand storage facilities in Eugene to support transportation enhancement activities throughout the state	$2,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
1955	CA	Improvements to US-101 ramps between Winnetka Ave. and Van Nuys Blvd	$400,000
1956	IN	Acquire right of way for and construct University Parkway from Upper Mt. Vernon Road to SR 66	$3,000,000
1957	CA	Pine Avenue extension from Route 71 to Euclid Avenue in the City of Chino, California	$8,500,000
1958	MO	Confluence Greenway Land Acquisition for Riverfront Trail development in St. Louis	$700,000
1959	TN	Retrofit noise abatement walls in Davidson County	$2,500,000
1960	MA	Road Improvements between Museum Road & Forsyth Way	$4,000,000
1961	MI	Commerce, Haggerty Road from 14 Mile to Richardson	$1,500,000
1962	WI	Expand STH 23, County Highway OJ to US Highway 41, WI	$15,000,000
1963	FL	Construct interchange at I-95 and Matanzas Woods Parkway, Flagler County	$1,000,000
1964	IL	Miller Road Widening and Improvement, McHenry	$7,955,000
1965	NC	Construct Neuse River Trail in Johnston County	$2,000,000
1966	TX	Construct landscaping and other pedestrian amenities in segments of the Old Spanish Trail and Griggs Road rights-of-way	$2,000,000
1967	NY	Construction of and improvements to Union Road and Walden Avenue in Cheektowaga	$1,000,000
1968	LA	Construction of West Covington Bypass-LA 21 Widening	$4,000,000
1969	MS	Construct Byrd Parkway Extension, Petal	$1,000,000
1970	NY	Intermodal transportation improvements in Coney Island	$3,300,000
1971	MN	Construct one mile of new roadway and a bridge crossing the DM&IR railroad tracks, and construct connector between CSAH 14 and CSAH 284, Proctor	$3,280,000
1972	NH	Construct Park and Ride, Exit 5 on I-93—Londonderry, NH	$2,000,000
1973	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Exeter Borough, Luzerne County	$200,000
1974	PA	Extension of River Road in Reading, PA to provide access to major industial and brownfields sites	$1,500,000
1975	AK	Point MacKenzie in Matanuska-Susitna Borough plan and design road access	$1,000,000
1976	TX	Repair 4.35 miles of Lake Ridge Parkway. Widen roadway along with 2 bridges from 4 lanes to 6 across Joe Poole Lake in Grand Prairie, TX	$6,000,000
1977	IL	Robert Taylor Homes CHA Street Construction, City of Chicago	$550,000
1978	OR	Rockwood Town Center for Stark Street from 190th to 197th for pedestrian, bicycle and transit facilities and safety mitigation	$1,750,000
1979	PA	Route 89 Curve Realignment one mile north of Titusville on Route 89	$300,000
1980	FL	Sand Lake Road Improvements between Presidents Drive and I-4	$6,000,000
1981	MI	Sault Ste. Marie, Reconstruct East Spruce Street with drainage, curb, gutter, pavement, traffic control devices	$950,000
1982	MI	Study and construct I-96/US31-Sternberg Road area improvements	$6,000,000
1983	PA	Provide access to HOV ramp from Reedsdale Street with traffic signals, pavement markings, lane control and fast acting gates	$2,000,000
1984	IL	The extension of MacArthur Blvd. from Wabash to Iron Bridge Road. Springfield	$1,500,000
1985	IL	Construct Cedar Creek Linear Park Trail, Quincy	$500,000
1986	IN	Conduct study for US50 Corridor Improvements, Dearborn County Indiana	$300,000
1987	IL	Design, land acquistion, and construct West State St (US Business 20) from Meridan Rd to Rockton Ave in Rockford, IL	$2,000,000
1988	CA	The Foothill South Project, construct 16 miles of a six-lane limited access highway system	$10,000,000
1989	MI	Construct Road Improvements to Miller Rd. from I-75 to Linden Rd. Flint Township	$3,000,000
1990	CA	State Route 99 improvements at Sheldon Road	$4,000,000
1991	KY	The Kentucky Multi-Highway Preservation Project	$1,600,000
1992	NY	Town of Warwick, NY. Bridge replacement on Buttermilk Falls Rd	$175,000
1993	TN	Improve existing two lane highway to a four lane facility along the US-412 Corridor west of Natchez Trace to US-43 at Mt. Pleasant	$5,500,000
1994	NY	Town of Warwick, NY East Shore Road reconstruction	$800,000
1995	FL	Traffic Reconfiguration of SR 934 and US 1 Route, Miami	$1,000,000
1996	PA	For design, engineering, ROW acquisition, and construction of the third phase of the Marshalls Creek Bypass Project in Monroe County, Pennsylvania	$300,000
1997	MI	Construct North Central Muskegon County Corridor Improvements at US31 and Russell Road	$2,300,000
1998	OH	Reconstruct I-75/I-475 Interchange, Toledo	$3,000,000
1999	NY	College Point 20th Avenue Streetscapes Improvements Project in Queens	$700,000
2000	OH	Construct a 4 lane limited access road to link Newcomerstown and Cadiz	$750,000
2001	CO	Construct trail to extend the Pequonnock Valley rail-trail through Trumbull and into Bridgeport, CT	$500,000
2002	MS	Plan and Construct Star Landing Corridor from US 78 to US 61	$2,000,000
2003	TX	I Road Between Nolana Loop and FM 495 in Hidalgo County	$1,900,000
2004	NC	North Carolina. Add passing lanes and safety improvements to US Hwy. 64 in Transylvania County	$2,000,000
2005	TN	improve streetscape and pavement repair, Blount County, TN	$300,000
2006	CT	Reconstruction of State Route 111 from Purdy Hill Road to Fan Hill Road, Monroe, CT	$1,500,000
2007	IL	Resurface Trumbull Ave. and Homan Ave., Evergreen Park	$400,000
2008	GA	HWY 78 Corridor Improvement Gwinnett County	$500,000
2009	TX	Construct Southwest Bypass in Georgetown, Texas, between SH29 and Ranch Road 2243	$4,000,000
2010	MO	To improve U.S. 54 to a four lane highway from the Osage River to MO Route KK	$1,000,000
2011	MS	Upgrade roads in Mayersville (U.S. Hwy 14 and 1), Issaquena County	$200,000
2012	MA	Gainsborough St & St. Botolph St. Improvements	$750,000
2013	IN	Construct US 31 Kokomo Corridor Project for Kokomo Howard County, Indiana	$1,000,000
2014	OH	Construction of Tri-State Outer Belt in Lawrence County	$2,000,000
2015	PA	Completion of I-79-Kirwin Heights Interchange and construction of retaining walls, bridge and new ramps	$2,000,000
2016	OH	Construction of the Carroll Area Interchange in Fairfield County	$3,000,000
2017	CA	Construct the Silicon Valley Transportation Incident Management Center in San Jose	$2,500,000
2018	CA	Design and Construction Camino Tassajara Crown Canyon to East Town Project, Danville, CA	$1,000,000
2019	NY	Dutchess County, Replace County Bridge BIN 3343110 over Fishkill Creek, Philips Road, Town of East Fishkill	$400,000
2020	WI	North 28th Street Phase 2 roadway safety improvements from Weeks Avenue to Hill Avenue in Superior	$1,280,000
2021	NC	Upgrade US 74 in Columbus County	$7,000,000
2022	MS	Upgrade US 78 to Interstated Standards from the MS-TN state line to the MS-AL state line	$4,000,000
2023	IN	Improve Bailie Street, Kentland	$320,000
2024	CA	Realignment of La Brea Avenue to reduce congestion	$3,640,000
2025	IL	Resurface Elston Avenue from Milwaukee to Pulaski, Chicago	$2,000,000
2026	TN	Sullivan, Washington Counties, Tennessee SR-75 widening	$2,000,000
2027	GA	US 17/SR 404 Spur, Back River bridge replacement, Savannah	$4,000,000
2028	MS	US 98 access improvements & new I-59 interchange, Lamar County	$4,000,000
2029	VA	Construct South Airport Connector, Richmond International Airport	$500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2030	NY	City of Peeskill, NY Street Resurfacing Program. Riverview Avenue	$130,000
2031	GA	SR 400 at SR 120 Old Milton Parkway intersection improvement Fulton County Georgia	$1,000,000
2032	MA	East Boston Haul Road Construction	$6,000,000
2033	NY	Town of Goshen Orzeck Road reconstruction	$400,000
2034	VA	Revitalize Main Street in Dumfries	$725,000
2035	FL	Replace Platt Street Bridge	$3,000,000
2036	FL	Access Rd. Streetscaping, Sanford Airport	$500,000
2037	NY	Rockland County and City of Yonkers to Lower-Manhattan Ferry Boat project	$1,000,000
2038	SC	Complete construction of Palmetto Parkway (I-520) Extension (Phase II) to I-20	$6,000,000
2039	NM	US 62-180 Reconstruction, Texas State Line to Carlsbad	$5,000,000
2040	IL	US Rt 30 between Williams Street and IL Rt 43 for signals, turn & or deceleration lanes at 80th Ave, Wolf Rd, Lincoln Way HS and Locust St	$6,000,000
2041	OH	Construct Orchard Lane to Factory Road Connector, Greene County	$500,000
2042	TX	Construction of vessel impact protection system for TXDOT	$500,000
2043	NC	Design and construction of the Airport Area Roadway Network, High Point, North Carolina	$5,000,000
2044	VA	Repair Colorado Street bridge in Salem, Virginia	$1,500,000
2045	CA	Project to evaluate air quality and congestion mitigation benefits of a Hybrid Utility Vehicle in Santa Barbara County	$100,000
2046	PA	Mill Street improvements, Borough of Lansdale	$900,000
2047	MN	Construction of County State Aid Highway 21, Scott County, MN	$3,200,000
2048	PA	Safety improvement to Chesnuts Turn-SR 475, Fulton County, Pa	$2,600,000
2049	TX	Two direct connectors in Houston, Texas between IH 10 and SH 99, The Grand Parkway	$5,000,000
2050	MO	Upgrade of Rt. 71 from Pineville to Arkansas State Line	$15,000,000
2051	CA	Improve interstates and roads part of the Inland Empire Goods Movement Gateway project in and around the former Norton Air Force Base	$25,000,000
2052	IL	Preconstruction activities for Sangamon Valley Bicycle Trail (IL)	$500,000
2053	MI	St. Clair County Parks is working with 13 local units to develop the 54-mile Bridge-to-Bay trail	$500,000
2054	NJ	New Jersey Underground Railroad for preservation, enhancement and promotion of sites in New Jersey	$320,000
2055	CA	Construction of an interchange at Lammers Road and I-205, Tracy, CA	$1,000,000
2056	MN	Right of way acquisition for St. Cloud Metro Area Project Development Studies	$3,000,000
2057	NY	Improve CR39 from NY27 to NY27A, Suffolk County	$3,000,000
2058	PA	Street improvements, Borough of Ambler	$650,000
2059	KY	Reconstruction of KY61 from Greensburg in Green County to Columbia in Adair County	$1,000,000
2060	TX	Construct Loop 12-IH 35E and SH 183 west extension to MacArthur, Irving, Texas	$1,000,000
2061	NC	To plan, design, and construct the segment of Berkeley Blvd. from Royal Avenue to Hew Hope Rd (SR 1003) in Goldsboro, NC	$1,000,000
2062	OH	Upgrade Manchester Rd. in Akron	$4,000,000
2063	IL	St. Charles Road, The Village of Bellwood	$1,000,000
2064	TN	Engineer, design & construction of connector rd from I-75 interchange across Enterprise South Industrial Park to Hwy 58 in Hamilton County	$9,000,000
2065	TX	Construct 4 lane divided roadway along SH 71 from the Perdernales River to Bee Creek	$1,000,000
2066	CT	I-84 Danbury Exits 1-11 Upgrade Interchanges	$1,500,000
2067	CA	Complete the engineering design and acquire the right-of-way needed for the Arch–Sperry project in San Joaquin County	$5,000,000
2068	UT	Increase lane capacity on bridge over Virgin River on Washington Fields Road in Washington	$3,000,000
2069	NY	Installation of Utica Traffic Signal System	$3,000,000
2070	NC	To construct an interchange at an existing grade separation at SR 1602 (Old Stantonsburg Rd.) and U.S. 264 Bypass in Wilson County, NC	$4,000,000
2071	WA	US12 Burbank to Walla Walla: Construct new four lane highway for portion of US 12	$3,300,000
2072	TX	Construct direct connectors on US 59 Intersection of US 59, Business 59 and US 77 (previously Loop 463)	$1,500,000
2073	OH	Structural improvements to two bridges over the Zimber Ditch between 38th St. and Whipple Ave. in Canton, Ohio	$500,000
2074	OK	US-281, Widen US-281 from the new US-281 Spur North to Geary Canadian County, OK	$1,000,000
2075	MI	City of Negaunee, Croix Street reconstruction-Streetscape and resurfacing from US 41 to Maas Street	$1,125,000
2076	KS	Construct I-35 and Lone Elm Road interchange and widen I-35 from 51st St. to 59th St., Olathe	$5,000,000
2077	MI	Integrated highway realignment and grade separations at Port Huron, MI to eliminate road blockages from NAFTA rail traffic	$500,000
2078	OK	US-60, Widen US-60 between Bartlesville and Pawhuska, Osage County, OK	$3,000,000
2079	WA	Construct an off-ramp from I-5 to the intersection of Alderwood Mall Blvd and Alderwood Mall Pkwy	$500,000
2080	CA	Reduce congestion and boost economies through safer access to the coast by realigning Hwy 299 between Trinity and Shasta Counties	$5,000,000
2081	IL	Pre-construction and construction activities on US 45/LaGrange Road from 131st Street to 179th Street	$1,000,000
2082	AR	Van Buren, Arkansas—Widen and reconstruct Rena Road	$3,000,000
2083	GA	Construction of infrastructure for inter-parcel access, median upgrades, lighting, and beautification along Highway 78 corridor	$6,500,000
2084	CA	Construct Alviso Bay Trail from Gold Street in historic Alviso to San Tomas Aquino Creek in San Jose	$1,000,000
2085	MS	Construct bicycle and trolley path, Hattiesburg	$850,000
2086	WI	Construct a bike and pedestrian bridge across STH 100 at the 1800 block of S. 108th Street, West Allis	$300,000
2087	IL	Increasing the height on the IL Rt. 82 Railroad Underpass in Geneseo, IL	$3,000,000
2088	NC	US-70 Goldsboro Bypass	$1,000,000
2089	CA	Vasco Road Safety Improvements, Contra Costa Transportation Authority and the County of Alameda Public Works, California	$1,000,000
2090	NY	Downtown Flushing Multi-Modal Connection Project, Queens	$1,100,000
2091	MD	Construct Safety and Operations Improvements at MLK Jr. Blvd. and W. Baltimore Street in Baltimore	$1,700,000
2092	NY	Rehabilitate Riis Park Boardwalk	$300,000
2093	TX	Construct 25 mile stretch of the 177-mile loop, between IH-45 south and SH-288	$11,500,000
2094	UT	Construction of Midvalley Highway, Tooele County, Utah	$1,000,000
2095	WA	Improve Willapa Hills bicycle and pedestrian trail between Rainbow Falls State Park and Adna	$200,000
2096	PA	Design and construct interchange and related improvements at I 83 Exit 18	$6,000,000
2097	VA	Northern Virginia Potomac Heritage National Scenic Trail	$1,000,000
2098	NC	Construct new traffic path to receive and dispatch trucks from US 74, US 76, US 421, and US 17S	$3,000,000
2099	OK	Construction of Midwest City Pedestrian Walkway	$1,000,000
2100	TX	Construct parallel bridge for SH 35 over Capano Bay	$1,000,000
2101	GA	Construct access roads on Airport Loop road in Hapeville	$2,000,000
2102	TN	Construct 2nd Creek Greenway, Knoxville, Tennessee	$685,700
2103	NE	Design, right-of-way and construction for the Louisville Bypass, Nebraska	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2104	HI	Construct Honoapiilani Highway Realignment	$3,000,000
2105	TN	Hamblen County, Tennessee US25E interchange improvements	$1,000,000
2106	IL	Construction of a new bicycle-pedestrian bridge in Wayne, IL	$1,200,000
2107	PA	David Lawrence Convention Center Phase IV-reconstruction of roadways assoc. with HQ hotel project	$1,200,000
2108	CO	I-70 and SH58 Interchange: Reconstruction of existing ramps, building of missing ramps and ROW acquisition	$4,000,000
2109	OH	Reconstruct U.S. Route 6 (Lake Road). Rocky River	$2,000,000
2110	WA	Construct .6 mile span over I-5 in Thurston County to connect Chehalis Western Trail	$4,300,000
2111	IL	Extend Frank Scott Parkway East Road to Scott AFB, St. Clair County	$2,800,000
2112	OH	Reconfigure I-480 and Transportation Blvd. Interchange, Garfield Heights	$750,000
2113	NY	Rehabilitation of Route 100 from Virginia Road to Westchester Community College	$1,100,000
2114	TN	Restoration of historic L&N Depot, McMinn County, Tennessee	$20,000
2115	SD	Resurface 10 miles of US18 from Okreek to Carter on the Rosebud Indian Reservation	$2,300,000
2116	CA	Route 198 Expansion, from SR 99 to SR43	$3,000,000
2117	WA	SR 543 Interstate 5 to International Boundary Enhancement in Blaine	$2,500,000
2118	MD	Rockville, MD Construction of Maryland Avenue and Market Street Intermodal Access Project	$4,000,000
2119	MN	US Highway 212 expansion from Carver Cnty Rd 147 to Cologne and from Cologne to Norwood Young America	$1,000,000
2120	VA	Vienna, VA Maple Avenue improvement project	$1,650,000
2121	IL	Village of South Jacksonville—West Vandalia Road upgrades	$952,572
2122	AS	Village road improvements for Launiusaelua and Ituau counties in the Central district	$3,000,000
2123	AS	Village road improvements for Tualauta, Tualatai, Aitulagi, Fofo, and Alataua counties in the Western district	$3,000,000
2124	FL	Destiny Rd Reconstruction, Eatonville	$1,000,000
2125	KY	Construct New Technology Triangle Access Road, Campbell County, Kentucky	$2,000,000
2126	NY	Town of Wawayanda reconstruction of McVeigh Road	$400,000
2127	VA	Virginia Creeper Trail—trail needs, including construction of restroom facilities at Watauga and Alvarado and parking expansion at Watauga	$850,000
2128	CA	Construct grade separation on State College Blvd. at the Burlington Northern Santa Fe railroad, Fullerton	$14,000,000
2129	MA	Warren Street—Blue Hill Avenue	$2,000,000
2130	FL	Design and construct Dunn Avenue Extension, Volusia County	$2,000,000
2131	CA	Construct operational and safety improvements to I-880 N at 29th Ave in Oakland	$2,500,000
2132	WA	U.S. 395, North Spokane Corridor Improvements	$3,300,000
2133	NY	Route 531 Expansion Spencerport-Brockport, 4-lane Highway is a project to extend Rt. 531	$7,400,000
2134	OR	Columbia Intermodal Corridor for rail congestion relief, improved intersections and access to Interstate-5 for trucks, and grade-separate road from rail, Portland	$11,150,000
2135	OH	Interchange and related road improvements to SR 44 in Painesville, OH	$3,000,000
2136	GA	Greene County, Georgia conversion of I-20 and Carey Station Road overpass to full interchange	$1,200,000
2137	IL	Pioneer Parkway upgrade in Peoria—Extension from Allen Road to Route 91	$2,000,000
2138	MS	Construct historic bicycle path, Pascagoula	$150,000
2139	PA	Crows Run Relocation from SR 65 to Freedom Crider Road	$2,350,000
2140	OH	Replace the Edward N. Waldvogel Viaduct in Cincinnati	$6,000,000
2141	NC	Construct I-540 from NC 55 South to NC 55 North	$11,000,000
2142	NY	Roadway, streetscape, pedestrian, and parking improvements to the Buffalo Niagara Medical Campus, Buffalo	$4,000,000
2143	VA	Upgrade DOT crossing #470515H to constant warning devices in Halifax	$150,000
2144	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Avoca Borough, Luzerne County	$200,000
2145	WA	Bridge Modification and Interstate Highway Protection Project, Skagit River, in Skagit County	$4,000,000
2146	TN	Construct welcome center, Macon County	$200,000
2147	CA	Construction of new roadway lighting on major transportation corridors in the Northwest San Fernando Valley	$1,000,000
2148	MO	Interchange design and construction for the Main Street Extension at I-55, Cape Girardeau County	$1,000,000
2149	CA	Replace SR22 interchanges, construct HOV lanes, and lengthen bridges in Garden Gove	$6,000,000
2150	IL	Construct I290, The Village of Oak Park	$1,000,000
2151	RI	Rehabilitation of Bridge Number 550 In Pawtucket	$5,500,000
2152	WA	Complete analysis, permitting and right of way procurement for I-5/SR501 Interchange replacement in Ridgefield	$500,000
2153	CA	Design and construct new interchange at Potrero Blvd and State Route 60 in Beaumont	$2,000,000
2154	TN	construction of a pedestrian bridge in Alcoa, TN	$1,000,000
2155	WV	Construct 4 lane improvements on U.S. Route 35 in Mason County	$14,000,000
2156	OH	Construct Grade Separation at Front Street, Berea	$500,000
2157	CA	Crenshaw Blvd. Rehabilitation, 182nd St.—190th St.; and Crenshaw Blvd. at 182nd St. Fwy on-off Ramp Capacity Enhancement, City of Torrance	$800,000
2158	CA	Construct Interchange at Intersection of SR 44 and Stillwater Road	$8,000,000
2159	MN	CSAH 61 improvements, City of Coleraine	$490,000
2160	KY	Expansion to four lanes of Hwy 55 and Hwy 555 Heartland Parkway in Taylor County	$10,000,000
2161	KS	Interchange improvement at K-7 and 55th St. in Johnson Co	$5,000,000
2162	CA	Construct truck lane on Baughman Road from State Route 78/86 to Forrester Road, Westmorland	$550,000
2163	AZ	Construct bridges at Aspen St., at Birch St., at Cherry St., at Bonito St., at Thorpe St	$1,500,000
2164	CT	Construct Putnam curb cuts	$50,000
2165	OH	Canton, OH Cleveland Ave. bridge replacement over the Nimishilen Creek	$400,000
2166	MN	Design and right of way acquisition for I-35 and CSAH2 interchange in Forest Lake, MN	$3,000,000
2167	PA	Complete the connection of the American Parkway between the east and west sides of the Lehigh River with bridge and interchanges	$10,000,000
2168	PA	Design, engineering, ROW acquisition & construction of street improvements, parking & safety enhancements Main & Parsonage Streets in Pittston	$250,000
2169	TX	Grade separation bridges at Wintergreen Rd. and Millers Ferry Rd. in Hutchins and Pleasant Run Rd. and Millers Ferry Rd. in Wilmer	$8,200,000
2170	GA	I-20 HOV lanes from Evans Mill Road to Salem Road, Dekalb and Rockdale Counties	$1,500,000
2171	NV	Improve Las Vegas Beltway-Airport Connector Interchange	$4,000,000
2172	CA	Oregon-Page Mill expressway Improvements between US101 and SR 82, Palo Alto	$4,000,000
2173	MA	Design and construct the Quinebaug River Rail Trail Bikeway	$1,000,000
2174	CA	Park Boulevard-Harbor Drive Rail Grade Separation, San Diego	$1,000,000
2175	MN	Paul Bunyan Trail, Walker to Bemidji segment	$700,000
2176	CA	Construct road surface improvements, and improve road safety from Brawley Water plant to HWY 86 to 9th Street to 18th Street, Brawley	$1,400,000
2177	TX	Improvements to FM 1017 in Hebbronville	$500,000
2178	CA	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	$15,500,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2179	GA	Phase III Streetscape-Columbus	$1,000,000
2180	IL	Pre-construction and construction IL 15 over Wabash River at Mt. Carmel	$6,960,000
2181	NY	Queens and Brooklyn County Graffiti Elimination Program including Kings Highway from Ocean Parkway to McDonald Avenue	$4,000,000
2182	IA	Improvements at the IA 146 and I 80 interchange, Grinnell	$1,000,000
2183	TX	Construct Grade separation at US 277 in Eagle Pass	$5,000,000
2184	LA	Plan, design, land acquisition, and construction for improved access to I-10 and US61/River Road in St. John the Baptist and in Ascension Parish on the LA22 Corridor	$2,750,000
2185	KS	Construction of a two-lane on a four-lane right of way bypass with controlled access on US-400 at Dodge City	$12,800,000
2186	MN	Reconstruct CR 203 between US 10 and CSAH 1, Morrison County	$336,000
2187	NY	Reconstruction of York Street Industrial Corridor Project, Auburn, NY	$3,500,000
2188	NY	Construction of and improvements to Route 62 in the Village of Hamburg	$1,000,000
2189	IN	Downtown road improvements, Indianapolis	$10,000,000
2190	AL	Construct pedestrian urban-edge riverwalk in Montgomery, AL	$500,000
2191	PA	Johnstown, Pennsylvania, West End bypass safety improvements	$5,000,000
2192	CA	Construction of traffic and pedestrian safety improvements in Yucca Valley	$2,000,000
2193	CA	710 Freeway Study to Evaluate Technical Feasibility and Impacts of a Tunnel Alternative to Close 710 Freeway Gap	$3,000,000
2194	CA	Greenleaf Right of Way Community Enhancement Project-design and construct bikeways, pedestrian walkways and upgrade signalization Compton	$3,000,000
2195	KY	Improve Prospect Street Pedestrian Access, Berea	$2,750,000
2196	OH	Construct Crocker Stearns Connection, North Olmsted and Westlake	$700,000
2197	NY	Construction of and improvements to Seneca Street in Buffalo	$600,000
2198	CA	Avalon Boulevard/I-405 Interchange modification project, Carson	$4,000,000
2199	IL	Construct Illinois Route 336 from Macomb to Peoria	$2,000,000
2200	NC	North Carolina. Pack Sqaure Pedestrian and Roadway Improvements, Asheville	$4,000,000
2201	PA	Provide pedestrian and water access to Convention Center from surrounding neighborhoods	$1,100,000
2202	NY	Reconstruction of Times and Duffy Squares in New York City	$1,500,000
2203	LA	Construction of I-10 Access Road (Crowley)	$1,100,000
2204	NY	Repaving of I-86 in towns of Coldspring, Randolph, Allegany, and Olean; City of Olean; Village of Randolph in Cattaraugus County	$10,000,000
2205	PA	Replace Bridge, S.R. 106, Tunkhannock Creek Bridge 2, Clifford Township, Susquehanna County	$800,000
2206	NJ	Replace Route 7—Wittpen Bridge, Hudson County	$1,000,000
2207	MN	Right-of-Way acquisition for 8th Street North & Pinecone Road	$4,000,000
2208	IL	For Village of Lemont to modernize and improve the intersection of McCarthy Road, Derby Road, and Archer Avenue	$350,000
2209	CA	Construct I-80 HOV lanes and interchange in Vallejo	$1,000,000
2210	PA	Rail Crossing signalization upgrade, East Wesner Road, Maidencreek Twp, Berks County	$206,300
2211	OH	Construct road projects and transportation enhancements as part of RiverScape Phase III, Montgomery County, Ohio	$4,480,000
2212	TN	Riverside Drive Cobblestone Restoration and Walkway, Memphis	$1,000,000
2213	TX	Road grade separation at Fairmont Parkway over Southern Pacific Rail road	$5,000,000
2214	PA	Construct additional northbound lane on Rte 28 between Harmar and Creighton Interchange	$1,650,000
2215	NJ	Roadway and intersection modifications on New Jersey Route 82	$1,000,000
2216	OH	Jackson Township, Ohio. Intersection improvements at Fulton Dr. and Wales	$2,000,000
2217	GA	Rockdale County Veteran's Park— create park trails	$500,000
2218	MA	Construct the Blackstone River Bikeway and Worcester Bikeway Pavilion between Providence, RI and Worcester, MA	$2,000,000
2219	OH	Improvements to SR 91 in City of Twinsburg, OH	$1,950,000
2220	TX	Completion of US 77 relief route around City of Robstown	$2,000,000
2221	NY	Improve Maple Avenue, Smithtown	$1,000,000
2222	HI	Replace and Rehabilitate Kamehameha Highway Bridges, Island of Oahu	$1,000,000
2223	TX	SH71 from W of FM 20 to Loop 150, Bastrop County	$2,000,000
2224	IN	Construct US 31 Plymouth to South Bend Freeway Project in Marshall and St. Joseph Counties, Indiana	$8,000,000
2225	LA	Plan and develop a four-lane roadway, Jeanerette to US 90 connection	$200,000
2226	LA	Construct I-12 and LA 1088 Interchange	$3,000,000
2227	CA	4 lane widening/safety improvements on State Route 25 from Hollister to Gilroy	$3,660,000
2228	NY	Comprehensive traffic congestion mitigation study of Hauppauge Industrial Park and surrounding area	$750,000
2229	NY	Develop an identity and signage program for the Erie Canalway National Heritage Corridor	$1,000,000
2230	CO	Dillon Drive Overpass at Interstate 25 in Pueblo	$4,000,000
2231	NY	Improvements at highway-rail crossings along the Southern Teir Extension Railroad in Allegany, Cattaraugus, and Steuben Counties	$1,000,000
2232	FL	Depot Ave. Enhancements, Gainesville	$6,000,000
2233	CA	Interstate 15 and Winchester Road Interchange Project	$1,000,000
2234	PA	Construct the Eastern Inner Loop in Centre County around State College, PA	$1,000,000
2235	NJ	Streetscape Improvements along Berlin road between Gibbsboro Road and White Horse Road in Lindenwold Borough	$1,000,000
2236	FL	Conduct planning and engineering for SR 70 widening in Hardee, DeSoto and Okeechobee	$2,000,000
2237	GA	Streetscape-Albany	$500,000
2238	GA	Streetscape-Richland	$200,000
2239	MO	Construct four lanes for Route 5 in Camden County	$10,000,000
2240	IL	Improve Cottage Grove intersection, South Chicago Avenue and 71st Street	$1,000,000
2241	NY	Study, design and reconstruction of pedestrian walkways, the Bronx	$1,000,000
2242	MS	Upgrade roads in Anguilla and Rolling Fork, Sharkey County	$750,000
2243	TX	For center to center communication link between highway traffic transportation management centers	$1,000,000
2244	OH	Upgrade the interchange of Interstates 270 and 71 in Franklin County, Ohio	$2,000,000
2245	CA	US 101 Corridor Improvements—Route 280 to the Capitol-Yerba Buena Interchange	$5,000,000
2246	CA	Rancho Vista Blvd Widening Project	$3,000,000
2247	NJ	Newark Access Variable Message Signage System	$500,000
2248	IA	Construct SW Connector, West Des Moines	$2,000,000
2249	IA	US 30 reconstruction, near Tama	$4,000,000
2250	GA	Construction of interchange on I-985 north of SR-13, Hall County Georgia	$5,000,000
2251	MI	Marquette County, Realignment of 3200 feet of County Road 492 from US-41 north to County Road HD	$500,000
2252	WI	Realign USH 8 near Cameron, Barron County	$2,000,000
2253	PA	Restoration of PA422, in Berks County, including slab repair and diamond grinding	$1,000,000
2254	CA	Monte Vista Avenue Grade Separation, Montclair, California	$2,000,000
2255	NY	Deploy intermodal chassis ITS project in New York	$2,000,000
2256	NY	Reconstruction of Route 590 in the Town of Irondequoit, NY	$5,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2257	NY	Design and Construction of Downtown Jamestown Connector Trail	$2,000,000
2258	LA	Further construction to improve draining at Clearview Parkway (LA 3152) and Earhart Expressway (LA 3139)	$3,300,000
2259	MI	Houghton County, Rehabilitate 2 piers and remove old bridge caissons for Sturgeon River Bridge	$270,000
2260	AK	Make necessary improvements to Indian River Road in City and Borough of Sitka	$2,000,000
2261	MN	Reconstruct CSAH 61 from Barnum to TH 210 at Carlton, and improve Munger Trail	$1,680,000
2262	TX	Build I-30 Trinity River Bridge, Dallas, Texas	$1,000,000
2263	AK	Realign rail track to eliminate highway-rail crossings and improve highway safety and transit times	$5,000,000
2264	MS	Relocate SR 44 from SR 198 to Pierce Road, Columbia	$3,500,000
2265	AL	Interstate 565 west extension towards Decatur	$2,000,000
2266	MO	Roadway Improvements on Rte. 21 from Hayden Road to Lake Lorraine	$5,000,000
2267	IL	Halsted Bridge over North Branch Canal Reconstruction, City of Chicago	$600,000
2268	VA	Town of Pound Riverwalk—construction of pedestrian riverwalk in Town of Pound	$100,000
2269	IL	US 67 west of Jacksonville, IL Bypass to east of IL 100	$2,000,000
2270	NY	Village of Wappingers Falls North Mesier Ave	$750,000
2271	AR	War Eagle Bridge Rehabilitation—Benton County, Arkansas	$640,000
2272	WI	Build additional staircases, landscape, and other improvements to the municipal bridge at the Holton St. Viaduct in Milwaukee	$800,000
2273	TN	Washington County, Tennessee SR-36 widening	$1,000,000
2274	MI	Westland, Ann Arbor Trail between Farmington and Merriman	$3,150,000
2275	MI	White Lake, pave Cooley Lake Road Between Hix and Newburgh Roads	$500,000
2276	GA	Bridge replacement on County Road 183-FAS Route 1509, Peach County	$425,000
2277	NC	I40 I-77 Interchange in Iredell County, NC	$4,000,000
2278	CA	Construct safe routes to school in Cherryland and Ashland	$1,000,000
2279	CA	Install Central Ave Historic Corridor comprehensive streetscape improvements thus improving traffic, ped safety, and economic development, Los Angeles	$2,000,000
2280	VA	Whitetop Station—completion of renovation of Whitetop Station (which serves as trailhead facility) including construction of trail	$100,000
2281	CT	Make Improvements to Montville-Preston Mohegan Bridge	$3,000,000
2282	IL	Widen and improve Pulaski Road, Alsip	$700,000
2283	AK	For Completion of the Shotgun Cove Road, from Whittier, Alaska to the area of Decision Point, Alaska	$4,000,000
2284	NY	Study and Implement Intelligent Transportation System Sensor Technology to Improve Safety at Bridges and Tunnels in Metropolitan New York City	$1,000,000
2285	NY	Warburton avenue Bridge over Factory Lane, Hastings-on-Hudson, New York	$1,000,000
2286	NY	Improve intersection of Old Dock and Church Street, Kings Park	$500,000
2287	TN	Widen and improve State Route 33, Knox County, Tennessee	$6,500,000
2288	CA	Reconstruct Paramount Bl. with medians and improve drainage from north border to south border of city in Lakewood	$1,350,000
2289	NY	Upgrade Metro North stations in the Bronx and construct station at Yankee Stadium	$3,000,000
2290	OH	Construct the existing industrial park road from local to state standards near Cadiz	$4,100,000
2291	LA	Upgrade LA 28 to four lanes from LA 121 to LA 465	$2,000,000
2292	NY	Reconstruction of Historic Eastern Parkway	$2,400,000
2293	CA	Widen and make ITS improvements on Paramount Blvd between Telegraph Rd and Gardendale St in Downey	$1,000,000
2294	VA	Conduct planning and engineering for Hampton Roads Third Crossing and Interconnected Roadways	$3,000,000
2295	IL	Widen Annie Glidden Road to five lanes with intersection improvements. DeKalb, IL	$4,000,000
2296	CA	Widen California State Route132 from California State Route 99 west to Dakota Avenue	$18,000,000
2297	NC	Widen Derita Road from Poplar Tent Road in Concord to the Cabarrus Mecklenburg County line	$2,000,000
2298	TX	Widen from 4 to 6 lanes Interstate 35 East from Lake Lewisville to Loop 288	$6,000,000
2299	CA	Widen Haskell Avenue between Chase St. and Roscoe Blvd	$200,000
2300	TX	Widen Hempstead Highway from 12th Street to Washington Avenue from four lanes to six lanes	$1,000,000
2301	NH	Reconstruction and relocation of the intersection of Maple Avenue and Charleston Road in Claremont	$500,000
2302	OH	Construct highway-rail crossing safety upgrades at 3 grade crossings in Madison Village, OH	$300,000
2303	WA	Rebuild Yakima Valley Highway within city limits of Sunnyside, WA	$1,600,000
2304	NY	Implement Improvements for Pedestrian Safety in New York County	$1,000,000
2305	NY	Construction of and improvements to Main Street in the Town of Eden	$400,000
2306	GA	SR 85 widening from Adams DR to I-75 and reconstruct the Forest Parkway interchange, Clayton County	$1,500,000
2307	GA	Jogging, and Bicycle Trails around CSU, Columbus	$500,000
2308	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Throop Borough, Lackawanna County	$200,000
2309	IL	Reconstruct Winter Ave, existing 1 lane RR subway, and 1 lane bridge to provide access to Winter Park in Danville	$5,400,000
2310	OR	Construct highway and pedestrian access to Macadam Ave and street improvements as part of the South Waterfront development, Portland	$9,000,000
2311	TX	Relocation of 10th Street near McAllen-Miller International Airport	$750,000
2312	IL	Construct pedestrian tunnel at railroad crossing in Winfield, IL	$1,000,000
2313	IN	Construct Margaret Avenue Safety and Capacity Enhancement Project	$3,000,000
2314	TX	Construct Loop 574 from BU77 to I-35 in McLennan Co	$2,000,000
2315	NY	Construction of a bicycle / pedestrian off road scenic pathway from the Niagara Falls City Line to the southerly Lewiston Town / Village Line along the Niagara Gorge, Town of Lewiston, Village of Lewi	$2,300,000
2316	FL	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	$5,000,000
2317	WI	Recondition STH 16 from Columbus to STH 26 (Dodge County, Wisconsin)	$4,000,000
2318	VI	Christiansted By-Pass Highway, St. Croix	$8,000,000
2319	NY	Riverwalk in Irvington development	$200,000
2320	OH	Road resurfacing and improvements in the Village of Bentleyville, OH	$700,000
2321	PA	Improvements to Stella Street rail-highway crossing in Wormleysburg, PA	$750,000
2322	CT	Construct Entrance Ramp at Route 8 Exit 11, Shelton, CT	$1,000,000
2323	AL	Pedestrian Improvements for Leeds, AL	$100,000
2324	WA	Federal Way Triangle—Conduct final engineering work for the reconstruction of the I-5—SR 18 interchange	$2,000,000
2325	MI	Garden City, Reconstruct Maplewood between Inkster and Merriman	$1,225,000
2326	OR	Lake Road Reconstruction and Safety Improvements, Milwaukie	$2,850,000
2327	NY	Resurface Grade Crossing at Old State Road	$250,000
2328	MN	Construction of Cedar Avenue Busway, MN	$6,000,000
2329	IL	Resurfacing of aprrox 30 miles of roadway in Village of Oak Lawn	$7,000,000
2330	GA	Streetscape-Thomasville	$300,000
2331	PR	To build the missing central segment of PR-10, to complete one of only two highways crossing Puerto Rico North to South	$5,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2332	PA	To enhance existing directional markers & increase wayfinding signage infrastructure in Monroe County	$500,000
2333	CA	Construct and repair lining in four tunnels on Kanan, Kanan Dume, and Malibu Canyon Roads between US1 and US101	$3,000,000
2334	GA	Sidewalk revitalization project in downtown Eastman	$500,000
2335	TX	Port of Corpus Christi Up River Road for upgrade of roadway to and from docks & IH 37	$500,000
2336	GA	Construct US 411 Connector from US 41 to I-75, Bartow County, Georgia	$21,350,000
2337	NY	Construction of US Route 219 Expressway: Sections V and VI	$8,000,000
2338	PA	Engineering, design and construction of an extension of Park Avenue north to Lakemont Park in Altoona	$2,000,000
2339	MN	Reconstruct I-35E from I-94 to Maryland Avenue in St. Paul	$3,500,000
2340	CA	Construct truck ramp linking Interstate 5 to the National City Marine Cargo Terminal, National City	$1,500,000
2341	GA	Reconstruct the interchange at Interstate 185 and Victory Drive (SR 520), Columbus, GA Victory Drive (SR 520), Columbus, GA	$1,806,000
2342	OH	Streetscaping, bicycle trails, and related improvements to the I-90—SR 615 Interchange in Mentor, OH	$3,500,000
2343	IN	Preliminary engineering, right-of-way, and construction for Perimeter Parkway—West Lafayette/Purdue University, Indiana	$10,000,000
2344	TN	Reconstruct Interchange 55 at Mallory Avenue, Memphis, Shelby County	$1,000,000
2345	CA	Upgrade first responders signal pre-emption hardware, Culver City	$32,000
2346	IN	Construction of Maplecrest Rd Extension—Allen County, Indiana	$11,000,000
2347	MS	Upgrade roads in Arcola, Greenville, and Hollandale (U.S. Highway 61 and 18), Washington County	$1,750,000
2348	MS	Canal Road Intermodal Connector, Gulfport	$5,000,000
2349	PR	Construction of community bridge for Los Navarros Sector, Quebrada Arenas Community	$500,000
2350	NY	Construct the Auburn Connector Road Corridor, Auburn, NY	$1,000,000
2351	MA	Engineering and construction of Blackstone Valley Visitors Center at intersection of State Route 146 and Millbury Street, Worcester	$6,400,000
2352	CA	Improve I-8 off ramp to the Desert Farming Institute, Imperial County	$1,000,000
2353	KS	Construct bike and pedestrian path along K-10 between Douglas and Johnson Counties	$500,000
2354	HI	Construct Bike Lanes on Kalanianaole Highway, vicinity of Makapuu to Keolu Drive	$300,000
2355	TX	Donna/Rio Bravo International Bridge	$2,000,000
2356	IL	Improve Sheridan Road, Evanston	$2,000,000
2357	MD	Intercounty Connector	$4,000,000
2358	MI	Resurfacing of Ten Mile Road in St. Clair Shores	$896,000
2359	NY	Conduct studies to consider transportation planning and community involvement for infrastructure projects that address congestion relief in New York City	$1,000,000
2360	MO	Construct an extension of MO 740 from U.S. 63 to the 1-70 Lake of the Woods Interchange	$2,500,000
2361	LA	Improvements for LA 1148 in Iberville Parish; and LA/I-10 Connector Study; and improvements to LA 10/Zachary Taylor Parkway	$4,000,000
2362	NY	Monroe County ITS project	$900,000
2363	MO	Roadway improvement on I-44 in Phelps County Missouri	$1,000,000
2364	MA	Rt128/95 ramp Northbound to Kendrick Street, Needham	$2,000,000
2365	IN	Realign State Road 312, Hammond	$4,162,891
2366	PA	Design, engineering, ROW acquisition & construction of surface improvements to the area adjacent to Exit 168 of Interstate 81 at the Wachovia Arena in Wilkes-Barre Township	$250,000
2367	GA	SR 92 relocation from Durelee Road to SR 92 at Malone, including grade separation, Douglas County, Georgia	$8,000,000
2368	IN	Construct I69 Evansville to Indianapolis, Indiana	$14,000,000
2369	CA	Construct fourth bore of Caldecott Tunnel on SR 24, California	$1,000,000
2370	TN	Construct interchange on I-40 in Wilson County	$1,000,000
2371	IN	Construct service road parallel to I-69 in the City of Anderson, Indiana	$3,000,000
2372	NY	Croton-on-Hudson, NY Restoration of Van Cortlandt Manor entrance road	$2,500,000
2373	OH	Construction and repair of pedestrian walkways along Lake Shore Blvd. in Lakeline Village, OH	$289,000
2374	MD	Reconstruct MD 32 from MD 108 to I-70 in Howard County	$2,000,000
2375	NY	Reconstruct Streets and Sidewalks in Middle Village	$1,000,000
2376	MI	Reconstruct two bridges over Black Creek Drain in Sanilac County	$712,500
2377	FL	Construction of Little Venice Road, Marathon, FL	$1,000,000
2378	CA	Make traffic and safety improvements to Atlantic Blvd in Maywood	$500,000
2379	MN	Stearns County Bridge no. 73501 Improvements	$400,000
2380	LA	Construct LA 16 Interchange at I-12 and improvements, and Cook Road improvements	$13,000,000
2381	MO	Reconstruct Highway 60 and Highway 65 Interchange	$2,000,000
2382	CO	I-70, Havana, Yosemite Street Interchange Reconstruction Project, Denver	$1,500,000
2383	CO	Reconstruct C470-US85 Interchange	$4,000,000
2384	VA	Reconstruction of the entranceway to Montpelier on Orange County, Virginia	$1,000,000
2385	TN	construct and widen underpass at intersection of Boydstation, Harvey, and McFee Roads, Knox County, TN	$494,300
2386	GA	Extend sidewalks, upgrade landscaping in downtown Hawkinsville	$500,000
2387	OH	Conduct Sarah St along SR 18 and 101 enhancement project to calm traffic in the City of Tiffin	$2,600,000
2388	LA	Improvements to Zachary Taylor Parkway	$2,000,000
2389	CA	Las Tunas Drive Pedestrian Enhancement, San Gabriel	$150,000
2390	OH	Reconstruction, widening, and bicycle improvements to Pettibone Road in the City of Solon, OH	$3,000,000
2391	NH	Replacement of Ash Street and Pillsbury Road Bridge	$1,400,000
2392	PA	Swamp Road Corridor Safety and Roadway Improvements, Bucks County	$1,000,000
2393	FL	Construct St. Augustine to Palatka Rail Trail, Florida	$2,900,000
2394	IL	Construction of a traffic circle to reduce traffic congestion, Museum Campus Chicago	$2,000,000
2395	AL	Pedestrian Improvements for Gardendale, AL	$100,000
2396	PA	Extension of Second Street from Race to the intersection of Lehigh and Poplar Street in the Borough of Catasauqua	$1,100,000
2397	NE	Cuming Street Transportation Improvement Project, Omaha, Nebraska	$4,000,000
2398	TN	Construct State Route 1 (US-70) to a four lane divided highway on new alignment from Centertown to McMinnville in Warren County	$11,500,000
2399	CA	Improve access to I-80 at Eureka Road Interchange	$2,000,000
2400	LA	Expand existing South Central Planning and Development Commission Intelligent Transportation System program in Houma-Thibodaux area by installing signals, sensors and systems	$1,800,000
2401	IL	Install traffic control devices on traffic signals in Village of Oak Lawn	$240,000
2402	CA	Interstate 15, California Oaks Road Interchange Project	$2,000,000
2403	TX	Choate Road overpass to eliminate at-grade intersection between Choate Rd and SH146	$9,800,000
2404	OH	Construction of I-75 Austin Road Interchange, Montgomery County, Ohio	$7,500,000
2405	CA	Acquire lands adjacent to US 101 as part of Southern Santa Clara County Wildlife Corridor Protection and Scenic Enhancement Project	$250,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2406	TX	Construct US Business 287 through the Trinity Uptown Project from 7th St. NE to 11th St. NE in Fort Worth	$7,000,000
2407	KS	Construct K-10 and Lone Elm Road interchange, Lenexa	$5,000,000
2408	OH	Construct connector road between SR 79 and Thornwood Drive in Licking County	$5,000,000
2409	NH	Construct Pedestrian, Bicycle bridge in Keene	$800,000
2410	FL	Coral Way, SR 972 Highway Beautification, Phase One, Miami, Florida	$1,000,000
2411	TN	Develop historic preservation transportation enhancement project, Sumner Co. and surrounding counties	$135,000
2412	NY	Develop terminal facilities for water taxi projects in New York City	$3,000,000
2413	WI	Expand USH 151 between Dickeyville and Belmont	$2,000,000
2414	NY	Improve bicycle and pedestrian safety, NY25, Jamesport	$300,000
2415	PA	PA Route 183 widening and ramp enhancement, Bern Township	$1,600,000
2416	IN	Reconstruct Hoosier Heartland Highway, Wabash, Huntington and Miami County Indiana segments	$750,000
2417	GA	Replace sidewalks, upgrade lighting, and install landscaping, Soperton	$500,000
2418	LA	Lafayette, LA Implementation of Intelligent Transportation System	$11,000,000
2419	NY	Conduct improvements to I87—Exit 18 Interchange	$2,500,000
2420	IL	To construct an extension of US-51 from .9 miles south of Moweaqua to 4.6 miles south of Moweaqua	$2,000,000
2421	IL	Upgrade roads, The Village of Hillside	$1,000,000
2422	MS	Upgrade safety devices at Front Street rail crossing, Ellisville	$50,000
2423	CO	US 287—Ports-to-Plains Corridor in Colorado	$3,000,000
2424	OH	Deconstruct the Bellaire Highway Bridge which connects Bellaire, Ohio and Benwood, WV	$1,700,000
2425	VA	Construct I-95 Interchange at Temple Ave, Colonial Heights	$5,000,000
2426	KS	Route designation, environmental clearance, final design and right-of-way acquisition for Crawford County, KS corridor of U.S. Highway 69	$4,000,000
2427	CA	US-395 Realignment and Widening Project	$500,000
2428	IL	To connect about a two-mile segment through Collinsville at two or three lanes	$1,500,000
2429	IL	Construct Parking Facility and pedestrian walkways at 94th an S. Oak Park Ave, Oak Lawn	$200,000
2430	UT	I-15 Freeway Reconstruction—Springville 200 South Interchange	$4,500,000
2431	MA	Washington St. from High St. to Water St., Walpole	$2,000,000
2432	VA	White's Mill Trail and Renovation—design and construction of recreational trail and preservation of watermill for use as visitors center	$500,000
2433	CA	Implement San Francisco Street Improvements Program	$8,000,000
2434	MA	Design, engineering and construction of Methuen Rotary alternative at I-93 and Routes 110 and 113, Methuen	$1,000,000
2435	IL	Improve Mill Street, Rock Island	$500,000
2436	PA	For the Nanticoke City Redevelopment Authority to design, acquire land, and construct a parking garage, streetscaping enhancements, paving, lighting & safety improvements, & roadway redesign in Nanti	$7,000,000
2437	MI	Widen and reconstruct Walton Boulevard Bridge in Auburn Hills between Opdyke and Squirrel Road	$5,000,000
2438	OR	Widen Delaura Beach Lane and add a bike lane both directions, Warrenton	$150,000
2439	MA	Design and construct the 3 ‡ mile long Grand Trunk Trail bikeway from Sturbridge to Southbridge	$700,000
2440	TN	Develop trails, bike paths and recreational facilities on the Crest of Black Mountain, Cumberland County for Cumberland Trail State Park	$250,000
2441	NY	Study and Improve Traffic Flow Improvement at Atlantic Yard/ NETS Arena Development	$3,000,000
2442	MD	Upgrade and widen MD237 from Pegg Road to MD235	$10,000,000
2443	PA	Main Street improvements from Broad Street to Richardson Avenue and Main Street to Madison Avenue, Borough of Lansdale	$700,000
2444	CA	Widen Highway 101 in Marin and Sonoma Counties from Hwy 37 in Novato to Old Redwood Highway in Petaluma	$15,000,000
2445	NY	Road and pedestrian safety improvements Main Street, Village of Patchogue	$1,400,000
2446	UT	Widen Highway 92 from Lehi to Highland	$5,000,000
2447	AZ	Widen I-10 to 3 lanes in each direction north of Tucson from Marana Interchange to Cortato Interchange	$1,700,000
2448	CA	Widen I-238 between I-580 & I-880 in Alameda County	$1,000,000
2449	VA	Widen I-66 westbound inside the Capital Beltway from the Rosslyn Tunnel to the Dulles Connector Road	$7,000,000
2450	NC	Construction of I-74 between I-40 and US 220, High Point, North Carolina	$5,000,000
2451	MD	Widen I-695, Baltimore Beltway, Southwest	$3,000,000
2452	GA	Replace sidewalks, upgrade lighting in downtown Vidalia	$500,000
2453	MN	Construct bicycle and pedestrian trails in Cuyuna Recreation Area	$700,000
2454	HI	Construct Kapaa Bypass	$3,000,000
2455	FL	Temple Terrace Highway Modification	$3,000,000
2456	TN	Widen Interstate 240 from Poplar Avenue (SR-57) to near Walnut Grove Road (SR-23) East of Memphis, Shelby County	$1,000,000
2457	IL	For the Village of Woodridge to resurface Internationale Parkway	$100,000
2458	OR	I-5 Trade Corridor, Portland Oregon to Vancouver, Washington segment	$5,700,000
2459	GA	Streetscape, Pedestrian Improvements in City Center, City of Clarkston	$5,000,000
2460	KY	Widen KY 1991 from Maysville Road to Midland Trail Industrial Park, Montgomery County	$1,250,000
2461	NC	Construct new Route from Beach Drive (SR 1104) to NC 211 in Brunswick County	$4,000,000
2462	NJ	International Trade and Logistics Center Roadway Improvements at Exit 12 of the New Jersey Turnpike, Carteret	$1,000,000
2463	IL	Interstate 41 and Route 176 Interchange replacement	$500,000
2464	MA	Northern Avenue Bridge rehabilitation, Boston	$3,000,000
2465	AK	Planning, design, and construction of Knik Arm Bridge	$3,000,000
2466	IN	North Calumet Avenue Improvements, Valparaiso	$1,200,000
2467	OR	I-205-Highway 213 interchange improvements	$1,000,000
2468	TN	Improving Vehicle Efficiencies at highway At-Grade Railroad Crossing in Loudon, TN	$57,000
2469	AZ	Construct I 10 Collector Distributor Roadway from 40th Street to Baseline Maricopa County, Arizona	$4,000,000
2470	LA	Improvements to LA 42 in Ascension Parish; and LA 73 improvements in Ascension Parish	$10,000,000
2471	MN	Construct Paul Bunyan trail from Mississippi River Bridge Trail to Crow Wing State Park	$775,000
2472	MN	Construct Mesabi Trail from Grand Rapids to City of Ely	$2,700,000
2473	GA	Install sidewalks on Highway 23 from Dykes Street to Sarah Street, Cochran	$300,000
2474	AK	Kodiak, AK Construction of AMHW ferry terminal and approach	$7,500,000
2475	OK	Reconstruction of SH66 from Craig and Rogers Counties to SH66 and US60 intersection	$1,000,000
2476	CA	Enhance pedestrian environment and increase safety along Olympic Blvd between Vermont and Western Avenues, Los Angeles	$2,000,000
2477	NY	Enhancement of the Michigan Avenue Corridor, Buffalo	$2,000,000
2478	NJ	Kapkowski Road Area Improvements in Elizabeth	$4,500,000
2479	CA	Construct landscape medians along Skyline Drive from Sears Avenue to 58th Street, San Diego	$1,000,000
2480	NY	Jamaica Air Train Station Area Infrastructure Improvements	$5,000,000
2481	MO	Construct Highway 465 to Highway 376 south from HWY 76 to HWY 376	$6,000,000
2482	WA	New Country Road on Whidbey Island	$1,200,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2483	NM	Chaco Wash Bridge and Road Improvements on Navajo Route 46	$2,000,000
2484	CA	Reconstruct Interstate 880-Route 92 interchange in Hayward	$1,750,000
2485	MA	Relocate Rt. 79 in Fall River to create 4-lane urban boulevard with landscaped median and developable waterfront	$5,000,000
2486	IL	Road extension for Highway 22 in Macon COunty, IL	$668,000
2487	NY	Portageville Bridge—purchase existing bridge to convert to pedestrian bridge	$1,500,000
2488	PA	Rt.422 complete preliminary engineering and four lane expansion from Ebensburg to Kittanning	$3,000,000
2489	CA	Upgrade essential road arterials, connectors, bridges and other road infrastructure improvements in the Town of Desert Hot Springs, CA	$2,000,000
2490	KY	Construct the Heartland Parkway in Adair County	$1,200,000
2491	NV	Horse-US-95 Interchange Project	$6,000,000
2492	CT	Make Improvements to Plainfield Moosup Pond Road	$300,000
2493	FL	Construction design ROW US 27 from SR 540 to SR544 & from I-4 to US 192 in Polk County, FL	$10,000,000
2494	IA	Construction of approaches and viaduct on Edgewood Rd SW over the UP Railroad, Prairie Creek, and the CRANDIC railroad	$1,600,000
2495	NJ	Construct Hackensack River Walkway in Bergen County	$2,000,000
2496	TX	Hwy 80/123 Overpass at Hwy 181 in Karnes County	$300,000
2497	NM	Improvements to U.S. Highway 87 from Clayton, NM to Raton, NM	$2,000,000
2498	VA	Route 11 Interchange improvements in Lexington, Virginia	$1,000,000
2499	CA	Improvements to Ben Maddox Way Bridge	$2,000,000
2500	WA	SR 18 Widening, Maple Valley to I-90	$7,500,000
2501	NY	City of Beacon construction of pedestrian & Bicycle trail	$315,000
2502	TX	FM 544, widen 2-lane roadway to 6-lane roadway from SH 121 to Dozier-Parker Road	$2,000,000
2503	TX	Construct an alternate truck route to Interstate 35 in Buda	$500,000
2504	NY	Improvements on the Cross Island Bridge Overpass / 212th Street and vicinity, Queens	$4,220,000
2505	MI	Novi, Reconstruct Grand River between Novi and Haggerty	$1,000,000
2506	SD	Resurface US Hwy 18 from Lake Andes to US Hwy 50 on Yankton Sioux Reservation	$1,200,000
2507	PR	To revitalize Old San Juan Historic District streets	$3,000,000
2508	WY	U.S. 85 Passing Lanes	$2,000,000
2509	MA	Construct Blackstone River Bikeway and Worcester Bikeway Pavilion between Providence, RI and Worcester	$2,000,000
2510	NY	Little Falls Access: Repair and reconstruct High School and Lower School Road	$240,000
2511	FL	Replace Columbus Drive Bridge	$4,000,000
2512	AS	Village road improvements for Sua and Vaifanua counties in the Eastern district	$2,600,000
2513	MI	Construction of two railroad-highway grade separations on Farm Lane north of Mount Hope Road	$2,300,000
2514	CA	Widen Atlantic Bl bridge over the Los Angeles River in Vernon	$1,000,000
2515	CA	Widen Bundy Drive between Wilshire and Santa Monica Boulevards in the City of Los Angeles	$4,250,000
2516	AL	To provide four lanes on US-80, Perry County, Marengo County, and Sumter County	$14,000,000
2517	CA	Widen Maine Avenue in Baldwin Park	$375,000
2518	NM	Ease traffic congestion and improve intersection safety by identifying alternative alignment to US 84/285 and NM 68 through Espanola.	$2,000,000
2519	MS	Widen MS Hwy 19 between Philadelphia and Collinsville, MS	$10,000,000
2520	NY	Construct the Fire Island ferry terminal facility, Patchogue	$2,000,000
2521	IL	IL 8 from East Peoria to Washington, IL	$952,570
2522	NJ	Preliminary engineering for missing connections of NJ 23 and I-80	$1,500,000
2523	ME	Penobscot Riverfront Development for bicycle trails, amenities, and traffic circulation improvements, Bangor and Brewer	$2,000,000
2524	IL	Restoration and reconstruction of the central business district street. Cambridge, IL	$1,200,000
2525	NC	Widen NC 150 from Cherryville to Lincolnton	$1,000,000
2526	NY	Second phase of the Grand Concourse improvements from East 166th St. to East 171st St	$10,000,000
2527	VT	U.S. Route 7 and U.S. Route 4 road improvements for the City of Rutland	$3,560,000
2528	IL	Improve 63rd Street, Chicago	$2,000,000
2529	MI	Alcona County, Reconstruction of Ritchie Road from Village of Lincoln to Hubbard Lake road	$813,000
2530	SC	Construct roadway btwn I-26 and US 1 in Lexington County. Intermodal connector from US 1 to I-26 and I-77. SC 302 and SC 602 improvements	$2,000,000
2531	OR	Agness Road, Curry County	$1,000,000
2532	NY	Rehabilitation of Sharon Drive in the Town of Poughkeepsie	$325,000
2533	TX	Conduct study of I-10 and U.S. 190 with a focus on congestion relief and the need for a military & emergency relief transportation corridor	$200,000
2534	MD	MD 85 at I270	$6,000,000
2535	GA	SR 36 passing lanes north of Jackson to Newton County line, Butts County, Georgia	$3,050,000
2536	VA	I-66 and Route 29 Gainesville Interchange Project	$9,000,000
2537	NY	Construct and extend existing pedestrian streetscape areas in Lynbrook	$1,000,000
2538	CA	Construct traffic intersection island improvements on North side of Olympic Blvd where Irolo St. and Normandie Ave. split in Koreatown, Los Angeles	$200,000
2539	WA	Improvements in the SR9 corridor in Snohomish County	$1,500,000
2540	PA	Replace a highway railcrossing in Osborne Borough, PA	$2,150,000
2541	AL	Pedestrian Improvements for Centerpoint, AL	$100,000
2542	CA	Replace twin 2 lane bridge with single 4 lane bridge on SR 138 over Big Rock Wash	$500,000
2543	CA	State Route 86S and Ave 50 highway safety grade separation	$1,000,000
2544	TX	Construct Fredericksburg Road-Medical Drive grade separation in San Antonio	$3,800,000
2545	PA	For design, engineering, ROW acquisition, & construction of a connector road between the Valmont Industrial Park & Pennsylvania Rt. 924 at Cranberry Creek	$500,000
2546	AR	Interstates 30/440/530 Interchanges—for interchange improvements, Little Rock	$1,500,000
2547	NJ	Rehabilitation of Benigno Boulevard from I-295 to Route 168 in Bellmawr	$400,000
2548	PA	Preconstruction studies for improvement to US 22	$1,000,000
2549	IL	Establish transportation museum on Navy Pier, Chicago	$540,000
2550	WA	Continuing construction of I 90, Spokane to Idaho State Line	$3,300,000
2551	VA	Improve transportation infrastructure for visitors to Jamestown 2007	$531,900
2552	AR	Highway 67: Kiehl Avenue—Vandenberg Boulevard: rehabilitating and widening Highway 67 from four to six lanes from Kiehl Ave. to Vandenberg Blvd	$2,000,000
2553	NY	Install Improvements for Pedestrian Safety in the vicinity of PS 81	$250,000
2554	GA	Memorial Drive Corridor	$2,000,000
2555	VA	Route 11 improvements in Maurertown, Virginia	$1,000,000
2556	PA	Street improvements, Whitemarsh Township	$1,500,000
2557	VT	Construction of the Lamoille Valley Rail Trail for the Vermont Association of Snow Travelers	$7,268,486

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2558	CO	I-76: Colorados Northeast Gateway	$3,000,000
2559	VA	Construct Maersk Terminal interchange in Portsmouth	$2,000,000
2560	GA	I-75 Welcom Project	$250,000
2561	PA	Improve handicapped accessibility and provide pedestrian overpass in Villanova	$3,000,000
2562	NY	Install Two Permanent Variable Message Signs (VMS) on Belt Parkway	$500,000
2563	MI	Re-surfacing Sebewaing Road in Huron County	$416,000
2564	IN	Complete construction of paths at Hamilton County Riverwalk, Noblesville, Indiana	$375,000
2565	NY	Study and Implement Safety Enhancement to Avenue U from Mill Avenue to East 38th Street and Flatbush Avenue from Avenue T to Avenue V	$500,000
2566	PA	Upgrade circuit for gates and lights at Sixth Street in Emmaus, PA USDOT crossing number 592402P to constant warning time devices	$275,000
2567	TN	Plan and construct a bicycle and pedestrian trail, Eagleville	$200,000
2568	NY	Improvements for pedestrian and vehicular access to Baychester Avenue and Bartow Avenue	$600,000
2569	GA	SR 400 reconstruction from I285 to McFarland Road, Fulton and Forsyth Counties	$1,000,000
2570	MI	Construct pedestrian and bicycle pathway at Chippewa Landing River Park in the Village of Caro	$80,000
2571	GA	Upgrade sidewalks, replace street lights, and landscaping, Metter	$500,000
2572	AR	Highway 412: Baxter Co. to Ash Flat	$2,000,000
2573	NY	Town of North Salem improvements and repaving to Hawley Road	$200,000
2574	IA	US 20 Mississippi River Bridge and approaches, Dubuque Co, IA	$25,000,000
2575	NY	Construct access road and exit lanes for Center for Advanced Medicine: North Shore LIJ Health System	$1,500,000
2576	NY	Improve key intersections and highway segments along Rt. 32 between Route 17-6-NYS Thruway interchange in Harriman and Highland Mills	$750,000
2577	CA	Widen I-5 to 10 Lanes and Improve Corridor Arterials, SR 91 to I-710	$5,200,000
2578	IL	For the construction of the Grand Avenue Underpass, Village of Franklin Park	$1,160,000
2579	NY	Rehabilitation of North and South Ridge Street and Wappanocca Avenue in the Village of Rye Brook and City of Rye	$2,160,000
2580	NY	NYSDOT Route 55 construction over Fishkill Creek and left turn lane construction	$1,400,000
2581	AL	Alabama Hwy 36 Extension and Widening-Phase II	$1,000,000
2582	OH	Construct Eagle Avenue Viaduct-Demolition bridge, realignment of roadway to replace bridge and reconstruction of two other bridges, Cleveland	$500,000
2583	NV	Construct US 93 Corridor—Boulder City	$10,000,000
2584	NY	Reconstruction of NYS 5, 8, 12. Viaduct and Rt 5A and 5S: City of Utica	$1,000,000
2585	CT	Street and streetscape improvements along Campbell Ave., West Haven	$1,500,000
2586	MA	Reconstruct North Washington Street Bridge to connect Boston and Charlestown	$6,000,000
2587	MS	Upgrade roads in Fayette (U.S. Hwy 61 and 33), Jefferson County	$400,000
2588	MN	Heritage Center at the Grand Portage National Monument	$1,400,000
2589	NY	Redesign and reconstruction of the Putnam Rail-Trail, Bronx	$650,000
2590	OR	Highway 34/Corvallis Bypass Intersection	$2,100,000
2591	CA	Install traffic signal on Balboa Blvd. at Knollwood Shopping Center	$120,000
2592	MA	Chelsea Street Bridge Reconstruction	$8,000,000
2593	AL	Pedestrian Improvements for Northport, AL	$100,000
2594	NV	Construct widening of US50A from Fernley to Leeteville Junction	$5,000,000
2595	WA	Rebuild & widen Cemetery Road bridge over US Bureau of Reclamation canal near Othello, WA	$200,000
2596	FL	Roadway construction of SW 62–SW 24 Avenue in Gainesville	$2,000,000
2597	WA	SR 2/Kelsey Street Intersection Improvements in Monroe	$1,040,000
2598	NY	Town of Southeast construction and repaving of town roads	$300,000
2599	MI	Reconstruct Third Ave. from Saginaw St. to Flint River, City of Flint	$3,000,000
2600	PA	Upgrade circuit for gates and lights at 31st Street in Allentown, PA USDOT crossing number 592410G to constant warning time devices	$275,000
2601	NV	Construct US 95 Widening from Rainbow Blvd to Kyle Canyon	$4,750,000
2602	IN	Improve campus streets to increase pedestrian safety and ease vehicular congestion in the City of Anderson, Indiana	$2,000,000
2603	PA	Schaefferstown Bypass, PA Route 501, Lebanon	$1,000,000
2604	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Dupont Borough, Luzerne County	$200,000
2605	GA	Intersection improvement at Lake Dow Road and SR 81 Harris Dr at SR 42	$600,000
2606	CA	Replace South Access to the Golden Gate Bridge—Doyle Drive	$6,000,000
2607	IL	Resurface Yellow Banks Road, Franklin County	$400,000
2608	AL	Widen CR-52 from Helena to US-31	$15,000,000
2609	IL	Intersection Reconstruction at US 12-IL31-Tryon Grove Road	$900,000
2610	NY	Streetscape of Herald and Greeley Squares in New York City	$500,000
2611	NJ	Construct Cape May and Supawna Meadows National Wildlife Refuges Roadway and Parking Improvements	$750,000
2612	TX	Del Rio-Laughlin Air Force Base Relief Route	$4,000,000
2613	NC	Study feasibility of widening US 221-NC 226 from Woodlawn to Spruce Pine, start planning and design, and make upgrades to improve safety	$3,000,000
2614	NY	Transportation improvements to the Far Rockaway Business District, Queens, New York	$2,400,000
2615	VI	Upgrade West-East Corridor through Charlotte Amalie, St. Thomas	$8,000,000
2616	NH	Hampton Bridge Rehabilitation—Hampton, NH	$1,500,000
2617	CA	Gale Avenue widening between Fullerton Road and Nogales Street, and Nogales Street widening at Gale Avenue	$100,000
2618	CA	Grade Separation at Cesar Chavez Parkway and Harbor Drive, San Diego	$500,000
2619	MO	Improve access to I-55 at River Des Peres	$10,000,000
2620	PA	PA Route 61 enhancements, Schuylkill Haven	$10,000,000
2621	MO	Kansas City SmartPort ITS for highways	$5,000,000
2622	PA	City of Philadelphia in conjunction with American Cities Foundation for neighborhood transportation enhancement and pedestrian safety projects	$4,000,000
2623	DE	Reconstructing I-95/SR-1 interchange, adding a fifth lane, and replacing toll plaza on Delaware's portion of I-95 corridor	$5,000,000
2624	OH	Study possible road upgrades in Tuscarawas County due to flood issues based on dams in Muskingum Watershed District	$100,000
2625	OR	Sunrise Corridor, Clackamas County	$2,850,000
2626	CA	Construct Cabot-Camino Capistrano Bridge Project and related roadway improvements in Cities of Mission Viejo and Laguna Niguel, California	$838,690
2627	TX	Construction of mainlanes and interchanges on SH 121 from Hillcrest to US 75	$14,000,000
2628	WA	Enumclaw, WA Welcome Center	$1,500,000
2629	PA	Upgrade narrow existing roads, Plank, Otts, Meyers, Seitz Roads, along 1 mile corridor to 2 lane road with shoulders, improve intersections	$1,000,000
2630	GA	Widen Old Petersburg Road-Old Evans Road from Baston Road to Washington Road, Columbia County, Georgia	$4,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2631	CA	Widen Peyton Dr. from Grand Ave. to Chino Hills Pky., construct Eucalyptus Ave. from Peyton Dr. to Galloping Hills, improve English Channel	$7,036,110
2632	TX	New construction for the SH 349 Reliever Route beginning at the SH 191 intersection in Midland	$2,500,000
2633	PA	Widen Route 22 between Export and Delmont	$1,450,000
2634	CA	Construction of a traffic signal at the intersection of Hamlin St. and Corbin Ave	$125,000
2635	NY	Design/Environmental work on the Inner Loop from Clinton Avenue to East Main Street, Rochester	$2,400,000
2636	MO	I-35 access modification planning, city of Kearney	$1,500,000
2637	PR	Construction of community bridge at Los Olvidados Sector, Quebrada Arenas Community	$425,000
2638	MN	North-South Corridor with Railroad Overpass, City of Staples	$1,500,000
2639	CA	Port of Hueneme Intermodal Access Improvement Project, including grade separation at Rice Avenue and State Route 34; widen Hueneme Road	$4,700,000
2640	CA	Reconstruct and deep-lift asphalt on various roads throughout the district in Ventura County	$4,856,000
2641	GA	Upgrade sidewalks, parking, street lighting, and landscaping, Claxton	$500,000
2642	MS	Upgrade roads in Itta Bena (U.S. Hwy 82 and 7) and in vicinity of Viking Range Corp. (U.S. Hwy 7 and 49), Leflore County	$1,500,000
2643	VA	Widen Route 262 in Augusta County	$1,000,000
2644	CA	Forest Highway 171 Upper Skyway Improvement	$7,250,000
2645	NV	Rehabilitate Lake Mead Parkway	$3,000,000
2646	IL	Construct Bridge Overpass, DuSable Museum-Chicago	$1,000,000
2647	WA	Expand size and improve safety Lewis and Clark Discovery Trailhead and Scenic Overlook	$146,000
2648	PA	Construction of access improvement at the I79 SR 228 interchange in vicinity of Cranberry Town Center	$650,000
2649	PA	Development of bicycle and pedestrian trails and access links along North Delaware Riverfront	$10,000,000
2650	OH	Highway—railroad grade separation over the Norfolk Southern Rail Line for the Hines Hill Road—Milford Connector project in Hudson, Ohio	$300,000
2651	CA	Construct crosswalk bump-outs and related streetscape improvements on Temple St between Hoover St and Glendale Blvd, Los Angeles	$400,000
2652	NC	Improve SR1023 from US70 Business to US301 in Smithfield	$5,000,000
2653	MA	Improvements to Mass. Ave, Andover Street, Osgood Street, Salem Street, and Johnson Street in the Old Town Center of North Andover	$1,000,000
2654	KY	Reconstruct US 127 at US 127 South, Mercer County	$600,000
2655	CA	Construct truck lane from Britannia Blvd. to the Otay Mesa Port of Entry, San Diego County	$4,000,000
2656	PA	Beford, Pa—Relocation of Old Route 220 and Sweet Road. Complete preliminary engineering, purchase right-of-way, construction	$9,000,000
2657	GA	Design and construction of 2.2 miles of multi-use trail in the City of Douglas, Georgia	$200,000
2658	IL	Entry Road to SIU Research Park	$1,600,000
2659	NY	Kingston, Construct pedestrian waterfront walkway	$1,600,000
2660	MN	Reconstruct TH 61 north of Split Rock River to Chapins Curve, bridges number 8285 and 8286, Lake County	$5,280,000
2661	KS	Replacement of US-169 bridge in Kansas City	$8,500,000
2662	PA	Route 313 Turning Lanes and Truck Climbing Lanes, Bucks County	$1,000,000
2663	CA	Purchase of Rosemead Blvd ROW, Temple City	$1,000,000
2664	NY	Reconfiguration of Bay Avenue and Polaris Street in Newark, NJ	$8,000,000
2665	MI	Reconstruct highway under a railroad bridge, Wyoming Ave. from Eagle Pass to Michigan Avenue, Wayne County	$1,000,000
2666	OK	Construct vehicular bridge over the Burlington Northern RR at War Bonnet Crossing, Mannford, OK	$1,000,000
2667	UT	Construction and Rehabilitation of 13th East in Sandy City	$6,300,000
2668	VA	Construct 3.6 miles of Interstate 73 near Martinsville	$2,000,000
2669	WA	Maple Valley SR 169 and SR 516 improvements	$1,000,000
2670	FL	Construct access road to entrances to Opa-Locka Airport at Opa-Locka Airport at N.W. 135th Street and N.W. 47th Avenue, including improvements to N.W. 47th Avenue with median strip, City of Opa-Locka	$2,000,000
2671	UT	Expand Redhills Parkway from 2 to 5 lanes and improve alignment within rights-of-way in St. George	$6,000,000
2672	OH	Bethlehem Township, Ohio. Riverland Avenue Bridge Replacement	$1,300,000
2673	MD	MD295, BWI Access Improvements	$4,740,000
2674	OR	Connect Boeckman Road to Tooze Road, Wilsonville	$1,000,000
2675	LA	Construct I-20 interchanges at US 167 and Tarbutton Rd. Construct East West frontage roads along I-20	$5,000,000
2676	TX	FM 937 from SH164 to FM 3371, Limestone Co	$2,000,000
2677	MO	Construct additional exit ramp access lane from I-44 to Kingshighway and enhance Shaw Ave. corridor	$4,820,000
2678	IN	Construdtion of I64 Interchange, Harrison County, Indiana	$5,310,000
2679	OH	Bridge Replacement at SR 84 and I-90 on Bishop Road in Willougby Hills, OH	$500,000
2680	TN	Continue Shelby Avenue—Demonbreun Street project in Nashville.	$6,500,000
2681	WI	Construct a bicycle/pedestrian path from Waunakee to Westport	$2,000,000
2682	CT	Construct bike and pedestrian paths along Salem Greenway—Salem, CT	$100,000
2683	TX	Construct I-635/35E Interchange in Dallas, TX	$5,500,000
2684	CA	Hwy 199 Narrow Enhancement to reduce active slides that cause significant road closures on primary connecting route from US 101 to I-5	$2,000,000
2685	MD	Construction of New Interchange at MD5, MD373, and Brandywine Road	$10,000,000
2686	GA	I-20 West from SR 5 Bill Arp to SR 6—HOV Lanes	$7,250,000
2687	PA	Install and construct signals, calming devices and signs in Mechanicsburg and surrounding municipalities	$450,000
2688	FL	44th St. Extension to Golfair Blvd, Jacksonville	$1,500,000
2689	NJ	Passaic River-Newark Bay Restoration and Pollution Abatement Project, Route 21, River Road, CR 510	$1,000,000
2690	CA	San Gabriel Blvd and Mission Road Intersection Improvements, San Gabriel	$200,000
2691	NY	Rehabilitate 125th Street Corridor from Old Broadway to Marginal Street/Waterfront	$2,000,000
2692	MI	Repair M-10 corridor from I-696 to downtown Detroit	$1,000,000
2693	FL	Capital Circle Northwest, Tallahassee	$10,000,000
2694	TN	Installation of Intelligent Transportation System on various major routes in Memphis	$2,000,000
2695	MI	Planning and Engineering for The American Road, The Henry Ford Museum, Dearborn	$1,500,000
2696	TX	Reconstruct Ella/Wheatley from Little York to West Gulf Bank	$1,250,000
2697	NY	Implement Improvements for Pedestrian Safety in Richmond County	$1,000,000
2698	FL	Palm Bay Parkway from Emerson Drive to US 192, Palm Bay, FL	$1,000,000
2699	CA	Construct the Los Angeles River bicycle and pedestrian path in the San Fernando Valley	$575,000
2700	TX	Construct Santa Fe Trail DART LR overpass from Hill St. to Commerce St. along abandoned Santa Fe Rail right of way in Dallas	$1,400,000
2701	CA	Construct Route 101 bicycle/pedestrian overpass at Millbrae Ave for the San Francisco Bay Trail	$1,000,000
2702	GU	Guam Mass Transit Authority Acquisition of transit vehicles for disabled persons	$400,000
2703	LA	New Iberia Rail Grade Separation	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2704	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Ashley Borough, Luzerne County	$200,000
2705	MN	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	$750,000
2706	TN	Plan and construct a bicycle and pedestrian trail, Cannon County	$100,000
2707	TX	Develop, deploy and integrate municipal ITS in San Antonio	$3,200,000
2708	TN	Jefferson, Hamblen Counties, Tennessee SR-66 relocation	$2,000,000
2709	MD	Rehabilitate Pennington Avenue Drawbridge in Baltimore	$1,500,000
2710	PA	Construction of I-79 to Mon-Fayette Section of Southern Beltway, Pittsburgh, Pennsylvania	$1,000,000
2711	FL	Springfield Rd. Improvements, Jacksonville	$1,500,000
2712	LA	Elimination of highway-rail grade crossings along Louisiana and Delta railroad	$1,000,000
2713	CA	Conduct necessary planning and engineering and implement comprehensive Corridor Management Plan for Arroyo Seco Historic Parkway, Los Angeles	$1,400,000
2714	FL	Plant City Traffic Management System	$2,000,000
2715	GA	SR 347 widen-new construction from I-985 to SR 211, Hall County, Georgia	$10,000,000
2716	WA	SR28 and SR285 Sellar Bridge Improvements: ramp & roadway network improvements at the west end and a new lane on the Sellar Bridge	$5,000,000
2717	NY	Stabilize Poughkeepsie Railroad Bridge and construct a pedestrian walkway linking the two sides of the Hudson River, Poughkeepsie	$1,092,500
2718	WA	International Mobility and Trade Corridor Project for Whatcom County	$1,100,000
2719	CA	State Route 76 Road Widening, Melrose Drive to Interstate 15	$5,000,000
2720	NJ	Streetscape Improvements to Clements Bridge Road from Newton Avenue to New Jersey Turnpike, Barrington	$500,000
2721	FL	Construct Eastern Connector from SR 417 to I-95, Volusia & Seminole Counties Florida	$1,000,000
2722	GA	Construction of the McIntosh Path on SR 99, 7.15 miles between Darien, Georgia and the Sapelo Island Visitor Center	$200,000
2723	AL	Construction of Sulphur Springs Road Bypass in City of Hoover, Alabama	$5,000,000
2724	AZ	Pliocene Cliffs reconstruction between Wikieup and the Santa Maria River	$1,000,000
2725	MN	Construct roadway improvements to CSAH 76, Little Falls	$1,064,000
2726	IN	Study alternatives along 2 miles of railroad to eliminae in-town highway-rail crossings to improve safety and reduce congestion in Delaware County	$150,000
2727	NV	Design and construct separation of rail-highway crossings in downtown Reno	$1,000,000
2728	NJ	Maple Shade Township Streetscape Improvements of Mill Road, Rudderow Ave., North & South Coles Ave. and Schoolhouse Lane	$1,000,000
2729	WA	Conduct study for I-5 and SR503 interchange	$300,000
2730	WA	Construct Webber Canyon Road realignment at I-82 Kiona-Benton interchange	$3,500,000
2731	TX	Downtown Streetscape Improvements in Beaumont, Texas	$640,000
2732	NY	Improve Traffic Flow on Lefferts Boulevard by Rehabilitating Facilities Surrounding LIRR/Kew Gardens Eastbound Station	$500,000
2733	NM	Perform highway beautification to the recently reconstructed Interstate 40 Interstate 25 Interchange	$800,000
2734	TX	Reconstruct interchange at IH 10 and FM 364, Chambers County, Texas	$1,000,000
2735	CA	SR 52 East Improvments (San Diego)	$6,000,000
2736	OR	Study to evaluate alternatives in support of an eventual Astoria bypass, Astoria	$250,000
2737	GA	Commission a study and report regarding the construction and designation of a new Interstate linking Savannah, Augusta, & Knoxville	$400,000
2738	VT	Construction of the St. Albans, Vermont intermodal connector roadway with I-89 for the City of St. Albans	$1,200,000
2739	OR	I-5-Highway 214 interchange improvements, Woodburn	$1,000,000
2740	OR	Construction of transportation facilities at the Tualatin River Wildlife Refuge	$800,000
2741	WY	I-80 Rock Springs Marginal	$1,900,000
2742	PA	Improvements to Route 11 and access to I-81	$1,000,000
2743	IL	Improve safety of a horizontal curve on Clarksville St. .25 mile north of 275th Road in Grandview Township, Edgar County, Illinois	$88,000
2744	UT	Provo Reservoir Canal Trail, Utah	$1,000,000
2745	MO	South County Riverfront Access and Trails Project, Lemay	$4,000,000
2746	AK	Road improvements in the City of Fairbanks	$5,000,000
2747	MD	Construct Ferry Terminal, Somerset County, Maryland	$1,000,000
2748	MS	Plan and Construct two lanes to SR-6 from SR 342 to Alabama state line	$4,000,000
2749	CA	Construct bypass along Hwy 101 around Willits, CA to reduce congestion, improve air quality and enhance economic lifeline of No. Coast	$5,000,000
2750	CA	Engineering support to I-5 Joint Powers Authority to widen I-5 freeway and improve corridor arterials from I-710 to Orange County line	$150,000
2751	LA	Kerner Bridge, Bayou Barataria	$2,100,000
2752	WA	Renton, WA SR 167 HOV, Strander Boulevard Connection	$1,000,000
2753	NJ	Sussex County, NJ Vernon Township, Mountain Creek Rt. 94 Traffic Calming, Ped. Safety and Traffic Congestion, Circulation Improvement	$3,000,000
2754	PA	Linglestown Square, roadway and intersection improvements, Lower Paxton Township	$2,800,000
2755	MD	Rehabilitate road including bridges over CSX tracks in Baltimore	$3,000,000
2756	WA	Extend 18th Street between 87th Avenue and NE 192nd Avenue in Vancouver	$1,000,000
2757	TX	Implement repairs on Old Pleasanton Road Bridge in Atascosa County	$403,000
2758	CA	Hazel Avenue Improvements, U.S. Highway 50 to Madison Avenue	$3,000,000
2759	MI	Menominee County, County Road 557 Bridge Replacement over the Big Cedar River	$280,000
2760	OH	Massillon, Ohio. Tremont Avenue Bridge Rehabilitation	$720,000
2761	MI	Montmorency County, Reconstruction of County Road 612 from W. County Line to County Road 491	$800,000
2762	CA	Conduct traffic study of proposed realignment of Nutwood Ave in Fullerton	$500,000
2763	NM	Planning, design and construction of bikeways and walkway at the City of Santa Fe's downtown railyard redevelopment project	$2,000,000
2764	GA	Streetscape-Bainbridge	$250,000
2765	PA	Construct S.R. 706 Corridor, Susquehanna County, Pennsylvania	$2,000,000
2766	NY	Town of North Salem reconstruction and repaving of Keeler Lane	$150,000
2767	FL	Conduct planning and engineering for US 17 widening and improvements in Hardee County, Florida	$3,000,000
2768	IL	Traffic Signalization, Matteson	$907,500
2769	MS	Upgrade roads in Kilmichael, Montgomery County	$400,000
2770	NC	Upgrade US 220 to I 73 74 interstate standards in Montgomery County	$2,000,000
2771	WA	US 2/Sultan Basin Road Improvements in Sultan	$600,000
2772	TX	Add 2 lanes to existing facility from Victoria County Line to 1.9 Miles West of SH 35 in Port Lavaca	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2773	FL	A1A Transportation Enhancements, Daytona Beach	$1,000,000
2774	MI	City of Menominee, Resurface Hattie Street Bridge deck 250 feet from 9th avenue in Menominee to Riverside Avenue in Marinette, WI	$225,000
2775	TN	eliminate blockage of two lanes on Gay Street in Knoxville, TN, to accomodate loading dock	$2,000,000
2776	MI	Emmet County, Ultra thin demonstration project resurfacing of Mitchell Road from the City of Petoskey limits east to Division	$60,000
2777	NY	Gowanus Expressway Project	$500,000
2778	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Moosic Borough, Lackawanna County	$200,000
2779	AL	Expand to 4 lanes on US-278 from I-65 to US-231	$3,000,000
2780	IL	Preconstruction and construction McCarthy Road, Bell Road to US 45 and 123rd Street US 45 to 86th Avenue in Palos Park	$600,000
2781	WY	Riverton: Reconstruct HWY 26—Main St	$1,100,000
2782	MA	Somerville Bicycle Path Improvements—Cedar Street to Central Street	$1,000,000
2783	MI	US 31 improvements and relocation between Holland and Grand Haven	$9,450,000
2784	PA	Replace Messinger Street Bridge in the Borough of Bangor	$1,000,000
2785	NY	Owego, Construct pedestrian waterfront walkway	$1,250,000
2786	KY	Reconstruct US 127 from Hustonville Road to the Mercer County Line, Boyle County	$1,500,000
2787	PA	Construction of an intermodal facility in Altoona, Pa	$1,500,000
2788	CA	Design and construct access improvements in North Central Business District, Sacramento	$8,000,000
2789	NC	Construction of the southbound lane of US 321 bridge replacement over the Catawba River	$6,000,000
2790	FL	Grand Lagoon Bridge Replacement Project. The replacement of a two lane bridge with a four lane bridge	$6,500,000
2791	FL	Construct SR 9B Extension, St. Johns County, Florida	$4,400,000
2792	AL	Design and construct a 4-lane highway from Muscle Shoals, AL to I-10	$1,000,000
2793	IN	Improve SR 9 Greenfield Corridor, Indiana	$500,000
2794	NJ	Interstate 280 Interchange Improvements, Harrison	$9,000,000
2795	KY	Construct I-66 east of Somerset, Kentucky in Pulaski County to I-75 at London, Kentucky	$7,000,000
2796	VA	Plan, Design, and Construct improvements to Virginia Beach Blvd in Virginia Beach and Norfolk	$500,000
2797	PA	Fayette County, Pennsylvania, State Road 21 Improvements	$2,000,000
2798	ME	Replacement of Waldo-Hancock Bridge	$16,000,000
2799	CT	Reconstruct and widen Homer St and Chase Ave in Waterbury from Waterville Ave to Nottingham Terrace	$1,500,000
2800	FL	Construct new east-west road from the intersection of Beeline Highway and PGA Boulevard west to Seminole Pratt Whitney Road	$1,000,000
2801	WI	Enhance West Silver Spring Ave with lighting enhancement, crosswalk improvements, signage, landscaping, Milwaukee	$400,000
2802	NY	Completion of 1.6 mi trail network in the Utica Marsh, NY	$124,000
2803	TX	Construct I635-I30 Interchange, Dallas, Texas	$12,000,000
2804	IL	Establish transportation museum on Navy Pier, Chicago	$500,000
2805	CA	Establish I-15 Interchange at Nisqualli and Mojave River crossing in San Bernardino County	$1,500,000
2806	MA	Massachusetts Bay Transportation Authority Secure Station, Boston	$1,000,000
2807	FL	Construct bridges on SR710 in Palm Beach County	$2,000,000
2808	PA	Reconstruct intersection of SR 51 and Franklin Ave, Beaver County	$2,150,000
2809	NJ	Rehabilitation existing structure at the Bridge Street bridge over the CSX Railroad Trenton Line in Manville, NJ	$500,000
2810	OR	Repair and recoat logging bridge over Highway 99E, Canby	$150,000
2811	CA	San Gabriel Blvd Rehabilitation Project—Broadway to Las Tunas, San Gabriel	$200,000
2812	CA	Signal upgrades on Avenida de las Flores, Melinda Road, Avenida de las Banderas, and Alma Aldea, Rancho Santa Margarita, California	$125,200
2813	CA	Construct State Route 905 to connect the Otay Mesa Port of Entry to Interstate 805, San Diego	$9,000,000
2814	MA	Crosby Drive Improvement Project	$1,000,000
2815	WI	Construct North Shore Extension of Friendship State Trail, Calumet and Winnebago Counties, Wisconsin	$350,000
2816	AR	Construct and rehabilitate Fayetteville Expressway Economic Development Corridor	$5,000,000
2817	PA	Armstrong County, Pennsylvania, construction of the Freeport Bridge	$2,000,000
2818	IL	Road extension for Redco Drive to Skyline Dr, Williamson County	$1,000,000
2819	CA	Rosecrans Avenue and Bridge Arterial Reconstruction Project, Compton	$3,000,000
2820	MA	Canalside Rail Trail Construction of the Canalside Rail Trail, Deerfield & Montague	$1,000,000
2821	CA	Conduct study and construct Daggett Road, Port of Stockton, CA, Access Project	$5,000,000
2822	WI	Construct a bicycle/pedestrian path, and two bridges across Starkweather Creek, Madison	$2,000,000
2823	GA	Construct City of Fayetteville, Ga. School Access Bike Ped Project	$625,000
2824	TN	Sevier County, Tennessee SR 449 extension	$500,000
2825	GA	SR 133 south bound lane bridge replacement over the Georgia Florida Railnet line, Dougherty County	$1,000,000
2826	CA	Construct grade separation on State Street and Cajon Boulevard along BNSF tracks in San Bernardino	$2,000,000
2827	WA	Construct SR 9 Pedestrian Overpass in Arlington	$800,000
2828	CA	Implement streetscape improvements along Wilbur Avenue to enhance traffic and pedestrian safety	$100,000
2829	MD	I95, I495, MD5 Branch Avenue Metro Access	$4,000,000
2830	TN	Improving Vehicle Efficiencies at At-Grade highway-Railroad Crossing in Loudon, TN	$57,000
2831	MO	I-470, I-435 & Rt 71 Completion of Interstate realignment	$3,000,000
2832	PA	Ridge Avenue Revitalization project in conjunction with Roxborough Dev. Corp. for scenic enhancements & pedestrian safety improvements along a heavily traveled thoroughfare	$1,000,000
2833	PA	Corridor improvements for PA 72 from PA 283 to PA Turnpike	$600,000
2834	AR	Construction of I-49, Highway 71: Highway 22 to Highway 71 near Jenny Lind	$5,000,000
2835	CA	Provide landscape enhancement of an existing open culvert on Atherton Street, Long Beach	$500,000
2836	NY	Rehabilitate Guy Lombardo Avenue and construct drainage improvements and new sidewalks and curb cuts in Freeport, NY	$1,000,000
2837	IA	I 35 interchange improvements, Ankeny	$4,500,000
2838	PA	Improve Freemansburg Avenue and its intersections at Route 33	$2,000,000
2839	NJ	Pedestrian facilities and street lighting on Route 551 from Route 130 to Chestnut Street, Brooklawn	$400,000
2840	IL	I-57 and I-294 Interchange	$3,000,000
2841	FL	New Kings Rd. Pedestrian Overpass & Enhancements, Jacksonville	$1,000,000
2842	TX	Grimes Co., TX Bridge Improvement Project	$500,000
2843	CA	Crenshaw Blvd. Rehabilitation, Maricopa St. to Sepulveda Blvd., City of Torrance	$1,000,000
2844	VA	Engineering and Right of Way for Interstate 73 in Roanoke County	$1,500,000
2845	GA	Johnson Ferry Road Glenridge Drive Widening, Abernathy Road to Hammond Drive	$2,000,000
2846	GA	Install walkways, bridges, lighting, landscaping in Water Works Park and south along river through Ocmulgee Monument and Central City Park	$6,020,083

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2847	OH	Intersection improvements and related road improvements in the City of Chardon, OH	$612,000
2848	WV	Construct Coalfields Expressway	$7,200,000
2849	CA	Improve pedestrian and biking trails within East Bay Regional Park District, Contra Costa County	$1,000,000
2850	MA	Berkshire County Bike Paths, Design & Construction	$5,000,000
2851	MI	Ogemaw County, Overlay of Fairview Road to improve network of all-season truck routes	$369,600
2852	VA	Old Mill Road Extension	$1,000,000
2853	PA	Construct Campbelltown Connector, Lebanon County	$2,000,000
2854	NJ	Construct Rt 40 Reconstruction from Rt 77 to Elmer Lake, Elmer, Salem County	$3,000,000
2855	OH	Design and Construct Riverwalk and adjacent facilities, Warren, Trumbull Co	$1,500,000
2856	CA	Realign SR 4 within the City of Oakley	$2,000,000
2857	IL	Construct recreational trail from Spring Creek Forest Preserve to Greene Valley Forest Preserve in DuPage County, IL	$400,000
2858	MN	Construct trail link between Bruce Vento Regional Trail and Mississippi River Corridor in St. Paul	$1,500,000
2859	FL	Construct Interstate-4/ Crosstown Connector	$1,000,000
2860	UT	Add lights to road from Halchita to Mexican Hat on Navajo Mountain	$200,000
2861	CA	Construct off ramp at Interstate 8/Imperial Avenue Interchange, El Centro	$3,000,000
2862	VA	Cranesnest Trail—construction of hiking, biking, horse trail from Route 83 to Cranesnest Campground	$650,000
2863	NC	Durham and Chatham Counties, NC Completion of American Tobacco Trail	$2,000,000
2864	TX	Austin to Manor Rail Trail, Texas	$2,000,000
2865	PA	Eliminate existing rail line in Indian, PA to eliminate 37 at grade crossings and reconstruct the line outside the town from Glenn Lock to Middletown	$4,000,000
2866	MN	Extend Cuyuna Range and Great River Road Trails, Aitkin	$400,000
2867	NY	Conduct planning, engineering, and eventual construction of Rte. 5 in City of Oneida, from Seneca St. to county line	$500,000
2868	NY	Great Neck Road Traffic Calming Project	$400,000
2869	NJ	Design and construct new streetscape through Irvington Center	$1,000,000
2870	IL	Construct connector road between Collinsville Rd to IL3/North 1st St, St. Clair County	$6,000,000
2871	NJ	Carteret, NJ Ferry Service Terminal	$2,100,000
2872	AL	Construct I10-US231 Connector from Dothan, AL to Florida	$2,000,000
2873	OH	Bicycle Paths for the Magic Mile in Willougby, OH	$800,000
2874	NC	Construct Interstate 73 74 in Montgomery County and Richmond County, North Carolina	$18,000,000
2875	NY	Construct Phase II I-90 Connector ITS Laboratory in Rensselaer County	$6,000,000
2876	NC	Design and construct Airport Area Roadway Network	$2,800,000
2877	WA	Engineering and Construction of the Centennial Trail in Snohomish	$1,000,000
2878	OR	I-5 Beltline Interchange	$20,000,000
2879	IL	Extension North from Rt. 30 to Wheeler Road and Galena Boulevard extension west of Rt. 47 in Sugar Grove, IL	$4,760,000
2880	NY	Newburgh, Improve East End Roads	$1,863,500
2881	ME	Construction of the Kennebec River Rail Trail	$400,000
2882	CA	Construct Bristol Street multi-modal corridor in Santa Ana	$3,000,000
2883	CA	Construct pedestrian sidewalk enhancements in Bellflower	$500,000
2884	KS	Improvement and expansion for 2.7 miles of K-18 in Geary County	$14,500,000
2885	CA	I-110/SR 47/Harbor Blvd. Interchange Improvements, San Pedro	$5,000,000
2886	MA	Oxbow National Wildlife Refuge, Design and construction of a Visitor Contact Station	$2,000,000
2887	AL	Pedestrian Improvements for Pell City, AL	$200,000
2888	WI	Rehabilitate Highway 51 between CTH S and USH 8 in Lincoln County	$2,000,000
2889	OH	Rehabilitate tunnel and bridge on National Road Bikeway in St. Clairsville	$700,000
2890	MD	Pennington Ave Drawbridge, Baltimore	$1,000,000
2891	MA	Rehabilitation and paving of Parker River Road	$250,000
2892	MN	Reconstruct CSAH 17 between Itasca CR 341 and the Scenic State Park entrance to improve safety and structural integrity	$3,200,000
2893	OH	Grading, paving, roads for the transfer of rail to truck for the intermodal facility at Rickenbacker Airport	$5,000,000
2894	PA	Relocation of PA 52 at Longwood Gardens	$1,000,000
2895	TX	Construct Interstate 35 improvements in Buda	$1,000,000
2896	TN	improve streetscape and signage, McMinn County, TN	$300,000
2897	OR	Culvert Replacement, Sweet Home	$130,000
2898	AL	AL 5 Widening in Bibb County	$3,000,000
2899	CO	Design and build a multimodal corridor on US 36	$5,000,000
2900	WA	Development of highway-rail crossings in Spokane County, WA and Kootenai County, ID	$1,000,000
2901	OH	Acquire right of way land along US 24, Lucas County	$1,000,000
2902	IL	Improve Streets, Westchester	$150,000
2903	NY	Enhance road and transportation facilities in the vicinity of W. 65th St and Broadway, New York City	$3,000,000
2904	TN	Construction of Knob Creek Road in Washington County, Tennessee	$500,000
2905	TN	improve streetscape and pavement repair, Loudon County, TN	$300,000
2906	CA	Improvement of intersection at Inglewood Ave and Marine Ave to reduce congestion	$3,600,000
2907	HI	Interstate Route H1 rehabilitation, Kaahumanu Street to Kaimakani Street	$7,430,000
2908	ID	Construct Interchange on I-84 at Ten Mile Rd, Meridian, Idaho	$2,000,000
2909	NJ	Pedestrian facilities and street lighting on Haddon Avenue from Voorhees Township Line to Bate Avenue, Berlin Township	$347,120
2910	WA	267th Street NW Pedestrian Path in Stanwood	$400,000
2911	KY	Replace US 68 and US 150 Bridge over Chaplin River, Perryville	$750,000
2912	UT	Geveva Rd-Provo Center Street, Orem 1600 North to I-15 FWY, Provo-widen from 2 to 4 lanes	$7,500,000
2913	IL	Construction of a new roadway and grade separation of the UP West Line east of Elburn	$7,000,000
2914	VA	Haymarket, VA. Washington Street improvements	$500,000
2915	NJ	Improvements to implement the Readington Tewksbury Transportation Improvement District	$500,000
2916	IL	Allow IDOT to proceed with engineering and construction of Airport-Lockport Rd and Illinois Route 126 interchanges on I-55	$1,750,000
2917	AR	Caraway Bridge Overpass	$7,000,000
2918	OH	Construction of an Intermodal Facility at University Circle in the City of Cleveland	$500,000
2919	PA	Jeannette Truck Route	$500,000
2920	MD	MD45, Cavan to Ridgley Roads	$5,520,000
2921	MD	MD 30 Hampstead Bypass	$1,000,000
2922	MI	Monroe Area Highway-Railway Crossing Improvements, City of Monroe	$6,400,000
2923	OH	Obtain right-of-way and construct the 161,37 widening project in Franklin and Licking Counties, Ohio	$2,000,000
2924	CT	Enfield, Connecticut Make improvements to South Maple Street Bridge	$1,910,000
2925	NY	Conduct studies, if necessary, and construct infrastructure projects for Governor's Island	$2,000,000
2926	NY	Harlem River Park and Bikeway	$1,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2927	CT	Make Improvements to Plainfield Cemetary Road	$300,000
2928	SC	Construct grade separation and interchange improvements at U.S. 521, Lancaster County	$1,000,000
2929	NJ	Replacement of the Magnolia Avenue Bridge over Route 1 & 9	$1,000,000
2930	IL	Resurfacing and restriping Euclid Ave between Walnut Ave and Douglas Ave in Arlington Heights	$300,000
2931	MI	Resurfacing of Frazho Road in Roseville	$1,280,000
2932	CA	Construct 213th Street pedestrian bridge to provide safe passage for pedestrians and wheelchairs, Carson	$1,000,000
2933	MO	Conduct impact studies for Missouri River Bridge siting in Kansas City, MO	$5,000,000
2934	CA	Construction of Lenwood Road Grade Separation in Barstow, CA	$1,500,000
2935	PA	Improvements to Frankford Avenue from Cottman Avenue to Harbison Avenue	$1,250,000
2936	IN	Revelop Hazeldell Road, Hamilton County, Indiana	$500,000
2937	AK	Road Improvements and upgrades to service road areas and miscellaneous projects within Northstar Borough	$5,000,000
2938	OH	Rehabilitation or replacement of highway-rail grade separations along the West Central Ohio Port Authority route in Champaign and Clark Counties	$610,000
2939	MI	Otsego County, Resurfacing and widening of Parmater Rd	$368,000
2940	WA	Realign West Main Street through Kelso	$2,000,000
2941	TN	Reconstruct State Route 109 from I-40 in Wilson County to Portland in Sumner County	$1,000,000
2942	PA	Redesigning the intersection of US322/High Street and Rosedale Ave	$1,000,000
2943	DE	Replacement of the Indian River Inlet Bridge, Sussex County Delaware	$4,000,000
2944	FL	Construct link from I-95 to I-10 through Clay County with terminus points SR23 to CAR739B	$3,000,000
2945	MN	Construct ramps and new bridge over Interstate 35 at CSAH 17, and reconstruct CSAH 17 from west County Line to CSAH 30, Chisago County	$900,000
2946	CT	Conduct multi-modal study of Route 8 corridor between Beacon Falls-Seymour town line and exit 40	$1,000,000
2947	AR	Hwy 65 improvements in Van Buren County, including construction of passing lanes, bridge improvements, intersection improvements and other roadway improvements	$1,200,000
2948	AZ	Construct sidewalks along White Spar Road—Prescott, AZ	$500,000
2949	NY	Construction of Pedestrian and Bike Trail campus access & improvements, St. Bonaventure, NY	$500,000
2950	NY	Eastern Laurelton Area Improvements, Queens, New York	$8,600,000
2951	NY	Bicycle and pedestrian safety improvements, Main Street, Riverhead	$1,200,000
2952	AL	Construct County Road 83 corridor from Foley Beach Express to I-10	$10,000,000
2953	PA	Design and construct improvements to PA 465 from Walnut Bottom Rd. to PA 641 and at I 81 Exit 44	$3,870,500
2954	IL	Reconstruct and Widen Route 60 Bridge over I-94 in Lake Forest	$8,000,000
2955	VA	Improve Downtown Staunton, Virginia, Streetscape	$1,500,000
2956	PA	Route 322 Halls Run Upgrades from the intersection of Horsecreek Road to Mapleshade Road—Venango County	$1,700,000
2957	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Wilkes-Barre	$2,500,000
2958	IN	SR56 Reconstruction, Aurora, Indiana	$5,120,000
2959	MI	Study and implement transportation system alternatives in the vicinity of US31/M46	$4,000,000
2960	MA	Longfellow Bridge Rehabilitation	$2,500,000
2961	IL	For Village of Bolingbrook to construct Remington Blvd. extension	$500,000
2962	AZ	Construction of Rio Salado Pedestrian Bridge in Tempe, AZ	$3,000,000
2963	MI	Study to determine replacement options for obsolete and structurally deteriorating bridge (Trenton-Grosse Ile Bridge) including approach roadways, Charter County of Wayne	$4,000,000
2964	PA	Mount Joy Bridge Replacement on Route 230	$250,000
2965	CA	Modifies 9 traffic signals between Willow Road and Middlefield Road and Hamilton Avenue, Menlo Park	$300,000
2966	OH	Summit County Engineer Reconstruct Access Roads to Cuyahoga Valley National Park	$500,000
2967	OR	To study the feasibility of widening Hwy 26 from the Hwy 217 interchange to the Cornelius Pass exit	$1,000,000
2968	GA	Athens-Clarke County Greenway Enhancement Project	$2,320,000
2969	WA	Improve Wahkiakum County Ferry landing	$200,000
2970	IL	Irving Park Bridge over the Chicago River	$4,000,000
2971	MI	Design, right-of-way and construction of passing relief lanes and improvements necessary on M-55, between M-37 and M-115	$2,200,000
2972	NE	Design, right-of-way and construction of South and West Beltway in Lincoln, Nebraska	$3,000,000
2973	TX	Tower 55 CMAQ Congestion and Preliminary Engineering Study	$2,000,000
2974	NY	Town of Chester Lake, Hill Farms subdivision road improvements	$150,000
2975	MN	Improvements on TH 169 east and west of East Two Rivers Crossing and TH 135 from Enterprise Drive to TH 169	$2,216,000
2976	IN	Reconstruct Standard Avenue, Whiting	$1,300,000
2977	TX	Barron Rd. Interchange at SH6 (Earl Rudder Freeway) College Station	$3,000,000
2978	CA	Develop conceptual master plan to improve the efficiency of transportation facilities, Covina	$215,000
2979	PA	Transportation enhancements along the Delaware Canal between Yardley, PA and Bristol, PA	$1,000,000
2980	VA	Upgrade DOT crossing #467661K to constant warning time devices	$171,700
2981	UT	Add lighting on Highway 262 on the Navajo Nation in Aneth	$175,000
2982	VA	Chestnut Mountain Road—feasibility study, design and construction start for road improvement on National Forest lands	$500,000
2983	MI	Construction of roads and trails Humbug Marsh Unit Linked Greenways System, Detroit International Wildlife Refuge	$1,100,000
2984	TX	Construct access road connecting Port of Beaumont property on east bank of Neches River to I-10 access road east of the Neches River	$3,120,000
2985	AR	Develop U.S. Highway 71 (I-49) to Interstate standards on new location between Mena, AR and LA state line	$3,160,000
2986	SC	Lexington County, widen US 1 and SC 6, and improve US 1, SC 6, and US 378	$2,000,000
2987	IL	Midlothian Road Signalization, Lake Zurich	$600,000
2988	VA	Glen Alton—design and construction of recreation trails, access and visitor information center	$1,000,000
2989	MI	Expansion of Cass Avenue in Clinton Township	$9,194,000
2990	CO	Bromley Lane and US 85 interchange feasibility study and construction of needed improvements	$1,000,000
2991	MD	Constructing Chestertown Trail, Chestertown, MD	$300,000
2992	IL	Eastern Peoria Bypass	$3,000,000
2993	VA	Conduct planning and engineering for Mayo Bridge in Richmond	$2,000,000
2994	NY	Elevation of road and construction of drainage improvements on Sequams Lane Center and Sequams Lane West in the Town of Islip, NY	$620,000
2995	NM	Improvements to San Juan County Road 7950	$1,000,000
2996	WA	116th St/Interstate 5 Interchange Reconstruction in Marysville	$1,000,000
2997	SC	Construction of public roads at the International Center for Automotive Research and reconstruction of Fairforest Way in Greenville, South Carolina	$5,000,000
2998	PA	Provide 4 through-lanes on PA100 by constructing two thru lanes to the east of Ludwigs Corner	$5,000,000
2999	PA	Completion of construction of final 2 ramps of I-79 interchange with Parkway West; widening of 1 mile of Parkway West leading to ramps	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3000	CA	Diamond Bar, CA Grand Avenue Rehabilitation	$1,600,000
3001	NY	Reconfigure intersection of Ridge Street and Hallocks Mill Road & install new traffic signal	$725,000
3002	WA	Guard Street Reconstruction Project in Friday Harbor	$800,000
3003	CO	Roadway widening and interchange rebuilding on I-225 from I-70 to Parker Road	$4,000,000
3004	PA	Roosevelt Boulevard improvements by the Pennsylvania Department of Transportation	$2,500,000
3005	MN	Construct Paul Bunyan Trail Walker to Bemidji Segment	$700,000
3006	HI	Upgrades to Farrington Highway	$1,000,000
3007	KY	US 41A Phase II Design and Right of Way	$3,000,000
3008	NM	US 54 Corona, Tularosa, and Vaughn Bridges Replacement and Rehabilitation	$1,000,000
3009	OH	Construction of access road along east side of SR 8 in Summit County, OH	$1,000,000
3010	TX	US281 from Brooks County Line to FM 3066, Brooks County	$2,000,000
3011	FL	Construction of an interchange at Florida's Turnpike & Stirling Rd. in Broward County	$5,538,959
3012	NY	Construction of the City of Watertown Streetscape Enhancement Project	$2,500,000
3013	IL	Install countdown devices on pedestrian crossing signals on US Routes 12/20 and 50 in Oak Lawn	$500,000
3014	NY	Install Improvements for Pedestrian Safety in the vicinity of St. Roberts Bellarmine	$250,000
3015	NY	Rebuild Queens Plaza, a 250-foot wide roadway on the eastern end of the Queensborough Bridge	$8,000,000
3016	PA	Upgrade circuit for gates and lights at Seventh Street in Emmaus, PA USDOT crossing number 592401H to constant warning time devices.	$275,000
3017	UT	SR-158 Improvements, Pine View Dam, Weber County, Utah	$1,100,000
3018	CA	Valley Boulevard Capacity Improvement between 710 Freeway and Marguerita Avenue, Alhambra	$2,000,000
3019	IL	Offramp and overpass from I-57 outside of Marion and necessary connector roads	$5,000,000
3020	AK	Construction of and improvements to roads at Alaska Pacific University	$3,000,000
3021	SC	Upgrade of the I-95/SC 327 Interchange near Florence	$7,500,000
3022	CA	Valley View/Stage Grade Separation Project, La Mirada and Santa Fe Springs, California	$900,000
3023	OR	Renewal of Wooden Bridge West of Albany	$8,000,000
3024	MI	Northville, Taft Road from 8 Mile North to city limits	$500,000
3025	NY	Village of Pawling Rehabilitation of Grandview Ave from Lakeside to end	$100,000
3026	SD	Regrade and resurface BIA Route #5 south of Dupree on the Cheyenne River Reservation	$1,500,000
3027	FL	Church Street Improvements, Orlando	$13,000,000
3028	MI	Walled Lake, Widen Maple Road, west of Decker to Welch	$125,000
3029	AR	Washington County, Arkansas—replace and rebuild Tilly Willy Bridge	$800,000
3030	AR	Russellville Intermodal Facility construct access roads from AR Hwy 247, purchase Right-of-Way	$2,000,000
3031	TX	Construct IH 30 Monty Stratton Parkway Interchange in Greenville, TX	$1,000,000
3032	PA	Design and Construction of Portzer Road Connector, Bucks County	$2,000,000
3033	IL	For Plainfield Township Park District to construct DuPage River Bike & Pedestrian Trail linking Grand Illinois, Midewin, & I&M Canal Trails	$100,000
3034	TX	Pedestrian Path and Sidewalk Improvements along US 83 in Rio Grande City	$500,000
3035	MS	Upgrade roads at Tougaloo College	$500,000
3036	IL	Washington Street Widening, Gurnee	$3,360,000
3037	LA	Belle Chasse Tunnel	$500,000
3038	FL	Implement Busch Boulevard corridor improvements to improve safety in Tampa	$2,500,000
3039	MI	Construction of Pittsfield Greenways Bridge—nonmotorized bridge enhancement onto existing Bemis Road Bridge, Pittsfield Charter Township	$201,000
3040	NC	North Carolina. Repair and improve safety features on US Hwy 19 from Maggie Valley to Cherokee	$8,000,000
3041	NC	Northern Loop Project, City of Wilson	$1,000,000
3042	OR	Weaver Road Extension and Bridge Project, Douglas County	$17,500,000
3043	MI	Complete 58 miles of White Pine Trail from Grand Rapids to Cadillac	$1,500,000
3044	NY	Elmira Congestion Mitigation	$2,000,000
3045	IL	Improve Roads and Bridges, Cicero	$1,500,000
3046	MI	John-Daly Road Reconstruction—2.5 miles from northern city limit to southern city limit, Inkster	$2,500,000
3047	UT	Construct pedestrian safety project on the Navajo Nation in Montezuma Creek	$325,000
3048	MD	Construct MD5, Hughesville Bypass	$10,000,000
3049	OH	Repair & Construct Rock Spring Bridge, Portage County	$500,000
3050	RI	Replace I-195 Washington Bridge Eastbound	$2,000,000
3051	UT	Bear River Migratory Bird Refuge Access Road Improvements, Box Elder County, UT	$4,000,000
3052	MA	Reconstruction of Union St. and Rt. 138W, Holbrook	$1,720,000
3053	MI	Replacement of the interchange at 44th Street and U.S. 131 in Grand Rapids	$9,000,000
3054	OH	Construct interchange improvements at SR 46 and 82 in Howland Township, Trumbull Co	$1,000,000
3055	GA	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	$2,000,000
3056	IL	Project is a stand-alone roadway improvement consisting of the complete reconstruction of the roadway, The Village of Forest Park	$1,000,000
3057	MI	Jackson Freeway Modernization Project. I-94 Modernization Project from Michigan State Route 60 [M60] easterly to Sargent Road	$15,000,000
3058	VA	Smart Travel and Traffic Management Systems in Salem and Staunton District, Virginia	$300,000
3059	OH	Construct Great Miami River Multi-Use Trail, Miami County, Ohio	$1,270,000
3060	DC	Rock Creek Recreational Trail study to assess feasibility of constructing recreation trail	$1,000,000
3061	MI	Study road runoff in Little Black Creek between U.S. 31 and Seaway Drive	$400,000
3062	CA	Conducts environmental review of proposed improvements related to the connection of Dumbarton Bridge to Highway 101	$500,000
3063	NY	Construction of and improvements to Union Road in West Seneca	$1,000,000
3064	WI	Upgrade I43 between State Highway 140 and East County Line in Rock County, Wisconsin	$3,000,000
3065	NJ	Separation of the intersection of 13th Street and the Lehigh Rail Line through bridge or tunnel in Manville, NJ	$555,000
3066	CA	Construct parking facility and improve access to Imperial Valley Expo	$377,500
3067	CA	Develop bicycle paths and pedestrian access to Third Avenue, Chula Vista	$300,000
3068	IL	Upgrade County Highways 18 and 22 in conjunction with state I-57 interchange plan north of Mattoon	$2,000,000
3069	CA	Widen & Reconfigure Sepulveda & Culver Boulevards, Culver City	$2,740,000
3070	OH	Construct interchange or other appropriate access on IR 70 west of existing mall road exit in Belmont County	$6,935,000
3071	AZ	Widen and expand the existing roadway and railroad overpass in the Houghton Road Corridor	$4,000,000
3072	OK	Construction of Duncan Bypass Grade Separation	$3,000,000
3073	SC	Pine Needles Widening & Bridge Replacement	$3,000,000
3074	CA	Olsen Road widening and roadway improvments in Simi Valley, California	$2,000,000
3075	GA	Streetscape project to upgrade sidewalks, lighting and streets, Jeffersonville	$500,000
3076	NY	Implement Diamond Grinding Measures on I-95, I-278, Mosholu Parkway, I-495, Grand Central Parkway, and Richmond Parkway	$700,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3077	MD	Upgrade Conduit System for Traffic Signal Systems, Street Lighting, and Traffic-related Video Cameras for Baltimore	$1,300,000
3078	WA	5th Street/US 2 Signalization Improvements in Sultan	$100,000
3079	WI	Implementation of recommendations contained in 2005 Safe Routes to School in Superior plan	$600,000
3080	LA	Widen and improve LaPlaco Boulevard from Bayou Segnette to US90, Jefferson Parish	$4,000,000
3081	NY	Realign Kirk Lake Drive in Carmel	$110,000
3082	NY	Town of Somers road reconstruction	$500,000
3083	OH	Upgrade grade crossing safety devices in Elyria and North Ridgeville	$952,000
3084	MS	Widen and improve Martin Bluff Road, Gautier	$3,000,000
3085	CA	Widen and reconstruct Washington Blvd from westerly city boundary at Vernon to I-5 Fwy at Telegraph Rd in Commerce	$3,000,000
3086	CA	San Diego, CA Interstate 5, Sorrento Valley Road and Genesee Avenue Interchange Project	$2,000,000
3087	OR	Widen I-5 between Portland, Oregon and Vancouver, Washington	$4,750,000
3088	LA	North-South Corridor from Houma/Thibodaux to I-10	$5,000,000
3089	GA	Warren County I-20 Frontage Road	$3,000,000
3090	KY	Widen KY 11 from US 460 to the Mt. Sterling Bypass, Montgomery County	$2,500,000
3091	OH	Traffic and safety improvements to county roadways in Geauga County, OH	$1,070,000
3092	CA	Develop bicycle paths and public park space adjacent to the New River, Calexico	$5,000,000
3093	TN	Constructiion of the Foothills Parkway in the Great Smoky Mountains National Park	$7,500,000
3094	PA	Improvements to Torresdale Avenue from Harbison Avenue to Cottman Avenue	$1,250,000
3095	GA	Butner Road and Stonewall Tell Road, Fulton County	$1,000,000
3096	OH	Construction of highway-rail grade separations at intersections in Lima to improve motorist and pedestrian safety	$1,250,000
3097	OR	Siuslaw River Bridge, Florence	$4,250,000
3098	CA	Construct Cypress Avenue over-pass to separate Interstate 10 and Union Pacific Railroad tracks in Fontana	$3,000,000
3099	CA	Modify and reconfigure Kanan Road interchange along US101 in Agoura Hills	$5,000,000
3100	OH	Upgrade and widen intersection for SR 14 in Washingtonville	$1,000,000
3101	NM	Upgrade NM 434 from Mora north to Black Lake	$1,500,000
3102	NJ	Upgrade of Turnpike/Route 440 Interchange in Bayonne	$4,000,000
3103	LA	Widen LA 18 from Northrup Grumman/Avondale Shipyards to US 90, Jefferson Parish	$2,500,000
3104	PA	Widen PA 896 between Strasburg Borough and US 30	$1,000,000
3105	MI	Eliminate major roadway on Cleary University campus and establish a new roadway	$500,000
3106	PA	Reconstruction of 11 mile segment of the Lower Trail between Williamsport and Mt Edna, Blair County, Pa	$500,000
3107	KY	Construction of interchange connecting US31W to I65 at mile marker 32 in Warren County	$1,000,000
3108	AS	Drainage mitigation for Pago Pago village roads	$1,000,000
3109	NC	Install Sugar Creek Grade Separation	$3,000,000
3110	LA	Improvements to LA46 in St. Bernard Parish	$400,000
3111	IN	Construct Hoham Drive Extension in Plymouth, Indiana	$500,000
3112	OR	Construct turn lane on Gateway Boulevard, Cottage Grove	$90,000
3113	TN	Replace Unitia Bridge in Loudon County, TN	$900,000
3114	VA	Replacement of Robertson Bridge in Danville	$5,450,000
3115	MA	Public Improvements to Springfield Symphony Hall	$300,000
3116	NY	Realign Union Valley Road in Town of Carmel	$550,000
3117	NY	Village of Pawling Improvements to Reservoir Road from State Rt 22 to Prospect St	$125,000
3118	MS	Build connector between SR 609 and State Highway 15 near I-10, Jackson and Harrison Counties	$3,000,000
3119	CO	I-70 West Mountain Corridor, Denver to Garfield County	$4,000,000
3120	CA	Completion of Interstate 5 and Interstate 8 Connectors, San Diego	$6,000,000
3121	FL	Construct US 1 interchange at CR 210, St. Johns County, Florida	$6,600,000
3122	OH	Construct roadway improvement project along State Routes 37 and 78 through Fairfield, Perry, Morgan, Noble, Monroe Counties	$250,000
3123	IL	Construct I-57 Bridge Overpass, City of Markham	$600,000
3124	NJ	Design, plan and build a permanent pedestrian/bicycle path along the banks of the Elizabeth River	$500,000
3125	NJ	Improve the US Interstate 78 Interchange at exit 15 in Franklin Township, Union Township, and Town of Clinton	$1,000,000
3126	CA	Reconstruct Rosecrans Av. and construct bus pads from Garfield Av. to Century Bl. in Paramount	$400,000
3127	TN	Bristol, Tennessee highway-RR crossing grade improvement—USDOT#731120J	$100,000
3128	CO	Glenwood Springs South Bridge (new, off-system bridge)	$6,500,000
3129	NJ	Improvements of Newark and First Streets in Hoboken	$300,000
3130	OH	Construct I-70 interchange at Burnett Road, Springfield	$1,250,000
3131	MN	Construction of Gitchi-Gami State Trail from Silver Bay to Tettegouche State Park	$1,500,000
3132	CA	Improvements/Widening of SR 99 from Goshen to Kingsburg in Tulare County, California	$6,200,000
3133	CA	Design and implement Harbor Boulevard ITS in Garden Grove	$1,000,000
3134	WI	Complete the Glacial Drumlin Trail, from Madison to Waukesha	$300,000
3135	PA	Design and construct turn lanes, signal upgrades and improvements at PA 34 and 174 intersection	$580,000
3136	PA	Design, engineering, ROW acquisition & construction of streetscaping enhancements, paving, lighting, safety improvements, parking & roadway redesign in Wright Township, Luzerne County	$200,000
3137	PA	I-70-I-79 South Interchange Redesign and Upgrade	$2,000,000
3138	PA	Chicora, PA Butler County, PA Rail Bridge Replacement Project	$1,200,000
3139	CA	Improve Access Road to Beale Air Force Base (Smartville Road)	$3,750,000
3140	CA	Interstate 215, Los Alamos Road Interchange Project	$2,000,000
3141	NE	Missouri River Bridges between US-34, I-29 in Iowa and US-75 in Nebraska	$4,200,000
3142	AL	Huntsville Southern Bypass planning and engineering	$3,000,000
3143	MO	Redesign and reconstruct I-170 interchange at Ladue Rd	$400,000
3144	NY	Construct Interstate 87 Exit 3 Airport Connector in Albany	$3,000,000
3145	CA	Citywide traffic signal upgrades requiring the installation of hardware and software at 9 major intersections, Palo Alto	$500,000
3146	OH	Construct replacement of Morgan Township Road 209 between SR 60 and SR 78 in Morgan County	$3,300,000
3147	GU	Construct Route 3A Extension, Municipality of Yigo	$3,000,000
3148	NY	Construct the Setauket/Port Jefferson Greenway Trail Project	$5,000,000
3149	AR	Develop a railroad overpass connecting U.S. Highway 67 and U.S. Highway 371 in Prescott	$2,640,000
3150	FL	Construct SR 312 Extension Bypass, St. Johns County, Florida	$5,300,000
3151	GA	Construct Welcome Center, and pedestrian trail, Abbeville	$500,000
3152	VA	Improve Erickson Avenue and Stone Spring Road connection	$750,000
3153	TX	Reconstruct Loop 12 IH 35E and SH 183 west extension to MacArthur, Irving, Texas	$5,000,000
3154	OR	Completion of the first of three phases of trails in the Regional Trails Program	$4,800,000
3155	MN	Construct bridge for Paul Bunyan Trail over Excelsior Road, Baxter	$1,500,000
3156	KY	Reconstruct US-127 at the US-127 and US-127 North Bypass, Mercer County	$600,000
3157	CA	Rehabilitate street surface of Addison St. between Kester Ave. and Lemona Ave	$47,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3158	IL	City of Springfield, IL for improvements to Cockrell Lane	$952,572
3159	OH	Repair/Construct Mill Street Bridge, Akron	$1,800,000
3160	MI	Resurface Caseville Road in Huron County	$192,000
3161	PA	River Trail and Esplanade Development at the Southside Riverfront Park	$750,000
3162	IL	Construct access roads to National Great Rivers Research Center	$1,400,000
3163	IL	Construct Roadway from Mississippi River Barge Dock to IL Rt 3-IL Rt 157, Cahokia	$1,750,000
3164	PA	Context Sensitive Design Elements for the Market Street Bridge, Lycoming County, PA	$1,000,000
3165	NY	Implement Pedestrian Safety Improvements on Queens Boulevard	$500,000
3166	NV	Design and construct interchange on I-15 from mile post 117.5 to mile post 118.5 in Mesquite	$1,000,000
3167	CA	Construct grade separations at Washington Ave & UPRR crossing east and Washington Ave & La Cadena Drive in Colton	$500,000
3168	MD	Intercounty Connector	$6,000,000
3169	MA	Charlemont Bridge, Route 2, Charlemont	$4,800,000
3170	MN	CSAH 47 rehabilitation from 165th Ave to TH 25, Morrison County	$440,000
3171	MS	Improve Old Augusta Road and construct Kaiser Road, Perry County	$3,500,000
3172	PA	Reconstruction of US30 from PA10 to Business US30 including travel lanes, shoulders, etc	$5,000,000
3173	NY	Route 78 (Transit Road), Genesee Street to Main Street, Towns of Amherst, Cheektowaga and Clarence in Erie County	$3,000,000
3174	NY	Southtowns Connector—Construct improvements to NY Route 5 from Coast Guard Base to Ohio Street, including Fuhrmann Boulevard	$10,000,000
3175	CA	SR 91 I 605 Needs Assessment Study, Whittier, CA	$16,000
3176	GA	SR70/Fulton Industrial Boulevard widening from Camp Creek Parkway to the SCL RR, Fulton County	$1,500,000
3177	MO	Ste. Genevieve Co., Missouri Rt. 61 bridge replacement over Establishment Creek	$1,500,000
3178	MN	Construction of intersection at County Road 5 and TH13 in City of Burnsville	$1,000,000
3179	GA	SR 307 overpass over Georgia Port Authority rail line, Savannah	$4,000,000
3180	MO	Study railroad reconfiguration to eliminate highway crossings in and around Springfield, MO	$1,000,000
3181	NC	Construct relocated NC 16 in Lincoln and Catawba Counties, NC	$1,000,000
3182	IL	Construction of highway approaches to the Sullivan Road bridge in Aurora, IL	$1,600,000
3183	IL	Engineering and construction of 15.1 mile Alliance trail between Lock 14 in LaSalle and Lock 2 in Bureau Junction	$1,000,000
3184	CA	Construct parking facility and improve museum pedestrian access from trolley station, San Diego	$1,000,000
3185	PA	Relocation and upgrade of Beaner Hallow Rd, Beaver County, PA	$1,650,000
3186	MN	TH36-Stillwater Bridge; Acquisition of ROW	$5,000,000
3187	IL	To construct Veterans Memorial Drive Extension. Will link Mt. Vernon on the east side of I-57 with incorporated area lying west	$1,000,000
3188	MN	I-494 US169 Interchange Reconstruction, Twin Cities Metropolitan Area, Minnesota	$5,000,000
3189	AL	Jackson County Industrial Park Access Road, Hollywood	$1,000,000
3190	FL	4 lane Archer Road from SW 62nd to SW 24th Ave., Gainesville	$3,000,000
3191	AK	Construct access road and a bridge crossing the Naknek River terminus points in South Naknek-King Salmon Highway	$3,000,000
3192	NY	Route 303 Orangeburg Road and Route 340 and Erie Street intersection	$1,000,000
3193	MS	Upgrade roads in Port Gibson (U.S. Hwy 61), Claiborne County	$400,000
3194	GA	Construct Horsestamp Road Interchange on I-95 in Camden County, Georgia	$1,000,000
3195	MO	Upgrade Route 94 in St. Charles County from East of Harvester road to West of Mid-Rivers Drive	$11,000,000
3196	OH	Upgrade Rt. 665 Bridge over I-71 and widen I-71 between Rt. 665 and I-270 by one lande in each direction in Grove City, OH	$5,000,000
3197	NY	Village of Highland Falls repaving and sidewalk construction of Berry Hill Road	$75,000
3198	PA	Westmoreland County, Pennsylvania, four lane limited access facility connecting State Road 119 to the Pennsylvania Turnpike (Sony Connector)	$2,000,000
3199	NJ	Edison National Historic Site Traffic Improvement Project to improve traffic flow and promote safety	$240,000
3200	IL	Construction of Eldamain Road over the Fox River	$2,500,000
3201	CA	Construction of a traffic signal at the intersection of Oso Ave. and Vanowen St	$125,000
3202	OR	Reroute U.S. 97 at Redmond, OR and improve the intersection fo U.S. 97 and Oregon 126	$5,000,000
3203	CA	Widen & realign Cherry Avenue from 19th Street to one block south of Pacific Coast Highway, Signal Hill	$3,000,000
3204	AR	Ft. Smith, Arkansas: Improvements to Jenny Lind Rd. and Ingersoll Rd	$6,000,000
3205	OH	Widen Pearl Road in Strongsville	$1,000,000
3206	CA	Interstate 5 and State Route 78 Interchange Improvements	$4,000,000
3207	OK	Improvements to SH3 from Antlers to Broken Bow	$6,250,000
3208	KY	Construct the Albany Bypass in Clinton County	$5,000,000
3209	CA	Highway 74 and Interstate 215 Interchange Project	$1,000,000
3210	SC	Improve intersection and corridor on US 278 to improve safety. Poss build frontage roads widen road & change traffic controls	$10,000,000
3211	WA	Port of Bellingham Transportation Enhancement Projects	$2,500,000
3212	OH	Rehabilitation of SR 53 from Miami St to North city limits including approaches to the CSX railroad bridge, City of Tiffin	$1,000,000
3213	OH	Upgrade U.S. Route 30 between State Route 235 and Upper Sandusky in Hancock and Wyandot Counties	$10,090,000
3214	MN	Main Street streetscape reconstruction, 2nd Street from Ash Ave. to State Hwy 2, and Grand Utley Ave from 2nd Street to 6th Street N. across State Hwy 2, Cass Lake	$1,900,000
3215	NJ	Warren County, NJ Route 57 and County Route 519 Intersection Improvements	$2,700,000
3216	HI	Widen Queen Kaahumanu Highway	$3,000,000
3217	CT	Widen Route 34, Derby	$3,000,000
3218	IN	Construction of County Road 17—Elkhart, IN	$3,000,000
3219	PA	Widen Route 666 in Forest County	$1,000,000
3220	CA	Upgrade Jepson Parkway at North and South Gates of Travis Air Force Base and widen Vanden Road segment, Solano County	$2,000,000
3221	CT	Widen Route 67, Seymour	$1,000,000
3222	PR	Widen Route 835 to provide ready access to Guaynado and facilitate housing, industrial, commercial, & recreational development	$6,000,000
3223	CT	Widen Canal Street, Shelton, CT	$500,000
3224	NJ	Construct CR 521-Ocean Drive & Middle Thoroughfare Bridge Replacement, Cape May County	$2,000,000
3225	OR	I-205 widening, Clackamas County	$2,000,000
3226	OK	Construct interchange south of I-40 along Indian Nation Turnpike near Henryetta	$250,000
3227	MO	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 Highway DD	$2,000,000
3228	TX	Abilene, TX, Dyess Air Force Base North Entry Access Project with related improvments	$5,600,000
3229	CA	Construction and enhancements of trails in the Santa Monica Mountains National Recreation Area	$1,000,000
3230	KY	Construct South Airfield Road, Boone County, Kentucky	$3,000,000
3231	LA	Construction of pedestrian and bike path adjacent to Tammany Trace Rails-to-Trails Corridor	$200,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3232	NY	Construction of pedestrian walkways in Village of Northport	$100,000
3233	NV	Design and Construction of I-80 interchange in Fernley	$1,000,000
3234	OH	Eastgate Area Improvements, I-275 & SR 32, Clermont County	$3,600,000
3235	PA	Pennsylvania Turnpike-Interstate 95 Interchange Project, Bucks County, PA	$4,000,000
3236	GA	Commission a study & report regarding construction & desgnation of a new Interstate linking Augusta, Macon, Columbus, Montgomery, & Natchez	$400,000
3237	CT	Construct Shoreline Greenway Trail, Madison	$1,000,000
3238	NE	New roads and overpasses to relieve congestion and improve traffic flow—Antelope Valley—Lincoln, NE	$3,000,000
3239	CA	Reconstruct Atlantic Av. and improve drainage from Ardmore St. to Imperial Hwy. in South Gate	$3,250,000
3240	SD	Construct Railroad Underpass on Hwy 35 in Pierre	$1,100,000
3241	AR	I40-Highway 89 Interchange	$3,000,000
3242	WA	Kent, WA Willis Street UP Railroad Grade Separation Project	$500,000
3243	IL	Replace Interstate 74 Bridge, Moline	$4,000,000
3244	CA	Implement SFgo Van Ness Corridor Improvements	$5,000,000
3245	NC	Battleground Avenue Rail to Trail Project, Guilford County, NC	$1,000,000
3246	IL	Construction of an Extension of Atkinson Road to Intersect with IL 120 and IL 137	$6,000,000
3247	OH	I-70, I-71 Split reconfiguration, Columbus	$5,000,000
3248	MI	Delta County, CR 186 from M-35 at Brampton to US2 and US41-bituminous overlay with super elevation, correction, curb, and gutter	$240,000
3249	TN	Niota, TN Improving Vehicle Effiecies at At-Grade highway-Railroad Crossings	$99,000
3250	NY	Construct access to the NYS Thruway—Montezuma National Wildlife Reserve	$1,500,000
3251	MN	Corridor design work, I-94 and Radio Drive, Woodbury, MN	$500,000
3252	TN	Develop trails, bike paths and recreational facilities on Brady Mountain, Cumberland County for Cumberland Trail State Park	$250,000
3253	WA	Access Downtown Phase II: I-405 Downtown Bellevue Circulation Improvements	$11,500,000
3254	PA	Reconstruct PA Route 274, at PA Route11/15, Duncannon	$1,000,000
3255	PA	Road and pedestrian improvements and reallignment, through construction, in York City NW Triangle	$1,500,000
3256	NY	Rockland County highway railroad grade crossing safety improvements	$1,750,000
3257	OH	Calm traffic on Greenfield St in City of Tiffin and improve intersection of Greenfield St with Routes 18 and 101	$1,700,000
3258	IA	Construction of NW 26th St interchange on I 35, Polk Co	$1,000,000
3259	NY	To conduct scoping studies along proposed Northern Tier Expressway	$5,000,000
3260	IL	Undertake Traffic Mitigation and Circulation Enhancements on 57th and Lake Shore Drive, Chicago	$2,000,000
3261	IL	For the the construction of a highway on new alignment to create a cross town route across Godfrey	$1,250,000
3262	MI	Construct Industrial Park Service Road and Caine Road Bridge Replacement. Village of Millington, Tuscola County	$494,000
3263	TX	Loop 281 Mobility and Safety Improvements, Longview, TX	$1,680,000
3264	TX	Upgrade Fulghum Road Bridge on I-45 in Dallas County (TX) to provide safety and access for expanded intermodal traffic	$3,100,000
3265	MN	Edge of Wilderness Discovery Center, Marcell	$471,000
3266	IN	Construction of Star Hill Road, Clark County, Indiana	$2,215,000
3267	TN	Plan and construct a bicycle and pedestrian trail, Shelbyville	$400,000
3268	TX	Construct Park Row bypass from Texas State Highway 6 to the Eldridge Parkway in Houston, TX	$2,000,000
3269	CA	Implement Northwest San Fernando Valley Road and Safety Improvements	$3,056,000
3270	KY	Construct two bridges across the Ohio River from Louisville to southern Indiana	$14,000,000
3271	ME	Construction of the Gorham Village Bypass, Gorham	$11,220,000
3272	OK	Reconstruction of the I-40 Crosstown Expressway from I-44 to I-35 in downtown Oklahoma City, Oklahoma	$14,000,000
3273	MD	I-695, MD147 to I-695	$4,740,000
3274	SC	Upgrade Hwy. 21 Bypass Grade Crossings	$1,000,000
3275	MD	Upgrade MD 175 in Anne Arundel County between MD 170 and the Baltimore Washington Parkway	$1,000,000
3276	OK	Construct and widen six lanes on Interstate 44 from the Arkansas River extending east approximately 3.7 miles to Yale Avenue in Tulsa, OK	$10,000,000
3277	OR	North Bend Waterfront District Boardwalk Construction	$992,000
3278	CT	Make Improvements to North Stonington, CT Westerly, R.I. Pawcatuck River Bridge	$500,000
3279	VA	Construct improvements at I-264 Witchduck Road interchange in Virginia Beach	$10,750,000
3280	CA	Construct Western Placerville Interchanges on State Route 50	$3,000,000
3281	CT	Construction of Housatonic River Walk, Shelton, CT	$1,000,000
3282	NY	NYS Route 5,8, 12 Interchange reconstruction: Town of New Hartford	$1,000,000
3283	NY	Implement Improvements for Pedestrian Safety in Bronx County	$1,000,000
3284	CA	Improve West Adams Blvd Streetscape in West Adams Historic District, Los Angeles	$200,000
3285	CA	Improve access from I-8 and construct parking lot for the Imperial Sand Dunes Recreation Area Visitor's Center, Imperial Valley	$1,000,000
3286	PA	Construction of low-impact, spine roadway serving the North Delaware Riverfront corridor, City of Philadelphia	$10,000,000
3287	AL	Construct interchange on I-59 between I-59 and 49th Street in Fort Payne, AL	$3,000,000
3288	FL	Coordinated Regional Transportation Study of US 98 from Pensacola Bay Bridge, Escambia County, to Hathaway Bridge, Walton County, Florida	$1,500,000
3289	GA	Leesburg North Bypass from US 19 to SR 195, Lee County	$500,000
3290	LA	Peters Road improvements in Plaquemines Parish	$1,000,000
3291	GA	Upgrade sidewalks, lighting, landscaping from Cherry Street to Hampton Street, Industrial Park to Dooly Street, Montezuma	$500,000
3292	NY	Intermodal transportation facility just off of the Bronx River Parkway's exit 6	$1,000,000
3293	GA	US 27 Reconstruction from Colquit to CR 279	$1,000,000
3294	TX	Loop 180 (Project code 1190-01-035) in Whitney, TX from FM 933/ FM 1713 to FM 933S of Whitney	$1,000,000
3295	IA	US 30 widening, reconstruction in Story and Marshall Counties, Iowa	$2,300,000
3296	TX	US 377 interchange construction (at B377 and Hwy 144) Hood Co	$1,500,000
3297	NY	Construct and improve pedestrian streetscapes along Sunrise Highway in Freeport	$500,000
3298	IA	Construct Principal Riverwalk, Des Moines	$4,000,000
3299	NY	Construct access ramps to Rt. 32-6-17-CR 105 in Orange County	$8,000,000
3300	IL	Resurface Shawnee College Road, Pulaski County	$1,250,000
3301	MI	Canton, Pave Cherry Hill Rd. between Canton Ctr., and Haggerty	$2,000,000
3302	AR	Springdale, AR—Improvements to Johnson Road. From Hwy 412 to I-540 through Springdale and Johnson	$7,000,000
3303	NC	Environmental studies and construction of Garden Parkway	$5,000,000
3304	AZ	US 60 and US 93 connection on the eastern edge of central Wickenburg	$2,000,000
3305	GA	Construction of I-575 HOV Lanes from Sixes Road to S.R. 20, Cherokee County, Georgia	$1,000,000
3306	WA	I-405-SR 167 interchange—rebuild the interchange and add additional lanes to relieve congestion	$2,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3307	MN	US10 corridor improvement between Blaine and St. Cloud: design and ROW acquisition	$2,500,000
3308	CA	Walnut Grove at Broadway Intersection Capacity Enhancements, San Gabriel	$250,000
3309	KY	Widen and Reconstruct KY 698 at Mason Gap Road, Lincoln County	$1,200,000
3310	OR	Medford, OR to construct sidewalks and improve storm drainage and gutters for the Citys Safe Walk Plan	$1,000,000
3311	MN	Construct a pedestrian and bicycle bridge across TH 169, Onamia	$1,097,600
3312	NY	Improve Montauk Highway from CR46 to Barnes Road, Suffolk County	$8,000,000
3313	CA	San Diego, CA Construction of North Coast Interstate 5	$1,000,000
3314	AR	Study and construction of 8th Street, in Bentonville, AR from Interstate 540, (including direct access to I-540) to SW Elm Tree Road	$3,000,000
3315	MN	Cedar Lake Regional Trail, Minneapolis	$3,000,000

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.

Section 124 of of title I of division F of the Consolidated Appropriations Act, 2004 (118 Stat. 296–297) is repealed.

SEC. 1803. MOTORIST INFORMATION CONCERNING FULL-SERVICE RESTAURANTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall initate a rulemaking to determine whether or not—

(1) full-service restaurants should be given priority on not more than 2 panels of the camping or 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 (23) by inserting before the period at the end 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 81 from Saline, Kansas, 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 (34) and inserting the following:

''(34) The Alameda Corridor-East and Southwest 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:

''(46) Interstate Route 710 between the terminus at Long Beach, California, to California State Route 60.

''(47) Interstate Route 87 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.

''(50) The East-West Corridor commencing in Watertown, New York, continuing northeast through New York, Vermont, New Hampshire, and Maine, and terminating in Calais, Maine.

''(51) The SPIRIT 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 Interstate Route 70 to Interstate Route 15, Utah.

''(54) The California Farm-to-Market Corridor, California State Route 99 from south of Bakersfield to Sacramento, California.

''(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 miles of either side of the center line of the highway:

''(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 1788 closest to 32 degrees, 0 minutes, north latitude, by 102 degrees, 16 minutes, west longitude.

''(C) Farm-to-Market Road 1788 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 1788 to its intersection with United States Route 385.

''(E) United States Route 385 from Odessa 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.

''(57) United States Route 41 corridor between Interstate Route I–94 near Milwaukee and Interstate Route I–43 near Green Bay in the State of Wisconsin.''; and

(4) by aligning paragraph (45) with paragraph (46).

SEC. 1805. ADDITIONS TO APPALACHIAN REGION.

(a) KENTUCKY.—Section 14102(a)(1)(C) of title 40, United States Code, is amended—

(1) by inserting ''Nicholas,'' after ''Morgan,''; and

(2) by inserting ''Robertson,'' after ''Pulaski,''.

(b) OHIO.—Section 14102(a)(1)(H) of such title is amended—

(1) by inserting ''Ashtabula,'' after ''Adams,'';

(2) by inserting ''Fayette,'' after ''Coshocton,'';

(3) by inserting ''Mahoning,'' after ''Lawrence,''; and

(4) by inserting ''Trumbull,'' after ''Scioto,''.

(c) TENNESSEE.—Section 14102(a)(1)(K) of such title is amended—

(1) by inserting ''Giles,'' after ''Franklin,''; and

(2) by inserting ''Lawrence, Lewis, Lincoln,'' after ''Knox,''.

(d) VIRGINIA.—Section 14102(a)(1)(L) of such title is amended—

(1) by inserting ''Henry,'' after ''Grayson,''; and

(2) by inserting ''Patrick,'' after ''Montgomery,''.

SEC. 1806. TRANSPORTATION ASSETS AND NEEDS OF DELTA REGION.

(a) AGREEMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall enter into an agreement with the Delta Regional Authority (referred to in this section as the ''DRA'') to conduct a comprehensive study of transportation assets and needs for all modes of transportation (including passenger and freight transportation) in the 8 States comprising the Delta region (Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee).

(b) CONSULTATION.—Under the agreement, the DRA, in conducting the study, shall consult with the Department of Transportation, State transportation departments, local planning and development districts, local and regional governments, and metropolitan planning organizations.

(c) REPORT.—Under the agreement, the DRA, not later than 24 months after the date of entry into the agreement, shall submit to the Secretary and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a final report on the results of the study, together with such recommendation as the DRA considers appropriate.

(d) PLAN.—Under the agreement, the DRA, upon completion of the report, shall establish a regional strategic plan to implement the recommendations of the report.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account), $500,000 for each of the fiscal years 2005 and 2006 to carry out this section.

(2) CONTRACT AUTHORITY.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended and shall not be transferable.

SEC. 1807. TOLL FACILITIES WORKPLACE SAFETY STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study on the safety of highway toll collection facilities, including toll booths, to determine the safety of the facilities for the toll collectors who work in and around the facilities, including consideration of—

(1) the effect of design or construction of the facilities on the likelihood of vehicle collisions with the facilities;

(2) the safety of crosswalks used by toll collectors in transit to and from toll booths;

(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 rumble 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 to be appropriated by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; expect that the Federal share of the cost of the project shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1808. PAVEMENT MARKING SYSTEMS DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary shall conduct a demonstration project in the State of Alaska, and a demonstration project in the State of Tennessee, to study the safety impacts, environmental impacts, and cost effectiveness of different pavement marking systems and the effect of State bidding and procurement processes on the quality of pavement marking material employed in highway projects. The demonstration projects shall each include an evaluation of the impacts and effectiveness of increasing the width of pavement marking edge lines from 4 inches to 6 inches and an evaluation of advanced acrylic water-borne pavement markings.

(b) REPORT.—Not later than June 30, 2009, the Secretary shall transmit to Congress a report on the results of the demonstration projects, together with findings and recommendations on methods that will optimize the cost-benefit ratio of the use of Federal funds on pavement marking.

(c) 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), $1,000,000 per fiscal year for each of the fiscal years 2005 through 2009.

(2) CONTRACT AUTHORITY.—Funds authorized to be appropriated by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; expect that the Federal share of the cost of the demonstration projects shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1809. WORK ZONE SAFETY GRANTS.

(a) IN GENERAL.—The Secretary shall establish and implement a work zone safety grant program under which the Secretary may make grants to nonprofit organizations to provide training to prevent or reduce highway work zone injuries and fatalities.

(b) ELIGIBLE ACTIVITIES.—Grants may be made under the program for the following purposes:

(1) Training for construction craft workers on the prevention of injuries and fatalities in highway and road construction.

(2) Development of guidelines for the prevention of highway work zone injuries and fatalities.

(3) Training for State and local government transportation agencies and other groups implementing guidelines for the prevention of highway work zone injuries and fatalities.

(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 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 chapter 1 of title 23, United States Code; except that such funds shall not be transferable.

(d) CONSTRUCTION WORK IN ALASKA.—Section 114 of title 23, United States Code, is amended by adding at the end the following:

''(c) CONSTRUCTION WORK IN ALASKA.—

''(1) IN GENERAL.—The Secretary shall ensure that a worker who is employed on a remote project for the construction of a highway or portion of a highway located on a Federal-aid system in the State of Alaska and who is not a domiciled resident of the locality shall receive meals and lodging.

''(2) LODGING.—The lodging under paragraph (1) shall be in accordance with section 1910.142 of title 29, Code of Federal Regulations (relating to temporary labor camp requirements).

''(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 Fairbanks, Anchorage, Juno, or 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. GRANT PROGRAM TO PROHIBIT RACIAL PROFILING.

(a) GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to a State that—

(1) (A) has enacted and is enforcing a law that prohibits the use of racial profiling in the enforcement of State laws regulating the use of Federal-aid highways; and

(B) is maintaining and allows public inspection of statistical information for each motor vehicle stop made by a law enforcement officer on a Federal-aid highway in the State regarding the race and ethnicity of the driver and any passengers; or

(2) provides assurances satisfactory to the Secretary that the State is undertaking activities to comply with the requirements of paragraph (1).

(b) ELIGIBLE ACTIVITIES.—A grant received by a State under subsection (a) shall be used by the State—

(1) in the case of a State eligible under subsection (a)(1), for costs of—

(A) collecting and maintaining of data on traffic stops;

(B) evaluating the results of the data; and

(C) developing and implementing programs to reduce the occurrence of racial profiling, including programs to train law enforcement officers; and

(2) in the case of a State eligible under subsection (a)(2), for costs of—

(A) activities to comply with the requirements of subsection (a)(1); and

(B) any eligible activity under paragraph (1).

(c) RACIAL PROFILING.—To meet the requirement of subsection (a)(1), a State law shall prohibit, 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 any degree in making routine or spontaneous law enforcement decisions, such as ordinary traffic stops on Federal-aid highways. Nothing in this subsection shall alter the manner in which a State or local law enforcement officer considers 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.

(d) LIMITATIONS.—

(1) MAXIMUM AMOUNT OF GRANTS.—The total amount of grants received by a State under this section in a fiscal year may not exceed 5 percent of the amount made available to carry out this section in the fiscal year.

(2) ELIGIBILITY.—A State may not receive a grant under subsection (a)(2) in more than 2 fiscal years.

(e) 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 $10,000,000 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 chapter 1 of title 23, United States Code, except the Federal share of the cost of activities carried out using such funds shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1811. AMERICA'S BYWAYS RESOURCE CENTER.

(a) IN GENERAL.—The Secretary shall allocate funds made available to carry out this section to the America's Byways Resource Center established pursuant to section 1215(b)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 209).

(b) TECHNICAL SUPPORT AND EDUCATION.—

(1) USE OF FUNDS.—The Center shall use funds allocated to the Center under this section to continue to provide technical support and conduct educational activities for the national scenic byways program established under section 162 of title 23, United States Code.

(2) ELIGIBLE ACTIVITIES.—Technical support and educational activities carried out under this subsection shall provide local officials and organizations associated with National Scenic Byways and All-American Roads with proactive, technical, and on-site customized assistance, including training, communications (including a public awareness series), publications, conferences, on-site meetings, and other assistance considered appropriate to develop and sustain such byways and roads.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $3,500,000 for each of fiscal years 2004 through 2009.

(d) APPLICABILITY OF TITLE 23.—Funds authorized by 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 the Federal share of the cost of any project or activity carried out under this section shall be 100 percent and such funds shall remain available until expended and shall not be transferable.

SEC. 1812. TECHNICAL ADJUSTMENT.

(a) IN GENERAL.—The donee of the vessel with the Unit Identification Code number 13862 is deemed to be the owner of that vessel free and clear as of September 1, 2000.

(b) FEDERAL CLAIMS.—All Federal claims arising from the donation or use of the vessel described in subsection (a) are permanently extinguished.

SEC. 1813. ROAD USER CHARGE EVALUATION PILOT PROJECT.

(a) IN GENERAL.—The Secretary shall carry out a national evaluation pilot project to assess how intelligent transportation system technology can be applied to assess mileage-based road user charges for the purposes of collecting revenues for the Highway Trust Fund.

(b) MATTERS TO BE EVALUATED.—The following matters shall be evaluated under the pilot project:

(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 who participate in field tests of the equipment and system.

(c) 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.

(d) AUTHORIZATION OF APPROPRIATION.—

(1) IN GENERAL.—There is authorize 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 obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except 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" O'NEILL, 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 Central Artery Tunnel project in Boston, the northbound and southbound 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, map, 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. CONFORMING 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 funded under section 104(f) shall be carried out in accordance with the metropolitan planning provisions of chapter 52, 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 52, title 49, United States Code.''.

SEC. 1816. DISTRIBUTION OF METROPOLITAN PLANNING FUNDS WITHIN STATES.

Section 104(f)(4) 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. LOAN FORGIVENESS.

Debt outstanding as of the date of enactment of this Act for project number Q–DPM–0013(001) carried out under section 108(c) of title 23, United States Code, is deemed satisfied.

SEC. 1819. LEAD AGENCY 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 item 13 of the table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2061).

SEC. 1820. USE OF DEBRIS FROM DEMOLISHED BRIDGES AND OVERPASSES.

The project agreement for a Federal-aid highway project shall provide that any debris from demolition of a bridge or overpass that is on the Federal-aid highway must be made available for beneficial public use by Federal, State, and local governments. Any additional cost associated with making available the debris shall be borne by the recipient of the debris.

SEC. 1821. HUBZONE PROGRAM.

Section 3(p)(4)(B)(ii) of the Small Business Act (15 U.S.C. 632(p)(4)(B)(ii)) is amended—

(1) in subclause (I) by striking ''or'' at the end;

(2) in subclause (II) by striking the period at the end and inserting ''; or'' ; and

(3) by adding after subclause (II) the following:

''(III) there is located a difficult development area, as designated by the Secretary of Housing and Urban Development in accordance with section 42(d)(5)(C)(iii) of the Internal Revenue Code of 1986, within Alaska, Hawaii, or any territory or possession of the United States outside the 48 contiguous States.''.

SEC. 1822. TECHNICAL AMENDMENTS TO TEA 21 PROJECTS.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 257) is amended—

(1) in item number 35 by adding ''and for other related purposes'' after ''Yard'';

(2) in item number 78 by striking ''Third'' and all that follows through ''Bridge'' and inserting ''Bayview Transportation Improvements Project'';

(3) in item number 312 by inserting ''through construction'' after ''engineering'';

(4) in item number 800 by striking ''Fairview Township'' and inserting ''or other projects selected by the York County, Pennsylvania MPO'';

(5) in item number 820 by striking ''Conduct'' and all that follows through ''interchange'' and inserting ''Conduct a transportation needs study and make improvements to I–75 interchanges in the Grayling area'';

(6) in item number 897 by striking ''Road upgrade'' and all that follows through ''Hills'' and inserting ''Engineering and construction of a new access road to a development near Interstate 57 and 167th Street in Country Club Hills'';

(7) in item number 1121 by striking ''Construct'' and all that follows through ''Douglaston Parkway'' and inserting ''Provide landscaping along both sides of the Grand Central Parkway from 188th Street to 172nd Street'';

(8) in item 1225 by striking ''Construct SR 9 bypass'' and inserting ''Study, design, and construct transportation solutions for SR 9 corridor''; and

(9) in item number 1375 by striking ''Preliminary'' and all that follows through ''Emmet County'' and inserting ''Petoskey area transportation needs study and trunkline preservation and safety in the Petoskey area'';

(10) in item number 1392 by striking ''Construct'' and all that follows through ''multimodal center'' and inserting ''Improve the ramp configuration at the I–476 PA Turnpike Landsdale Interchange''; and

(11) in item number 1447 strike ''Extend'' and all that follows through ''Valparaiso'' and insert ''Design and construction of interchange at I–65 and 109th Avenue, Crown Point''.

SEC. 1823. NATIONAL WORK ZONE SAFETY INFORMATION CLEARINGHOUSE.

(a) GRANTS.—The Secretary shall make grants for fiscal years 2005 through 2009 to a national nonprofit foundation for the operation of the National Work Zone Safety Information Clearinghouse, authorized by section 358(b)(2) of Public Law 104–59, created for the purpose of assembling and disseminating, by electronic and other means, information relating to improvement of roadway work zone safety.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $1,000,000 for each of fiscal years 2005 through 2009.

(c) CONTRACT AUTHORITY.—Funds authorized by 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, except the Federal share of the cost of activities carried out using such funds shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1824. TRANSPORTATION CONFORMITY.

(a) CONFORMITY REDETERMINATIONS.—Section 176(c)(2) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the following:

''(E) The appropriate metropolitan planning organization shall redetermine conformity for existing transportation plans and programs not later than 2 years after the date on which the Administrator—

''(i) finds a motor vehicle emissions budget in a submitted implementation plan to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003); or

''(ii) approves an implementation plan under section 110(k) or promulgates an implementation plan under section 110(c) that establishes a motor vehicle emissions budget where there was no prior budget or that establishes a budget that significantly varies from any motor vehicle emissions budget in effect pursuant to an adequacy determination in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003) or as part of an implementation plan approved or promulgated under section 110.''.

(b) FREQUENCY OF CONFORMITY DETERMINATION UPDATES.—Section 176(c)(4) of the Clean Air Act (42 U.S.C. 7506(c)(4)) is amended follows:

(1) In subparagraph (A) by striking ''one year after the date of enactment of the Clean Air Act Amendments of 1990'' and inserting ''one year after the date of enactment of the Transportation Equity Act: A Legacy for Users''.

(2) In subparagraph (B) by amending clause (ii) to read as follows:

''(ii) provide that conformity determinations for transportation plans and programs be determined every 4 years in areas designated as nonattainment or redesignated to attainment (unless a metropolitan planning organization as designated in section 5213(b) of title 49, United

States Code, elects to update a transportation plan and program more frequently or is required to determine conformity in accordance with paragraph (2)(E)).''.

(c) TIME HORIZON 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 5213(g) of title 49 of the United States Code shall require 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 in the transportation improvement program or requires approval before the subsequent conformity determination.

Such conformity determination shall be accompanied by a regional emissions analysis for any years of the transportation plan that extend beyond such final conformity date. In the case in which an area has a revision to an implementation plan under section 175A(b) and the Administrator has found the motor vehicle emissions budgets from that revision to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect October 1, 2003), or has approved the revision, the demonstration of conformity (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 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) SUBSTITUTION OF TRANSPORTATION CONTROL MEASURES.—Subsection 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the end the following new paragraph:

''(8)(A) Transportation control measures that are 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 emission reductions are necessary to achieve the purpose of the implementation plan;

''(iv) the substitute control measures were developed with reasonable public notice and the opportunity for comments; and

''(v) the metropolitan planning organization finds that adequate funding is included in the transportation improvement program to ensure timely implementation of the substitute control measures.

''(B) After the requirements of subparagraph (A) are met, a State 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 expressly permits such substitution.

''(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 substitute 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).''.

(e) 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 paragraphs at the end thereof:

''(9) LAPSE OF CONFORMITY.—If a conformity determination required under this subsection for a transportation plan under section 5213(g) of title 49 of the United States Code or a transportation improvement program under section 5213(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. 1825. ELIGIBILITY TO PARTICIPATE IN WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

A community is deemed to be eligible to participate in the western Alaska community development quota program established under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) if the community—

(1) is listed in table 7 to part 679 of title 50, Code of Federal Regulations, as in effect on March 8, 2004; or

(2) was determined to be eligible participate in such program by the National Marine Fisheries Service on April 19, 1999.

SEC. 1826. METROPOLITAN REGIONAL FREIGHT AND PASSENGER TRANSPORTATION STUDY.

(a) IN GENERAL.—The Secretary shall enter into an agreement with a partnership comprised of 2 institutions of higher learning to study metropolitan regional freight and passenger transportation and system-wide performance utilizing an interdisciplinary technique of supply chain management, geographic information systems, and urban/suburban planning and management.

(b) CONTENTS OF STUDY.—The study under this section shall include, at a minimum, evaluations of—

(1) best practices for regional transportation operations and management;

(2) relationships among truck trip generation and economic activities;

(3) spatial analysis of the distribution of economic activity and transportation investments;

(4) congestion mitigation and management of air quality through the concentration of modeling and technology;

(5) supply chain management and geographic information systems; and

(6) infrastructure management and renewal.

(c) FEDERAL SHARE.—The Federal share of the cost of the study under this section shall be 100 percent.

(d) FUNDING.—Of the amounts made available to carry out section 1305 for each of fiscal years 2005 through 2009, $1,800,000 shall be made available to carry out this section.

SEC. 1827. INTERMODAL TRANSPORTATION FACILITY EXPANSION.

Any Federal and non-Federal share provided for the Port of Anchorage for an intermodal transportation marine facility or for access to that facility shall be transferred to and administered by the Administrator of the Maritime Administration.

SEC. 1828. ADVANCED TRUCK STOP ELECTRIFICATION SYSTEM.

(a) DEFINITION.—Section 101(a) of title 23, United States Code, as amended by section 1202 of this Act, is further amended by adding at the end the following:

''(40) ADVANCED TRUCK STOP ELECTRIFICATION SYSTEM.—The term 'advanced truck stop electrification system' means a stationary system that delivers heat, air conditioning, electricity, and communications, and is capable of providing verifiable evidence of use of those services, to a heavy-duty vehicle and any occupants of the heavy-duty vehicle without relying on components mounted onboard the heavy-duty vehicle for delivery of those services.''.

(b) ELIGIBILITY UNDER STP.—Section 133(b)(6) of such title is amended by inserting '', including advanced truck stop electrification systems'' before the period at the end.

SEC. 1829. TECHNOLOGY.

States are encouraged to consider using a non-destructive technology able to detect 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.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; 106 Stat. 1552) is amended by striking ''2005'' and inserting ''2009''.

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; and

(3) the architecture and implementation of intelligent transportation system technologies.

(b) COMPOSITION.—The Council shall consist of not more than 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 riders 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;

(F) 1 member recommended by a national association that represents the traffic safety systems industry; and

(G) 1 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 judgments in 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 the funds for the project or program that is at issue in the fraud came, 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 under 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 CMAQ.

Section 149(b)(4) of title 23, United States Code is amended by inserting '', *including advanced truck stop electrification systems,'' after ''facility or program''.*

SEC. 1834. SENSE 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 1982 (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 domestic bridge industry;

(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 procurement and infrastructure projects, these expenditures stimulate United States production and job creation.

SEC. 1835. COMMUNITY ENHANCEMENT STUDY.

(a) IN 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 such projects for communities.

(b) CONTENTS.—The study shall address the following:

(1) The degree to which well-designed transportation projects have 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 inclusive public participation processes 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) Provision of a variety of choices 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.

(d) ADMINISTRATION.—To carry out this section, the Secretary shall make a grant to, or enter into a cooperative agreement or contract 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.

(e) AUTHORIZATION.—Of the amounts made available to carry out section 1221 of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note), $1,000,000 shall be available for each of fiscal year 2005 and fiscal year 2006 to carry out this section; except that notwithstanding section 1221(e)(2) of such Act, the Federal share of the cost of the study shall be 100 percent.

SEC. 1836. TRANSPORTATION AND LOCAL WORKFORCE INVESTMENT.

(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) Jobs in transportation construction, including apprenticeship positions, typically pay more than twice the minimum wage, and include health and other benefits.

(4) Transportation projects provide the impetus for job training and employment opportunities for low income individuals residing in the area in which a transportation project is planned.

(5) Transportation projects can offer young people, particularly those who are economically disadvantaged, the opportunity to gain productive employment.

(6) The Alameda Corridor, a $2,400,000,000 transportation project, is an example of a transportation project that included a local hiring provision resulting in a full 30 percent of the project jobs being filled by locally hired and trained men and women.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal transportation projects should facilitate and encourage the collaboration between interested persons, including State, Federal, and local governments, community colleges, apprentice programs, local high schools, and other community based organizations that have an interest in improving the job skills of low-income individuals, to help leverage scarce training and community resources and to help ensure local participation in the building of transportation projects.

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 fiscal year 2004 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):

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, $164,027,000 for fiscal year 2004, $163,680,000 for fiscal year 2005, $229,000,000 for fiscal year 2006, $232,000,000 for fiscal year 2007, $238,000,000 for fiscal year 2008, and $245,000,000 for fiscal year 2009.

(2) OCCUPANT PROTECTION INCENTIVE GRANTS.—For carrying out section 405 of title 23, United States Code, $19,882,000 for fiscal year 2004, $19,840,000 for fiscal year 2005, $136,000,000 for fiscal year 2006, $139,000,000 for fiscal year 2007, $143,000,000 for fiscal year 2008, and $150,000,000 for fiscal year 2009.

(3) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—For carrying out section 410 of title 23, United States Code, $39,764,000 for fiscal year 2004, $39,680,000 for fiscal year 2005, $129,000,000 for fiscal year 2006, $133,000,000 for fiscal year 2007, $138,000,000 for fiscal year 2008, and $144,000,000 for fiscal year 2009.

(4) STATE TRAFFIC SAFETY INFORMATION IMPROVEMENTS.—For carrying out section 412 of title 23, United States Code, $30,000,000 for fiscal year 2006, $35,000,000 for fiscal year 2007, $40,000,000 for fiscal year 2008, and $40,000,000 for fiscal year 2009.

(5) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 of title 49, United States Code, by the National Highway Traffic Safety Administration, $3,976,000 for fiscal year 2004, $3,968,000 for fiscal year 2005, and $4,000,000 for each of fiscal years 2006 through 2009.

(6) HIGH VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 2005 of this title, $15,000,000 for each of fiscal years 2006 through 2009.

(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 2009 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(c) TRANSFERS.—In each fiscal year, the Secretary may transfer any amounts remaining available under paragraph (2), (3), or (4) of subsection (a) to the amounts made available under any other of such paragraphs in order to ensure, to the maximum extent possible, that each State receives the maximum incentive funding for which the State is eligible under sections 405, 410, and 412 of title 23, United States Code.

SEC. 2002. OCCUPANT PROTECTION INCENTIVE GRANTS.

(a) GENERAL AUTHORITY.—Section 405(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 after September 30, 2003,''.

(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. A State 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. 2003. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

(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 after September 30, 2003,''.

(b) BASIC GRANT A.—Section 410(b)(1) of title 23, United States Code, is amended—

(1) by striking ''A State shall become eligible'' and inserting the following: ''A State shall be eligible for a grant under this paragraph if the State has an alcohol-related fatality rate per 100,000,000 vehicle miles traveled of 0.5 or less 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. A State shall also become eligible'';

(2) by striking ''at least 5 of the following'' and inserting ''at least 6 of the following for fiscal year 2005 and fiscal year 2006 and at least 7 of the following for each fiscal year thereafter'';

(3) in subparagraph (A)—

(A) by striking ''and'' at the end of clause (i)(II);

(B) by striking the period at the end of clause (ii) and inserting a semicolon; and

(C) by adding at the end the following:

''(iii) the suspension referred to under clause (i)(I) may allow an individual to operate a motor vehicle, after the 15-day period beginning on the date of the suspension, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual; and

''(iv) the suspension and revocation referred to under clause (i)(II) may allow an individual to operate a motor vehicle, after the 45-day period beginning on the date of the suspension or revocation, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual.'';

(4) in subparagraph (B)—

(A) by striking ''may include the issuance'' and inserting the following:

''may include—

''(i) the issuance''; and

(B) by striking the period at the end and inserting ''; and'' and the following:

''(ii) a program provided by a nonprofit organization for training point of sale personnel concerning, at a minimum, the following:

''(I) the clinical effects of alcohol;

''(II) methods of preventing second party sales of alcohol;

''(III) recognizing signs of intoxication;

''(IV) methods to prevent underage drinking;

''(V) Federal, State, and local laws that are relevant to such personnel.'';

(5) by striking subparagraph (F) and inserting the following:

''(F) OUTREACH PROGRAM.—A judicial and prosecutorial education, training, and outreach program that provides information on the appropriateness and effectiveness of sentencing options.''; and

(6) by adding at the end the following:

''(H) SELF-SUSTAINING DRUNK DRIVING PREVENTION PROGRAM.—A self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned to those communities that have comprehensive programs for the prevention of such operations of motor vehicles.

''(I) PROGRAMS FOR EFFECTIVE ALCOHOL REHABILITATION.—A program for effective inpatient and outpatient alcohol rehabilitation based on mandatory assessment and appropriate treatment for repeat offenders described in subparagraph (A)(i)(II).

''(J) PROGRAM FOR THE IMPOUNDMENT OF VEHICLES.—A program to impound a vehicle operated by a person who is arrested for operating that vehicle while under the influence of alcohol.''.

(c) BASIC GRANT B.—Section 410(b) of title 23, United States Code, is amended—

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

''(2) BASIC GRANT B.—A State shall become eligible for a grant under this paragraph if the State—

''(A) 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

''(B) establishes, subject to such requirements as the Secretary may prescribe, a task force to evaluate and recommend changes to the State's drunk driving programs.''; and

(2) in paragraph (3)—

(A) by striking ''25 percent'' and inserting ''100 percent''; and

(B) by striking ''1997'' and inserting ''2003''.

(d) SUPPLEMENTAL GRANTS.—Section 410(c) of title 23, United States Code, is amended to read as follows:

''(c) ALLOCATION FOR BASIC GRANT B.—Not more than $20,000,000 per fiscal year of amounts made available to carry out this section shall be available for making grants under subsection (b)(2).''.

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

SEC. 2004. STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.

(a) IN GENERAL.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following:

''§ 412. State traffic safety information system improvements

''(a) GENERAL AUTHORITY.—

''(1) 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—

''(A) improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the safety data of the State that is needed to identify priorities for national, State, and local highway and traffic safety programs;

''(B) evaluate the effectiveness of efforts to make such improvements;

''(C) link these State data systems, including traffic records, with other data systems within the State, such as systems that contain medical, roadway, and economic data; and

''(D) improve the compatibility and interoperability of the data systems of the State with national data systems and data systems of other States and enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

''(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, outcomes, 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.

''(4) 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 will 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.

''(5) 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.

''(b) 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 data 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)(1);

''(C) identifies performance-based measures by which progress toward those goals will be determined;

''(D) 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

''(E) includes a current report on the progress in implementing the multiyear plan that documents progress toward the specified goals.

''(c) SUCCEEDING-YEAR GRANTS.—

''(1) ELIGIBILITY.—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, to the satisfaction of the Secretary—

''(A) submits an updated multiyear plan that meets the requirements of subsection (b)(2);

''(B) certifies that its highway safety data and traffic records coordinating committee continues to operate and supports the multiyear plan;

''(C) 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;

''(D) demonstrates measurable progress toward achieving the goals and objectives identified in the multiyear plan; and

''(E) includes a current report on the progress in implementing the multiyear plan.

''(d) GRANT AMOUNTS.—

''(1) 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—

''(A) the amount appropriated to carry out this section for such fiscal year; by

''(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 $500,000.

''(e) 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 costs of administering the provisions of this section.

''(f) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.''.

(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 safety information system improvements.''.

SEC. 2005. HIGH VISIBILITY ENFORCEMENT PROGRAM.

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 paid 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 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 the study.

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 restraint that meets the requirements prescribed by the Secretary under section 3 of Anton's Law (116 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 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 in a fiscal year a law adopted 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 a grant 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, police officers, fire 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 for a fiscal year 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 costs of administering the provisions of this section.

(h) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) of title 23, United States Code, apply to this section.

(i) REPORT.—Each State to which a grant is made under this section shall transmit to the Secretary a report documenting the manner in which grant amounts were obligated and expended and identifying the specific programs carried out with or supported by grant funds. The report shall be in a form prescribed by the Secretary and may be combined with other State grant reporting requirements under of chapter 4 of title 23, United States Code.

(j) 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 other products used with a 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 such section 405(f).

(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 Mass Transit 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 motorcyclists.

(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 the other sources for motorcyclist safety training 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, third, and fourth 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 may include 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 CRASHES INVOLVING MOTORCYCLES.—A reduction for the preceding calendar year in the number of motorcycle fatalities and the rate of motor vehicle crashes involving motorcycles in the State (expressed as a function 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 MOTORCYCLISTS.—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 function of 10,000 motorcycle registrations).

(F) FEES COLLECTED FROM MOTORCYCLISTS.—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.

(f) 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) measures 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.

(2) 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 in a State by 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 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.

(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 not to 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 same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that 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 (7) 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 2009.

(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 2009 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, for fiscal years 2005 through 2009, the Secretary shall collect data and compile statistics on accidents involving motor vehicles being backed up that result in fatalities and injuries and that occur on public and nonpublic roads and residential and commercial driveways 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 regarding measures to be taken 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 risks associated with glare to oncoming drivers, including increased risks to drivers on 2-lane highways, increased risks to drivers over the age of 50, and the overall effects of glare on driver performance.

(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 regarding measures to reduce the risks associated with glare to oncoming drivers.

TITLE 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:

''(a) 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—

''(1) maximize the safe, secure, and efficient mobility of individuals;

''(2) minimize environmental impacts; and

''(3) minimize transportation-related fuel consumption and reliance on foreign oil.''.

(b) PRESERVING THE ENVIRONMENT.—Section 5301(e) is amended—

(1) by striking ''an urban'' and inserting ''a''; and

(2) by striking ''under sections 5309 and 5310 of this title''.

(c) GENERAL PURPOSES.—Section 5301(f) is amended—

(1) in paragraph (1)—

(A) by striking ''mass'' the first place it appears and inserting ''public''; and

(B) by striking ''public and private mass transportation companies'' and inserting ''both public transportation companies and private companies engaged in public transportation'';

(2) in paragraph (2)—

(A) by striking ''urban mass'' and inserting ''public''; and

(B) by striking ''public and private mass transportation companies'' and inserting ''both public transportation companies and private companies engaged in public transportation'';

(3) in paragraph (3)—

(A) by striking ''urban mass'' and inserting ''public''; and

(B) by striking ''public or private mass transportation companies'' and inserting ''public transportation companies or private companies engaged in public transportation''; and

(4) 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 (G) 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'';

(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; and

(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 operations, other than such expenses incurred in conducting activities described in subclauses (III) and (IV);

''(K) 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—

''(i) 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

''(ii) excluding operating public transportation services.''.

(c) INDIVIDUAL WITH A DISABILITY.—Section 5302(a)(5) is amended—

(1) by striking ''HANDICAPPED INDIVIDUAL'' in the heading and inserting ''INDIVIDUAL WITH A DISABILITY''; and

(2) by striking ''handicapped individual'' and inserting ''individual with a disability''.

(d) MASS TRANSPORTATION.—Section 5302(a)(7) is amended to read as follows:

''(7) MASS TRANSPORTATION.—The term 'mass transportation' means public transportation.''.

(e) PUBLIC TRANSPORTATION.—Section 5302(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 schoolbus, charter, or sightseeing transportation.''.

(f) URBANIZED AREA.—Section 5302(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) by striking ''HANDICAPPED INDIVIDUAL'' in the heading and inserting ''INDIVIDUAL WITH A DISABILITY''; and

(2) by striking ''handicapped individual'' and inserting ''individual with a disability''.

SEC. 3004. METROPOLITAN PLANNING.

Section 5303 is amended to read as follows:

''§ 5303. Metropolitan planning

''(a) IN GENERAL.—Grants made under sections 5307, 5308, 5309, 5310, 5311, 5316, 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. The Secretary may make the certification only if the organization is complying with chapter 52 and other applicable requirements of 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 CERTIFICATION.—The Secretary may not withhold certification based on the policies and criteria a metropolitan planning organization or mass transportation grant recipient establishes under section 5306(a) for deciding the feasibility of private enterprise participation.''.

SEC. 3005. STATEWIDE PLANNING.

(a) IN GENERAL.—Section 5304 is amended to read as follows:

''§ 5304. Statewide planning

''Grants made under sections 5307, 5308, 5309, 5310, 5311, 5316, 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:

''5304. Statewide planning.''.

SEC. 3006. PLANNING PROGRAMS.

(a) IN GENERAL.—Section 5305 is amended to read as follows:

''§ 5305. 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 equipment.

''(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 land use and all transportation modes, without regard to the programmatic source of the planning amounts.

''(d) METROPOLITAN PLANNING PROGRAM.—

''(1) APPORTIONMENT TO STATES.—

''(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 MPO'S.—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 approves.

''(3) SUPPLEMENTAL AMOUNTS.—

''(A) IN GENERAL.—The Secretary shall apportion 20 percent of 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.

''(e) STATE PLANNING AND RESEARCH PROGRAM.—

''(1) APPORTIONMENT 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, 5315, 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 APPORTIONMENT.—Notwithstanding subparagraph (A), a State may not receive less than 0.5 percent of the amount apportioned under this paragraph.

''(2) SUPPLEMENTAL AMOUNTS.—A State, as the State considers appropriate, may authorize part of the amount made available under this subsection to be used to supplement amounts made available under subsection (d).

''(f) 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.

''(g) ALLOCATION OF FUNDS.—Of 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 subsection (e).

''(h) 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 that 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:

''5305. Planning programs.''.

SEC. 3007. PRIVATE ENTERPRISE PARTICIPATION.

(a) SECTION HEADING.—Section 5306 is amended by striking the section heading and inserting the following:

''§ 5306. 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:

''5306. Private enterprise participation in planning; relationship to other limitations.''.

SEC. 3008. URBANIZED AREA FORMULA GRANTS.

(a) TECHNICAL AMENDMENTS.—Section 5307 is amended—

(1) by striking subsections (h) and (k); and

(2) by redesignating subsections (i), (j), (l), (m), and (n) as subsections (h), (i), (j), (k), and (l), respectively.

(b) DEFINITIONS.—Section 5307(a)(2)(A) is amended—

(1) by striking ''a person'' and inserting ''an entity''; and

(2) by striking ''section 5305(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, 2004, THROUGH MAY 31, 2005'' 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 (3) by striking ''section 5305(a) of this title'' and inserting ''chapter 52''; and

(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'';

(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:

''(K) 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:

''(e) GOVERNMENT'S SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—A grant for a capital project (including associated capital maintenance items) under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

''(2) OPERATING EXPENSES.—A grant for operating expenses under this section may not exceed 50 percent of the net project cost of the project.

''(3) REMAINDER.—The remainder of the net project cost shall be provided—

''(A) in cash from sources other than amounts of the Government or revenues from providing public transportation (excluding revenues derived from the sale of advertising and concessions);

''(B) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital; and

''(C) from amounts received under a service agreement with a State or local social service agency or private social service organization.''.

(f) REVIEWS, AUDITS, AND EVALUATIONS.—Section 5307(h)(1)(A) (as redesignated by subsection (a) of this section) is amended by striking ''shall'' and inserting ''may''.

(g) RELATIONSHIP TO OTHER LAWS.—Section 5307(l) (as redesignated by subsection (a) of this section) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) by inserting ''This chapter.—'' before ''Sections 5302'';

(4) by adding at the end the following:

''(2) CHAPTER 15 OF TITLE 5.—The provision of assistance under this chapter shall not be construed as bringing within the application of chapter 15 of title 5 any nonsupervisory employee of a public transportation system (or any other agency or entity performing related functions) to which such chapter is otherwise inapplicable.''; and

(5) by aligning the left margin of paragraph (1) (as so redesignated) with paragraph (2) (as added by paragraph (4) of this subsection).

(h) TREATMENT.—At the end of section 5307, add the following:

''(m) TREATMENT.—For purposes of this section, the United States Virgin Islands shall be treated as an urbanized area, as defined in section 5302.''.

SEC. 3009. CLEAN FUELS FORMULA GRANT PROGRAM.

Section 5308 is amended to read as follows:

''§ 5308. Clean fuels formula grant program

''(a) 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'—

''(A) means 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) constructing 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 a project located in a nonattainment or maintenance area described in paragraph (4)(A) relating to clean fuel, biodiesel, hybrid electric, or zero emissions technology buses that exhibit equivalent or superior emissions reductions to existing clean fuel or hybrid electric technologies.

''(3) MAINTENANCE AREA.—The term 'maintenance area' has the meaning such term has under section 101 of title 23.

''(4) RECIPIENT.—

''(A) IN GENERAL.—The term 'recipient' means a designated recipient (as defined in section 5307(a)(2)) for an area that, and a recipient for an urbanized area with a population of less than 200,000 that—

''(i) is designated as a nonattainment area for ozone or carbon monoxide under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

''(ii) is a maintenance area for ozone or carbon monoxide.

''(B) SMALLER URBANIZED AREAS.—In the case of an urbanized area with a population of less than 200,000, the State in which the area is located shall act as the recipient for the area under this section.

''(b) AUTHORITY.—The Secretary shall make grants in accordance with this section to recipients to finance eligible projects.

''(c) APPORTIONMENT OF FUNDS.—

''(1) FORMULA.—The Secretary shall apportion among recipients amounts made available to carry out this section for a fiscal year. Of such amounts—

''(A) two-thirds shall be apportioned to recipients serving urbanized areas with a population of at least 1,000,000, of which—

''(i) 50 percent shall be apportioned so that each such recipient receives a grant under this section in an amount equal to the ratio that—

''(I) the number of vehicles in the bus fleet of the recipient, weighted by severity of nonattainment for the area served by the recipient; bears to

''(II) 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—

''(I) the number of bus passenger miles (as defined in section 5336(c)) of the recipient, weighted by severity of nonattainment of the area served by the recipient; bears to

''(II) the total number of bus passenger miles (as defined in section 5336(c)) of all such recipients, weighted by severity of nonattainment of all areas served by such recipients; and

''(B) one-third shall be apportioned to recipients serving urbanized areas with a population of less than 1,000,000, of which—

''(i) 50 percent shall be apportioned so that each such recipient receives a grant under this section in an amount equal to the ratio that—

''(I) the number of vehicles in the bus fleet of the recipient, weighted by severity of nonattainment for the area served by the recipient; bears to

''(II) 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—

''(I) the number of bus passenger miles (as defined in section 5336(c)) of the recipient, weighted by severity of nonattainment of the area served by the recipient; bears to

''(II) the total number of bus passenger miles (as defined in section 5336(c)) of all such recipients, weighted by severity of nonattainment of all areas served by such recipients.

''(2) WEIGHTING OF SEVERITY OF NONATTAINMENT.—

''(A) IN GENERAL.—For purposes of paragraph (1), subject to subparagraph (B), the number of buses in the bus fleet, or the number of passenger miles, shall be multiplied by a factor of—

''(i) 1.0 if, at the time of the apportionment, the area is a maintenance area for ozone or carbon monoxide;

''(ii) 1.1 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

''(iii) 1.2 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under subpart 2 of such part;

''(iv) 1.3 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under subpart 2 of such part;

''(v) 1.4 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under subpart 2 of such part; or

''(vi) 1.5 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under subpart 2 of such part.

''(B) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone under subpart 2 of such part, the area was also classified under subpart 3 of such part as a nonattainment area for carbon monoxide, the weighted nonattainment or maintenance area fleet and passenger miles for the recipient, as calculated under subparagraph (A), shall be further multiplied by a factor of 1.2.

''(d) CLEAN DIESEL BUSES.—Not more than 35 percent of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section may be made available to fund clean diesel buses.

''(e) GRANT REQUIREMENTS.—

''(1) IN GENERAL.—A grant under this section shall be subject to the requirements of section 5307.

''(2) GOVERNMENT'S SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(i) applies to projects carried out under this section.

''(f) AVAILABILITY OF FUNDS.—Any amount made available or appropriated under this section—

''(1) shall remain available to a project for 1 year after the fiscal year for which the amount is made available or appropriated; and

''(2) that remains unobligated at the end of the period described in paragraph (1) shall be added to the amount made available in the following fiscal year.''.

SEC. 3010. CAPITAL INVESTMENT GRANTS.

(a) SECTION HEADING.—Section 5309 is amended by striking the section heading and inserting the following:

''§ 5309. Capital investment grants''.

(b) LOANS FOR REAL PROPERTY INTERESTS.—Section 5309 is amended—

(1) in subsections (a)(1) and (a)(2) by striking ''and loans'';

(2) by striking subsections (b) and (c); and

(3) by redesignating subsection (d) as subsection (b).

(c) PROJECT AS PART OF APPROVED PROGRAM OF PROJECTS.—Section 5309(b) (as redesignated by subsection (b) of this section) is amended—

(1) by striking ''Except as provided in subsections (b)(2) and (e) of the section, the'' and inserting ''The''; and

(2) by striking ''or loan''.

(d) CRITERIA AND FUNDING.—Section 5309 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 new fixed guideway capital 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 this subsection. The Secretary shall not enter into a full funding grant agreement for a project unless that 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 only if the Secretary, based upon evaluations and considerations set forth in paragraph (3), determines that the proposal is—

''(A) based on the results of an alternatives analysis and preliminary engineering;

''(B) justified based on a comprehensive review of its mobility improvements, 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;

''(ii) consider factors such as congestion relief, improved mobility, air pollution, noise pollution, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed and recognize reductions in local infrastructure costs achieved through compact land use development;

''(iii) identify and consider public transportation supportive existing land use policies and future patterns and the cost of suburban sprawl;

''(iv) consider the degree to which the project increases the mobility of the public transportation dependent population or promotes economic development;

''(v) consider population density and current transit ridership in the corridor;

''(vi) consider the technical capability of the grant recipient to construct the project;

''(vii) adjust the project justification to reflect differences in local land, construction, and operating costs; and

''(viii) consider other factors that the Secretary determines appropriate to carry out this chapter.

''(C) LOCAL FINANCIAL COMMITMENT.—In evaluating a proposed 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 determines to be reasonable to cover unanticipated cost increases;

''(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

''(iii) local 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.

''(D) 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—

''(i) existing grant commitments;

''(ii) the degree 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 or other public transportation purpose; and

''(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

''(4) EVALUATION AND RATING OF PROJECTS.—A proposed project under this subsection may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet such requirements. In making the findings, the Secretary shall evaluate and rate the project as 'highly recommended', 'recommended', or 'not recommended' based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment, as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each of the criteria established by regulation.

''(5) MAJOR DEFINED.—In this section, the term 'major', as used with respect to a new fixed guideway capital project, means the Federal assistance provided or to be provided under this section for the project is $75,000,000 or more.

''(d) CAPITAL INVESTMENT GRANTS LESS THAN $75,000,000.—

''(1) IN GENERAL.—Subject to the provisions of this subsection, if the Federal assistance provided or to be provided under this section with respect to a new fixed guideway capital project is less than $75,000,000, and not less than $25,000,000, the project shall be subject to the requirements in this subsection. A new fixed guideway capital project is not subject to the requirements of this subsection if the assistance provided under this section with respect to the project is less than $25,000,000.

''(2) SELECTION CRITERIA.—The Secretary may provide Federal assistance under this subsection with respect to a proposed project only if the Secretary finds that the project is—

''(A) based on the results of planning and alternatives analysis;

''(B) justified based on a review of its public transportation supportive land use policies, cost effectiveness, and effect on local economic development; and

''(C) supported by an acceptable degree of local financial commitment.

''(3) 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.

''(4) 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 subsection.

''(5) LOCAL FINANCIAL COMMITMENT.—For purposes of paragraph (2)(C), the Secretary shall require that each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable.

''(6) ADVANCEMENT OF PROJECT TO DEVELOPMENT AND CONSTRUCTION.—

''(A) GENERAL RULE.—A proposed project under this subsection may advance from planning and alternatives analysis to project development and construction only if—

''(i) 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; and

''(ii) the metropolitan planning organization has adopted the locally preferred alternative for the project into the long-range transportation plan.

''(B) EVALUATION.—In making the findings under subparagraph (A), the Secretary shall evaluate and rate the project as 'recommended' or 'not recommended' based on the results of the analysis of the project justification criteria and the degree of local financial commitment, as required by this subsection.

''(7) CONTENTS OF PROJECT CONSTRUCTION GRANT AGREEMENT.—A project construction grant agreement under this subsection shall specify the scope of the project to be constructed, the estimated net project cost of the project, the schedule under which the project shall be constructed, the maximum amount of funding to be obtained under this subsection, the proposed schedule for obligation of future Federal grants, and the sources of funding from other than the Government. The agreement may include a commitment on the part of the Secretary to provide funding for the project in future fiscal years.

''(8) LIMITATION ON ENTRY INTO CONSTRUCTION GRANT AGREEMENT.—The Secretary may enter into a project construction grant agreement for a project under this subsection only if the project is authorized for construction and has been rated as 'recommended' under this subsection.

''(9) REGULATIONS.—Not later than 120 days after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary shall issue regulations establishing an evaluation and rating process for proposed projects under this subsection that is based on the results of project justification and local financial commitment, as required under this subsection.

''(10) FIXED GUIDEWAY CAPITAL PROJECT.—In this subsection, the term 'fixed guideway capital project' includes a corridor-based public transportation bus capital project if the majority of the project's corridor right-of-way is dedicated alignment for exclusive use by public transportation vehicles for all or part of the day.

''(e) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—Subsections (c) and (d) do not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of enactment of the Federal Public Transportation Act of 2005. Subsection (d) also does not apply to projects for which the Secretary has received an application for final design before such date of enactment.

''(f) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

''(1) LETTERS OF INTENT.—

''(A) AMOUNTS INTENDED TO BE OBLIGATED.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project. When a letter is issued for fixed guideway projects, the amount shall be sufficient to complete at least an operable segment.

''(B) TREATMENT.—The issuance of a letter under subparagraph (A) is deemed not to be an obligation under sections 1108(c), 1108(d), 1501, and 1502(a) of title 31 or an administrative commitment.

''(2) FULL FUNDING GRANT AGREEMENTS.—

''(A) TERMS.—The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

''(i) establish the terms of participation by the Government in a project under this section;

''(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 of an authorization; and

''(iv) make timely and efficient management of the project easier according to the law of the United States.

''(B) SPECIAL 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 from 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 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.

''(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.

''(3) EARLY SYSTEM WORK AGREEMENTS.—

''(A) CONDITIONS.—The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

''(i) a full funding grant agreement for the project will be made; and

''(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

''(B) CONTENTS.—

''(i) IN GENERAL.—A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier.

''(ii) PERIOD COVERED.—A work agreement under this paragraph shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization.

''(iii) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the 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.

''(iv) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

''(4) LIMITATION ON AMOUNTS.—

''(A) MAJOR CAPITAL INVESTMENT GRANTS CONTINGENT COMMITMENT AUTHORITY.—The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements under this subsection for major new fixed guideway capital projects may be not more than the greater of the amount authorized under sections 5338(b) and 5338(h)(1) for such projects or an amount equivalent to the last 3 fiscal years of funding allocated under subsections (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 of such projects that are not covered by a letter or agreement. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements for such projects may be not more than a limitation specified in law.

''(B) OTHER 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 (d) may be not more than the greater of the amount allocated under subsection (m)(2)(A) for such projects or an amount equivalent to the last fiscal year of funding allocated under subsection (m)(2)(A) for such projects, less an amount the Secretary reasonably estimates is necessary for grants under this section for those of such projects that are not covered by an agreement. The total amount covered by new contingent commitments included in project construction grant agreements and early systems work agreements for such projects may be not more than a limitation specified in law.

''(C) INCLUSION OF CERTAIN COMMITMENTS.—Future obligations of the Government and contingent commitments made against the contingent commitment authority under section 3032(g)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (106 Stat. 2125) for the San Francisco BART to the Airport project for fiscal years 2002, 2003, 2004, 2005, and 2006 shall be charged against section 3032(g)(2) of that Act.

''(D) APPROPRIATION REQUIRED.—An obligation may be made under this subsection only when amounts are appropriated for the obligation.

''(5) NOTIFICATION OF CONGRESS.—At least 60 days before issuing a letter of intent or entering into a full funding grant agreement or project construction grant agreement under this section, the Secretary shall notify, in writing, 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 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.

''(g) GOVERNMENT'S SHARE OF NET PROJECT COST.—

''(1) FEDERAL SHARE.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost. A grant for the project shall be for 80 percent of the net capital project cost, unless the grant recipient requests a lower grant percentage.

''(2) REMAINDER OF NET PROJECT COST.—The remainder of net project costs shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

''(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section, including paragraph (1) and subsections (c)(3)(D)(iv) 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 other than amounts of the Government were 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 proportional amount of the grant of the Government is made at the same time.

''(5) LIMITATION ON APPLICABILITY.—This subsection does not apply to projects for which the Secretary has entered into a full funding grant agreement before the date of enactment of the Federal Public Transportation Act of 2005.

''(h) FISCAL CAPACITY CONSIDERATIONS.—If 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.

''(i) REPORTS ON NEW STARTS.—

''(1) ANNUAL DOT 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 available to finance grants for new fixed guideway capital projects among applicants for these amounts;

''(B) evaluations and ratings, as required under subsection (c), for 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 evaluations and 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 currently available to the Secretary.

''(2) ANNUAL GAO REVIEW.—The Comptroller General shall—

''(A) conduct an annual review of—

''(i) the processes and procedures for evaluating, rating, and recommending new fixed guideway capital projects; and

''(ii) the Secretary's implementation of such processes and procedures; and

''(B) report to Congress on the results of such review by May 31 of each year.

''(j) UNDERTAKING 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 that carries 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) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

''(2) FINANCING COSTS.—

''(A) IN GENERAL.—The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the State or local governmental authority to the extent proceeds of the bonds are expended in carrying out the part.

''(B) LIMITATION ON AMOUNT OF INTEREST.—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.

''(C) CERTIFICATION.—The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

''(3) CAPITAL PROJECT COST INDICES.—The Secretary shall consider changes in capital project

cost indices when determining the estimated cost under paragraph (2).

''(k) BUS AND BUS FACILITIES PROJECTS.—In making grants under subsections (m)(1)(C) and (m)(2)(B)(iii), the Secretary shall consider the age of buses, bus fleets, related equipment, and bus-related facilities.

''(l) AVAILABILITY OF AMOUNTS.—An amount made available or appropriated under section 5338(b), 5338(g), or 5338(h) for replacement, rehabilitation, and purchase of buses and related equipment and construction of bus-related facilities or for new fixed guideway capital projects shall remain available for 3 fiscal years, including the fiscal year in which the amount is made available or appropriated. Any of such amounts that are unobligated at the end of the 3-fiscal-year period shall be deobligated and may be used by the Secretary for any purpose under this section.

''(m) ALLOCATING AMOUNTS.—

''(1) FISCAL YEAR 2004.—The total amount of funds made available by or appropriated under section 5338(b) for fiscal year 2004 shall be allocated as follows:

''(A) 40 percent for fixed guideway modernization;

''(B) 40 percent for major new fixed guideway capital projects; and

''(C) 20 percent to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.

''(2) FISCAL YEARS 2005–2009.—The total amount of funds made available by section 5338(g), and appropriated under section 5338(h), for each of fiscal years 2005 through 2009 shall be allocated in the fiscal year as follows:

''(A) SMALL CAPITAL PROJECTS.—From funds appropriated under section 5338(h) for new fixed guideway capital projects described in subsection (d)—

''(i) $135,000,000 in fiscal year 2005;

''(ii) $175,000,000 in fiscal year 2006;

''(iii) $200,000,000 in fiscal year 2007;

''(iv) $200,000,000 in fiscal year 2008; and

''(v) $225,000,000 in fiscal year 2009.

''(B) REMAINDER.—After the allocation under subparagraph (A), the remainder of such total amount shall be allocated as follows:

''(i) 40 percent for fixed guideway modernization, to be derived from funds made available under section 5338(g).

''(ii) 40 percent for major new fixed capital guideway projects, to be derived from funds appropriated under section 5338(h).

''(iii) 20 percent to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities, to be derived from funds made available under section 5338(g).

''(3) FUNDING FOR FERRY BOAT SYSTEMS.—Of the amounts made available under paragraphs (1)(B) and (2)(B)(ii), $10,400,000 shall be available in each of fiscal years 2004 through 2009 for new fixed guideway capital projects in Alaska or Hawaii that are for ferry boats or ferry terminal facilities or that are for approaches to ferry terminal facilities. Of the amounts made available under paragraphs (1)(C) and (2)(B)(iii), $10,000,000 shall be available in each of fiscal years 2005 through 2009 for ferry boats or ferry terminal facilities.

''(4) FUEL CELL BUS PROGRAM.—Of the amounts made available under subsections (m)(1)(C) and (m)(2)(B)(iii) for a fiscal year, the following amounts shall be set aside for the national fuel cell bus technology development program under section 3039 of the Federal Public Transportation Act of 2005:

''(A) $4,849,950 for fiscal year 2004.

''(B) $10,000,000 for fiscal year 2005.

''(C) $11,000,000 for fiscal year 2006.

''(D) $12,000,000 for fiscal year 2007.

''(E) $13,000,000 for fiscal year 2008.

''(F) $14,000,000 for fiscal year 2009.

''(n) NEW FIXED GUIDEWAY CAPITAL PROJECT DEFINED.—In this section, the term 'new fixed guideway capital project' means a minimum operable segment of a capital project for a new fixed guideway system or extension to an existing fixed guideway system.''.

(e) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—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 5328.—Section 5328(a) is amended—

(A) in paragraph (2) by striking ''5309(e)'' and inserting ''5309(c)''; and

(B) in paragraph (4) by striking ''under section 5309(o)(1)'' and inserting ''under section 5309(i)(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, and carried out 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 to administer, plan, and provide technical assistance for a project funded under this section.

''(b) APPORTIONMENT AND TRANSFERS.—

''(1) APPORTIONMENT.—

''(A) 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)—

''(i) in the case of a State with a population density of 10 or fewer persons 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

''(ii) in the case of a State with a population density of more than 10 but equal to or fewer than 30 persons 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).

''(2) TRANSFERS.—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 supplement amounts apportioned to the State under section 5311(c) or 5336(a)(1), or both. Any funds transferred pursuant to this paragraph shall be made available only for eligible projects as described in this section.

''(c) GOVERNMENT'S SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net capital costs of the project, as determined by the Secretary; except that in the case of a State described in section 120(b)(1) of title 23, such percentage shall be increased in accordance with such section.

''(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.

''(3) 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 social service organization, 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 to be expended for transportation.

''(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(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.

''(d) GRANT REQUIREMENTS.—

''(1) IN GENERAL.—A grant under this section shall be subject to all requirements of a grant under section 5307. A grant to a subrecipient under this section shall be subject to such requirements to the extent the Secretary considers appropriate.

''(2) COORDINATION WITH NONPROFIT PROVIDERS.—A recipient that transfers funds to an apportionment under section 5336(a)(1) pursuant to subsection (b)(2) shall certify that the project for which the funds are requested under this section has been coordinated with nonprofit providers of services.

''(3) PROJECT SELECTION AND PLANNING.—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, and nonprofit transportation and human services providers and participation by the public.

''(4) 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.

''(e) STATE PROGRAM.—

''(1) IN GENERAL.—Amounts made available to carry out this section may be used for transportation projects to assist in providing transportation services for elderly individuals and individuals with disabilities that are included in a State program of projects.

''(2) SUBMISSION AND APPROVAL.—A program shall be submitted annually to the Secretary for approval and shall contain an assurance that the program provides for maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other Government sources.

''(f) LEASING VEHICLES.—Vehicles acquired under this section may be leased to local governmental authorities to improve transportation services designed to meet the special needs of elderly individuals and individuals with disabilities.''; and

(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.''.

SEC. 3012. FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

(a) DEFINITIONS.—Section 5311(a) is amended to read as follows:

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) RECIPIENT.—The term 'recipient' means a State that receives a Federal transit program grant directly from the Government.

''(2) SUBRECIPIENT.—The term 'subrecipient' means a State or local governmental authority, nonprofit organization, or operator of public transportation services that receives a Federal transit program grant indirectly through a recipient.''.

(b) GENERAL AUTHORITY.—Section 5311(b) is amended to read as follows:

''(b) GENERAL AUTHORITY.—

''(1) GRANTS.—Except as provided in paragraph (2), the Secretary may make grants to other than urbanized areas under this section for the following:

''(A) Public transportation capital projects.

''(B) Operating costs of equipment and facilities for use in public transportation.

''(C) Acquisition of public transportation services, including service agreements with private providers of public transportation services.

''(2) STATE PROGRAM.—

''(A) IN GENERAL.—Amounts made available to carry out this section shall be used for projects included in a State program for public transportation projects, including service agreements with private providers of public transportation.

''(B) SUBMISSION.—The program shall be submitted annually to the Secretary for approval.

''(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.

''(3) 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 paragraph, the Secretary may use not more than 2 percent of the amount made available to carry out this section to make grants and contracts for transportation research, technical assistance, training, and related support services in other than urbanized areas.

''(C) PROJECTS OF A NATIONAL SCOPE.—Not more than 15 percent of the amounts available under subparagraph (B) may be used by the Secretary to carry out projects of a national scope, with the remaining balance provided to the States.''.

(c) APPORTIONMENTS.—Section 5311(c) is amended to read as follows:

''(c) APPORTIONMENTS.—

''(1) IN GENERAL.—The Secretary shall apportion amounts made available to carry out this section among the States in the ratio that—

''(A) the population of other than urbanized areas in each State, as shown by the most recent Government decennial census of population; bears to

''(B) the population of all other than urbanized areas in the United States, as shown by that census.

''(2) LOW DENSITY ADJUSTMENT.—In administering the apportionment formula under paragraph (1)—

''(A) in the case of a State with a population density of 10 or fewer persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.5 the population of such other than urbanized areas (as determined using the most recent decennial United States Census); and

''(B) in the case of a State with a population density of more than 10 but equal to or fewer than 12 persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.25 the population of such other than urbanized areas (as determined using the most recent decennial United States Census).

''(3) AVAILABILITY.—The amount apportioned to a State under this subsection may be obligated by the State for 2 fiscal years after the fiscal year in which the amount is apportioned. An amount that is not obligated at the end of that period shall be reapportioned among the States for the next fiscal year.''.

(d) USE FOR ADMINISTRATION, PLANNING, AND TECHNICAL ASSISTANCE.—Section 5311(e) is amended—

(1) in the subsection heading by inserting '', planning,'' after ''administration'';

(2) by striking ''(1) The Secretary'' and inserting ''The Secretary'';

(3) by striking paragraph (2); and

(4) by striking ''recipient'' and inserting ''subrecipient''.

(e) INTERCITY BUS TRANSPORTATION.—Section 5311(f) is amended—

(1) in paragraph (1) by striking ''after September 30, 1993,''; and

(2) in paragraph (2) by striking ''A State'' and inserting ''After consultation with affected intercity bus service providers, a State''.

(f) GOVERNMENT'S SHARE OF COSTS.—Section 5311(g) is amended to read as follows:

''(g) GOVERNMENT'S SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net capital costs of the project, as determined by the Secretary; except that in the case of a State described in section 120(b)(1) of title 23, such percentage shall be increased in accordance with such section.

''(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.

''(3) REMAINDER.—The remainder of 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 appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation.

''(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(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.

''(5) LIMITATION ON OPERATING ASSISTANCE.—A State 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.''.

(g) RELATIONSHIP TO OTHER LAWS.—Section 5311 is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

(h) CORRECTION TO CHAPTER ANALYSIS.—The analysis for chapter 53 is amended by striking the item relating to section 5311 and inserting the following:

''5311. Formula grants for other than urbanized areas.''.

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'';

(C) by striking ''help reduce urban transportation needs, improve mass transportation service,'' and inserting ''improve transportation service'';

(D) by striking ''urban'' each place it appears; and

(E) by striking ''and demonstration projects'' and inserting '', demonstration or deployment projects, or evaluation of technology of national significance'';

(2) by striking subsections (b) and (c);

(3) by redesignating subsections (d) and (e) as subsections (b) and (c), respectively;

(4) in subsection (b)(2) (as so redesignated) by striking ''other agreements'' and inserting ''other transactions''; and

(5) in subsection (c)(2) (as so redesignated) by striking ''public and'' and inserting ''public or''.

(b) CONFORMING AMENDMENTS.—

(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 ''(1) The amounts made available under paragraphs (1) and (2)(C)(ii) of section 5338(d) of this title'' and inserting ''The amounts made available under paragraphs (1)(C)(iv) and (2)(C) of section 5338(d)'';

(2) by striking subsection (b);

(3) in subsection (a)(2) by striking ''(2) The'' and inserting ''(b) FEDERAL ASSISTANCE.—The''; and

(4) in subsection (c) by striking ''subsection (a) of''.

(b) CONFORMING AMENDMENTS.—

(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) by striking the section heading and inserting the following:

''§ 5314. National research and technology programs'';

(2) in subsection (a)(1)—

(A) by striking ''subsections (d) and (h)(7) of section 5338 of this title'' and inserting ''section 5338(d)'';

(B) by striking ''and contracts'' and inserting '', contracts, cooperative agreements, or other transactions'';

(C) by striking ''5303–5306,''; and

(D) by striking ''5317,'';

(3) in subsection (a)(2) by striking ''Of the amounts'' and all that follows through ''$3,000,000 to'' and inserting ''The Secretary shall'';

(4) by striking subsection (a)(4)(B);

(5) by redesignating subsection (a)(4)(C) as subsection (a)(4)(B); and

(6) in subsection (b) by striking ''or contract'' and all that follows through ''section,'' and inserting '', contract, cooperative agreement, or

other transaction under subsection (a) or section 5312,''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5314 and inserting the following:

''5314. National research and technology programs.''.

SEC. 3016. NATIONAL TRANSIT INSTITUTE.

Section 5315 is amended—

(1) in subsection (a) by striking ''public mass transportation'' and inserting ''public transportation''; and

(2) in subsection (d) by striking ''mass'' each place it appears.

SEC. 3017. JOB ACCESS AND REVERSE COMMUTE FORMULA GRANTS.

(a) IN GENERAL.—Chapter 53 is amended by inserting after section 5315 the following:

''§5316. Job access and reverse commute formula grants

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) ACCESS TO JOBS PROJECT.—The term 'access to jobs project' means a project relating to the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

''(A) transportation projects to finance planning, capital, and operating costs of providing access to jobs under this chapter;

''(B) promoting public transportation by low-income workers, including the use of public transportation by workers with nontraditional work schedules;

''(C) promoting the use of transit vouchers for welfare recipients and eligible low-income individuals; and

''(D) promoting the use of employer-provided transportation, including the transit pass benefit program under section 132 of the Internal Revenue Code of 1986.

''(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 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

''(3) RECIPIENT.—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.

''(4) REVERSE COMMUTE PROJECT.—The term 'reverse commute project' means a public transportation project designed to transport residents of urbanized areas and other than urbanized areas to suburban employment opportunities, including any projects to—

''(A) subsidize the costs associated with adding reverse commute bus, train, carpool, van routes, or service from urbanized areas and other than urbanized areas to suburban workplaces;

''(B) subsidize the purchase or lease by a nonprofit organization or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace; or

''(C) otherwise facilitate the provision of public transportation services to suburban employment 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 recipient.

''(6) WELFARE RECIPIENT.—The term 'welfare recipient' means an individual who has received assistance under a State or tribal program funded under part A of title IV 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 or a subrecipient.

''(2) ADMINISTRATIVE EXPENSES.—A recipient may use not more than 10 percent of the amounts apportioned to the recipient under this section to administer, plan, and provide technical assistance for a project funded under this section.

''(c) APPORTIONMENTS.—

''(1) FORMULA.—The Secretary shall apportion amounts made available to carry out this section as follows:

''(A) 60 percent of the funds shall be apportioned among designated recipients (as defined in section 5307(a)(2)) for urbanized areas with a population of 200,000 or more in the ratio that—

''(i) the number of eligible low-income individuals and welfare recipients in each such urbanized area; bears to

''(ii) the number of eligible low-income individuals and welfare recipients in all such urbanized areas.

''(B) 20 percent of the funds shall be apportioned among the States in the ratio that—

''(i) the number of eligible low-income individuals 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 individuals and welfare recipients in urbanized areas with a population of less than 200,000 in all States.

''(C) 20 percent of the funds shall be apportioned among the States in the ratio that—

''(i) the number of eligible low-income individuals and welfare recipients in other than urbanized areas in each State; bears to

''(ii) the number of eligible low-income individuals and welfare recipients in other than urbanized areas in all States.

''(2) USE OF APPORTIONED FUNDS.—Except as provided in paragraph (3)—

''(A) funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of 200,000 or more;

''(B) funds apportioned under paragraph (1)(B) shall be used for projects serving urbanized areas with a population of less than 200,000; and

''(C) funds apportioned under paragraph (1)(C) shall be used for projects serving other than urbanized areas.

''(3) EXCEPTIONS.—A State may use funds apportioned under paragraphs (1)(B) and (1)(C)—

''(A) for projects serving areas other than the area specified in paragraph (2)(B) or (2)(C), as the case may be, if the Governor of the State certifies that all of the objectives of this section are being met in the specified area; or

''(B) for projects anywhere in the State if the State has established a statewide program for meeting the objectives of this section.

''(d) COMPETITIVE PROCESS FOR GRANTS TO SUBRECIPIENTS.—

''(1) AREAWIDE SOLICITATIONS.—A recipient of funds apportioned under subsection (c)(1)(A) shall conduct, in cooperation with the appropriate metropolitan planning organization, an areawide 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.

''(3) 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.

''(4) GRANT AWARDS.—The recipient shall award grants under paragraphs (1) and (2) on a competitive basis.

''(e) 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 apportionment under section 5311(c) or 5336, or both.

''(2) LIMITED TO ELIGIBLE PROJECTS.—Any apportionment transferred under this subsection shall be made available only for eligible job access 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 officials and publicly owned operators of public transportation in each area for which the amount originally was awarded under subsection (d)(4).

''(f) 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 certify to the Secretary that allocations of the grant to subrecipients are distributed on a fair and equitable basis.

''(g) 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 State that transfers funds to an apportionment under section 5336 pursuant to subsection (e) shall certify to the Secretary that any project for which the funds are requested under this section has been coordinated with nonprofit providers of services.

''(3) PROJECT SELECTION AND PLANNING.—A recipient of funds under this section shall certify to the Secretary 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, and nonprofit transportation and human services providers and participation by the public.

''(h) 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.

''(3) 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 social service organization, 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 to be expended for transportation.

''(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(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.

''(5) LIMITATION ON OPERATING ASSISTANCE.—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.

''(i) PROGRAM EVALUATION.—

''(1) COMPTROLLER GENERAL.—Beginning 1 year after the date of enactment of the Federal Public 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 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. Job access and reverse commute formula grants.''.

(c) REPEAL.—Section 3037 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 387) is repealed.

SEC. 3018. NEW FREEDOM PROGRAM.

(a) IN GENERAL.—Chapter 53 is further amended by inserting after section 5316 the following:

''§ 5317. New Freedom program

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) RECIPIENT.—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) 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 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 with transportation, including transportation to and from jobs and employment support services.

''(2) ADMINISTRATIVE EXPENSES.—A recipient may use not more than 10 percent of the amounts apportioned to the recipient under this section to administer, plan, and provide technical assistance for a project funded under this section.

''(c) APPORTIONMENTS.—

''(1) FORMULA.—The Secretary shall apportion amounts made available to carry out this section as follows:

''(A) 60 percent of the funds shall be apportioned among designated recipients (as defined in section 5307(a)(2)) for urbanized areas with a population of 200,000 or more in the ratio that—

''(i) the number of individuals with disabilities in each such urbanized area; bears to

''(ii) the number of individuals with disabilities in all such urbanized areas.

''(B) 20 percent of the funds shall be apportioned among the States in the ratio that—

''(i) the number of individuals with disabilities in urbanized areas with a population of less than 200,000 in each State; bears to

''(ii) the number of individuals with disabilities in urbanized areas with a population of less than 200,000 in all States.

''(C) 20 percent of the funds shall be apportioned among the States in the ratio that—

''(i) the number of individuals with disabilities in other than urbanized areas in each State; bears to

''(ii) the number of individuals with disabilities in other than urbanized areas in all States.

''(2) USE OF APPORTIONED FUNDS.—Except as provided in paragraph (3)—

''(A) funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of 200,000 or more;

''(B) funds apportioned under paragraph (1)(B) shall be used for projects serving urbanized areas with a population of less than 200,000; and

''(C) funds apportioned under paragraph (1)(C) shall be used for projects serving other than urbanized areas.

''(3) LOW DENSITY ADJUSTMENT.—

''(A) SMALLER URBANIZED AREAS.—In administering the apportionment formula under paragraph (1)(B)—

''(i) in the case of a State with a population density of 10 or fewer persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 2 the number of individuals with disabilities in urbanized areas of the State with a population of less than 200,000 (as determined using the most recent decennial United States Census); and

''(ii) in the case of a State with a population density of more than 10 but equal to or fewer than 30 persons per square mile, the Secretary shall multiply by a factor of 1.25 the number of individuals with disabilities in urbanized areas of the State with a population of less than 200,000 (as determined using the most recent decennial United States Census).

''(B) OTHER THAN URBANIZED AREAS.—In administering the apportionment formula under paragraph (1)(C)—

''(i) in the case of a State with a population density of 10 or fewer persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.5 the number of individuals with disabilities in other than urbanized areas of the State (as determined using the most recent decennial United States Census); and

''(ii) in the case of a State with a population density of more than 10 but equal to or fewer than 12 persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.25 the number of individuals with disabilities in other than urbanized areas of the State (as determined using the most recent decennial United States Census).

''(4) TRANSFERS.—

''(A) IN GENERAL.—A State may transfer any funds apportioned to it under paragraph (1)(B) or (1)(C), or both, to an apportionment under section 5311(c) or 5336, or both.

''(B) 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 subsection 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) AREAWIDE SOLICITATIONS.—A recipient of funds apportioned under subsection (c)(1)(A) shall conduct, in cooperation with the appropriate metropolitan planning organization, an areawide 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.

''(3) 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.

''(4) GRANT AWARDS.—The recipient shall award grants under paragraphs (1) and (2) on a competitive basis.

''(e) GRANT REQUIREMENTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a grant under this section shall be subject to all the requirements of section 5307.

''(2) EMPLOYEE PROTECTIVE ARRANGEMENTS.—Section 5333(b) shall apply to grants under this section, except that the Secretary of Labor shall utilize, for urbanized areas with a population of less than 200,000 and for other than urbanized areas, a special warranty described in section 215.7 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the Federal Public Transportation Act of 2005), that provides a fair and equitable arrangement to protect the interest of employees.

''(3) 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.

''(f) 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.

''(3) PROJECT SELECTION AND PLANNING.—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, and nonprofit transportation and human services providers and participation by the public.

''(g) 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.

''(3) 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 social service organization, 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 to be expended for transportation.

''(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(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.

''(5) LIMITATION ON OPERATING ASSISTANCE.—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 item relating to section 5316 the following:

''5317. New freedom program.''.

SEC. 3019. BUS TESTING FACILITY.

(a) IN GENERAL.—Section 5318 is amended—

(1) by striking subsection (a) and inserting the following:

''(a) FACILITY.—The Secretary of Transportation shall maintain one facility for testing a

new bus model for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.'';

(2) in subsection (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(g),''; and

(2) by striking ''and 5311'' and inserting ''5311, 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, the term 'public transportation' means general or special transportation to the public by a conveyance that is publicly or privately owned. Such term does not include schoolbus or charter 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) PLANNING.—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 of the provisions referred to in subsection (f) 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)(3), 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 5305(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 are 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.

''(3) OPERATING COSTS.—Operating costs of equipment and facilities used in public transportation for such units.

''(g) GOVERNMENT'S SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—The Government share of the cost of any capital project or activity under this section shall be 100 percent of the 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.

''(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.''.

(b) CONFORMING AMENDMENT.—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:

''(b) GRANTS TO HIGHER LEARNING INSTITUTIONS.—

''(1) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants to nonprofit institutions of higher learning—

''(A) to conduct research and investigations into the theoretical or practical problems of public transportation; and

''(B) to train individuals to conduct further research or obtain employment in an organization that plans, builds, operates, or manages a public transportation system.

''(2) RESEARCH AND INVESTIGATIONS.—Research and investigations under this subsection include—

''(A) the design and use of public transportation systems and public roads and highways;

''(B) the interrelationship between various modes of urban, suburban, rural, and intercity transportation;

''(C) the role of transportation planning in overall urban planning;

''(D) public preferences in transportation;

''(E) the economic allocation of transportation resources; and

''(F) the legal, financial, engineering, and esthetic aspects of public transportation.

''(3) PREFERENCE.—When 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 problems.

''(c) FELLOWSHIPS.—

''(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 employed in managerial, technical, and professional positions in the public transportation field.

''(2) TERMS.—

''(A) PERIOD OF TRAINING.—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.

''(B) SELECTION OF INDIVIDUALS.—The recipient of the grant shall select an individual on the basis of demonstrated ability and for the contribution the individual reasonably can be expected to make to an efficient public transportation operation.

''(C) AMOUNT.—A grant for a fellowship may not be more than the lesser of $65,000 or 75 percent of—

''(i) tuition and other charges to the fellowship recipient;

''(ii) additional costs incurred by the training institution and billed to the grant recipient; and

''(iii) 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)(1) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''private mass transportation company'' each place it appears and inserting ''private company engaged in public transportation'';

(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''; and

(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) APPLICATIONS.—An application'';

(B) in the matter preceding subparagraph (A) by striking ''or loan''; and

(C) by moving subparagraphs (A) through (D) 2 ems to the right;

(2) in paragraph (2) by striking ''(2) Notice of'' and inserting the following:

''(2) NOTICE.—Notice of''; and

(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) by striking ''(1) Financial assistance'' and inserting the following:

''(1) AGREEMENTS.—Financial assistance''; and

(2) by striking paragraph (2) and inserting the following:

''(2) VIOLATIONS.—

''(A) INVESTIGATIONS.—On receiving a complaint about a violation of the agreement required under paragraph (1), the Secretary shall investigate and decide whether a violation has occurred.

''(B) ENFORCEMENT OF AGREEMENTS.—If the Secretary decides that a violation has occurred, the Secretary shall correct the violation under terms of the agreement.

''(C) ADDITIONAL REMEDIES.—In addition to any remedy specified in the agreement, 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.''.

(d) BOND PROCEEDS ELIGIBLE FOR LOCAL SHARE.—Section 5323(e) is amended to read as follows:

''(e) BOND PROCEEDS ELIGIBLE FOR LOCAL SHARE.—

''(1) USE AS LOCAL MATCHING FUNDS.—Notwithstanding any other provision of law, a recipient of assistance under section 5307 or 5309 may use the proceeds from the issuance of revenue bonds as part of the local matching funds for a capital project.

''(2) MAINTENANCE OF EFFORT.—The Secretary shall approve of the use of the proceeds from the issuance of revenue bonds for the remainder of the net project cost only if the Secretary finds that the aggregate amount of financial support for public transportation in the urbanized area provided by the State and affected local governmental authorities during the next 3 fiscal years, as programmed in the State transportation improvement program under chapter 52 is not less than the aggregate amount provided by the State and affected local governmental authorities in the urbanized area during the preceding 3 fiscal years.

''(3) DEBT SERVICE RESERVE.—The Secretary may reimburse an eligible recipient for deposits of bond proceeds in a debt service reserve that recipient established pursuant to section 5302(a)(1)(K) from amounts made available to the recipient under section 5307 or 5309, or both; except that such reimbursement in a fiscal year may not exceed 10 percent of the amounts made available to the recipient under section 5307 in such fiscal year.''.

(e) SCHOOLBUS TRANSPORTATION.—Section 5323(f) is amended—

(1) by striking ''(1) Financial assistance'' and inserting the following:

''(1) AGREEMENTS.—Financial assistance'';

(2) in paragraph (1) by moving subparagraphs (A), (B), and (C) 2 ems to the right; and

(3) by striking paragraph (2) and inserting the following:

''(2) VIOLATIONS.—If the Secretary finds that an applicant, governmental authority, or publicly owned operator has violated the agreement required under paragraph (1), the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate.''.

(f) BUYING BUSES UNDER OTHER LAWS.—Section 5323(g) is amended by striking ''103(e)(4)'' each place it appears and inserting ''133''.

(g) BUY AMERICA.—

(1) PUBLIC INTEREST WAIVER.—Section 5323(j) is amended—

(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)(A), the Secretary shall issue a detailed written justification as to why the waiver is in the public interest. The Secretary shall publish such justification in the Federal Register and provide the public with a reasonable period of time for notice and comment.''.

(2) INELIGIBILITY FOR CONTRACTS.—Section 5323(j)(6) (as so redesignated) is amended by striking ''Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 1914)'' and inserting ''Federal Public Transportation Act of 2004''.

(3) ADMINISTRATIVE REVIEW.—Section 5323(j) is amended by adding at the end the following:

''(9) ADMINISTRATIVE REVIEW.—A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of title 5.''.

(4) REPEAL OF GENERAL WAIVER.—Subsections (b) and (c) of Appendix A of section 661.7 of title 49, Code of Federal Regulations, shall cease to be in effect beginning on the date of enactment of this Act.

(5) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue a final rule on implementation of the requirements of section 5323(j) of title 49, United States Code (in this paragraph referred to as the ''Buy America requirements''). The purposes of the regulations shall be as follows:

(A) MICROPROCESSOR WAIVER.—To clarify that any waiver from the Buy America requirements issued under section 5323(j)(2) of such title for a microprocessor, computer, or microcomputer applies only to a device used solely for the purpose of processing or storing data and does not extend to a product containing a microprocessor, computer, or microcomputer.

(B) DEFINITION OF END PRODUCT.—To define the term ''end product'' for purposes of part 661 of title 49, Code of Federal Regulations. In defining the term, the Secretary shall develop a list of representative items that are subject to the Buy America requirements, and shall address the procurement of systems under the definition to ensure that major system procurements are not used to circumvent the Buy America requirements.

(h) GRANT REQUIREMENTS.—Section 5323(o) is amended by striking ''the Transportation Infrastructure Finance and Innovation Act of 1998'' and inserting ''chapter 6 (other than section 609) of title 23''.

SEC. 3024. SPECIAL PROVISIONS FOR CAPITAL PROJECTS.

(a) IN GENERAL.—Section 5324 is amended to read as follows:

''§ 5324. Special provisions for capital projects

''(a) RELOCATION PROGRAM REQUIREMENTS.—Financial assistance may be provided under section 5309 only if the Secretary decides that—

''(1) an adequate relocation program is being carried out for families displaced by a project; and

''(2) an equal number of decent, safe, and sanitary dwellings are being, or will be, provided to those families in the same area or in another area generally not less desirable for public utilities and public and commercial facilities, at rents or prices within the financial means of those families, and with reasonable access to their places of employment.

''(b) CONSIDERATION OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL INTERESTS.—

''(1) COOPERATION AND CONSULTATION.—In carrying out the policy of section 5301(e), the Secretary shall cooperate and consult with the Secretaries of the Interior, Health and Human Services, and Housing and Urban Development and the Administrator of the Environmental Protection Agency on each project that may have a substantial impact on the environment.

''(2) PUBLIC PARTICIPATION IN ENVIRONMENTAL REVIEWS.—In performing environmental reviews, the Secretary shall review each transcript of a hearing submitted under section 5323(b) to establish that an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest in the project, and that the project application includes a record of—

''(A) the environmental impact of the proposal;

''(B) adverse environmental effects that cannot be avoided;

''(C) alternatives to the proposal; and

''(D) irreversible and irretrievable impacts on the environment.

''(3) APPROVAL OF APPLICATIONS FOR ASSISTANCE.—

''(A) FINDINGS BY THE SECRETARY.—The Secretary may approve an application for financial assistance for a capital project in accordance with this chapter only if the Secretary makes written findings, after reviewing the application and the transcript of any hearing held before a State or local governmental authority under section 5323(b), that—

''(i) an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest;

''(ii) the preservation and enhancement of the environment and the interest of the community in which the project is located were considered; and

''(iii) no adverse environmental effect is likely to result from the project, or no feasible and prudent alternative to the effect exists and all reasonable steps have been taken to minimize the effect.

''(B) HEARING.—If a hearing has not been conducted or the Secretary decides that the record of the hearing is inadequate for making the findings required by this subsection, the Secretary shall conduct a hearing on an environmental issue raised by the application after giving adequate notice to interested persons.

''(C) AVAILABILITY OF FINDINGS.—The Secretary's findings under subparagraph (A) shall be made a matter of public record.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5324 and inserting the following:

''5324. Special provisions for capital projects.''.

SEC. 3025. CONTRACT REQUIREMENTS.

(a) IN GENERAL.—Section 5325 is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) COMPETITION.—Recipients of Federal assistance under this chapter shall conduct all procurement transactions involving such assistance in a manner providing full and open competition, as determined by the Secretary.

''(b) ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.—

''(1) PROCEDURES FOR AWARDING CONTRACT.—A contract or requirement for program management, architectural engineering, construction management, a feasibility study, and preliminary engineering, design, architectural, engineering, surveying, mapping, or related services for a project for which Federal assistance is provided under this chapter shall be awarded in the same way as a contract for architectural and engineering services is negotiated under chapter 11 of title 40 or an equivalent qualifications-based requirement of a State.

''(2) EFFECT OF STATE LAWS.—This subsection does not apply to the extent a State has adopted, before the date of enactment of the Federal Public Transportation Act of 2005, by law a formal procedure for procuring those services.

''(3) ADMINISTRATION OF CONTRACTS.—When awarding such contracts, recipients of assistance under this chapter shall maximize efficiencies of administration by accepting nondisputed audits conducted by other governmental agencies as follows:

''(A) PERFORMANCE OF AUDITS.—Any contract or subcontract awarded under this chapter shall be performed and audited in compliance with cost principles contained in the Federal Acquisition Regulation (part 31 of title 48, Code of Federal Regulations).

''(B) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded under this chapter shall accept indirect cost rates established in accordance with the Federal Acquisition Regulation for one-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute.

''(C) APPLICATION OF RATES.—Once a firm's indirect cost rates are accepted under this paragraph, the recipient of the funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings.

''(D) PRENOTIFICATION; CONFIDENTIALITY OF DATA.—A recipient of funds requesting or using the cost and rate data described in paragraph (3) shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency that is not part of the group of agencies sharing cost data under this paragraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.''; and

(2) by adding at the end the following:

''(d) DESIGN-BUILD SYSTEM PROJECTS.—

''(1) DEFINITION.—In this section, the term 'design-build system project' means a project under which a recipient enters into a contract with a seller, firm, or consortium of firms to design and build a public transportation system or

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 of designing, building, operating, or maintaining such system or segment.

''(2) FINANCIAL ASSISTANCE.—Government financial assistance under this chapter may be made available for the 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 with Government financial assistance under this chapter may make a multiyear contract to buy the rolling stock and replacement parts under which the recipient has an option to buy additional rolling stock or replacement parts for not more than 5 years after the date of the original contract.

''(2) COOPERATION AMONG RECIPIENTS.—The Secretary shall allow at least 2 recipients to act on a cooperative basis to procure rolling stock in compliance with this subsection and other Government procurement requirements.

''(f) ACQUIRING ROLLING STOCK.—A recipient of financial assistance under this chapter may enter into a contract to expend that assistance to acquire rolling stock—

''(1) based on—

''(A) initial capital costs; or

''(B) performance, standardization, life cycle costs, and other factors; or

''(2) with a party selected through a competitive procurement process.

''(g) EXAMINATION OF THE RECORDS.—Upon request, the Secretary, the Comptroller General, or a representative of the Secretary or the Comptroller General shall have access to and the right to examine and inspect all records, documents, papers, including contracts, related to a project for which a grant is made under this chapter.

''(h) GRANT PROHIBITIONS.—A grant may not be used to support a procurement that uses an exclusionary or discriminatory specification.''.

(b) CONFORMING AMENDMENTS.—Section 5326, and the item relating to section 5326 in the analysis for chapter 53, are repealed.

SEC. 3026. PROJECT MANAGEMENT OVERSIGHT AND REVIEW.

(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—Section 5327(a) is amended—

(1) by striking ''and'' at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting ''; and''; and

(3) by adding at the end the following:

''(13) safety and security management.''.

(b) LIMITATIONS.—Section 5327(c) is amended to read as follows:

''(c) LIMITATIONS.—

''(1) LIMITATIONS ON USE OF AVAILABLE AMOUNTS.—The Secretary may use not more than .5 percent of amounts made available for a fiscal year to carry out section 5311, not more than .75 percent of amounts made available for a fiscal year to carry out section 5307, and not more than 1 percent of amounts made available for a fiscal year to carry out section 5309 to make contracts for the following activities:

''(A) To oversee the construction of a major project.

''(B) To review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under sections 5307, 5309, and 5311.

''(C) To provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

''(2) LIMITATIONS ON APPLICABILITY.—Subsections (a), (b), and (e) do not apply to contracts under this section for activities described in paragraphs (1)(B) and (1)(C).

''(3) GOVERNMENT'S SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.''.

SEC. 3027. INVESTIGATIONS OF SAFETY AND HAZARDS.

(a) IN GENERAL.—Section 5329 is amended to read as follows:

''§ 5329. Investigation of safety and hazards

''(a) IN GENERAL.—The Secretary may investigate safety and security risks associated with a condition in equipment, a facility, or an operation financed under this chapter 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 shall require the local governmental authority receiving amounts under this chapter to submit a plan for eliminating, mitigating, or correcting it.

''(c) WITHHOLDING FINANCIAL ASSISTANCE.—Financial assistance under this chapter, in an amount to be determined by the Secretary, may be withheld until a plan is approved and carried out.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5329 and inserting the following:

''5329. Investigation of safety and hazards.''.

SEC. 3028. STATE SAFETY OVERSIGHT.

(a) IN GENERAL.—Section 5330 is amended—

(1) by striking the section heading and all that follows through subsection (a) and inserting the following:

''§ 5330. State safety oversight

''(a) APPLICATION.—This section applies only to—

''(1) States that have rail fixed guideway public transportation systems not 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.'';

(2) in subsection (d) by inserting ''shall ensure uniform safety standards and enforcement and'' after ''affected States''; and

(3) by striking subsection (f).

(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. 3029. CONTROLLED SUBSTANCES AND ALCOHOL MISUSE TESTING.

(a) DEFINITIONS.—Section 5331(a)(3) is amended by striking the period at the end and inserting the following: ''or section 2303a, 7101(i), or 7302(e) of title 46. The Secretary may also decide that a form of public transportation is covered adequately, for employee alcohol and controlled substances testing purposes, under the alcohol and controlled substance statutes or regulations of an agency within the Department of Transportation or the Coast Guard.''.

(b) TECHNICAL CORRECTIONS.—Subsections (b)(1) and (g) of section 5331 are each amended by striking ''or section 103(e)(4) of title 23''.

(c) REGULATIONS.—Section 5331(f) is amended by striking paragraph (3).

SEC. 3030. EMPLOYEE PROTECTIVE ARRANGEMENTS.

Section 5333(b)(1) is amended by striking ''5318(d), 5323(a)(1), (b), (d), and (e), 5328, 5337, and 5338(b)'' each place it appears and inserting ''5316, 5317, 5318, 5320, 5323(a)(1), 5323(b), 5323(d), 5328, 5337, 5338(b), 5338(g), and 5338(h)''.

SEC. 3031. ADMINISTRATIVE PROCEDURES.

Section 5334 is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (9);

(B) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(C) by adding at the end the following:

''(11) issue regulations as necessary to carry out the purposes of this chapter.'';

(2) by striking subsection (i);

(3) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively;

(4) by inserting after subsection (a) the following:

''(b) PROHIBITIONS AGAINST REGULATING OPERATIONS AND CHARGES.—

''(1) IN GENERAL.—Except for purposes of national defense or in the event of a national or regional emergency, the Secretary may not regulate the operation, routes, or schedules of a public transportation system for which a grant is made under this chapter, nor may the Secretary regulate the rates, fares, tolls, rentals, or other charges prescribed by any provider of public transportation.

''(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Secretary from requiring a recipient of funds under this chapter to comply with the terms and conditions of its Federal assistance agreement.'';

(5) in subsection (c)(4) (as redesignated by paragraph (3) of this section)—

(A) by striking ''subsections (h) and (i)'' and inserting ''subsection (i)''; and

(B) by striking ''5323(c), 5323(e), 5324(c),''; and

(6) by adding at the end of subsection (c) (as redesignated by paragraph (3) of this section) the following:

''(5) NONREGULATORY SUBSTANTIVE POLICY STATEMENTS.—The Secretary shall provide notice and an opportunity for public comment at least 60 days before issuing any nonregulatory substantive policy statements (regardless of the form of issuance), including guidance, policy statements, and regulatory interpretations.''.

SEC. 3032. NATIONAL TRANSIT DATABASE.

(a) IN GENERAL.—Section 5335 is amended—

(1) by striking the section heading and inserting the following:

''§ 5335. National transit database'';

(2) by striking subsection (b); and

(3) in subsection (a)—

(A) by striking ''(1) To help'' and inserting ''To help''; and

(B) by striking ''(2) The Secretary'' and inserting ''(b) REPORTING AND UNIFORM SYSTEMS.—The Secretary''.

(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

''(a) DISTRIBUTION.—The Secretary shall apportion amounts made available for fixed guideway modernization under sections 5338(b) and 5338(g) as follows:'';

(2) in subsection (a) by striking ''(e)(1)'' each place it appears and inserting ''(e)''; and

(3) in subsection (a) by striking ''(e)(2)'' each place it appears and inserting ''(e)''.

(b) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—Section 5337(e) is amended by striking paragraph (1) and all that follows through ''(2) Other Standards.—''.

(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. Authorizations

''(a) FORMULA GRANTS.—

''(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, 5317, and 5318 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) $3,132,304,000 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 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) $783,076,000 for fiscal year 2004.

''(C) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated 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 5307;

''(ii) $125,000,000 shall be available to provide job access and reverse commute formula grants under section 5316;

''(iii) $50,000,000 shall be available to provide clean fuels formula grants under section 5308;

''(iv) $8,000,000 shall be available to provide over-the-road bus accessibility grants under section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note);

''(v) $3,100,000 shall be available to carry out bus testing under section 5318;

''(vi) $93,110,751 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

''(vii) $297,954,404 shall be available to provide financial assistance for other than urbanized areas under section 5311; and

''(viii) $3,333,364,895 shall be available to provide financial assistance for urbanized areas under section 5307, subject to section 3041(h) of the Federal Public Transportation Act of 2005.

''(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, 5317, 5318, and 5320 of this chapter, 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)—

''(i) $4,133,500,000 for fiscal year 2005;

''(ii) $4,592,000,000 for fiscal year 2006;

''(iii) $4,898,000,000 for fiscal year 2007;

''(iv) $5,223,000,000 for fiscal year 2008; and

''(v) $5,570,000,000 for fiscal year 2009.

''(B) ALLOCATION OF FUNDS FOR BUS TESTING AND OVER-THE-ROAD BUS ACCESSIBILITY.—Of the aggregate of amounts made available by this paragraph for a fiscal year—

''(i) $3,100,000 shall be available to carry out section 5318; and

''(ii) $8,000,000 shall be available to carry out section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note).

''(C) ALLOCATION OF FUNDS FOR CLEAN FUELS FORMULA GRANT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $75,000,000 for fiscal year 2005 and $100,000,000 for each of fiscal years 2006, 2007, 2008, and 2009 shall be available to carry out section 5308.

''(D) ALLOCATION OF FUNDS FOR JOB ACCESS AND REVERSE COMMUTE FORMULA GRANT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $150,000,000 for fiscal year 2005, $175,000,000 for fiscal year 2006, $200,000,000 for fiscal year 2007, $200,000,000 for fiscal year 2008, and $200,000,000 for fiscal year 2009 shall be available to carry out section 5316.

''(E) ALLOCATION OF FUNDS FOR NEW FREEDOM PROGRAM.—Of the aggregate of amounts made available by this paragraph, $95,000,000 for fiscal year 2005, $100,000,000 for fiscal year 2006, $105,000,000 for fiscal year 2007, $115,000,000 for fiscal year 2008, and $125,000,000 for fiscal year 2009 shall be available to carry out section 5317.

''(F) ALLOCATION OF FUNDS FOR TRANSIT IN THE PARKS PILOT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $8,000,000 for fiscal year 2005, $16,000,000 for fiscal year 2006, $16,000,000 for fiscal year 2007, $16,000,000 for fiscal year 2008, and $16,000,000 for fiscal year 2009 shall be available to carry out section 5320.

''(G) ALLOCATION OF FUNDS FOR NONMOTORIZED TRANSPORTATION PILOT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $4,000,000 for fiscal year 2005, $4,000,000 for fiscal year 2006, $4,000,000 for fiscal year 2007, $8,000,000 for fiscal year 2008, and $8,000,000 for fiscal year 2009 shall be available to carry out section 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program).

''(H) ALLOCATION OF FUNDS FOR THE ALASKA RAILROAD.—Of the aggregate of amounts made available by this paragraph, $10,000,000 for fiscal year 2005, $11,000,000 for fiscal year 2006, $12,000,000 for fiscal year 2007, $13,000,000 for fiscal year 2008, and $14,000,000 for fiscal year 2009 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307.

''(I) REMAINDER.—Of the remainder of the aggregate amounts made available by this paragraph for a fiscal year after the allocations under subparagraphs (B) through (H) for such fiscal year—

''(i) 2.5 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

''(ii) 8.0 percent shall be available to provide financial assistance for other than urbanized areas under section 5311; and

''(iii) 89.5 percent shall be available to provide financial assistance for urbanized areas under section 5307, subject to section 3041(h) of the Federal Public Transportation Act of 2005.

''(b) CAPITAL PROGRAM GRANTS IN FISCAL YEAR 2004.—

''(1) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309, $2,499,504,000 for fiscal year 2004.

''(2) FROM GENERAL FUND.—In addition to amounts made available by paragraph (1), there is authorized to be appropriated to carry out section 5309, $624,876,200 for fiscal year 2004.

''(c) PLANNING.—

''(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 5303, 5304, and 5305, $72,660,000 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 5303, 5304, and 5305, $18,165,000 for fiscal year 2004.

''(2) FISCAL YEARS 2005 THROUGH 2009.—

''(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5303, 5304, and 5305—

''(i) $96,875,000 for fiscal year 2005;

''(ii) $103,325,000 for fiscal year 2006;

''(iii) $110,200,000 for fiscal year 2007;

''(iv) $117,537,500 for fiscal year 2008; and

''(v) $125,362,500 for fiscal year 2009.

''(B) ALLOCATION OF FUNDS.—Of the funds made available by this paragraph for a fiscal year—

''(i) 82.72 percent shall be available for metropolitan planning under sections 5303, 5304, and 5305 (other than 5305(e)); and

''(ii) 17.28 percent shall be available for State planning under section 5305(e).

''(d) RESEARCH.—

''(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 5311(b), 5312, 5313, 5314, 5315, 5322, and 5335, $41,888,000 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.

''(C) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated pursuant to this paragraph for fiscal year 2004—

''(i) not less than $4,500,000 shall be available to carry out programs under the National Transit Institute under section 5315;

''(ii) not less than $3,500,000 shall be available to carry out section 5335;

''(iii) not less than $3,500,000 shall be available to carry out section 5314(a)(2); and

''(iv) not less than $8,860,000 shall be available to carry out section 5313(a).

''(2) FISCAL YEARS 2005 THROUGH 2009.—

''(A) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out sections 5312, 5313, 5314, 5315, 5322, and 5335—

''(i) $54,500,000 for fiscal year 2005;

''(ii) $57,000,000 for fiscal year 2006;

''(iii) $59,500,000 for fiscal year 2007;

''(iv) $62,000,000 for fiscal year 2008; and

''(v) $64,500,000 for fiscal year 2009.

''(B) ALLOCATION OF FUNDS.—Of the funds appropriated pursuant to this paragraph for a fiscal year—

''(i) not less than $4,500,000 shall be available to carry out programs under the National Transit Institute under section 5315;

''(ii) not less than $3,500,000 shall be available to carry out section 5335; and

''(iii) not less than $3,500,000 shall be available to carry out section 5314(a)(2).

''(C) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Of the funds appropriated pursuant to this paragraph, $9,000,000 for fiscal year 2005, $9,500,000 for fiscal year 2006, $10,000,000 for fiscal year 2007, $10,500,000 for fiscal year 2008, and $11,000,000 for fiscal year 2009 shall be available to carry out section 5313(a).

''(D) REMAINDER.—The remainder of the funds appropriated pursuant to this paragraph for a fiscal year after the allocations under subparagraphs (A) and (B) for such fiscal year shall be available to carry out national research and technology programs under sections 5312, 5314, and 5322.

''(e) UNIVERSITY TRANSPORTATION RESEARCH.—

''(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 5505 and 5506, $6,400,000 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 5505 and 5506, $1,600,000 for fiscal year 2004.

''(2) FISCAL YEARS 2005 THROUGH 2009.—Subject to paragraph (3), there is authorized to be appropriated to carry out sections 5505 and 5506, $8,000,000 for each of fiscal years 2005 through 2009.

''(3) FUNDING OF UNIVERSITY TRANSPORTATION CENTERS.—

''(A) IN GENERAL.—Of the amounts made available by and appropriated under paragraphs (1) and (2) $2,000,000 for each of fiscal years 2004, 2005, and 2006 shall be available for the institution identified in section 5505(j)(3)(E), as so in effect.

''(B) USE OF FUNDS.—Funds made available for the institution identified in subparagraph (A)(iii) shall be used to make grants under 5506(f)(5) for that institution

''(C) SPECIAL RULE.—Nothing in this subsection shall be construed to limit the transportation research conducted by the centers funded by this section.

''(f) ADMINISTRATION.—

''(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 section 5334, $60,044,000 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 section 5334, $15,011,000 for fiscal year 2004.

''(2) FISCAL YEARS 2005 THROUGH 2009.—There are authorized to be appropriated to carry out section 5334—

''(A) $78,000,000 for fiscal year 2005;

''(B) $80,000,000 for fiscal year 2006;

''(C) $82,000,000 for fiscal year 2007;

''(D) $84,000,000 for fiscal year 2008; and

''(E) $86,000,000 for fiscal year 2009.

''(g) TRUST FUND CAPITAL PROGRAM GRANTS.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5309(m)(2)(B)(i) and 5309(m)(2)(B)(iii)—

''(1) $1,884,255,000 for fiscal year 2005;

''(2) $2,080,005,000 for fiscal year 2006;

''(3) $2,210,580,000 for fiscal year 2007;

''(4) $2,366,677,500 for fiscal year 2008; and

''(5) $2,518,882,500 for fiscal year 2009.

''(h) GENERAL FUND CAPITAL PROGRAM GRANTS.—There are authorized to be appropriated to carry out sections 5309(m)(2)(A) and 5309(m)(2)(B)(ii)—

''(1) $1,391,170,000 for fiscal year 2005;

''(2) $1,561,670,000 for fiscal year 2006;

''(3) $1,673,720,000 for fiscal year 2007;

''(4) $1,777,785,000 for fiscal year 2008; and

''(5) $1,904,255,000 for fiscal year 2009.

''(i) GRANTS AS CONTRACTUAL OBLIGATIONS.—

''(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract approved by the Secretary, that is financed with amounts made available under subsection (a)(l)(A), (a)(2), (b)(1), (c)(2), (d)(1)(A), (e)(1)(A), (f)(1)(A), or (g) is a contractual obligation of the Government to pay the Government's share of the cost of the project.

''(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract, approved by the Secretary, that is financed with amounts made available under subsection (a)(l)(B), (b)(2), (c)(1)(B), (d)(1)(B), (d)(2), (e)(1)(B), (e)(2), (f)(1)(B), (f)(2), or (h) is a contractual obligation of the Government to pay the Government's share of the cost of the project only to the extent that amounts are provided in advance in an appropriations Act.

''(j) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under subsections (a) through (h) shall remain available until expended.''.

SEC. 3035. OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM.

(a) IN GENERAL.—Section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392) 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:

''(e) 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.''; and

(3) by striking subsection (g) and inserting the following:

''(g) FUNDING.—

''(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 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.

''(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.''.

(b) CONFORMING AMENDMENTS.—The table of contents contained in section 1(b) 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. 3036. UPDATED TERMINOLOGY.

(a) AMENDMENTS TO CHAPTER 53.—Chapter 53 is amended—

(1) in the chapter heading by striking ''**MASS**'' and inserting ''**PUBLIC**'';

(2) in section 5310(h) by striking ''Mass'' and inserting ''Public'';

(3) in the subsection heading for section 5331(b) by striking ''MASS'' and inserting ''PUBLIC''; and

(4) by striking ''mass'' each place it appears in such chapter before ''transportation'' and inserting ''public'', except in sections 5301(f), 5302(a)(7), 5315, 5323(a)(1), and 5323(a)(1)(B).

(b) TABLE OF CHAPTERS.—The table of chapters for subtitle III is amended in the item relating to chapter 53 by striking ''**MASS**'' and inserting ''**PUBLIC**''.

SEC. 3037. PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.

(a) EXISTING FULL FUNDING GRANT AGREEMENTS.—The following projects are authorized for final design and construction for existing full funding grant agreements in not less than the amount specified for each fiscal year:

(1) Baltimore—Central LRT Double Tracking $39,367,154 for fiscal year 2004, $28,777,920 for fiscal year 2005, and $12,655,664 for fiscal year 2006.

(2) Chicago—Chicago Transit Authority Douglas Branch Reconstruction $83,655,202 for fiscal year 2004, $84,320,000 for fiscal year 2005, and $45,825,190 for fiscal year 2006.

(3) Chicago—Chicago Transit Authority Ravenswood Expansion Project $9,841,789 for fiscal year 2004, $39,680,000 for fiscal year 2005, $40,000,000 for fiscal year 2006, $40,000,000 for fiscal year 2007, $40,000,000 for fiscal year 2008, and $65,152,615 for fiscal year 2009.

(4) Cleveland—Euclid Corridor Transportation Project $10,825,967 for fiscal year 2004, $24,800,000 for fiscal year 2005, and $24,974,513 for fiscal year 2006.

(5) Dallas—North Central LRT Extension $29,684,097 for fiscal year 2004.

(6) Denver Southeast Corridor LRT $78,734,308 for fiscal year 2004, $79,360,000 for fiscal year 2005, $80,000,000 for fiscal year 2006, $80,000,000 for fiscal year 2007, and $77,192,758 for fiscal year 2008.

(7) Fort Lauderdale—Tri-Rail Commuter Rail Upgrade $18,118,733 for fiscal year 2004 and $11,318,230 for fiscal year 2005.

(8) Los Angeles—Metro Gold Line Eastside Extension $59,520,000 for fiscal year 2005, $80,000,000 for fiscal year 2006, $100,000,000 for fiscal year 2007, $80,000,000 for fiscal year 2008, and $80,000,000 for fiscal year 2009.

(9) Memphis—Medical Center Extension $9,101,281 for fiscal year 2004.

(10) Metra North Central Corridor Commuter Rail $19,177,300 for fiscal year 2004, $20,000,000 for fiscal year 2005, and $18,476,237 for fiscal year 2006.

(11) Metra South West Corridor Commuter Rail $15,000,000 for fiscal year 2004, $15,500,000 for fiscal year 2005, and $11,781,395 for fiscal year 2006.

(12) Metra Union Pacific West Line Extension $17,000,000 for fiscal year 2004, $12,000,000 for fiscal year 2005, and $14,285,749 for fiscal year 2006.

(13) Minneapolis—Hiawatha Corridor LRT $73,793,730 for fiscal year 2004 and $33,428,865 for fiscal year 2005.

(14) New Jersey Urban Core—Hudson-Bergen LRT MOS–2 $98,417,885 for fiscal year 2004, $99,200,000 for fiscal year 2005, $100,000,000 for fiscal year 2006, $100,000,000 for fiscal year 2007, and $53,202,995 for fiscal year 2008.

(15) New Jersey Urban Core—Newark-Elizabeth Rail Link MOS–1 $22,209,000 for fiscal year 2004, $316,907 for fiscal year 2005, and $1,025,169 for fiscal year 2006.

(16) New Orleans MOS–1 Canal Street $22,922,877 for fiscal year 2004 and $16,613,047 for fiscal year 2005.

(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 $31,733,314 for fiscal year 2004 and $1,131,666 for fiscal year 2005.

(19) Portland—Interstate MAX LRT Extension $76,273,861 for fiscal year 2004, $23,292,160 fiscal year 2005, and $18,292,550 for fiscal year 2006.

(20) Salt Lake City—Medical Center $30,178,231 for fiscal year 2004 and $8,765,421 for fiscal year 2005.

(21) San Diego—Mission Valley East LRT Extension $63,971,625 for fiscal year 2004, $80,986,880 for fiscal year 2005, and $8,353,424 for fiscal year 2006.

(22) San Diego—Oceanside Escondido Rail Corridor $47,240,585 for fiscal year 2004, $54,560,000 fiscal year 2005, and $12,211,061 for fiscal year 2006.

(23) San Francisco—BART Extension to San Francisco Airport $98,417,890 for fiscal year 2004, $99,200,000 fiscal year 2005, and $82,655,680 for fiscal year 2006.

(24) San Juan—Tren Urbano $19,683,577 for fiscal year 2004, $44,263,040 fiscal year 2005, and $10,555,900 for fiscal year 2006.

(25) Seattle—Central Link Initial Segment LRT $73,813,414 for fiscal year 2004, $79,360,000 for fiscal year 2005, $80,000,000 for fiscal year 2006, $80,000,000 for fiscal year 2007, $70,000,000 for fiscal year 2008, and $24,028,149 for fiscal year 2009.

(26) Washington DC/MD—Largo Metrorail Extension $63,971,625 for fiscal year 2004 and $76,156,450 for fiscal year 2005.

(b) 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-Southeast LRT Extension.

(5) Delaware—Wilmington-Newark Commuter Rail Improvements.

(6) Denver—West Corridor LRT.

(7) El Paso—Rapid Transit (SMART) Starter Line.

(8) Harrisburg—Corridor One Commuter Rail (MOS–1).

(9) Kansas City, Missouri—Southtown BRT.

(10) Las Vegas—Resort Corridor Downtown Extension Project.

(11) Los Angeles MTA—Exposition LRT.

(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.
(17) New York—Long Island Railroad East Side Access Project.
(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-Coast Extension.
(29) San Francisco Muni—Third Street LRT-Phase I/II.
(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 County, Oregon—Wilsonville to Beaverton Commuter Rail.
(34) Wasilla-Girdwood, Alaska—Commuter Rail.

(c) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—The following projects are authorized for alternatives analysis and preliminary engineering 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) 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—Rapid Bus Project.
(10) Austin—Regional Commuter Rail.
(11) Baltimore Light Rail System Extensions.
(12) Bernillo-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.
(28) Chicago CTA—Red Line Extension.
(29) Chicago CTA—Chicago Transit Hub (Circle Line-Ogden Streetcar).
(30) Chicago CTA—Orange Line Extension (Midway Airport to Ford City).
(31) Chicago CTA—Southeast Service-La Salle Street Station to Baltimore Race Track.
(32) Chicago CTA—Yellow Line Extension (Dempster-Old Orchard).
(33) Chula Vista, California—Bus Rapid Transit.
(34) Clark County, Washington—MAX Extension.
(35) Cleveland-Akron-Canton (Northeast Ohio) Commuter Rail.
(36) Columbia, South Carolina—Light Rail.
(37) Contra-Costa—BART Extension.
(38) Corpus Christi—Downtown Rail Trolley.
(39) Dallas Area Rapid Transit—Dallas Central Business District.
(40) Dallas Area Rapid Transit—Rowlett LRT Extension.
(41) Dallas Area Rapid Transit—Beltline to DFW Airport.
(42) Dayton—Aviation Heritage Corridor Streetcar Project.
(43) Denton County Transportation Authority, Texas—Fixed Guideway Project.
(44) Denver—Gold Line Extension to Arvada.
(45) Denver—United States Route 36 Transit Corridor.
(46) Denver—North Metro Corridor to Thornton.
(47) Denver—East Corridor to DIA Airport.
(48) Denver—I–225 Transit Corridor.
(49) Denver—Southeast Corridor Extension to Lone-Tree/Ridgegate.
(50) Denver—Southwest Corridor Extension to C470/Lucent Boulevard.
(51) Detroit—Center City Loop.
(52) District of Columbia—Light Rail Starter Line.
(53) Fitchburg, Massachusetts—Commuter Rail Extensions and Improvements.
(54) Fort Lauderdale—Downtown Rail Link.
(55) Fort Lauderdale—Transit Project from NW 215th and 79th Streets.
(56) Fort Worth—Cottonbelt Commuter Rail to DFW.
(57) Fort Worth—Trinity Railway Express Commuter Rail Extensions.
(58) Galveston—Rail Trolley Extension.
(59) Glendale, California—Downtown Streetcar.
(60) Grand Rapids—Fixed Guideway Corridor Project.
(61) Guam—Tumon Bay-Airport Light Rail.
(62) Honolulu—Rapid Transit Project.
(63) Houston Advanced Transit Program Light Rail.
(64) Indianapolis—System of Metropolitan Area Rapid Transit.
(65) Jacksonville—East-Southwest BRT.
(66) Jacksonville—North-Southeast BRT.
(67) Kansas City, Missouri-Lawrence, Kansas—Commuter Rail.
(68) Kenosha-Racine-Milwaukee Metra Commuter Rail Extension (Wisconsin).
(69) Kenosha, Wisconsin Streetcar Expansion Project.
(70) King County, Washington—I–405 Corridor Bus Rapid Transit.
(71) Lakeville, Minnesota—Cedar Avenue Corridor Bus Rapid Transit.
(72) Lane County, Oregon—Bus Rapid Transit, Phase 2.
(73) Little Rock—River Rail Streetcar Extensions.
(74) Little Rock—West Little Rock Commuter Rail.
(75) Long Island Railroad—Nassau Hub.
(76) Lorain-Cleveland Commuter Rail.
(77) LOSSAN Del Mar-San Diego—Rail Corridor Improvements.
(78) Lovejoy to Griffin, Georgia Commuter Rail.
(79) Madison and Dane Counties, Wisconsin—Transport 2020 Commuter Rail.
(80) Maryland—I–270 Corridor Cities Transitway.
(81) Maryland—Route 5 Corridor to Waldorf.
(82) Maryland—Silver Spring Capacity Improvements.
(83) Memphis—Downtown Airport Corridor.
(84) Memphis Regional Rail Plan.
(85) Memphis, Medical Center Rail Extension to Airport.
(86) Metra BNSF Naperville to Aurora Corridor Extension and Improvements.
(87) Metra South Suburban Airport Commuter Rail Extension.
(88) Metra SouthEast Service Line Commuter Rail.
(89) Metra STAR Line Inter-Suburban Commuter Rail.
(90) Metra UP Northwest Line Core Capacity Upgrades.
(91) Metra UP West Line Core Capacity Upgrades.
(92) Metra-West Line Extension, Elgin to Rockford.
(93) Miami-Dade Transit—Douglas Road Extension.
(94) Miami-Dade Transit—East-West Corridor.
(95) Miami-Dade Transit—Kendall Corridor.
(96) Miami-Dade Transit—Northeast Corridor.
(97) Miami-Dade Transit—South Dade Corridor.
(98) Miami-Dade Transit—Miami Intermodal Center to Earlington Heights.
(99) Miami—Downtown Streetcar Project.
(100) Middletown-South Fallsburg, New York, Passenger Rail.
(101) Minneapolis-St. Paul—Central Corridor Transit Project.
(102) Missouri/Kansas—Interstate 35 Transit Corridor.
(103) Monterey County, California—Commuter Rail.
(104) Montgomery and Prince George's Counties, Maryland—Bi-County Transitway (Purple Line).
(105) Nashua—Commuter Rail.
(106) Nashua-Manchester—Commuter Rail Extension.
(107) Nashville—Area Transit Corridors.
(108) Nashville—Southeast Rail Corridor.
(109) Nashville Tennessee Commuter Rail.
(110) Nassau and Queens Counties, New York—LIRR Main Line Third Track Project.
(111) New Haven, Connecticut-Hartford, Connecticut-Springfield, Massachusetts Commuter Line.
(112) New Jersey Trans-Hudson Midtown Corridor.
(113) New Jersey Transit—Northeast Corridor Trans-Hudson Commuter Rail Improvements.
(114) New Jersey Transit—Morris/Essex/Boonton Trans-Hudson Commuter Rail Improvements.
(115) New Jersey Transit—New York Susquehanna and Western RR Commuter Extension.
(116) New Jersey Transit—West Trenton Line Commuter Line Service Extension.
(117) New Jersey Urban Core.
(118) New Orleans—Airport-CBD Commuter Rail.
(119) New York—Rockaway-Brooklyn Army Terminal-Manhattan Ferry Service.
(120) New York—Staten Island to Manhattan High-Speed Ferry Service Extension.
(121) New York—Stewart Airport Rail Access.
(122) Newburg, New York—LRT System.
(123) North Carolina Piedmont Authority Regional Rail—Greensboro to Winston-Salem.
(124) Northern Indiana—Commuter District Line.
(125) Northern Indiana—West Lake Commuter Rail Link (South Shore Commuter Rail).
(126) Norfolk—Naval Station Corridor.
(127) Norfolk-Petersburg—United States Route 460 Commuter Rail Project.
(128) Northern Virginia—Crystal City Potomac Yards Transit.
(129) Northern Virginia—Columbia Pike Rapid Transit Project.
(130) Northern Virginia—Dulles Corridor Extension, Phase 2.
(131) Northern Virginia—Richmond Highway (Route 1) Rapid Transit Project.
(132) Orlando-Orange County, Florida—Light Rail Project.
(133) Philadelphia—Navy Yard Transit Extension.

(134) Philadelphia—52nd 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.

(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) Raritan Valley, 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.

(148) Rock Island, Illinois—Quad Cities Rapid Transit System.

(149) Sacramento—Regional Rail, Auburn to Oakland.

(150) Sacramento—Downtown/Natomas Airport Transit Corridor.

(151) St. Paul-Hastings—Red Rock Corridor Commuter Rail Project.

(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 Lake City—West Jordan LRT extension.

(158) San Antonio—Bus Rapid Transit.

(159) San Diego—Sprinter 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 Gabriel Valley—Gold Line Foothill Extension, Pasadena to Montclair.

(164) San Joaquin Regional Rail Commission Commuter Rail (Altamont Commuter Express).

(165) San Juan Tren Urbano—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) Seattle—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 Metro Link—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 Phase II.

(182) Tampa—Bus Rapid Transit Improvements.

(183) Toledo, Ohio—CBD to Zoo.

(184) Toledo, Ohio—University Corridor.

(185) Trenton Trolley.

(186) Tri-Rail Dolphin Extension.

(187) Tri-Rail Florida 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—Interstate MAX Extension to Clark County, Washington.

(192) Virginia Beach—Bus Rapid Transit.

(193) Virginia Railway Express Capacity Improvements.

(194) Washington State Ferries and Ferry Facilities.

(195) Washington State—Issaquah Valley Trolley Project.

(196) Williamsburg-Newport News—Peninsula Rail Transit.

(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 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 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, $681,268,504 for fiscal year 2006, $1,024,856,176 for fiscal year 2007, $1,199,242,825 for fiscal year 2008, and $1,465,646,690 for fiscal year 2009.

(C) PRIORITY.—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 the amount indicated in fiscal years 2005 through 2009 in the amount indicated in the ''Schedule of Federal Funds for the Project'' included in such agreement.

(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 available not more than the following amounts for projects authorized by subsection (c): $95,348,480 for fiscal year 2004, $109,348,664 for fiscal year 2005, $122,852,264 for fiscal year 2006, and $131,726,624 in fiscal year 2007.

(C) MAXIMUM FUNDING LEVELS FOR ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—In fiscal years 2008 and 2009, the Secretary shall make available not more than the following amounts for projects authorized by subsection (b), and projects authorized by subsection (c), to conduct alternatives analysis and preliminary engineering activities: $139,968,572 in fiscal year 2008 and $149,984,996 in fiscal year 2009.

(e) NEW JERSEY URBAN CORE PROJECT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (112 Stat. 380; 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,''; and

(2) by striking ''in Lakewood to Freehold to Matawan or Jamesburg, New Jersey, as described in section 3035(p) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131)'' and inserting ''from Lakehurst to the Northeast Corridor or the New Jersey Coast Line''.

(f) NEW JERSEY TRANS-HUDSON MIDTOWN CORRIDOR.—Project elements of the New Jersey Trans-Hudson Midtown Corridor advanced with 100 percent non-Federal funds shall be given consideration by the Federal Transit Administration when evaluating the local share of the project in the new starts rating process, including the purchase of bilevel rail equipment.

SEC. 3038. PROJECTS FOR BUS AND BUS-RELATED FACILITIES.

Of the amounts made available to carry out section 5309(m)(2)(B)(iii) of title 49, United States Code, for each of fiscal years 2006 through 2008, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

Projects	FY 06	FY 07	FY 08
1. Glendale, CA Purchase of CNG Buses for Glendale Beeline Transit System	$147,840	$152,460	$161,700
2. Detroit Fare Collection System	$1,280,000	$1,320,000	$1,400,000
3. Flint, MI Construct Intermodal Hub at Bishop International Airport	$640,000	$660,000	$700,000
4. Des Plaines, Wauconda, Cook and Lake Counties, IL Rand Road Transit Signal Priority	$256,000	$264,000	$280,000
5. Indianapolis, IN Downtown transit center	$4,480,000	$4,620,000	$4,900,000
6. Los Angeles, CA, Construction of Intermodal Transit Center at California State University Los Angeles	$252,800	$260,700	$276,500
7. Columbus, OH—Central Ohio Transity Authority Paratransit Facility	$640,000	$660,000	$700,000
8. Silver Spring, MD Construct Silver Spring Transit Center in downtown Silver Spring	$1,168,000	$1,204,500	$1,277,500
9. Detroit, MI Enclosed heavy-duty maintenance facility with full operational functions for up to 300 buses	$1,440,000	$1,485,000	$1,575,000
10. Bronx, NY Wildlife Conservation Society intermodal transportation facility at the Bronx Zoo	$160,000	$165,000	$175,000
11. Construct pedestrian and bicycle amenities on Seawall Blvd Galveston, Tx	$960,000	$990,000	$1,050,000
12. Hoboken, NJ Rehabilitation of Hoboken Intermodal Terminal	$320,000	$330,000	$350,000
13. Newark, NJ Penn Station Intermodal Improvements including the rehabilitation of boarding areas	$320,000	$330,000	$350,000
14. Orlando, Florida—LYNX Bus Fleet Expansion Program	$288,000	$297,000	$315,000
15. Fairfax County, VA Richmond Highway (U.S. Route 1) Public Transportation Improvements	$640,000	$660,000	$700,000
16. Portland, OR Renovation of Union Station, including structural reinforcement and public safety upgrades	$32,000	$33,000	$35,000
17. Davis, CA Davis Multi-Modal Station to improve entrance to Amtrak Depot and parking lot, provide additional parking and improve service	$320,000	$330,000	$350,000
18. Reno-Sparks, Nevada—Intermodal Transportation Terminals and Related Development	$1,280,000	$1,320,000	$1,400,000
19. Bar Harbor, ME Purchase new buses to enhance commuting near the Jackson Labs	$96,000	$99,000	$105,000
20. Bronx, NY Establish an intermodal transportation facility at the Wildlife Conservation Society Bronx Zoo	$320,000	$330,000	$350,000

Projects	FY 06	FY 07	FY 08
21. Hingham, MA Hingham Marine Intermodal Center Improvements: Enhance public transportation infrastructure/parking	$2,880,000	$2,970,000	$3,150,000
22. Philadelphia, PA Philadelphia Zoo Intermodal Transportation project w/parking consolidation, pedestrian walkways, public transportation complements & landscape improvements to surface parking lots	$1,600,000	$1,650,000	$1,750,000
23. Construct intermodal transportation & parking facility, City of Winter Park	$160,000	$165,000	$175,000
24. Roma, TX Bus Facility	$168,000	$173,250	$183,750
25. New York City, NY First Phase Implementation of Bus Rapid Transit System	$320,000	$330,000	$350,000
26. Scottsdale, Arizona—Construct intermodal center	$640,000	$660,000	$700,000
27. Sonoma County, CA Purchase of CNG buses	$160,000	$165,000	$175,000
28. Camden, NJ Construction of the Camden County Intermodal Facility in Cramer Hill	$320,000	$330,000	$350,000
29. Sandy Hook, NJ National Park Service - Construct year-round ferry dock at Sandy Hook Unit of Gateway National Recreation Area	$320,000	$330,000	$350,000
30. Sevier County, Tennessee—U.S. 441. bus rapid transit	$80,000	$82,500	$87,500
31. St. Augustine, Florida—Intermodal Transportation and Parking Facility	$320,000	$330,000	$350,000
32. Torrington, CT Construct bus-related facility (Northwestern Connecticut Central Transit District)	$640,000	$660,000	$700,000
33. Warren, PA—Construct Intermodal Transportation Center and related pedestrian and landscape imporovements	$320,000	$330,000	$350,000
34. Toledo, OH TARTA/TARPS Passenger Intermodal Facility construction	$2,400,000	$2,475,000	$2,625,000
35. Union City, CA Intermodal Station, Phase 1: Modify BART station	$1,360,000	$1,402,500	$1,487,500
36. Los Angeles, CA Wilshire-Vermont subway station reconstruction	$320,000	$330,000	$350,000
37. Lancaster, PA—bus replacement	$304,000	$313,500	$332,500
38. Monmouth County, NJ Construction of main bus facility for Freehold Township, including a terminal and repair shop	$640,000	$660,000	$700,000
39. Monrovia, California—Transit Village Project	$960,000	$990,000	$1,050,000
40. Duluth, MN Downtown Duluth Area Transit facility improvements	$640,000	$660,000	$700,000
41. Brooklyn, NY New Urban Center—Broadway Junction Intermodal Center	$307,200	$316,800	$336,000
42. Medford, MA Downtown revitalization featuring construction of a 200 space Park and Ride Facility	$640,000	$660,000	$700,000
43. Needles, California—El Garces Intermodal Facility	$640,000	$660,000	$700,000
44. Bridgeport, Connecticut—Greater Bridgeport Transit Authority Bus Facility	$160,000	$165,000	$175,000
45. Palm Springs, California-- Sunline Transit bus purchase	$160,000	$165,000	$175,000
46. National Park Service - Design and construct 2.1-mile segment to complete Sandy Hook multi-use pathway in Sandy Hook, NJ	$320,000	$330,000	$350,000
47. Phoenix, AZ Construct City of Phoenix paratransit facility (Dial-a-Ride)	$320,000	$330,000	$350,000
48. Project provides for the engineering and construction of a transportation center in Paoli, Chester County	$320,000	$330,000	$350,000
49. Columbus, Georgia—Buses & Bus Facilities	$310,080	$319,770	$339,150
50. Cleveland, Ohio—University Circle intermodal facility	$2,720,000	$2,805,000	$2,975,000
51. Cleveland, OH acquisition of buses Greater Cleveland Regional Transit Authority	$320,000	$330,000	$350,000
52. Greensboro, North Carolina—Replacement buses	$1,849,600	$1,907,400	$2,023,000
53. Johnson Co., KS Bus and bus related facilities [I-35. corridor], Johnson Co. Transit	$640,000	$660,000	$700,000
54. City of Alameda, CA Plan, design, and construct intermodal facility	$640,000	$660,000	$700,000
55. New Orleans, LA Intermodal Riverfront Center	$160,000	$165,000	$175,000
56. Replace railroad draw bridge in Galveston, Texas	$160,000	$165,000	$175,000
57. Wilmington, NC Build Intermodal Center	$320,000	$330,000	$350,000
58. Yabucoa, Puerto Rico—Trolley buses	$56,000	$57,750	$61,250
59. Beverly, MA Design and Construct Beverly Depot Intermodal Transportation Center	$640,000	$660,000	$700,000
60. Georgia Statewide Bus Program	$64,000	$66,000	$70,000
61. Trenton, New Jersey—Trenton Train Station Rehabilitation	$400,000	$412,500	$437,500
62. Trenton, NJ Reconstruction and rehabilitation of the Trenton Train Station	$2,240,000	$2,310,000	$2,450,000
63. Zapata, Texas Purchase Bus vehicles	$80,000	$82,500	$87,500
64. Zanesville, OH—bus system signage and shelters	$20,800	$21,450	$22,750
65. York, Pennsylvania—Rabbit Transit facilities and communications equipment	$886,560	$914,265.	$969,675
66. Canby, OR bus and bus facilities	$48,000	$49,500	$52,500
67. New Orleans, LA Plan and construct New Orleans Union Passenger Terminal intermodal facilities	$320,000	$330,000	$350,000
68. Northern Neck and Middle Peninsula, Virginia—Bay Transit Multimodal Facilities	$1,040,000	$1,072,500	$1,137,500
69. Broward County, FL Busses & Bus Facilities	$2,080,000	$2,145,000	$2,275,000
70. Palm Springs, California-- Sunline Transit: CalStart-Weststart fuel cell bus program	$320,000	$330,000	$350,000
71. San Juan, Puerto Rico—Buses	$320,000	$330,000	$350,000
72. Hammond, Louisiana—Passenger intermodal facility at Southern Louisiana	$64,000	$66,000	$70,000
73. West Virginia Construct Beckley Intermodal Gateway pursuant to the eligibility provisions for projects listed under section 3030(d)(3) of P.L. 105-178.	$7,680,000	$7,920,000	$8,400,000
74. Albany-Schenectady, NY Bus Rapid Transit Improvements in NY Route 5. Corridor	$320,000	$330,000	$350,000
75. Alameda County, CA AC Transit Bus Rapid Transit Corridor Project	$160,000	$165,000	$175,000
76. Baldwin Park, CA Construct vehicle and bicycle parking lot and pedestrian rest area at transit center	$640,000	$660,000	$700,000
77. Niagara Falls, NY Relocation, Development, and Enhancement of Niagara Falls International Railway Station/Intermodal Transportation Center	$1,792,000	$1,848,000	$1,960,000
78. Utica, New York—Union Station Boehlert Center siding track improvements	$32,000	$33,000	$35,000
79. Ionia County, MI—Purchase and implementation of communication equipment improvements	$188,800	$194,700	$206,500
80. Flagler County, Florida—bus facility	$192,000	$198,000	$210,000
81. Easton, Pennsylvania—Design and construct Intermodal Transportation Center	$640,000	$660,000	$700,000
82. Yamhill County, OR For the construction of bus shelters, park and ride facilities, and a signage strategy to increase ridership	$35,200	$36,300	$38,500
83. Woodland, CA Yolobus operations, maintenance, administration facility expansion and improvements to increase bus service with alternative fuel buses	$640,000	$660,000	$700,000
84. Sacramento, CA Construct intermodal station and related improvements	$2,240,000	$2,310,000	$2,450,000
85. Torrance Transit System, CA Acquisition of EPA and CARB-certified low emission replacement buses	$960,000	$990,000	$1,050,000
86. Burlington County, NJ—BurLink and Burlington County Transportation System vehicles and equipment	$1,280,000	$1,320,000	$1,400,000
87. Niles, OH Acquisition of bus operational and service equipment for Niles Trumbull Transit	$64,000	$66,000	$70,000
88. Rockport, MA Rockport Commuter Rail Station Improvements	$880,000	$907,500	$962,500
89. Cincinnati, Ohio—Metro Regional Transit Hub Network Eastern Neighborhoods	$256,000	$264,000	$280,000
90. Buses and bus related facilities throughout the State of Connecticut	$1,920,000	$1,980,000	$2,100,000
91. Columbus, GA Bus replacement	$96,000	$99,000	$105,000
92. Norwalk, CA Transit System Bus Procurement and Los Angeles World Airport Remote Fly-Away Facility Project	$256,000	$264,000	$280,000
93. Salem, OR bus and bus facilities	$640,000	$660,000	$700,000
94. Ilwaco, WA Procure shuttles for Lewis and Clark National Historical Park	$32,000	$33,000	$35,000
95. Gainesville, FL Bus Replacement	$1,280,000	$1,320,000	$1,400,000
96. SEPTA Montgomery County Intermodal Improvements at Glenside and Jenkintown Station Parking Garages	$1,600,000	$1,650,000	$1,750,000
97. Fredericksburg, Virginia—Improve and repair Fredericksburg Station	$640,000	$660,000	$700,000
98. Birmingham, AL Expansion of Downtown Intermodal Facility, Phase II	$640,000	$660,000	$700,000
99. Gresham, Oregon Construct a new light rail station and transit plaza on Portland MAX system and serve Gresham Civic neighborhood	$448,000	$462,000	$490,000
100. Jersey City, NJ McGinley Square Intermodal Facility	$256,000	$264,000	$280,000
101. Emeryville, CA Expand & Improve Intermodal Transit Center at Amtrak Station	$320,000	$330,000	$350,000
102. Jersey City, NJ Construct West Entrance to Pavonia-Newport PATH Station	$640,000	$660,000	$700,000
103. Longwood, Florida—Construct Intermodal Transportation Facility	$160,000	$165,000	$175,000
104. Marietta, Ohio Construction of transportation hub to accommodate regional bus traffic	$160,000	$165,000	$175,000
105. Akron, Ohio—West Market Street transit center and related pedestrian improvements	$208,000	$214,500	$227,500
106. Sandy, Oregon Transit Bus Facility	$112,000	$115,500	$122,500
107. Jacksonville, FL Paratransit Vehicles	$1,440,000	$1,485,000	$1,575,000
108. Carson, CA Purchase two tripper buses	$160,000	$165,000	$175,000
109. Bloomington, IN—Bus and transfer facility	$1,539,200	$1,587,300	$1,683,500
110. Cobb County, GA Cobb County Smart Card Technology/ Bus Facility Improvements	$320,000	$330,000	$350,000
111. Construct West Houston and Fort Bend County, Texas—bus transit corridor	$320,000	$330,000	$350,000
112. Mariposa, CA—Yosemite National Park CNG-Hydrogen transit buses and facilities	$800,000	$825,000	$875,000
113. Snohomish County, WA Community Transit bus purchases and facility enhancement	$960,000	$990,000	$1,050,000
114. Geneva, Illinois—Construct commuter parking deck for Metra Service	$1,280,000	$1,320,000	$1,400,000
115. Rhode Island Statewide Bus Fleet	$1,920,000	$1,980,000	$2,100,000
116. Pleasant Hill, CA Construct Diablo Valley College Bus Transit Center	$480,000	$495,000	$525,000
117. Broward, FL Purchase new articulated buses and bus stop improvements on State Road 7. (SR 7) between Golden Glades Interchange and Glades Road	$160,000	$165,000	$175,000
118. Attleboro, MA Construction, engineering and site improvements at the Attleboro Intermodal Center	$640,000	$660,000	$700,000
119. Burbank, CA CNG Transit Vehicles Purchase for Local Transit Network Expansion	$144,000	$148,500	$157,500
120. Dayton Airport Intermodal Rail Feasibility Study	$240,000	$247,500	$262,500
121. Los Angeles, CA Improve transit shelters, sidewalks lighting and landscaping around Cedar's-Sinai Medical Center	$480,000	$495,000	$525,000
122. Baltimore, MD Construct Intercity Bus Intermodal Terminal	$1,600,000	$1,650,000	$1,750,000
123. Cheltenham, PA Glenside Rail Station Parking Garage project involving the construction of a 300-400 space parking lot at Easton Road and Glenside Avenue	$320,000	$330,000	$350,000
124. Haverhill, MA Design and Construct Intermodal Transit Parking Improvements	$1,792,000	$1,848,000	$1,960,000
125. Palm Beach County, FL Plan and Construct Belle Glade Combined Passenger Transit Facility	$1,120,000	$1,155,000	$1,225,000
126. Pittsburgh, PA Clean Fuel Bus Procurement	$160,000	$165,000	$175,000

Projects	FY 06	FY 07	FY 08
127. San Fernando, CA Purchase CNG buses and related equipment and construct facilities	$972,800	$1,003,200	$1,064,000
128. Bayamon, Puerto Rico—bus terminal	$192,000	$198,000	$210,000
129. Bozeman, Montana—Intermodal and Parking Facility	$640,000	$660,000	$700,000
130. New Brunswick, NJ Construct parking facility at the Robert Wood Johnson University Hospital and UMDNJ-Robert Wood Johnson Medical School	$640,000	$660,000	$700,000
131. Stonington and Mystic, Connecticut—Intermodal Center parking facility and Streetscape	$1,100,800	$1,135,200	$1,204,000
132. Carson, CA Purchase one bus	$80,000	$82,500	$87,500
133. Miami-Dade County, Florida—Transit Security System	$800,000	$825,000	$875,000
134. Town of Chapel Hill, NC Park and Ride Lot	$480,000	$495,000	$525,000
135. Wheaton, IL Pace Suburban Bus—Purchase buses	$320,000	$330,000	$350,000
136. Ocala and Marion County, Florida—replacement buses	$960,000	$990,000	$1,050,000
137. Philadelphia, PA Improvements to the existing Penn's Landing Ferry Terminal	$1,280,000	$1,320,000	$1,400,000
138. Long Branch, NJ Design and construct facilities for ferry service from Long Branch, NJ to New York City and other destinations	$1,280,000	$1,320,000	$1,400,000
139. Quincy, MA MBTA Purchase high speed catamaran ferry for Quincy Harbor Express Service	$640,000	$660,000	$700,000
140. Los Angeles, CA Crenshaw Bus Rapid Transit	$2,728,960	$2,814,240	$2,984,800
141. South Bend, Indiana—Construct South Bend Bus Operations Center	$160,000	$165,000	$175,000
142. Arlington County, VA Crystal City—Potomac Yard Busway, including construction of bus shelters	$960,000	$990,000	$1,050,000
143. Raleigh, NC Purchase eighteen replacement buses to replace buses that have reached their useful life according to Federal Transit Administration regulations	$640,000	$660,000	$700,000
144. Augusta, GA Buses and Bus Facilities	$128,000	$132,000	$140,000
145. Santa Ana, CA Improve Santa Ana transit terminal	$320,000	$330,000	$350,000
146. Cooperstown, New York-- Intermodal Facility Project	$1,600,000	$1,650,000	$1,750,000
147. Santa Barbara, CA—Expansion of Regional Intermodal Transit Center	$96,000	$99,000	$105,000
148. Tampa, FL Purchase buses and construct bus facilities	$720,000	$742,500	$787,500
149. Hidalgo County, TX Regional Multi-Modal Center	$640,000	$660,000	$700,000
150. Phoenix, AZ Construct regional heavy bus maintenance facility	$320,000	$330,000	$350,000
151. Thurston County, WA Replace Thurston County Buses	$288,000	$297,000	$315,000
152. San Juan, Puerto Rico—bus security equipment	$960,000	$990,000	$1,050,000
153. Bryan, TX The District—Bryan Intermodel Transit Terminal and Parking Facility	$960,000	$990,000	$1,050,000
154. City of Greenville, NC Expansion Buses and Greenville Intermodal Center	$1,140,480	$1,176,120	$1,247,400
155. City of Livermore, CA Construct Bus Facility for Livermore Amador Valley Transit Authority	$720,000	$742,500	$787,500
156. Detroit Replacement Buses	$1,600,000	$1,650,000	$1,750,000
157. Bealeton, Virginia—Intermodal Station Depot Refurbishment	$88,000	$90,750	$96,250
158. Covina, El Monte, Baldwin Park, Upland, CA Parking and Electronic Signage Improvements	$560,000	$577,500	$612,500
159. Eugene, OR Lane Transit District, Vehicle Replacement	$640,000	$660,000	$700,000
160. Kearney, Nebraska—RYDE Transit Bus Maintenance and Storage Facility	$640,000	$660,000	$700,000
161. Revere, MA Intermodal transit improvements in the Wonderland station (MBTA) area	$576,000	$594,000	$630,000
162. Brownsville, TX Brownsville Ruban System City-Wide Transit Improvement Project	$640,000	$660,000	$700,000
163. Normal, Illinois—Multimodal Transportation Center	$2,240,000	$2,310,000	$2,450,000
164. Puerto Rico—Caribbean National Forest buses and bus facilities	$960,000	$990,000	$1,050,000
165. Albany, OR Rehabilitate Building At Multimodal Transit Station	$409,600	$422,400	$448,000
166. Bronx, NY Hebrew Home for the Aged elderly and disabled transportation support	$48,000	$49,500	$52,500
167. Denver, CO Denver Union Station Intermodal Center	$1,760,000	$1,815,000	$1,925,000
168. Elizabeth, NJ Broad Street Streetscape Improvements and Bus Shelters	$224,000	$231,000	$245,000
169. Delaware-- University of Delaware Fuel Cell Bus Deployment	$160,000	$165,000	$175,000
170. Lousiana - Construct pedestrian walkways between Caddo St. and Milam St. along Edwards St. in Shreveport, LA	$320,000	$330,000	$350,000
171. Riverside, California-- RTA Advanced Traveler Information System	$160,000	$165,000	$175,000
172. Santa Monica, CA Purchase and service LNG buses for Santa Monica's Big Blue Bus to meet increased ridership needs and reduce emissions	$1,200,000	$1,237,500	$1,312,500
173. Ontario, CA Construct Omnitrans Transcenter	$320,000	$330,000	$350,000
174. Brockton, MA Bus replacement for the Brockton Area Transit Authority	$480,000	$495,000	$525,000
175. Molalla, OR South Clackamas Transportation District, bus purchase	$32,000	$33,000	$35,000
176. Boise, ID—Multi-modal facility	$1,440,000	$1,485,000	$1,575,000
177. Fond du Lac Reservation, MN Purchase busses	$48,000	$49,500	$52,500
178. Sandy City, UT Construct transit hub station and TRAX station at 9400 South	$640,000	$660,000	$700,000
179. Albany, OR Construct Pathway From Multimodal Transit Station to Swanson Park	$166,400	$171,600	$182,000
180. Tillamook, OR construction of a transit facility	$32,000	$33,000	$35,000
181. Trenton, NJ Development of Trenton Trolley System	$320,000	$330,000	$350,000
182. Utica, New York—Union Station rehabilitation and related infrastructure improvements	$160,000	$165,000	$175,000
183. San Fernando Valley, CA Reseda Blvd. Bus Rapid Transit Route	$192,000	$198,000	$210,000
184. Richmond, VA Renovation and construction for Main Street Station	$352,000	$363,000	$385,000
185. St. Paul to Hinckley, MN Construct bus amenities along Rush Line Corridor	$480,000	$495,000	$525,000
186. Mattoon, Illinois—historic railroad depot restoration/intermodal center	$512,000	$528,000	$560,000
187. Columbia County, OR To purchase buses	$44,800	$46,200	$49,000
188. Westchester County, NY Bee-Line Bus Replacement program	$80,000	$82,500	$87,500
189. Sacramento, CA Bus enhancement and improvements-construct maintenance facility and purchase clean-fuel buses to improve transit service	$640,000	$660,000	$700,000
190. Calexico, CA Purchase new buses for the Calexico Transit System	$96,000	$99,000	$105,000
191. Monterey Park, CA Safety improvements at a bus stop including creation of bus loading areas and street improvements	$512,000	$528,000	$560,000
192. Buffalo, NY Intermodal Center Parking Facility	$320,000	$330,000	$350,000
193. Mukilteo, WA Multi-Modal Terminal	$1,856,000	$1,914,000	$2,030,000
194. Orange County Transit Authority, California—Security surveillance and monitoring equipment	$1,692,800	$1,745,700	$1,851,500
195. Woodland Hills, CA Los Angeles Pierce College Bus Rapid Transit Station Extension	$320,000	$330,000	$350,000
196. Design Downtown Carrollton Regional Multi-Modal Transit Hub Station	$640,000	$660,000	$700,000
197. Brooklyn, NY Brooklyn Children's Museum	$448,000	$462,000	$490,000
198. Cleveland, Ohio—Euclid Avenue University Hospital intermodal facility	$1,440,000	$1,485,000	$1,575,000
199. Las Vegas, NV Construct Central City Intermodal Transportation Terminal	$1,920,000	$1,980,000	$2,100,000
200. Montebello, CA Bus Lines Bus Fleet Replacement Project	$224,000	$231,000	$245,000
201. Philadelphia, PA Cruise Terminal Transportation Ctr. Phila. Naval Shipyard	$1,120,000	$1,155,000	$1,225,000
202. Cleveland, OH Construct Fare Collection System Project, Cuyahoga County	$160,000	$165,000	$175,000
203. Tempe, Arizona—East Valley Metro Bus Facility	$1,600,000	$1,650,000	$1,750,000
204. Boysville of Michigan Transportation System	$1,075,200	$1,108,800	$1,176,000
205. Woburn, MA Construction of an 89. space park and ride facility to be located on Magazine Hill, in the Heart of Woburn Square	$576,000	$594,000	$630,000
206. Sylvester, GA Intermodal Facility	$64,000	$66,000	$70,000
207. Culver City, CA Purchase compressed natural gas buses and expand natural gas fueling facility	$1,184,000	$1,221,000	$1,295,000
208. Eastern Upper Peninsula, MI Ferry Dock and Facility upgrades for Drummond Island Ferry Services	$80,000	$82,500	$87,500
209. Morristown, New Jersey—Intermodal Historic Station	$320,000	$330,000	$350,000
210. San Antonio, TX Improve VIA bus facility and purchase new buses	$2,240,000	$2,310,000	$2,450,000
211. Miami-Dade County, Florida—buses and bus facilities	$2,880,000	$2,970,000	$3,150,000
212. Glendale, CA Construction of Downtown Streetcar Project	$320,000	$330,000	$350,000
213. Gainesville, FL Bus Rapid Transit Study	$160,000	$165,000	$175,000
214. Mount Rainier, MD Intermodal and Pedestrian Project	$144,000	$148,500	$157,500
215. Allentown, Pennsylvania—Da Vinci Center hydrogen fuel-celled transit vehicles	$512,000	$528,000	$560,000
216. Wilsonville, OR South Metro Area Rapid Transit, bus and bus facilities	$80,000	$82,500	$87,500
217. Charlotte, NC Construct Charlotte Multimodal Station	$2,496,000	$2,574,000	$2,730,000
218. Enfield, Connecticut—intermodal station	$640,000	$660,000	$700,000
219. Chicago, IL Feasibility Study for intermodal station on the Metra Rock Island near Kennedy-King College	$96,000	$99,000	$105,000
220. Indianapolis, IN IndySMART program to relieve congestion, improve safety and air quality	$640,000	$660,000	$700,000
221. Chicago, IL Construct intermodel facility at 35th Street at Metra Red Line (Northside)	$1,600,000	$1,650,000	$1,750,000
222. Escondido, CA—Construct Bus Maintenance Facility	$160,000	$165,000	$175,000
223. Los Angeles, CA Design and construct improved transit and pedestrian linkages between Los Angeles Community College and nearby MTA rail stop and bus lines	$480,000	$495,000	$525,000
224. Montgomery County, MD Wheaton CBD Intermodal Access Program	$160,000	$165,000	$175,000
225. Allentown, Pennsylvania—Design and construct Intermodal Transportation Center	$640,000	$660,000	$700,000
226. Champaign, IL—Construct park and ride lot with attached daycare facility	$480,000	$495,000	$525,000
227. Berkeley, CA Construct Ed Roberts Campus Intermodal Transit Disability Center	$960,000	$990,000	$1,050,000
228. Charlotte, North Carolina—Multimodal Station	$1,280,000	$1,320,000	$1,400,000
229. Coconino County bus and bus facilities for the Sedona Transit System	$24,000	$24,750	$26,250
230. Construction of Third Bus Depot on Staten Island	$3,840,000	$3,960,000	$4,200,000
231. Harrison, Arkansas-- Trolley Barn	$12,800	$13,200	$14,000
232. Alexandria, VA Royal Street Bus Garage Replacement	$160,000	$165,000	$175,000
233. Intermodal Facilities in Bucks County (Croydon and Levittown Stations)	$320,000	$330,000	$350,000
234. Bronx, NY Jacobi Intermodal Center to North Central Bronx Hospital bus system	$160,000	$165,000	$175,000

Projects	FY 06	FY 07	FY 08
235. Indianapolis, IN Construct the Ivy Tech State College Multi-Modal Facility	$1,600,000	$1,650,000	$1,750,000
236. Juneau, Alaska—transit bus acquisition and transit center	$480,000	$495,000	$525,000
237. Knoxville, Tennessee—Central Station Transit Center	$3,264,000	$3,366,000	$3,570,000
238. Levy County, Florida-- Purchase 2. wheel chair equipped passenger buses and related equipment	$96,000	$99,000	$105,000
239. Lafayette, Louisiana-- Lafayette Transit System bus replacement program	$288,000	$297,000	$315,000
240. Nebraska—statewide transit vehicles, facilities, and related equipment	$1,280,000	$1,320,000	$1,400,000
241. Cincinnati, Ohio—Costruct Uptown Crossings Joint Development Transit Project	$160,000	$165,000	$175,000
242. Des Moines, IA Purchase 40 foot buses	$320,000	$330,000	$350,000
243. New Orleans, LA Regional Planning Commission, bus and bus facilities	$160,000	$165,000	$175,000
244. Orange County, CA Purchase buses for rapid transit	$320,000	$330,000	$350,000
245. Bus to provide Yorktown internal circulator to provide transportaion throughout the Town	$59,200	$61,050	$64,750
246. Providence, RI Expansion of Elmwood Paratransit Maintenance Facility	$1,600,000	$1,650,000	$1,750,000
247. Atlanta, GA Intermodal Passenger Facility Improvements	$640,000	$660,000	$700,000
248. Palm Beach, FL Palm Tran AVL-APC system with smart card fareboxes	$80,000	$82,500	$87,500
249. Grand Rapids, MI—Purchase replacement and expansion buses	$4,688,000	$4,834,500	$5,127,500
250. Maywood, IL Purchase buses	$16,000	$16,500	$17,500
251. Redondo Beach, CA Capital Equipment procurement of 12. Compressed Natural Gas (CNG) Transit vehicles for Coastal Shuttle Services by Beach Cities Transit	$256,000	$264,000	$280,000
252. Rochester, New York—Renaissance Square transit center	$1,440,000	$1,485,000	$1,575,000
253. San Bernardino, CA Implement Santa Fe Depot improvements in San Bernardino	$160,000	$165,000	$175,000
254. San Joaquin, California Regional Rail—Altamont Commuter Express Corridor intermodal centers	$1,280,000	$1,320,000	$1,400,000
255. Albany, GA Multimodal Facility	$256,000	$264,000	$280,000
256. Savannah, GA Bus and Bus Facilities—Chatham Area Transit	$1,600,000	$1,650,000	$1,750,000
257. Newburyport, MA Design and Construct Intermodal Facility	$640,000	$660,000	$700,000
258. Cleveland, Ohio—Euclid Avenue and East 93rd Street intermodal facility	$2,720,000	$2,805,000	$2,975,000
259. St. Charles, IL—Intermodal Parking Structures	$1,440,000	$1,485,000	$1,575,000
260. Gardena, CA Purchase of alternative fuel buses for service expansion, on-board security system and bus facility training equipment	$1,569,280	$1,618,320	$1,716,400
261. Thendra-Webb and Utica, New York-- install hadicap lifts in intermodal centers	$32,000	$33,000	$35,000
262. Union City, NJ Construct Union City Intermodal Facility	$640,000	$660,000	$700,000
263. Wilmar, AR Develop the Southeast Arkansas Intermodal Facility	$640,000	$660,000	$700,000
264. Westchester County, NY Bus replacement program	$1,200,000	$1,237,500	$1,312,500
265. Village of Tinley Park, Illinois, 80th Avenue Commuter Rail Station reconstruction and site enhancements	$160,000	$165,000	$175,000
266. Martinez, CA Intermodal Facility Restoration	$480,000	$495,000	$525,000
267. Middletown, CT Construct intermodal center	$480,000	$495,000	$525,000
268. Nashville, TN Construct a parking garage on the campus of Lipscomb University, Nashville	$640,000	$660,000	$700,000
269. New London, Connecticut—Intermodal Transportation Center and Streetscapes	$640,000	$660,000	$700,000
270. Vernon, Connecticut—Intermodal Center, Parking and Streetscapes	$2,112,000	$2,178,000	$2,310,000
271. Huntington, NY Replacement of three full sized transit buses with hybrid electric buses	$192,000	$198,000	$210,000
272. Bend, Oregon—replacement vans	$320,000	$330,000	$350,000
273. Boston, MA Harbor Park Pavilion & Intermodal Station	$288,000	$297,000	$315,000
274. Philadelphia, PA SEPTA's Market St. Elevated Rail project in conjunction with Philadelphia Commercial Development Corporation for improvements and assistance to entities along rail corridor	$448,000	$462,000	$490,000
275. Jesup, Georgia—Train Depot intermodal center	$320,000	$330,000	$350,000
276. Long Beach, CA Museum of Latin American Art, Long Beach, to build intermodal park and ride facility	$640,000	$660,000	$700,000
277. Shreveport, LA—Intermodal Transit Facility	$1,072,000	$1,105,500	$1,172,500
278. Arlington County, VA Columbia Pike Bus Improvements	$1,120,000	$1,155,000	$1,225,000
279. Los Angeles, CA Purchase of clean fuel buses to improve bus service in South Los Angeles	$273,920	$282,480	$299,600
280. Lowell, MA Implementation of LRTA bus replacement plan	$320,000	$330,000	$350,000
281. Falls Church, VA Falls Church Intermodal Transportation Center	$640,000	$660,000	$700,000
282. San Diego, CA Completion of San Diego Joint Transportation Operations Center (JTOC)	$640,000	$660,000	$700,000
283. St. Bernard Parish, LA Intermodal facility improvements	$320,000	$330,000	$350,000
284. Town of Warwick, NY. Rt 94. construction of series of secondary and interior travel lanes	$27,840	$28,710	$30,450
285. Metro Gold Line Foothill Extension Light Rail Transit Project from Pasadena, CA to Montclair, CA	$4,800,000	$4,950,000	$5,250,000
286. Richmond, CA BART Parking Structure	$1,600,000	$1,650,000	$1,750,000
287. San Francisco, CA Implement ITS on Muni Transit System	$960,000	$990,000	$1,050,000
288. Alameda County, CA AC Transit Bus Rapid Transit Corridor Project	$640,000	$660,000	$700,000
289. Town of Warwick, NY Bus Facility Warwick Transit System	$176,000	$181,500	$192,500
290. Galveston, Texas—Intermodal center and parking facility, The Strand	$1,440,000	$1,485,000	$1,575,000
291. Joliet, Illinois—Union Station commuter parking facility	$800,000	$825,000	$875,000
292. Lake County, Ohio—Ohio Department of Transportation transit improvements	$48,000	$49,500	$52,500
293. Muskegon, Michigan—Muskegon Area Transit Terminal and related improvements	$640,000	$660,000	$700,000
294. Orlando, FL Bus Replacement	$1,280,000	$1,320,000	$1,400,000
295. Long Beach, CA Purchase one larger (75. passengers) and two smaller (40 passengers) ferryboats and construct related dock work to facilitate the use and accessibility of the ferryboats	$960,000	$990,000	$1,050,000
296. Elgin to Rockford, Illinois—Intermodal stations along planned Metra Union Pacific West Line extension alignment, including necessary alternatives analysis	$960,000	$990,000	$1,050,000
297. Pilot Shuttle Train Project from the Ports of Los Angeles and Long Beach to the Inland Empire	$1,600,000	$1,650,000	$1,750,000
298. Thomasville, GA Bus Replacement	$64,000	$66,000	$70,000
299. Corvallis, OR Bus Replacement	$396,800	$409,200	$434,000
300. Geneva, New York--Multimodal facility-- construct passenger rail center	$160,000	$165,000	$175,000
301. Barry County, MI—Barry County Transit equipment and dispatching software	$48,000	$49,500	$52,500
302. Greensboro, North Carolina—Piedmont Authority for Regional Transportation Multimodal Transportation Center	$4,006,400	$4,131,600	$4,382,000
303. Howard County, MD Construct Central Maryland Transit Operations and Maintenance Facility	$1,600,000	$1,650,000	$1,750,000
304. Coconino county buses and bus facilities for Flagstaff, AZ	$24,000	$24,750	$26,250
305. Fund the 8.28. miles of the El Camino East-West Corridor along LA 6. from LA 485. near Robeline, LA to I-49.	$640,000	$660,000	$700,000
306. Jacksonville, FL Bus Replacement	$2,240,000	$2,310,000	$2,450,000
307. Los Angeles, CA Improve safety, mobility and access between LATTC, Metro line and nearby bus stops on Grand Ave between Washington and 23rd	$160,000	$165,000	$175,000
308. Miami Dade, FL N.W. 7th Avenue Transit Hub	$960,000	$990,000	$1,050,000
309. Elyria, OH Construct the New York Central Train Station into an intermodal transportation hub	$655,360	$675,840	$716,800
310. River Parishes, LA South Central Planning and Development Commission, bus and bus facilities	$320,000	$330,000	$350,000
311. Mammoth Lakes, California—Regional Transit Maintenance Facility	$160,000	$165,000	$175,000
312. Roanoke, Virginia—Improve Virginian Railway Station	$80,000	$82,500	$87,500
313. Solana Beach, CA—Construct Intermodal Facility	$480,000	$495,000	$525,000
314. San Diego, CA Widen sidewalks and bus stop entrance, and provide diagonal parking, in the Skyline Paradise Hills neighborhood (Reo Drive)	$96,000	$99,000	$105,000
315. Temecula, California—Intermodal Transit Facility	$160,000	$165,000	$175,000
316. Philadelphia, Pennsylvania—SEPTA Market Street Elevated Line parking facility	$1,280,000	$1,320,000	$1,400,000
317. Jamestown, NY Rehabilitation of Intermodal Facility and associated property	$640,000	$660,000	$700,000
318. Akron, Ohio Construct Downtown Multi-modal Transportation Center	$1,280,000	$1,320,000	$1,400,000
319. Detroit Bus Maintenance Facility	$2,880,000	$2,970,000	$3,150,000
320. Detroit, MI Bus Replacement	$2,400,000	$2,475,000	$2,625,000
321. Monterey Park, CA Catch Basins at Transit Stop Installation	$102,400	$105,600	$112,000
322. Oneonta, New York-bus replacement	$48,000	$49,500	$52,500
323. Lincoln County, OR bus purchase	$80,000	$82,500	$87,500
324. Elon, North Carolina—Piedmont Authority for Regional Transportation buses and bus facilities	$384,000	$396,000	$420,000
325. Grants Pass, OR Purchase Vehicles For Use By Josephine Community Transit	$54,720	$56,430	$59,850
326. Los Angeles, CA Install permanent irrigation system and enhanced landscaping on San Fernando Valley rapid bus transitway	$960,000	$990,000	$1,050,000
327. Cleveland, OH Construct East Side Transit Center	$960,000	$990,000	$1,050,000
328. New Jersey Transit Community Shuttle Buses	$160,000	$165,000	$175,000
329. Quitman, Clay, Randolph, Stewart Co., GA Bus project	$80,000	$82,500	$87,500
330. Framingham, MA Local Intra-Framingham Transit System enhancements	$576,000	$594,000	$630,000
331. Gettysburg, Pennsylvania—transit transfer center	$287,680	$296,670	$314,650
332. Long Beach, CA Park and Ride facility	$320,000	$330,000	$350,000
333. Oak Harbor, WA Multimodal Facility	$320,000	$330,000	$350,000
334. North Bend, Washington—Park and Ride	$256,000	$264,000	$280,000
335. High Point, North Carolina—Bus Terminal	$1,920,000	$1,980,000	$2,100,000
336. Dallas, TX Bus Passenger Facilities	$4,096,000	$4,224,000	$4,480,000
337. Island Transit, WA Operations Base Facilities Project	$768,000	$792,000	$840,000
338. Bronx, NY Intermodal facility near Exit 6. of the Bronx River Parkway	$80,000	$82,500	$87,500
339. East San Diego County, California—Bus Maintence Facility Expansion	$640,000	$660,000	$700,000
340. New Jersey Intermodal Facilities and Bus Rolling Stock	$960,000	$990,000	$1,050,000
341. San Gabriel Valley, CA—Park and Rides	$3,040,000	$3,135,000	$3,325,000

Projects	FY 06	FY 07	FY 08
342. St. Paul, MN Union Depot Multi Modal Transit Facility	$640,000	$660,000	$700,000
343. Brooklyn, NY Kings County Hospital Center	$320,000	$330,000	$350,000
344. Gainesville, FL Bus Facility Expansion	$1,280,000	$1,320,000	$1,400,000
345. Kansas City, MO Bus Transit Infrastructure	$320,000	$330,000	$350,000
346. Phoenix, AZ Construct metro bus facility in Phoenix?s West Valley	$1,600,000	$1,650,000	$1,750,000
347. Eastlake, Ohio—Eastlake Stadium transit intermodal facility	$1,360,000	$1,402,500	$1,487,500
348. Savannah, Georgia—Water Ferry Riverwalk intermodal facilities	$640,000	$660,000	$700,000
349. Kent, OH Construct Kent State University Intermodal Facility serving students and the general public	$320,000	$330,000	$350,000
350. Milwaukee, WI Rehabilitate Intermodal transportation facility at downtown Milwaukee's Amtrak Station, increase parking for bus passengers	$1,440,000	$1,485,000	$1,575,000
351. Eastland, North Carolina—Community Transit Center	$640,000	$660,000	$700,000
352. Oakland, CA Construct streetscape & intermodal improvements at BART Station Transit Villages	$320,000	$330,000	$350,000
353. Suffolk County, NY Purchase four handicapped accessible vans to transport veterans to and from the VA facility in Northport	$89,600	$92,400	$98,000
354. Norfolk, Virginia—Final Design and Construction Southside Bus Facility	$560,000	$577,500	$612,500
355. Albany, GA Bus replacement	$96,000	$99,000	$105,000
356. Lafayette Multimodal center, Final Phase	$960,000	$990,000	$1,050,000
357. Athens, GA Buses and Bus Facilities	$454,400	$468,600	$497,000
358. Cicero, Chicago Establish Transit Signal Priority, Cicero Ave., Pace Suburban Bus	$320,000	$330,000	$350,000
359. Arlington County, VA Pentagon City Multimodal Improvements	$640,000	$660,000	$700,000
360. Richmond, VA Design and construction for a bus operations and maintenance facility for Greater Richmond Transit Company	$480,000	$495,000	$525,000
361. Roanoke, Virginia—Roanoke Railway and Link Passenger facility	$160,000	$165,000	$175,000
362. Akron, OH Construct City of Akron Commuter Bus Transit Facility	$480,000	$495,000	$525,000
363. Corning, New York—Transportation Center	$1,280,000	$1,320,000	$1,400,000
364. Santa Monica, CA Construct intermodal park-and-ride facility at Santa Monica College campus on South Bundy Drive near Airport Avenue	$320,000	$330,000	$350,000
365. Pace Suburban Bus, IL South Suburban BRT Mobility Network	$160,000	$165,000	$175,000
366. Orange County, CA Transportation Projects to Encourage Use of Transit to Reduce Congestion	$320,000	$330,000	$350,000
367. Palm Beach, FL 20 New Buses for Palm Tran	$480,000	$495,000	$525,000
368. Nassau County, NY Conduct planning and engineering for transportation system (HUB)	$2,240,000	$2,310,000	$2,450,000
369. Norwalk, Connecticut—Pulse Point Joint Development intermodal facility	$160,000	$165,000	$175,000
370. Salem, MA Design and Construct Salem Intermodal Transportation Center	$640,000	$660,000	$700,000
371. Las Vegas, NV Construct Las Vegas WestCare Intermodal Facility	$80,000	$82,500	$87,500
372. Richmond, KY Purchase buses, bus equipment, and facilities	$230,400	$237,600	$252,000
373. Niagara Frontier Transportation Authority, NY Replacement Buses	$320,000	$330,000	$350,000
374. Metro-Atlanta, GA MARTA Automated Smart-Card Fare Collection system	$320,000	$330,000	$350,000
375. Monterey, CA Purchase bus equipment	$320,000	$330,000	$350,000
376. New York City, NY Purchase Handicapped-Accessible Livery Vehicles	$320,000	$330,000	$350,000
377. San Francisco, CA Construct San Francisco Muni Islais Creek Maintenance Facility	$1,920,000	$1,980,000	$2,100,000
378. Indianapolis, IN Relocate and improve intermodal transportation for pedestrian and freight access to Children's Museum of Indianapolis	$4,480,000	$4,620,000	$4,900,000
379. Ramapo, NY Transportation Safety Field Command Center (TSFCC)	$80,000	$82,500	$87,500
380. Expand Diesel Emission Reduction Program of Gateway Cities COG	$992,000	$1,023,000	$1,085,000
381. San Francisco, CA Redesign and renovate intermodal facility at Glen Park Community	$1,056,000	$1,089,000	$1,155,000
382. San Luis Rey, California—Transit Center Project	$160,000	$165,000	$175,000
383. South San Francisco,CA Construction of Ferry Terminal at Oyster Point in South San Francisco to the San Francisco Bay Area Water Transit Authority	$1,600,000	$1,650,000	$1,750,000
384. Atlanta, GA MARTA Clean Fuel Bus Acquisition	$1,920,000	$1,980,000	$2,100,000
385. Construct a 400 space parking structure at the northwest corner of Main and Cherry Streets	$320,000	$330,000	$350,000
386. Suffolk County, NY Design and construction of intermodal transit facility in Wyandanch	$1,280,000	$1,320,000	$1,400,000
387. Fresno, CA—Develop program of low-emission transit vehicles	$320,000	$330,000	$350,000
388. Sylmar, CA Los Angeles Mission College Transit Center construction	$80,000	$82,500	$87,500
389. Lakewood, NJ—Ocean County Bus service and parking facilities	$800,000	$825,000	$875,000
390. St. Lucie County, FL Purchase Buses	$320,000	$330,000	$350,000
391. Hampton Roads, VA Final design and construction for a Hampton Roads Transit Southside Bus Facility	$640,000	$660,000	$700,000
392. Oakland, CA Construct Bay Trail between Coliseum BART station and Martin Luther King, Jr. Regional Shoreline	$288,000	$297,000	$315,000
393. South Amboy, NJ Construction of improvements to facilities at South Amboy Station under S Amboy, NJ Regional Intermodal Initiative	$2,560,000	$2,640,000	$2,800,000
394. Hartford, CT Buses and bus-related facilities	$1,280,000	$1,320,000	$1,400,000
395. Ilwaco, WA Construct park and ride	$32,000	$33,000	$35,000
396. Burbank, CA Construction of Empire Area Transit Center near Burbank Airport	$80,000	$82,500	$87,500
397. Pottsville, PA Union Street Trade and Transfer Center Intermodal Facility	$640,000	$660,000	$700,000
398. Amador County, California—Regional Transit Center	$320,000	$330,000	$350,000
399. Pasadena, CA ITS Improvements	$320,000	$330,000	$350,000
400. South FL Region, FL Regional Universal Automated Fare Collection System (UAFC) (for bus system)	$640,000	$660,000	$700,000
401. South Pasadena, CA Silent Night Grade Crossing Project	$288,000	$297,000	$315,000
402. Tampa, FL Establish Transit Emphasis Corridor and Improvements	$240,000	$247,500	$262,500
403. San Francisco, CA Implement Transbay Terminal-Caltrain Downtown Extension Project	$4,480,000	$4,620,000	$4,900,000
404. Rock Island, IL Improve Rock Island Mass Transit District Bus Facility	$160,000	$165,000	$175,000
405. Las Vegas, NV Construct Boulder Highway BRT system and purchase vehicles and related equipment	$640,000	$660,000	$700,000
406. Moultrie, GA Intermodal facility	$96,000	$99,000	$105,000
407. Carson, CA Purchase one trolley-bus vehicle	$80,000	$82,500	$87,500
408. Brooklyn, NY SUNY Downstate Medical Center	$320,000	$330,000	$350,000
409. Alexandria, VA Eisenhower Avenue Intermodal Station Improvements, including purchase of buses and construction of bus shelters	$800,000	$825,000	$875,000
410. Long Beach, CA Purchase ten clean fuel busses	$960,000	$990,000	$1,050,000
411. Cleveland, OH Construction of an intermodal facility and related improvements at University Hospitals facility on Euclid Avenue	$320,000	$330,000	$350,000
412. Nashville, TN Construct Downtown Nashville Transit Transfer Facility	$480,000	$495,000	$525,000
413. Philadelphia, PA Penn's Landing water shuttle parking lot expansion and water shuttle ramp infrastructure construction	$352,000	$363,000	$385,000
414. Hercules, CA Intermodal Rail Station Improvements	$480,000	$495,000	$525,000

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 commercially viable fuel cell bus technology and related infrastructure.

(b) GENERAL AUTHORITY.—The Secretary may enter into grants, contracts, and cooperative 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 applicant's—

(1) ability to contribute significantly to furthering fuel cell technology as it relates to transit bus operations, including hydrogen production, energy storage, fuel cell technologies, vehicle 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 for grants under the program. Grant recipients shall be selected on 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.

(e) FEDERAL SHARE.—The Federal share of costs of the program shall be provided from funds made available to carry out this section. The Federal share of the cost of a project carried out under the program shall not exceed 50 percent of such cost.

(f) GRANT REQUIREMENTS.—A grant under this section shall be subject to—

(1) all terms and conditions applicable to a grant made under section 5309 of title 49, United States Code; and

(2) such other terms and conditions as are determined by the Secretary.

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 with a population 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) Vehicle revenue miles per capita.

(D) Vehicle revenue hours per capita.

(E) Passenger miles traveled per capita.

(F) Passengers per capita.

(b) GENERAL AUTHORITY.—In order to address the needs of small urbanized areas with unusually high levels of public transportation service, the Secretary shall make capital and operating grants under this section to eligible recipients described in subsection (d) for use in eligible areas.

(c) APPORTIONMENT.—

(1) APPORTIONMENT FORMULA.—Funds made available for grants under this section in a fiscal year shall be apportioned among eligible areas in the ratio that—

(A) the number of performance categories for which each eligible area meets or exceeds the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999; bears to

(B) the aggregate number of performance categories for which all eligible areas meet or exceed the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999.

(2) DATA USED IN FORMULA.—The Secretary shall calculate apportionments under this subsection for a fiscal year using data from the national transit database used to calculate apportionments for that fiscal year under section 5336 of title 49, United States Code.

(d) 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 for obligation in the eligible area.

(e) GOVERNMENT'S SHARE OF COSTS.—

(1) CAPITAL GRANTS.—A grant for a capital project under this section (including associated capital maintenance items) shall be for 80 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.

(3) REMAINDER.—The remainder of the net project costs may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(f) PERIOD OF AVAILABILITY.—Funds apportioned under this section to an eligible area shall remain available for obligation in that eligible area for a period of 3 years after the last day of the fiscal year for which the funds are apportioned. Any amounts so apportioned that remain unobligated at the end of that period shall be added to the amount that may be apportioned under this section in the next fiscal year.

(g) APPLICATION OF OTHER SECTIONS.—Sections 5302, 5318, 5323, 5332, 5333, and 5336(e) of title 49, United States Code, apply to this section and to a grant made under this section.

(h) FUNDING.—Of the amounts made available to carry out section 5307 of title 49, United States Code, $38,000,000 for fiscal year 2005, $41,000,000 for fiscal year 2006, $44,000,000 for fiscal year 2007, $47,000,000 for fiscal year 2008, and $50,000,000 for fiscal year 2009 shall be available to carry out this section.

(i) TECHNICAL AMENDMENTS.—Section 5336 is amended—

(1) in subsection (a)—

(A) by striking ''of this title'' and inserting ''to carry out section 5307''; and

(B) in paragraph (2) by inserting before the period at the end the following: '', except that the amount apportioned to the Anchorage urbanized area under subsection (b) shall be available to the Alaska Railroad for any costs related to its passenger operations'';

(2) in subsection (b)(1) by inserting ''and the Alaska Railroad passenger operations'' after ''recipient'';

(3) in subsection (j) by striking ''a grant made under'' each place it appears and inserting ''a grant made with funds apportioned under''; and

(4) in subsection (k)(1) by striking ''section 5302(a)(13) of this title'' and inserting ''section 5302(a)''.

SEC. 3041. ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—Amounts appropriated pursuant to section 5338(d) 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:

(1) 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) $8,700,000 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 major public transportation systems in the United States serving the 38 urbanized areas that have a population of more than 1,000,000 individuals provide to the Nation's security and the ability of such systems to accommodate the evacuation, egress or ingress of people to or from critical locations in times of emergency.

(ii) ALTERNATIVE ROUTES.—For each system described in clause (i) the study shall identify—

(I) potential alternative routes for evacuation using other transportation modes such as highway, air, marine, and pedestrian activities; and

(II) transit routes that, if disrupted, do not have sufficient transit alternatives available.

(iii) REPORT.—Not later than 24 months after the date of entry into the agreement, the Academy shall submit to the Secretary and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate a final report on the results of the study and evaluation, together with such recommendations as the Academy considers appropriate.

(iv) FUNDING.—Of the amounts made available under section 5338(d) of title 49, United States Code, $250,000 shall be available for each of fiscal years 2005 and 2006 to carry out this subparagraph.

(2) EQUIPMENT AND INFRASTRUCTURE.—For carrying out equipment and infrastructure research activities on public transportation and infrastructure technologies and methods and voluntary industry standards development—

(A) $5,700,000 for fiscal year 2005;

(B) $6,200,000 for fiscal year 2006;

(C) $6,550,000 for fiscal year 2007;

(D) $6,900,000 for fiscal year 2008; and

(E) $7,200,000 for fiscal year 2009.

(3) PUBLIC TRANSPORTATION OPERATIONS EFFICIENCY.—For carrying out public transportation operations efficiency research activities on high-performance public transportation services and other innovations in fleet operations and maintenance—

(A) $4,700,000 for fiscal year 2005;

(B) $4,900,000 for fiscal year 2006;

(C) $5,200,000 for fiscal year 2007;

(D) $5,500,000 for fiscal year 2008; and

(E) $5,800,000 for fiscal year 2009.

(4) ENERGY INDEPENDENCE AND ENVIRONMENTAL PROTECTION.—

(A) IN GENERAL.—For carrying out energy independence and environmental protection research activities on improved public transportation energy use and propulsion systems and public transportation oriented development—

(i) $3,700,000 for fiscal year 2005;

(ii) $3,900,000 for fiscal year 2006;

(iii) $4,150,000 for fiscal year 2007;

(iv) $4,300,000 for fiscal year 2008; and

(v) $4,300,000 for fiscal year 2009.

(B) TRANSIT-ORIENTED DEVELOPMENT CENTER.—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 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 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—

(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) $8,700,000 for fiscal year 2009.

(B) TRANSPORTATION EQUITY RESEARCH PROGRAM.—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 low-income and 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.

(C) COGNITIVE IMPAIRMENT STUDY.—Of the funds allocated for fiscal year 2005 under subparagraph (A), $1,000,000 shall be made available by the Secretary for research and demonstration activities that focus on the capacity and resources of Oregon public transportation systems to address the needs, barriers, and desires for travel of people with cognitive impairments.

(6) PUBLIC TRANSPORTATION CAPACITY BUILDING.—

(A) IN GENERAL.—For carrying out public transportation capacity building activities consisting of workforce and industry development, the International Mass Transportation Program, and technology transfer and industry adoption activities—

(i) $2,400,000 for fiscal year 2005;

(ii) $2,500,000 for fiscal year 2006;

(iii) $2,600,000 for fiscal year 2007;

(iv) $2,700,000 for fiscal year 2008; and

(v) $3,000,000 for fiscal year 2009.

(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 available for a nationwide career ladder job training partnership program for public transportation employees to respond to

technological 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 with a 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 and performance, evaluation, and industry outreach—

(A) $3,500,000 for fiscal year 2005;
(B) $3,700,000 for fiscal year 2006;
(C) $4,000,000 for fiscal year 2007;
(D) $4,200,000 for fiscal year 2008; and
(E) $4,300,000 for fiscal year 2009.

(b) REMAINDER.—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 5312, 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 5312, 5314, and 5322 of such title.

SEC. 3042. RELATIONSHIP TO OTHER LAWS.

Section 5323(l) is amended to read as follows:

''(l) RELATIONSHIP TO OTHER LAWS.—Section 1001 of title 18 applies to a certificate, submission, or statement provided under this chapter. The Secretary may terminate financial assistance under this chapter and seek reimbursement directly, or by offsetting amounts, available under this chapter, when a false or fraudulent statement or related act within the meaning of such section 1001 is made in connection with a Federal transit program.''.

SEC. 3043. COOPERATIVE PROCUREMENT.

(a) REVIEW OF COOPERATIVE PROCUREMENT; AUTHORITY TO INCREASE FEDERAL SHARE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment 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. 5397 note; 118 Stat. 309), based on experience to date in the pilot program and any available reports to Congress submitted under such section 166. The Secretary shall also consider information gathered from grantees about cooperative procurement, whether or not related to the pilot program.

(2) NOTIFICATION OF CONGRESS.—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 of all obligations from amounts made available from 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) $8,482,000,000 for fiscal year 2006;
(4) $9,042,000,000 for fiscal year 2007;
(5) $9,639,000,000 for fiscal year 2008; and
(6) $10,277,000,000 for fiscal year 2009.

SEC. 3045. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART V.

(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 such designated recipient pursuant to section 8 of the Surface Transportation Extension Act of 2004, Part V.

(b) FIXED GUIDEWAY MODERNIZATION ADJUSTMENT.—In making the 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 in 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 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 IV (Public Law 108–280), 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—Commercial Motor Vehicle 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:

''(i) ADMINISTRATIVE EXPENSES.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of 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) $230,000,000 for fiscal year 2007;
''(E) $234,000,000 for fiscal year 2008; and
''(F) $240,000,000 for fiscal year 2009.

''(2) USE OF FUNDS.—The funds authorized by this subsection shall be used for personnel costs; administrative infrastructure; rent; information technology; programs for research and technology, information management, regulatory development (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.—Authorizations from the Highway Trust Fund (other than the Mass Transit Account) to carry out subtitle IV, part B, and subtitle VI, part B, of this title, or the provisions of title IV of the Transportation Equity Act: A Legacy for Users, shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

''(5) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under paragraph (4) imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.''.

(b) GRANT PROGRAMS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) the following sums for the following Federal Motor Carrier Safety Administration programs:

(1) For commercial driver's license program improvement grants under section 31313 of title 49, United States Code $26,000,000 for each of fiscal years 2006 through 2009.

(2) For border enforcement grants under section 31107 of such title—

(A) $32,000,000 for fiscal year 2006;
(B) $32,000,000 for fiscal year 2007;
(C) $32,000,000 for fiscal year 2008; and
(D) $32,000,000 for fiscal year 2009.

(3) For the performance and registration information system management grant program under section 31109 of such title—

(A) $5,000,000 for fiscal year 2006;
(B) $5,000,000 for fiscal year 2007;
(C) $6,000,000 for fiscal year 2008; and
(D) $6,000,000 for fiscal year 2009.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information systems and networks deployment program under section 4009 of this Act, $25,000,000 for each of fiscal years 2006 through 2009.

(c) PERIOD OF AVAILABILITY.—The amounts made available under subsection (b) of this section shall remain available until expended.

(d) INITIAL DATE OF AVAILABILITY.—Amounts authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by subsection (b) shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(e) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under subsection (b) imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.

SEC. 4102. MOTOR CARRIER SAFETY GRANTS.

(a) STATE PLAN CONTENTS.—Section 31102(b)(1) of title 49, United States Code, is amended—

(1) by striking subparagraph (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 subparagraph (Q) and inserting the following:

''(Q) provides that the State has established a program to ensure accurate, complete, and timely motor carrier safety data is collected and reported to the Secretary and that the State will participate in a national motor carrier safety data correction system prescribed by the Secretary;'';

(3) by aligning subparagraph (R) with subparagraph (S);

(4) by striking ''and'' at the end of subparagraph (S);

(5) by striking the period at the end of subparagraph (T) and inserting a semicolon; and

(6) by adding at the end the following:

''(U) provides that the State will include in the training manual for the licensing examination to drive a noncommercial motor vehicle and a commercial motor vehicle, information on best practices for driving safely in the vicinity of commercial motor vehicles and in the vicinity of noncommercial motor vehicles, respectively;

''(V) provides that the State will enforce the registration requirements of section 13902 by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under such section or to be operating beyond the scope of such registration; and

''(W) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors.''.

(b) USE OF GRANTS TO ENFORCE OTHER LAWS.—Section 31102 of such 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)—

''(1) for the following activities if the activities are carried out in conjunction with an appropriate inspection of the commercial motor vehicle to enforce Government or State commercial motor vehicle safety regulations:

''(A) enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific locations such as steep grades or mountainous terrains where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

''(B) detection of the unlawful presence of a controlled substance (as defined under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of the vehicle; and

''(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles if the number of roadside safety inspections conducted in the State is maintained at a level at least equal to the average number conducted in the State in fiscal years 2001, 2002, and 2003; except that the State may not use more than 5 percent of the aggregate amount the State receives under the grant under subsection (a) for enforcement activities relating to noncommercial motor vehicles described in this paragraph.''; and

(2) by adding at the end the following:

''(e) ANNUAL REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate an annual report that describes the effect of activities carried out with funds from grants made under this section on commercial motor vehicle safety.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 31104(a) of such title is amended to read as follows:

''(a) IN GENERAL.—Subject to subsection (f), there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 31102—

''(1) $188,852,000 for fiscal year 2004;

''(2) $188,480,000 for fiscal year 2005;

''(3) $188,000,000 for fiscal year 2006;

''(4) $197,000,000 for fiscal year 2007;

''(5) $202,000,000 for fiscal year 2008; and

''(6) $209,000,000 for fiscal year 2009.''.

(d) NEW ENTRANT AUDITS.—Section 31104(f) of such title is amended—

(1) in paragraph (1) by striking ''deduction under subsection (e)'' and inserting ''deductions under subsection (e) and paragraphs (2) and (3)'';

(2) the first sentence of paragraph (2)(A)—

(A) by striking ''or''; and

(B) by inserting after ''technologies'' the following: '', or improve the quality and accuracy of data provided by the State'';

(3) in paragraph (2)—

(A) by striking ''and border activities.—'' and all that follows through ''5 percent'' and inserting ''activities.—The Secretary may designate up to 10 percent''; and

(B) by striking subparagraph (B); and

(4) by adding at the end the following:

''(3) NEW ENTRANT AUDITS.—The Secretary may deduct up to $15,000,000 of the amounts available under subsection (a) for a fiscal year for audits of new entrant motor carriers under section 31144(g).''.

(e) TECHNICAL AMENDMENTS.—Sections 31102(b)(3) and 31103(a) of such title are amended by striking ''(1)(D)'' and inserting ''(1)(E)''.

SEC. 4103. 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) GOVERNMENTS SHARE OF COSTS.—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 in a fiscal year for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

''(d) AVAILABILITY AND REALLOCATION OF AMOUNTS.—Allocations to a State remain 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 such chapter is amended by striking the item relating to subchapter I and inserting the following:

''SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS''.

(2) ITEM RELATING TO SECTION 31107.—The analysis for such chapter is amended by striking the item relating to section 31107 and inserting the following:

''31107. Border enforcement grants.''.

SEC. 4104. COMMERCIAL DRIVER'S 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's license program improvements

''(a) GRANTS FOR COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENTS.—

''(1) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant to a State in a fiscal year—

''(A) to comply with the requirements of section 31311; and

''(B) in the case of a State that is in substantial compliance with the requirements of section 31311 and this section, to improve its implementation of its commercial driver's license program.

''(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—A State may use grants under paragraphs (1)(A) and (1)(B) only 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 control. The grant may not be used to rent, lease, or buy land or buildings.

''(3) 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 State's assessment of its commercial drivers license program.

''(4) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this subsection 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 the State's commercial driver's license program 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.

''(5) GOVERNMENT SHARE.—The Secretary shall reimburse a State under a grant made under this subsection an amount that is not more than 80 percent of the costs incurred by the State in a fiscal year in complying with section 31311 and improving its implementation of its commercial driver's license program. In determining such costs, the Secretary shall include in-kind contributions by the State. Amounts required to be expended by the State under paragraph (4) may not be included as part of the non-Federal share of such costs.

''(b) HIGH-PRIORITY ACTIVITIES.—

''(1) GRANTS FOR NATIONAL CONCERNS.—The Secretary may make a grant to a State agency, local government, or other person for 100 percent of the costs of research, development, demonstration projects, public education, and other special activities and projects relating to commercial driver licensing and motor vehicle safety that are of benefit to all jurisdictions of the United States or are designed to address national safety concerns and circumstances.

''(2) FUNDING.—The Secretary may deduct up to 10 percent of the amounts made available to carry out this section for a fiscal year to make grants under this subsection.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 31312 the following:

''31313. Grants for commercial driver's license program improvements.''.

(c) AMOUNTS WITHHELD.—Subsections (a) and (b) of section 31314 of such title are each amended by inserting ''up to'' after ''withhold''.

SEC. 4105. HOBBS ACT.

(a) JURISDICTION OF COURT OF APPEALS OVER COMMERCIAL MOTOR VEHICLE SAFETY REGULATION AND OPERATORS AND MOTOR CARRIER SAFETY.—Section 2342(3)(A) of title 28, United States Code, is amended by inserting before ''of title 49'' the following: '', subchapter III of 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 TRANSFERRED DUTIES AND POWERS.—Section 352 of title 49, 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 521(b) of title 49, United States Code, is amended—

(1) by striking ''(b)(1)(A) If the Secretary'' and inserting the following:

''(b) VIOLATIONS RELATING TO COMMERCIAL MOTOR VEHICLE SAFETY REGULATION AND OPERATORS.—

''(1) NOTICE.—

''(A) IN GENERAL.—If the Secretary''; and

(2) by adding at the end of paragraph (2) the following:

''(E) COPYING OF RECORDS AND ACCESS TO EQUIPMENT, LANDS, AND BUILDINGS.—A person subject to chapter 51 or part B of subtitle VI who fails to allow the Secretary, or an employee designated by the Secretary, promptly upon demand to inspect and copy any record or inspect and examine equipment, lands, buildings, and other property in accordance with section 504(c), 5121(c), or 14122(b) 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 or 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 507(c), or any other provision 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:

''(j) MEDICAL REVIEW BOARD.—

''(1) ESTABLISHMENT AND FUNCTION.—The Administrator shall establish a Medical Review Board as an advisory committee to provide the Administration with medical advice and recommendations on driver qualification medical standards and guidelines, medical examiner education, and medical research.

''(2) COMPOSITION.—The Medical Review Board shall consist of 5 members appointed for a term not to exceed 3 years by the Secretary from medical institutions and private medical practice. The membership shall reflect expertise in a variety of medical specialties relevant to the functions of the Administration.''.

SEC. 4108. INCREASED PENALTIES FOR OUT-OF-SERVICE VIOLATIONS AND FALSE RECORDS.

(a) RECORDKEEPING AND REPORTING VIOLATIONS.—Section 521(b)(2)(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''.

(b) VIOLATIONS OF OUT-OF-SERVICE ORDERS.—Section 31310(i)(2) of title 49, United States Code, is amended—

(1) by striking ''Not later than December 18, 1992, the'' and inserting ''The'';

(2) in subparagraph (A)—

(A) by striking ''90 days'' and inserting ''180 days''; and

(B) by striking ''$1,000'' and inserting ''$2,500'';

(3) in subparagraph (B)—

(A) by striking ''one year'' and inserting ''2 years''; and

(B) by striking ''$1,000; and'' and inserting ''$5,000;''; and

(4) in subparagraph (C) by striking ''$10,000.'' and inserting ''$25,000; and''.

SEC. 4109. COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.

(a) IN GENERAL.—The Secretary shall carry out a commercial vehicle information systems and networks program to—

(1) improve the safety and productivity of commercial vehicles and drivers; and

(2) reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements.

(b) PURPOSE.—The program shall advance the technological capability and promote the deployment of intelligent transportation system applications for commercial motor vehicle operations, commercial driver, and carrier-specific information systems and networks.

(c) CORE DEPLOYMENT GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to eligible States for the core 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 under this subsection and sections 5001(a)(5) and 5001(a)(6) of the Transportation Equity Act for the 21st Century (112 Stat. 420) may not exceed $2,500,000.

(3) USE OF FUNDS.—Funds from a grant under this subsection may only be used for the core deployment of commercial vehicle information systems and networks. An eligible State that has either completed the core deployment of commercial vehicle information systems and networks or completed such deployment before grant funds are expended under this subsection may use the grant funds for the expanded deployment of commercial vehicle information systems and networks in the State.

(d) EXPANDED DEPLOYMENT GRANTS.—

(1) IN GENERAL.—For each fiscal year, from the 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.

(4) USE OF FUNDS.—A State may use funds from a grant under this subsection only for the expanded deployment of commercial vehicle information systems and networks.

(e) 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 built 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 architectures and available standards; and

(B) promote interoperability and efficiency to the extent practicable; and

(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.

(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. The total Federal share of the cost of a project payable from all eligible sources shall not exceed 80 percent.

(g) DEFINITIONS.—In this section, the following definitions 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 vehicle operations;

(B) increase the efficiency of regulatory inspection processes to reduce administrative burdens by advancing 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''—

(A) means motor carrier operations and motor vehicle regulatory activities associated with the commercial motor vehicle movement of goods, including hazardous materials, and passengers; and

(B) with respect to the public sector, includes the issuance of operating credentials, the administration of motor vehicle and fuel taxes, and roadside safety and border crossing inspection and regulatory compliance operations.

(3) CORE DEPLOYMENT.—The term ''core deployment'' means the deployment of systems in a State necessary to provide the State with the following capabilities:

(A) Safety information exchange to—

(i) electronically collect and transmit commercial motor vehicle and driver inspection data at a majority of inspection sites in the State;

(ii) connect to the safety and fitness electronic records system for access to interstate carrier and commercial motor vehicle data, summaries of past safety performance, and commercial motor vehicle credentials information; and

(iii) exchange carrier data and commercial motor vehicle safety and credentials information within the State and connect to such system for access to interstate carrier and commercial motor vehicle data.

(B) Interstate credentials administration to—

(i) perform end-to-end processing, including carrier application, jurisdiction application processing, and credential issuance, of at least the international registration plan and international fuel tax agreement credentials and extend this processing to other credentials, including intrastate registration, vehicle titling, oversize vehicle permits, overweight vehicle permits, carrier registration, and hazardous materials permits;

(ii) connect to such plan and agreement clearinghouses; and

(iii) have at least 10 percent of the credentialing transaction volume in the State handled electronically and have the capability to add more carriers and to extend to branch offices where applicable.

(C) Roadside electronic screening to electronically screen transponder-equipped commercial vehicles at a minimum of one fixed or mobile inspection site in the State and to replicate this screening at other sites in the State.

(4) EXPANDED DEPLOYMENT.—The term ''expanded deployment'' means the deployment of systems in a State that exceed the requirements of a core deployment of commercial vehicle information systems and networks, improve safety and the productivity of commercial motor vehicle operations, and enhance transportation security.

(h) REPEAL.—Section 5209 of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 460–461) is repealed.

SEC. 4110. SAFETY FITNESS.

(a) IN GENERAL.—Section 31144(a) of title 49, United States Code, is amended to read as follows:

''(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 record of an owner or operator operating in interstate commerce and the accident record and safety inspection record of such owner or operator in operations that affect interstate commerce;

''(2) periodically update such safety fitness determinations;

''(3) make such final safety fitness determinations readily 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) TRANSPORTATION AFFECTING INTERSTATE COMMERCE.—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) DETERMINATION OF UNFITNESS BY A STATE.—Such section 31144 is further amended—

(1) by redesignating subsections (d), (e), and the second subsection (c) as subsections (e), (f), and (g), respectively;

(2) by inserting after the first subsection (c) the following:

''(d) DETERMINATION OF UNFITNESS BY A STATE.—If a State that receives a grant under section 31102 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 and prohibits the owner or operator from operating such vehicles in the State, the Secretary shall prohibit the owner or operator from operating such vehicles in interstate commerce until the State determines that the owner or operator is fit.''; and

(3) in subsection (g) (as redesignated by paragraph (1) of this subsection) by adding at the end the following:

''(5) GRANTS FOR AUDITS.—From amounts deducted under section 31104(f)(3), the Secretary may make grants to States and local governments for new entrant motor carrier audits under this subsection without requiring a matching contribution from such States or local governments.

''(6) DOT AUDITS.—If the Secretary determines that a State or local government is unable to use government employees to conduct new entrant motor carrier audits, the Secretary may utilize the funds deducted under section 31104(f)(3) to conduct such audits in areas under the jurisdiction of such State or local government.''.

SEC. 4111. PATTERN OF SAFETY VIOLATIONS BY MOTOR CARRIER MANAGEMENT.

(a) DUTIES OF EMPLOYERS AND EMPLOYEES.—Section 31135 of title 49, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Each''; and

(2) by adding at the end the following:

''(b) PATTERN OF NONCOMPLIANCE.—If the Secretary finds that an officer of a motor carrier engages or has engaged in a pattern or practice of avoiding compliance, or masking or otherwise concealing noncompliance, with regulations on commercial motor vehicle safety prescribed under this subchapter, while serving as an officer of any motor carrier, the Secretary may suspend, amend, or revoke any part of the motor carrier's registration under section 13905.

''(c) REGULATIONS.—The Secretary shall by regulation establish standards to implement subsection (b).

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) MOTOR CARRIER.—The term 'motor carrier' has the meaning such term has under section 13102.

''(2) OFFICER.—The term 'officer' means an owner, director, chief executive officer, chief operating officer, chief financial officer, safety director, vehicle maintenance supervisor, and driver supervisor of a motor carrier, regardless of the title attached to those functions, and any person, however designated, exercising controlling influence over the operations of a motor carrier.''.

(b) CROSS REFERENCE.—Section 13902(a)(1)(B) of title 49, United States Code, is amended to read as follows:

''(B)(i) any safety regulations imposed by the Secretary;

''(ii) the duties of employers and employees established by the Secretary under section 31135; and

''(iii) the safety fitness requirements established by the Secretary under section 31144; and''.

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

''(a) RESEARCH, TECHNOLOGY, AND TECHNOLOGY TRANSFER ACTIVITIES.—

''(1) ESTABLISHMENT.—The Secretary of Transportation shall establish and carry out a motor carrier research and technology program.

''(2) MULTIYEAR PLAN.—The program must include a multi-year research plan that focuses on nonredundant innovative research.

''(3) RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—The Secretary may carry out under the program research, development, technology, and technology transfer activities with respect to—

''(A) the causes of accidents, injuries, and fatalities involving commercial motor vehicles;

''(B) means of reducing the number and severity of accidents, injuries, and fatalities involving commercial motor vehicles;

''(C) improving commercial motor vehicle and motor carrier safety, and industry efficiency, through technological improvement;

''(D) improving technology used by enforcement officers when conducting roadside inspections and compliance reviews to increase efficiency and information transfers; and

''(E) increasing the safety and security of hazardous materials transportation.

''(4) 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.

''(5) TRAINING.—The Secretary may use the funds made available to carry out this section for training or education of commercial motor vehicle safety personnel, including training in accident reconstruction and detection of controlled substances or other contraband and stolen cargo or vehicles.

''(6) PROCEDURES.—The Secretary may carry out this section—

''(A) independently;

''(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, any Federal laboratory, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person.

''(7) DEVELOPMENT AND PROMOTION OF USE OF PRODUCTS.—The Secretary shall use funds made available to carry out this section to develop, administer, communicate, and promote the use of products of research, technology, and technology transfer programs under this section.

''(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—To advance innovative solutions to problems involving commercial motor vehicle and motor carrier safety, security, and efficiency, and to stimulate the deployment of emerging technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with—

''(A) non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, and sole proprietorships that are incorporated or established under the laws of any State; and

''(B) Federal laboratories.

''(2) COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)).

''(3) COST SHARING.—

''(A) FEDERAL SHARE.—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 there is substantial public interest or benefit associated with any such activity, the Secretary may approve a greater Federal share.

''(B) TREATMENT OF DIRECTLY INCURRED NON-FEDERAL COSTS.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware or software development costs, shall be credited toward the non-Federal share of the cost of the activities described in subparagraph (A).

''(4) 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 terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 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:

''SUBCHAPTER IV—MISCELLANEOUS

''§ 31161. International cooperation

''The Secretary of Transportation is authorized to use funds made available by section 31104(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 REGISTRATION INFORMATION 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 commercial vehicle registration and licensing systems and shall be designed to enable a State to—

''(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the registrant or motor carrier or while the license or registration is in effect; and

''(B) deny, suspend, or revoke the commercial motor vehicle registrations of a motor carrier or registrant that has been issued an operations out-of-service order by the Secretary.

''(3) CONDITIONS FOR PARTICIPATION.—The Secretary shall require States, as a condition of participation in the program, to—

''(A) comply with the uniform policies, procedures, and technical and operational standards prescribed by the Secretary under subsection (a)(4); and

''(B) possess or seek the authority to deny, suspend, or revoke commercial motor vehicle registrations based on the issuance of an operations out-of-service order by the Secretary.''.

(b) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANTS.—

(1) IN GENERAL.—Subchapter I of chapter 311 of title 49, United States Code, is further amended by adding at the end the following:

''§ 31109. Performance and registration information system management

''(a) IN GENERAL.—The Secretary of Transportation may make a grant to a State to implement the performance and registration information system management requirements of section 31106(b).

''(b) AVAILABILITY OF AMOUNTS.—Amounts made available to a State under this section shall remain available until expended.''.

(2) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''31109. Performance and registration information system management.''.

SEC. 4115. DATA QUALITY IMPROVEMENT.

Section 31106(a)(3) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(3) by adding at the end the following:

''(F) ensure, to the maximum extent practical, all the data is complete, timely, and accurate across all information systems and initiatives; and

''(G) establish and implement a national motor carrier safety data correction system.''.

SEC. 4116. DRIVEAWAY SADDLEMOUNT VEHICLES.

(a) DEFINITION.—Section 31111(a) of tile 49, United States Code, is amended by adding at the end of the following:

''(4) DRIVE-AWAY SADDLEMOUNT WITH FULLMOUNT VEHICLE TRANSPORTER COMBINATION.—The term 'drive-away saddlemount with fullmount vehicle transporter combination' means a vehicle combination designed and specifically used to tow up to 3 trucks or truck tractors, each connected by a saddle to the frame or fifth-wheel of the forward vehicle of the truck or truck tractor in front of it.''.

(b) GENERAL LIMITATIONS.—Section 31111(b)(1) of such title is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following:

''(D) imposes a vehicle length limitation of not less than or more than 97 feet on a driveaway saddlemount with fullmount vehicle transporter combinations;''.

SEC. 4117. COMPLETION OF UNIFORM CARRIER REGISTRATION.

(a) IN GENERAL.—Section 14504 of title 49, United States Code, and the item relating to such section in analysis for chapter 145 of such title, are repealed.

(b) CONFORMING AMENDMENTS.—Section 13908 of such title is amended—

(1) in subsection (a) by striking ''the single State registration system under section 14504,'';

(2) in subsection (b)—

(A) by striking paragraphs (2) and (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (2), (3), and (4), respectively;

(3) by striking subsection (d); and

(4) by striking ''(e) DEADLINE FOR CONCLUSION; MODIFICATION.—'' and all that follows through ''1996,'' and inserting the following:

''(d) DEADLINE FOR COMPLETION.—Not later than 1 year after the date of enactment of the Transportation Equity Act: A Legacy for Users,''.

SEC. 4118. REGISTRATION OF MOTOR CARRIERS AND FREIGHT FORWARDERS.

(a) DEFINITIONS RELATING TO MOTOR CARRIERS.—Paragraphs (6), (7), (12), and (13) of section 13102 of title 49, United States Code, are each amended by striking ''motor vehicle'' and inserting ''commercial motor vehicle (as defined in section 31132)''.

(b) FREIGHT FORWARDERS.—Section 13903(a) of title 49, United States Code, is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) HOUSEHOLD GOODS.—The Secretary'';

(2) by inserting ''of household goods'' after ''freight forwarder''; and

(3) by adding at the end the following:

''(2) OTHERS.—The Secretary may register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder (other than a freight forwarder of household goods) if the Secretary finds that such registration is needed for the protection of shippers and that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and Board.''.

SEC. 4119. DEPOSIT OF CERTAIN CIVIL PENALTIES INTO HIGHWAY TRUST FUND.

Sections 31138(d)(5) and 31139(f)(5) of title 49, United States Code, are each amended by striking ''Treasury as miscellaneous receipts'' and inserting ''Highway Trust Fund (other than the Mass Transit Account)''.

SEC. 4120. OUTREACH AND EDUCATION.

(a) IN GENERAL.—The Secretary shall conduct, through any combination of grants, contracts, or cooperative agreements, an outreach and education program to be administered by the Federal Motor Carrier Safety Administration and the National Highway Traffic Safety Administration.

(b) PROGRAM ELEMENTS.—The program shall include, at a minimum, the following:

(1) A program to promote a more comprehensive and national effort to educate 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 promote enhanced traffic enforcement efforts aimed at reducing the incidence of the most common unsafe driving behaviors that cause or contribute to crashes involving commercial motor vehicles and passenger vehicles.

(3) A program to establish a public-private partnership to provide resources and expertise for the development and dissemination of information relating to sharing the road referred to in paragraphs (1) and (2) to each partner's constituents and to the general public through the use of brochures, videos, paid and public advertisements, the Internet, and other media.

(c) FEDERAL SHARE.—The Federal share of a program or activity for which a grant is made under this section shall be 100 percent of the cost of such program or activity.

(d) ANNUAL REPORT.—The Secretary shall prepare and transmit to Congress an annual report on the programs and activities carried out under this section.

(e) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available $1,000,000 to the Federal Motor Carrier Safety Administration, and $3,000,000 to the National Highway Traffic Safety Administration, for each of fiscal years 2005, 2006, 2007, 2008, and 2009 to carry out this section.

SEC. 4121. INSULIN TREATED DIABETES MELLITUS.

(a) NO PERIOD OF COMMERCIAL DRIVING WHILE USING INSULIN REQUIRED FOR QUALIFICATION.—The Secretary may not require individuals with insulin-treated diabetes mellitus who are applying for an exemption from the physical qualification standards to have experience operating commercial motor vehicles while using insulin in order to be exempted from the physical qualification standards to operate a commercial motor vehicle in interstate commerce.

(b) MINIMUM PERIOD OF INSULIN USE.—Subject to subsection (a), the Secretary shall require individuals with insulin-treated diabetes mellitus to have a minimum period of insulin use to demonstrate stable control of diabetes before operating a commercial motor vehicle in interstate commerce. For individuals who have been newly diagnosed with type 1 diabetes, the minimum period of insulin use may not exceed 2 months, unless directed by the treating physician. For individuals who have type 2 diabetes and are converting to insulin use, the minimum period of insulin use may not exceed 1 month, unless directed by the treating physician.

(c) LIMITATIONS.—Insulin-treated individuals may not be held by the Secretary to a higher standard of physical qualification in order to operate a commercial motor vehicle in interstate commerce than other individuals applying to operate, or operating, a commercial motor vehicle in interstate commerce; except to the extent that limited operating, monitoring, and medical requirements are deemed medically necessary under regulations issued by the Secretary.

SEC. 4122. GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.

(a) ESTABLISHMENT.—The Secretary shall establish a grant program for training operators of commercial motor vehicles (as defined in section 31301 of title 49, United States Code). The purpose of the program shall be to train operators and future operators in the safe use of such vehicle.

(b) FEDERAL SHARE.—The Federal share of the cost for which a grant is made under this section shall be 80 percent.

(c) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available $1,000,000 for each of fiscal years 2005, 2006, 2007, 2008, and 2009 to carry out this section.

SEC. 4123. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary shall establish a commercial motor vehicle safety advisory committee to provide advice and recommendations to the Secretary on commercial motor vehicle safety regulations and other matters relating to activities and functions of the Federal Motor Carrier Safety Administration.

(b) COMPOSITION.—The members of the advisory committee shall be appointed by the Secretary and shall include representatives of the motor carrier industry, drivers, safety advocates, manufacturers, safety enforcement officials, law enforcement agencies of border States, and other individuals affected by rulemakings under consideration by the Department of Transportation. Representatives of a single interest group may not constitute a majority of the members of the advisory committee.

(c) 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 reported to the Secretary.

(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 audit 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 progress toward those goals.

(c) AUTHORIZATION OF APPROPRIATIONS.—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 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 a project or activity carried out using such funds shall be 80 percent and such funds shall remain available until expended.

(e) BIENNIAL REPORT.—Not later 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, together with any recommendations the Secretary determines appropriate.

SEC. 4125. COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM MODERNIZATION.

(a) GENERAL AUTHORITY.—The Secretary may make a grant to a State or organization representing 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 compliance 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 national 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 enforcement agencies, and State licensing agencies designated by the Secretary.

(c) USE OF GRANT.—A State may use a grant under this section only to implement improvements that are consistent with the modernization plan developed by the Secretary.

(d) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary may conduct with 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 licenses 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 fiscal 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 results of the pilot program.

(e) GOVERNMENT SHARE.—A grant under this section to a State or organization may not be for more than 80 percent of the costs incurred by the State or organization in a fiscal year in implementing the modernization program developed by the Secretary. In determining these costs, the Secretary shall include in-kind contributions of the State.

(f) FUNDING.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

(1) $7,000,000 for fiscal year 2006;

(2) $7,000,000 for fiscal year 2007;

(3) $8,000,000 for fiscal year 2008; and

(4) $8,000,000 for fiscal year 2009.

(g) CONTRACT AUTHORITY AND AVAILABILITY.—

(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 appropriated from the Highway Trust Fund (other than the Mass Transit Account) by subsection (f) shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(3) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under subsection (f) imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.

SEC. 4126. MAXIMUM HOURS OF SERVICE FOR OPERATORS OF GROUND WATER WELL DRILLING RIGS.

Section 345(a)(2) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat 613) is amended by adding at the end the following: ''Except as required in section 395.3 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this sentence, no additional 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 for the motor carrier industry electronic 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 inspection reports.

(b) CONDITIONS ON PROVIDING ACCESS.—Before providing a person access to the Motor Carrier Management Information System under subsection (a), the Secretary shall—

(1) ensure that any information that is released 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;

(2) ensure that such person will not conduct a screening without the operator-applicant's written consent;

(3) ensure that any information that is released to such person will not be released to any person or entity, other than the motor carrier requesting the screening services or the operator-applicant, unless expressly authorized or required by law; and

(4) provide a procedure for the operator-applicant to correct inaccurate information in the System in a timely manner.

(c) DESIGN.—The process for providing access to the Motor Carrier Management Information System under subsection (a) shall be designed to assist the motor carrier industry in assessing an individual operator's crash and serious safety violation inspection history as a preemployment condition. Use of the process shall not be mandatory and may only be used during the preemployment assessment of an operator-applicant.

(d) SERIOUS OPERATOR-RELATED SAFETY VIOLATION DEFINED.—In this section, the term ''serious operator-related violation'' means a violation by an operator of a commercial motor vehicle (as defined in section 31102 of title 49, United States Code) that the Secretary determines will result in the operator being prohibited from continuing to operate a commercial motor vehicle until the violation is corrected.

SEC. 4128. INTERMODAL CHASSIS ROADABILITY RULE-MAKING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, after providing notice and opportunity for comment, shall issue regulations establishing a program to ensure that intermodal equipment used to transport intermodal containers are safe.

(b) MOTOR CARRIER SAFETY REGULATIONS.—The regulations under this section shall be issued as part of the Federal motor carrier safety regulations of the Department of Transportation.

(c) CONTENTS.—The regulations issued under this section shall include, at a minimum—

(1) a requirement to identify providers of intermodal equipment that is interchanged or intended for interchange to motor carriers in intermodal transportation;

(2) a requirement to match such intermodal equipment readily to the intermodal equipment provider through a unique identifying number;

(3) a requirement to ensure that each intermodal equipment provider maintains a system of maintenance and repair records for such equipment;

(4) a requirement to evaluate the compliance of intermodal equipment providers with the applicable Federal motor carrier safety regulations;

(5) a provision that—

(A) establishes a civil penalty structure consistent with section 521(b) of title 49, United States Code, for intermodal equipment providers that fail to attain satisfactory compliance with applicable Federal motor carrier safety regulations; and

(B) prohibits intermodal equipment providers from placing intermodal equipment on the public highways if such providers are found to pose an imminent hazard;

(6) a process by which motor carriers and agents of motor carriers may petition the Federal Motor Carrier Safety Administration to undertake an investigation of a noncompliant intermodal equipment provider; and

(7) an inspection and audit program of intermodal equipment providers.

(d) DEADLINE FOR RULEMAKING PROCEEDING.—The regulations under this section shall be issued pursuant to a rulemaking proceeding initiated not later than 90 days after the date of enactment of this Act.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) INTERMODAL EQUIPMENT.—The term ''intermodal equipment'' means equipment that is commonly used in the intermodal transportation of freight over public highways in interstate commerce (as defined in section 31132 of title 49, United States Code), including trailers, chassis, and any associated devices.

(2) INTERMODAL EQUIPMENT PROVIDER.—The term ''intermodal equipment provider'' means any person with any legal right, title, or interest in intermodal equipment that interchanges such equipment to a motor carrier.

(3) INTERCHANGE.—The term ''interchange'' means the act of providing intermodal equipment to a motor carrier for the purpose of transporting the equipment for loading or unloading by any person or repositioning the equipment for the benefit of the equipment provider. Such term does not include the leasing of equipment to a motor carrier for use in the motor carrier's over-the-road freight hauling operations.

(f) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—Section 31136 of title 49, United States Code, is amended by adding at the end the following:

''(g) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—The Secretary, or an employee of the Department of Transportation designated by the Secretary, may inspect intermodal equipment, and copy related maintenance and repair records for such equipment, on demand and display of proper credentials to inspect intermodal equipment.''.

(g) JURISDICTION OVER EQUIPMENT PROVIDERS.—Section 31132(1) of such title is amended by inserting after ''towed vehicle'' the following: ''(including intermodal equipment, including trailers, chassis and associated devices, commonly used for the transportation of intermodal freight via highway)''.

SEC. 4129. SUBSTANCE ABUSE PROFESSIONALS.

The Secretary shall conduct a rulemaking to permit State licensed or certified mental health counselors or addiction specialists certified by the American Academy of Health Care Providers in the Addictive Disorders to act as substance abuse professionals under subpart O of part 40 of title 49, Code of Federal Regulations.

SEC. 4130. INTERSTATE VAN OPERATIONS.

The Federal motor carrier safety regulations (other than regulations relating to commercial drivers license and drug and alcohol testing requirements) shall apply to all interstate operations of commercial motor vehicles used to transport between 9 and 15 passengers (including the driver), regardless of the distance traveled.

SEC. 4131. HOURS OF SERVICE FOR OPERATORS OF UTILITY SERVICE VEHICLES.

Section 345 of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 613) is amended—

(1) in subsection (a) by striking paragraph (4) and inserting the following:

''(4) OPERATORS OF UTILITY SERVICE VEHICLES.—

''(A) INAPPLICABILITY OF FEDERAL REGULATIONS.—Such regulations shall not apply to a driver of a utility service vehicle.

''(B) PROHIBITION ON STATE REGULATIONS.—A State, a political subdivision of a State, an interstate agency, or other entity consisting of 2 or more States, shall not enact or enforce any law, rule, regulation, or standard that imposes requirements on a driver of a utility service vehicle that are similar to the requirements contained in such regulations.''.

(2) in subsection (b) by striking ''Nothing'' and inserting ''Except as provided in subsection (a)(4), nothing''; and

(3) in the first sentence of subsection (c) by striking ''paragraph (2)'' and inserting ''an exemption under paragraph (2) or (4)''.

SEC. 4132. TECHNICAL CORRECTIONS.

(a) INTERMODAL TRANSPORTATION ADVISORY BOARD.—Section 5502(b) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) the Federal Motor Carrier Safety Administration.''.

(b) REFERENCE TO AGENCY.—Section 31502(e) of such title is amended—

(1) in paragraph (2) by striking ''Regional Director of the Federal Highway Administration'' and inserting ''Field Administrator of the Federal Motor Carrier Safety Administration''; and

(2) in paragraph (3) by striking ''Regional Director'' and inserting ''Field Administrator''.

SEC. 4133. INTRASTATE AND FOREIGN OPERATIONS OF INTERSTATE MOTOR CARRIERS.

Section 31144(a) of title 49, United States Code, is amended to read as follows:

''(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 and safety inspection record of an owner or operator during operations—

''(A) in interstate commerce in the United States;

''(B) in a State that affects interstate commerce in the United States; and

''(C) in Canada or Mexico if the owner or operator also conducts operations in the United States;

''(2) periodically update such safety fitness determinations;

''(3) make such final safety fitness determinations readily available to the public; and

''(4) prescribe by regulation penalties for violations of this section consistent with section 521.''.

SEC. 4134. OPERATORS OF VEHICLES TRANSPORTING AGRICULTURAL COMMODITIES AND FARM SUPPLIES.

(a) AGRICULTURAL EXEMPTION.—Section 345(a)(1) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 613) is amended to read as follows:

''(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply during planting and harvest periods, as determined by each State to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies.''.

(b) DEFINITIONS.—Section 345(e) of such Act (109 Stat. 614) is amended by adding at the end the following:

''(7) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means products grown on and harvested from the land during the planting and harvesting seasons within each State, as determined by the State.

''(8) FARM SUPPLIES FOR AGRICULTURAL PURPOSES.—The term 'farm supplies for agricultural purposes' means products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and livestock feed at any time of the year.''.

SEC. 4135. HOURS OF SERVICE RULES FOR OPERATORS PROVIDING TRANSPORTATION TO MOVIE PRODUCTION SITES.

Notwithstanding sections 31136 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 providing transportation of property or passengers to or from a theatrical or television motion picture production site located within a 100 air mile radius of the work reporting location of such operator shall be those in effect under the regulations in effect under such sections on April 27, 2003.

SEC. 4136. 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, 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 IV (Public Law 108–280), 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.

Subtitle B—Household Goods Transportation

SEC. 4201. FEDERAL-STATE RELATIONS RELATING TO TRANSPORTATION OF HOUSEHOLD GOODS.

(a) NONPREEMPTION OF INTRASTATE TRANSPORTATION OF HOUSEHOLD GOODS.—Section 14501(c)(2)(B) of title 49, United States Code, is amended by inserting ''intrastate'' before ''transportation''.

(b) ENFORCEMENT OF CONSUMER PROTECTION WITH RESPECT TO INTERSTATE HOUSEHOLD GOODS CARRIERS.—Chapter 145 of such title is amended by adding at the end the following:

''§ 14506. Enforcement of Federal regulations by State attorneys general

''(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of a resident of the State in an appropriate district court of the United States to enforce a regulation or order of the Secretary or Board—

''(1) to protect an individual shipper of household goods if such regulation or order governs the delivery of the shipper's household goods; or

''(2) to impose a civil penalty under section 14915 whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by—

''(A) a carrier or broker providing transportation of household goods subject to jurisdiction under subchapter I or III of chapter 135 who is committing repeat violations of section 14915; or

''(B) a foreign motor carrier providing transportation of household goods who is registered under section 13902 and who is committing repeat violations of section 14915.

''(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

''(1) as preventing an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence;

''(2) as prohibiting a State official from proceeding in State court to enforce a criminal statute of the State;

''(3) as authorizing a State or political subdivision of a State to bring an enforcement action under a consumer protection law, regulation, or other provision of the State relating to interstate transportation of household goods (as defined in section 13102(10)(A)) with respect to an activity that is inconsistent with Federal laws and regulations relating to interstate transportation of household goods; or

''(4) as authorizing a State, as parens patriae, to bring a class civil action on behalf of its residents to enforce a regulation or order of the Secretary or Board.

''(c) ACTIONS BY THE SECRETARY OR BOARD.—Whenever a civil action has been instituted by or on behalf of the Secretary or Board for violation of section 14915, no State may, during the pendency of such action, institute a civil action under subsection (a) against any defendant named in the complaint relating to such violation.

''(d) VENUE; SERVICE OF PROCESS.—Any civil action to be brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.''.

(c) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''14506. Enforcement of Federal regulations by State attorneys general.''.

SEC. 4202. ARBITRATION REQUIREMENTS.

(a) OFFERING SHIPPERS ARBITRATION.—Section 14708(a) of title 49, United States Code, is amended by inserting before the period at the end the following: ''and to determine whether carrier charges, in addition to those collected at delivery, must be paid by the shipper for transportation and services related to the transportation of household goods''.

(b) THRESHOLD FOR BINDING ARBITRATION.—Section 14708(b)(6) of such title is amended by striking ''$5,000'' each place it appears and inserting ''$10,000''.

(c) DEADLINE FOR DECISION.—Section 14708(b)(8) of such title is amended—

(1) by striking ''and''; and

(2) by inserting after ''for damages'' the following: '', and an order requiring the payment of additional carrier charges''.

(d) ATTORNEY'S FEES TO SHIPPERS.—Section 14708(d)(3) of such title is amended—

(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. 4203. 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) ESTIMATE OF 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 chapter 139 to 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 $25,000 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 13102(10)(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) CIVIL PENALTY.—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 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 139.''.

(b) 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, State consumer protection administrators, and Federal and local law enforcement officials for the purpose of developing practices and procedures to enhance the Federal-State partnership in enforcement efforts, exchange of information, and coordination of enforcement efforts with respect to interstate transportation of household goods and of making legislative and regulatory recommendations to the Secretary concerning such enforcement efforts.

(b) CONSULTATION.—In carrying out subsection (a), 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 DATE.—The working group shall remain in effect until September 30, 2009.

SEC. 4206. CONSUMER HANDBOOK ON DOT WEB SITE.

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 ESA 03005 of the Federal Motor Carrier Safety Administration 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 whenever they have contact with a shipper or potential shipper:

(1) The Department of Transportation number of the broker.

(2) The ESA 03005 publication referred to in section 4206 of this Act.

(3) A list of all motor 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 complaint 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 submit on a quarterly basis a report summarizing—

(A) the number of shipments that originate and are delivered for individual shippers during the reporting period by the carrier;

(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;

(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 14104(b)(1) of title 49, United States Code, is amended to read as follows:

''(1) REQUIRED TO BE IN WRITING.—

''(A) IN GENERAL.—Except as otherwise provided in this subsection, every motor carrier providing transportation of household goods described in section 13102(10)(A) subject to jurisdiction under subchapter I of chapter 135 shall conduct a physical survey of the household goods to be transported on behalf of a prospective individual shipper and shall provide the shipper with a written estimate of charges for the transportation and all related services.

''(B) WAIVER.—A shipper may elect to waive 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 must be submitted to the shipper in writing and must 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 tariff charges. The carrier may not impose a charge for providing a nonbinding estimate.''.

SEC. 4211. APPLICATION 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 on 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

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. APPLICABILITY 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 of providing transportation of household goods, offers some or all of the following additional services: binding and nonbinding estimates, inventorying, protective packing and unpacking of individual items, and loading and unloading at personal residences.

SEC. 4213. VIOLATIONS OF OUT-OF-SERVICE ORDERS.

Section 31310(i)(2) of title 49, United States Code, is amended by adding at the end the following:

''(D) an 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 GOODS HOSTAGE .

Section 14915 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 not necessary 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) $169,000,000 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 section 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) BUREAU 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 $33,000,000 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, $54,500,000 for fiscal year 2004 and $71,000,000 for each of fiscal years 2005 through 2009.

(5) INTELLIGENT TRANSPORTATION SYSTEMS (ITS) RESEARCH.—To carry out subtitle F 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) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by subsection (a) 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 a project or activity carried out using such funds shall be 50 percent, unless otherwise expressly provided by this Act (including the amendments made by this Act) or otherwise determined by the Secretary, and such funds shall remain available until expended and shall not be transferable.

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 $483,000,000 for fiscal year 2004, $484,000,000 for fiscal year 2005, $485,000,000 for fiscal year 2006, $485,000,000 for fiscal year 2007, $486,000,000 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, economic vitality, efficiency, equity, and environmental protection.

(2) Federally sponsored surface transportation research and development has produced many successes. The development of rumble 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 Systems have 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 remained relatively flat.

(5) The Federal investment in research and development should be balanced between short-term applied and long-term fundamental research and development. 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, in order to ensure that the transportation system meets the goals of safety, mobility, economic vitality, efficiency, equity, and environmental protection.

Subtitle B—Research, Technology, and Education

SEC. 5201. RESEARCH, TECHNOLOGY, AND EDUCATION.

(a) RESEARCH, TECHNOLOGY, AND EDUCATION.—Title 23, United States Code, is amended—

(1) in the table of chapters by striking the item relating to chapter 5 and inserting the following:

''5. RESEARCH, TECHNOLOGY, AND EDUCATION ..... 501''.

(2) by striking the heading for chapter 5 and inserting the following:

''CHAPTER 5—RESEARCH, TECHNOLOGY, AND EDUCATION''.

(b) STATEMENT OF PRINCIPLES GOVERNING RESEARCH AND TECHNOLOGY INVESTMENTS.—Section 502 of such title is amended—

(1) by redesignating subsections (a) through (g) as subsections (b) through (h), respectively; and

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) BASIC PRINCIPLES GOVERNING RESEARCH AND TECHNOLOGY INVESTMENTS.—

''(1) COVERAGE.—Surface transportation research and technology development shall include all activities leading to technology development and transfer, as well as the introduction of new and innovative ideas, practices, and approaches, through such mechanisms as field applications, education and training, and technical support.

''(2) FEDERAL RESPONSIBILITY.—Funding and conducting surface transportation research and technology transfer activities shall be considered a basic responsibility of the Federal Government when the work—

''(A) is of national significance;

''(B) supports research in which there is a clear public benefit and private sector investment is less than optimal;

''(C) supports a Federal stewardship role in assuring that State and local governments use national resources efficiently; or

''(D) presents the best means to support Federal policy goals compared to other policy alternatives.

''(3) ROLE.—Consistent with these Federal responsibilities, the Secretary shall—

''(A) conduct research;

''(B) support and facilitate research and technology transfer activities by State highway agencies;

''(C) share results of completed research; and

''(D) support and facilitate technology and innovation deployment.

''(4) PROGRAM CONTENT.—A surface transportation research program shall include—

''(A) fundamental, long-term highway research;

''(B) research aimed at significant highway research gaps and emerging issues with national implications; and

''(C) research related to policy and planning.

''(5) STAKEHOLDER INPUT.—Federal surface transportation research and development activities shall address the needs of stakeholders. Stakeholders include States, metropolitan planning organizations, local governments, the private sector, researchers, research sponsors, and other affected parties, including public interest groups.

''(6) 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.

''(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 measures 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.''.

(c) PROCUREMENT FOR RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—Section 502(b)(3) of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

''(3) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out research, development, and technology transfer activities related to transportation—

''(A) independently;

''(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, foreign country, 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 available 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 ''operation,''.

(2) in subsection (d)(5)(C) (as redesignated by subsection (b) of this section) by inserting ''system management and'' after ''transportation''; and

(3) 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 nonrecurrent congestion 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 directly initiate contracts, cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)), 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 better understanding of 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) Characterization of materials used in highway infrastructure, including analytical techniques, microstructure modeling, and the deterioration processes.

''(B) Assessment of 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) System performance data and 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:

''(f) LONG-TERM PAVEMENT PERFORMANCE PROGRAM.—

''(1) AUTHORITY.—The Secretary shall complete the 20-year long-term pavement performance program tests initiated under the strategic highway research 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 to—

''(A) monitor, material-test, and evaluate highway test sections in existence as of the date of the grant, agreement, or contract;

''(B) analyze the data obtained under subparagraph (A); and

''(C) prepare products to fulfill program objectives and meet future pavement technology needs.''.

(2) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $10,000,000 for fiscal year 2004 and $21,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 502(f) of title 23, United States Code.

(i) TURNER-FAIRBANK HIGHWAY RESEARCH CENTER.—Section 502 of title 23, United States Code, is further amended by adding at the end the following:

''(i) TURNER-FAIRBANK HIGHWAY RESEARCH CENTER.—

''(1) IN GENERAL.—The Secretary shall operate in the Federal Highway Administration a Turner-Fairbank Highway Research Center.

''(2) USES OF THE CENTER.—The Turner-Fairbank Highway Research Center shall support—

''(A) the conduct of highway research and development related to new highway technology;

''(B) the development of understandings, tools, and techniques that provide solutions to complex technical problems through the development of economical and environmentally sensitive designs, efficient and quality-controlled construction practices, and durable materials; and

''(C) the development of innovative highway products and practices.''.

(j) UNIVERSITY FUNDING.—Except as otherwise provided in this title and any amendments made by this title, the Secretary may not provide financial assistance to a university under section 5101 unless the university is selected to receive such funds through a competitive process that incorporates merit-based peer review and the selection is based on a proposal submitted to the Secretary by the university in response to a request for proposals issued by the Secretary.

SEC. 5202. LONG-TERM BRIDGE PERFORMANCE PROGRAM; INNOVATIVE BRIDGE RESEARCH AND DEPLOYMENT PROGRAM.

(a) LONG-TERM BRIDGE PERFORMANCE PROGRAM.—

(1) IN GENERAL.—Section 502 of title 23, United States Code, is further amended by adding at the end the following:

''(j) LONG-TERM BRIDGE PERFORMANCE PROGRAM.—

''(1) AUTHORITY.—The Secretary shall establish a 20-year long-term bridge performance program.

''(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

''(A) monitor, material-test, and evaluate test bridges;

''(B) analyze the data obtained under subparagraph (A); and

''(C) prepare products to fulfill program objectives and meet future bridge technology needs.''.

(2) FUNDING.—Of the amounts made available by section 5101(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 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) IN GENERAL.—The Secretary shall establish and carry out a program to promote, demonstrate, evaluate, and document the application of innovative designs, materials, and construction methods in the construction, repair, and rehabilitation of bridges and other highway structures.''.

(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 objective evaluations of the performance and benefits of these innovative designs, materials, and construction methods;

''(G) the effective transfer of resulting 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 5101(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

(B) 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. 5203. SURFACE TRANSPORTATION ENVIRONMENT 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 and carry out a collaborative, public-private surface transportation environment and planning cooperative research program.

''(b) AGREEMENT.—The Secretary shall enter into an agreement with the National Academy of Sciences to carry out administrative and management activities relating to the governance of the surface transportation environment and planning cooperative research program.

''(c) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—The Secretary shall establish a committee that will be responsible for program oversight and project selection.

''(2) MEMBERSHIP.—The members of the committee shall be appointed by the Secretary and shall be composed of—

''(A) representatives of State, regional, and local transportation agencies, including transit agencies;

''(B) representatives of State environmental agencies and other environmental organizations;

''(C) representatives of the transportation private sector;

''(D) transportation and environmental scientists 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.

''(3) BALANCE.—The majority of the committee's voting members shall be representatives of government transportation agencies.

''(4) MEETINGS.—The National Academy of Sciences shall convene meetings of the committee.

''(d) GOVERNANCE.—The program established under this section shall include the following administrative and management elements:

''(1) NATIONAL RESEARCH AGENDA.—The advisory committee, in consultation with interested parties, shall carry out and periodically update research and development called for in the Transportation Research Board Special Report 268, entitled 'Surface Transportation Environmental Research: A Long-Term Strategy' and published in 2002, as described in subsection (e). The national research agenda shall include a multiyear 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 may award under the program research contracts and grants through open competition and merit review conducted on a regular basis.

''(4) EVALUATION OF RESEARCH.—

''(A) PEER REVIEW.—Research contracts and grants 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.

''(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, and publications for the general public.

''(e) CONTENTS.—The national research agenda for the program required under subsection (d)(1) shall include research in the following areas for the purposes described:

''(1) HUMAN HEALTH.—Human health to establish the links between transportation activities and human health; substantiate the linkages between exposure to concentration levels, emissions, and health impacts; examine the potential health impacts from the implementation and operation of transportation infrastructure and services; develop strategies for avoidance and reduction of these impacts; and develop strategies to understand the economic value of health improvements and for incorporating health considerations into valuation methods.

''(2) ECOLOGY AND NATURAL SYSTEMS.—Ecology and natural systems to measure transportation's short- and long-term impact on natural systems; develop ecologically based performance measures; develop insight into both the spatial and temporal issues associated with transportation and natural systems; study the relationship between highway density and ecosystem integrity, including the impacts of highway density on habitat integrity and overall ecosystem health; develop a rapid assessment methodology for use by transportation and regulatory agencies in determining the relationship between highway density and ecosystem integrity; and develop ecologically based performance techniques to evaluate the success of highway project mitigation and enhancement measures.

''(3) ENVIRONMENTAL AND SOCIOECONOMIC RELATIONSHIPS.—Environmental and socioeconomic relationships to understand differences in mobility, access, travel behavior, and travel preferences across socioeconomic groups; develop improved planning approaches that better reflect and respond to community needs; improve evaluation methods for examining the incidence of benefits and costs; examine the differential impacts of current methods of finance and explore alternatives; understand the socioeconomic implications of emerging land development patterns and new transportation technologies; develop cost-effective applications of technology that improve the equity of the transport system; and develop improved methods for community involvement, collaborative planning, and conflict resolution.

''(4) EMERGING TECHNOLOGIES.—Emerging technologies to assist in the transition to environmentally benign fuels and vehicles for passengers and freight; develop responses to and demand for new technologies that could offer improved environmental performance; identify possible applications of intelligent transportation systems technologies for environmental benefit; develop policy instruments that would encourage the development of beneficial new technologies in a cost-effective manner; and respond to the impact of new technologies.

''(5) LAND USE.—Land use to assess land consumption trends and contributing factors of transportation investment, housing policies, school quality, and consumer preferences; incorporate impacts of transportation investments on location decision and land use; identify the costs and benefits of current development patterns and their transportation implications; determine the effect of the built environment on people's willingness to walk, drive, or take public transportation; determine the roles of public policy and institutional arrangements in current and prospective land use and transportation choices; and develop improved data, methods, and processes for considering land use, transportation, and the environment in an integrated, systematic fashion.

''(6) PLANNING AND PERFORMANCE MEASURES.—Planning and performance measures to improve understanding of travel needs and preferences; improve planning methods for system analysis, forecasting, and decisionmaking; expand information on consumer choice processes and travel and activity patterns for both local and long-distance trips and both passenger and freight transportation analysis of social, environmental, and economic benefits and cost of various transport options; develop tools for measuring and forecasting complex transportation decisions for all modes and users; and develop performance measures and policy analysis approaches that can be used to determine effectiveness.

''(7) OTHER RESEARCH AREAS.—Other research areas to identify and address the emerging and future surface transportation research needs related to planning and environment.

''(f) 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.

''(g) USE OF NON-FEDERAL FUNDS.—In addition to using funds authorized to be appropriated to carry out this section, the National Academy of Sciences may seek and accept additional funding sources to carry out this section from public and private entities capable of attracting and accepting funding from the Department of Transportation, Environmental Protection Agency, Department of Energy, United States Fish and Wildlife Service, and other Federal environmental agencies, States, local governments, nonprofit foundations, and the private sector.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of such title is amended by striking the item relating to section 507 and inserting the following:

''507. Surface transportation environment and planning cooperative research program.''.

(c) FUNDING.—Of the amounts made available by section 5101(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 507 of title 23, United States Code.

SEC. 5204. TECHNOLOGY DEPLOYMENT.

(a) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 503(a) of title 23, United States Code, is amended—

(1) in the subsection heading by striking ''INITIATIVES AND PARTNERSHIPS'';

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

''(1) ESTABLISHMENT.—The Secretary shall develop and administer a national technology deployment program.'';

(3) by striking paragraph (7) and inserting the following:

''(7) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

''(A) IN GENERAL.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with, States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations to pay the Federal share of the cost of research, development, and technology transfer activities concerning innovative materials.

''(B) APPLICATIONS.—To receive a grant under this subsection, an entity described in subparagraph (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 approve 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 following:

''(8) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall ensure that the information and technology resulting from research conducted under paragraph (7) is made available to State and local transportation departments and other interested parties as specified by the Secretary.''.

(b) INNOVATIVE PAVEMENT RESEARCH AND DEPLOYMENT PROGRAM.—

(1) IN GENERAL.—Section 503 of such title is further amended by adding at the end the following:

''(c) INNOVATIVE PAVEMENT RESEARCH AND DEPLOYMENT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish and implement a program to promote, demonstrate, support, and document the application of innovative pavement technologies, practices, performance, and benefits.

''(2) GOALS.—The goals of the innovative pavement research and deployment program shall include—

''(A) the deployment of new, cost-effective, innovative designs, materials, recycled materials (including taconite tailings and foundry sand), and practices to extend pavement life and performance and to improve customer satisfaction;

''(B) the reduction of initial costs 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 innovative technologies and to improve life, performance, cost effectiveness, safety, and customer satisfaction; and

''(H) the development of designs and materials to reduce storm 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 funds made available to carry out this subsection to conduct research to improve asphalt pavement, concrete pavement, and aggregates used in highways on the National Highway System.''.

(2) FUNDING.—Of the amounts made available by section 5101(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(c) of title 23, United States Code.

(c) SAFETY INNOVATION DEPLOYMENT PROGRAM.—

(1) IN GENERAL.—Section 503 of such title is further amended by adding the following:

''(d) SAFETY INNOVATION DEPLOYMENT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish and implement a program to demonstrate the application of innovative technologies in highway safety.

''(2) GOALS.—The goals of the program shall include—

''(A) the deployment and evaluation of safety technologies and innovations at State and local levels; and

''(B) the deployment of best practices in training, management, design, and planning.

''(3) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

''(A) IN GENERAL.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with, States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations for research, development, and technology transfer for innovative safety technologies.

''(B) APPLICATIONS.—To receive a grant under this subsection, an entity described in subparagraph (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 approve the applications based on whether the project that is the subject of the application meets the goals of the program described in paragraph (2).

''(4) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as is 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 5101(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.

(d) 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 appropriated for necessary 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.''.

(e) WOOD COMPOSITE MATERIALS DEMONSTRATION PROJECT.—

(1) FUNDING.—Of the funds made available to carry out section 5101(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 the durability and potential effectiveness of wood composite materials in multimodal transportation facilities.

(2) FEDERAL SHARE.—The Federal share of the cost of the demonstration under paragraph (1) shall be 100 percent.

SEC. 5205. 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.—The Institute may develop and administer courses in modern developments, techniques, methods, regulations, management, and procedures in areas, including surface transportation, environmental mitigation, compliance, stewardship, and streamlining, acquisition of rights-of-way, relocation assistance, engineering, safety, transportation system management and operations, construction, maintenance, contract administration, inspection, and highway finance.''.

(2) FUNDING.—Of the amounts made available by section 5101(a)(2) 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:

''(3) FEDERAL SHARE.—

''(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 49 may be used to cover the remaining 50 percent of the program costs.

''(B) TRIBAL 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 5101(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 5101(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 504(c)(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:

''(d) GARRETT 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 activities related to transportation.

''(2) AUTHORIZED ACTIVITIES.—The Secretary shall award grants under this subsection on the basis of competitive, peer review. Grants awarded under this subsection may be used for enhancing science, technology, engineering, and mathematics at the elementary and secondary school level through such means 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.—An entity described in subparagraph (C) seeking funding under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used and a description of how the funds 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.—Local 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 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

''(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) FUNDING.—Of the amounts made available by section 5101(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 project approval 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 144(e) for surface transportation workforce development, training and education, including—

''(A) tuition and direct educational expenses, excluding salaries, in connection with the education and training of employees of State and local transportation agencies;

''(B) employee professional development;

''(C) student internships;

''(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, TRAINING, AND EDUCATION DEFINED.—In this subsection, the term 'surface transportation workforce development, training, and education' means activities associated with surface transportation career awareness, student transportation career preparation, and training and professional development for surface transportation workers, including activities for women and minorities.''.

(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.—

''(1) ESTABLISHMENT.—The Secretary 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 education programs to train individuals at all levels of the transportation workforce.

''(2) SELECTION OF GRANT RECIPIENTS.—In selecting applications for awards under this subsection, the Secretary shall consider—

''(A) the degree to which the new curricula or education program meets the specific needs of a segment of the transportation industry, States, or regions;

''(B) providing for practical experience and on-the-job training;

''(C) proposals oriented toward practitioners in the field rather than the support and growth of the research community;

''(D) the degree to which the new curricula or program will provide training in areas other than engineering, such as business administration, economics, information technology, environmental science, and law;

''(E) programs or curricula in nontraditional departments which train professionals for work in the transportation field, such as materials, information technology, environmental science, urban planning, and industrial technology; and

''(F) industry or a State's Department of Transportation commitment to the program.

''(3) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, $1,500,000 for each of fiscal years 2005 through 2009 shall be available to carry out this subsection.

''(4) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $250,000 per year. After a recipient has received 3 years of Federal funding under this subsection, Federal funding may equal no more than 75 percent of a grantee's program costs.''.

(g) DEFINITIONS AND DECLARATION OF POLICY.—Section 101(a)(3) of such title is amended—

(1) by striking ''and'' at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting ''; and''; and

(3) by adding at the end the following:

''(I) surface transportation workforce development, training, and education.''.

(h) TRANSPORTATION TECHNOLOGY INNOVATIONS.—

(1) FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.—The Secretary shall continue to carry out section 5117(b)(5) of the Transportation Equity Act for the 21st Century (112 Stat. 450).

(2) TRANSPORTATION, ECONOMIC, AND LAND USE SYSTEM.—The Secretary shall continue to carry out section 5117(b)(7) of the Transportation Equity Act for the 21st Century (112 Stat. 450).

(3) FUNDING.—Of the amounts made available for each of fiscal years 2004 through 2009 by section 5101(a)(1) of this Act, $3,000,000 shall be available to carry out paragraph (1) and $1,000,000 shall be available to carry out paragraph (2).

(4) USE OF RIGHTS-OF-WAY.—Section 5117(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 449; 112 Stat. 864; 115 Stat. 2330) is amended—

(A) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively; and

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

''(E) USE OF RIGHTS-OF-WAY.—

''(i) IN GENERAL.—An intelligent transportation system project described in paragraph (3), and an intelligent transportation system project described in paragraph (6), that involves privately owned intelligent transportation system components and is carried out using funds made available from the Highway Trust Fund (other than the Mass Transit Account) shall not be subject to any law or regulation of a State or political subdivision of a State prohibiting or regulating commercial activities in the rights-of-way of a highway for which funds from the Highway Trust Fund (other than the Mass Transit Account) have been used for planning, design, construction, or maintenance if the Secretary determines that such use is in the public interest.

''(ii) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to affect the authority of a State, or political subdivision of a State, to regulate highway safety.''.

SEC. 5206. FREIGHT PLANNING CAPACITY BUILDING.

(a) IN GENERAL.—Section 504 of title 23, United States Code, is further amended by adding at the end the following:

''(g) FREIGHT CAPACITY BUILDING PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a freight planning capacity building initiative to support enhancements in freight transportation planning in order to—

''(A) better target investments in freight transportation systems to maintain efficiency and productivity; and

''(B) strengthen the decisionmaking capacity of State transportation departments and local transportation agencies with respect to freight transportation planning and systems.

''(2) AGREEMENTS.—The Secretary shall enter into agreements to support and carry out administrative and management activities relating 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, nonprofit entities, academia, and the private sector.

''(4) 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 needs.

''(D) Technical assistance to State transportation departments and local transportation agencies reorganizing to address freight transportation issues.

''(E) Facilitating relationship building between governmental and private entities involved in freight transportation.

''(F) Identifying ways to target the capacity of State transportation departments and local transportation agencies to address freight considerations in operations, security, asset management, and environmental excellence in connection with long-range multimodal transportation planning and project implementation.

''(5) FUNDING.—

''(A) 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.

''(B) USE OF NON-FEDERAL FUNDS.—Funds made available for the program established under this subsection may be used for research, program development, information collection and dissemination, and technical assistance. The Secretary may use such funds independently or make grants to, or enter into contracts, cooperative agreements, and other transactions with, a Federal agency, State agency, local agency, Federally recognized Indian tribal government or tribal consortium, authority, association, nonprofit or for-profit corporation, or institution of higher education, to carry out the purposes of this subsection.''.

(b) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, $1,500,000 for fiscal year 2004 and $5,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(f) of title 23, United States Code.

SEC. 5207. ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.

(a) CONTINUATION AND ACCELERATION OF TRANSIMS DEPLOYMENT.—The Secretary shall accelerate the deployment of the advanced transportation model known as the ''Transportation Analysis Simulation System'' (in this section referred to as ''TRANSIMS''), developed by the Los Alamos National Laboratory. The program shall assist State departments of transportation and metropolitan planning organizations in the implementation of TRANSIMS, develop methods for TRANSIMS applications to transportation planning and air quality analysis, and provide training and technical assistance for the implementation of TRANSIMS. The program may support the development of methods to plan for the transportation response to chemical and biological terrorism and other security concerns.

(b) ELIGIBLE ACTIVITIES.—The Secretary shall use funds made available by section 5101(a)(1) to—

(1) provide funding to State departments of transportation and metropolitan planning organizations serving transportation management areas designated under chapter 52 of title 49, United States Code, representing a diversity of populations, geographic regions, and analytic needs to implement TRANSIMS;

(2) develop methods to demonstrate a wide spectrum of TRANSIMS applications to support metropolitan and statewide transportation planning, including integrating highway and transit operational considerations into the transportation Planning process; and

(3) provide training and technical assistance with respect to the implementation and application of TRANSIMS to States, local governments, and metropolitan planning organizations with responsibility for travel modeling.

(c) ALLOCATION OF FUNDS.—Not more than 75 percent of the funds made available to carry out this section may be allocated to activities described in subsection (b)(1).

(d) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $1,000,000 for fiscal year 2004 and $3,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out this section.

SEC. 5208. NATIONAL COOPERATIVE FREIGHT TRANSPORTATION RESEARCH PROGRAM.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is further amended by adding at the end the following:

''§ 509. National cooperative freight Transportation research program

''(a) ESTABLISHMENT.—The Secretary shall establish and support a national cooperative freight transportation research program.

''(b) AGREEMENT.—The Secretary shall enter into an agreement with the National Academy of Sciences to support and carry out administrative and management activities relating to the

governance of the national cooperative freight transportation research program.

''(c) ADVISORY COMMITTEE.—The National Academy of Sciences shall select an advisory committee consisting of a representative 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 under 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) OPEN COMPETITION 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 under the program 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 specific highway segments.

''(3) The feasibility of consolidating origins and destinations for freight movement.

''(4) Methods for incorporating estimates of international trade into landside transportation planning.

''(5) The use of technology applications to increase capacity of highway lanes dedicated to truck-only traffic.

''(6) Development of physical and policy alternatives for separating car and truck traffic.

''(7) Ways to synchronize infrastructure improvements with freight transportation demand.

''(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 additional funding sources 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 5101(a)(1) of this Act, $1,500,000 for fiscal year 2004 and $4,000,000 for each of fiscal years 2005 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

''(a) 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.

''(b) 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.

''(c) PERIOD OF AVAILABILITY.—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.

''(d) PROGRAM PRIORITIES.—

''(1) PROGRAM ELEMENTS.—The program established under this 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 nonrecurring congestion.

''(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 categorizations, shall be disseminated to practicing engineers for their use, as soon as practicable.

''(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) there is no duplication of research effort between the program and any other research effort of the Department.

''(f) REPORT ON IMPLEMENTATION OF RESULTS.—

''(1) REPORT.—The Transportation Research Board of the National Research Council shall complete a report on the strategies and administrative structure to be used for implementation of the results of the future strategic highway research program.

''(2) COMPONENTS.—The report under paragraph (1) shall include with respect to the program—

''(A) an identification of the most promising results of research under the program (including the persons most likely to use the results);

''(B) a discussion of potential incentives for, impediments to, and methods of, implementing those results;

''(C) an estimate of costs of implementation of those results; and

''(D) recommendations on methods by which implementation of those results should be conducted, coordinated, and supported in future years, including a discussion of the administrative structure and organization best suited to carry out those recommendations.

''(3) CONSULTATION.—In developing the report, the Transportation Research Board shall consult with a wide variety of stakeholders, including—

''(A) the Federal Highway Administration;

''(B) the National Highway Traffic Safety Administration; and

''(C) the American Association of State Highway and Transportation Officials.

''(4) SUBMISSION.—Not later than February 1, 2009, the report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(h) FUNDING.—

''(1) FEDERAL SHARE.—The Federal share of the cost of an activity carried out using amounts made available under a grant or cooperative agreement under this section shall be 100 percent, and such funds shall remain available until expended.

''(2) ADVANCE PAYMENTS.—The Secretary may make advance payments as necessary to carry out the program under this section.''.

(b) PROGRAMMATIC EVALUATIONS.—Within 3 years after the first research and development project grants, cooperative agreements, or contracts are awarded under section 510 of title 23, United States Code, the Comptroller General shall review the program under such section, and recommend improvements. The review shall assess the degree to which projects funded under such section have addressed the research and development topics identified in the Transportation Research Board Special Report 260, including identifying those topics which have not yet been addressed.

(c) CONFORMING AMENDMENT.—The analysis for chapter 5 of such title is further amended by adding at the end the following:

''510. Future strategic highway research program.''.

(d) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $17,000,000 for fiscal year 2004, $60,000,000 for fiscal year 2005, and $63,000,000 for each of fiscal years 2006 through 2009, shall be available to carry out section 510 of title 23, United States Code.

SEC. 5210. TRANSPORTATION SAFETY INFORMATION MANAGEMENT SYSTEM PROJECT.

(a) IN GENERAL.—The Secretary shall fund and carry out a project to further the development of a comprehensive transportation safety information management system (in this section referred to as ''TSIMS'').

(b) PURPOSES.—The purpose of the TSIMS project is to further the development of a software application to provide for the collection, integration, management, and dissemination of safety data from and for use among State and

local safety and transportation agencies, including driver licensing, vehicle registration, emergency management system, injury surveillance, roadway inventory, and motor carrier databases.

(c) FUNDING.—

(1) FEDERAL CONTRIBUTION.—Of the amounts made available by section 5101(a)(1) of this Act, $1,000,000 for fiscal year 2004 and $3,000,000 for fiscal year 2005 shall be available to carry out the TSIMS project under this section.

(2) STATE CONTRIBUTION.—The sums authorized in paragraph (1) are intended to supplement voluntary contributions to be made by State departments of transportation and other State safety and transportation agencies.

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 (b)(1) and (b)(2) and designed to develop information to assist State transportation departments and metropolitan planning organizations measure and address surface transportation congestion problems.

(b) SURFACE TRANSPORTATION CONGESTION SOLUTIONS RESEARCH PROGRAM.—

(1) IMPROVED SURFACE TRANSPORTATION CONGESTION MANAGEMENT SYSTEM MEASURES.—The purposes of the first research program established under this section shall be—

(A) to examine the effectiveness of surface transportation congestion management systems since enactment of the Intermodal Surface Transportation Assistance Act of 1991 (Public Law 102–240);

(B) to identify best case examples of locally designed reporting methods and incorporate such methods in research on national models for developing and recommending improved surface transportation congestion measurement and reporting; and

(C) to incorporate such methods in the development of national models and methods to monitor, measure, and report surface transportation congestion information.

(2) ANALYTICAL TECHNIQUES FOR ACTION ON SURFACE TRANSPORTATION CONGESTION.—The purposes of the second research program established under this section shall be—

(A) to analyze the effectiveness of procedures used by State transportation departments and metropolitan planning organizations to assess surface transportation congestion problems and communicate those problems to decisionmakers; and

(B) to identify methods to ensure that the results of surface transportation congestion analyses will lead to the targeting of funding for programs, projects, or services with demonstrated effectiveness in reducing travel delay, congestion, and system unreliability.

(c) TECHNICAL ASSISTANCE AND TRAINING.—In fiscal year 2006, the Secretary, acting through the Federal Highway Administration, shall develop a technical assistance and training program to disseminate the results of the surface transportation congestion solutions research initiative for the purpose of assisting State transportation departments and local transportation agencies with improving their approaches to surface transportation congestion measurement, analysis, and project programming.

(d) FUNDING.—Of the amounts made available by sections 5101(a)(1) of this Act, $4,000,000 for fiscal year 2004 and $11,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out subsections (a) and (b). Of the amounts made available by section 5101(a)(2), $500,000 for fiscal year 2004 and $1,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out subsection (c).

SEC. 5212. MOTOR CARRIER EFFICIENCY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the motor carrier and wireless technology industry, shall conduct a study to—

(1) identify inefficiencies in the transportation of freight;

(2) evaluate the safety, productivity, and reduced cost improvements that may be achieved through the use of wireless technologies to address the inefficiencies identified in paragraph (1); and

(3) conduct, as appropriate, field tests demonstrating the technologies identified in paragraph (2).

(b) PROGRAM ELEMENTS.—The program shall include, at a minimum, the following:

(1) Fuel monitoring and management systems.

(2) Radio frequency identification technology.

(3) Electronic manifest systems.

(4) Cargo theft prevention.

(c) FEDERAL SHARE.—The Federal share of the cost of the study under this section shall be 100 percent.

(d) ANNUAL REPORT.—The Secretary shall prepare and transmit to Congress an annual report on the programs and activities carried out under this section.

(e) FUNDING.—From funds made available under section 5101(a)(1), the Secretary shall make available $1,000,000 to the Federal Motor Carrier Safety Administration for each of fiscal years 2005 through 2009 to carry out this section.

SEC. 5213. TRANSPORTATION RESEARCH AND DEVELOPMENT STRATEGIC PLANNING.

(a) AMENDMENT.—Section 508 of title 23, United States Code, is amended to read as follows:

"§ 508. Transportation research and development strategic planning

''(a) IN GENERAL.—

''(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of the Transportation Equity Act: A Legacy for Users, the Secretary shall develop a 5-year transportation research and development strategic plan to guide Federal transportation research and development activities. This plan shall be consistent with section 306 of title 5, sections 1115 and 1116 of title 31, and any other research and development plan within the Department of Transportation.

''(2) CONTENTS.—The strategic plan developed under paragraph (1) shall—

''(A) describe the primary purposes of the transportation research and development program, which shall include, at a minimum—

''(i) reducing congestion and improving mobility;

''(ii) promoting safety;

''(iii) promoting security;

''(iv) protecting and enhancing the environment;

''(v) preserving the existing transportation system; and

''(vi) improving the durability and extending the life of transportation infrastructure;

''(B) for each purpose, list the primary research and development topics that the Department intends to pursue to accomplish that purpose, which may include the fundamental research in the physical and natural sciences, applied research, technology development, and social science research intended for each topic; and

''(C) for each research and development topic, describe—

''(i) the anticipated annual funding levels for the period covered by the strategic plan; and

''(ii) the additional information the Department expects to gain at the end of the period covered by the strategic plan as a result of the research and development in that topic area.

''(3) CONSIDERATIONS.—In developing the strategic plan, the Secretary shall ensure that the plan—

''(A) reflects input from a wide range of stakeholders;

''(B) includes and integrates the research and development programs of all the Department's operating administrations, including aviation, transit, rail, and maritime; and

''(C) takes into account how research and development by other Federal, State, private sector, and not-for-profit institutions contributes to the achievement of the purposes identified under paragraph (2)(A), and avoids unnecessary duplication with these efforts.

''(4) PERFORMANCE PLANS AND REPORTS.—In reports submitted under sections 1115 and 1116 of title 31, the Secretary shall include—

''(A) a summary of the Federal transportation research and development activities for the previous fiscal year in each topic area;

''(B) the amount of funding spent in each topic area;

''(C) a description of the extent to which the research and development is meeting the expectations set forth in paragraph (2)(C)(ii); and

''(D) any amendments to the strategic plan.

''(b) The Secretary shall submit to Congress an annual report, along with the President's annual budget request, describing the amount spent in the last completed fiscal year on transportation research and development and the amount proposed in the current budget for transportation research and development.

''(c) NATIONAL RESEARCH COUNCIL REVIEW.—The Secretary shall enter into an agreement for the review by the National Research Council of the details of each—

''(1) strategic plan under section 508;

''(2) performance plan required under section 1115 of title 31; and

''(3) program performance report required under section 1116 of title 31,

with respect to transportation research and development.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of such title is amended by striking the item related to section 508 and inserting the following:

''508. Transportation research and development strategic planning.''.

SEC. 5214. LIMITATION ON REMEDIES FOR FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.

Section 510 of title 23, United States Code, as added by section 5209 of this Act, is amended by inserting after subsection (f) the following:

''(g) LIMITATION OF REMEDIES.—

''(1) SAME REMEDY AS IF UNITED STATES.—The remedy against the United States provided by sections 1346(b) and 2672 of title 28 for injury, loss of property, personal injury, or death shall apply to any claim against the National Academy of Sciences for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission by employees and individuals described in paragraph (3) arising from activities conducted under or in connection with this section. Any such claim shall be subject to the limitations and exceptions which would be applicable to such claim if such claim were against the United States. With respect to any such claim, the Secretary shall be treated as the head of the appropriate Federal agency for purposes of sections 2672 and 2675 of title 28.

''(2) EXCLUSIVENESS OF REMEDY.—The remedy referred to in paragraph (1) shall be exclusive of any other civil action or proceeding for the purpose of determining liability arising from any such act or omission without regard to when the act or omission occurred.

''(3) TREATMENT.—Employees of the National Academy of Sciences and other individuals appointed by the president of the National Academy of Sciences and acting on its behalf in connection with activities carried out under this section shall be treated as if they are employees of the Federal Government under section 2671 of title 28 for purposes of a civil action or proceeding with respect to a claim described in paragraph (1). The civil action or proceeding

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.

''(4) SOURCES OF PAYMENTS.—Payment of any award, compromise, or settlement of a civil action or proceeding with respect to a claim described in paragraph (1) shall be paid first out of insurance maintained by the National Academy of Sciences, 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 section, such 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 State departments 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 appropriate transportation systems are created.

(c) PROGRAM ADMINISTRATION.—To carry out this section, the Secretary shall make a grant to, or enter into a cooperative agreement or contract with, a national association of regional economic development and transportation professionals with a focus on small metropolitan and rural regions.

Subtitle C—University Transportation Research; Scholarship Opportunities

SEC. 5301. NATIONAL UNIVERSITY TRANSPORTATION CENTERS.

(a) IN GENERAL.—Section 5505 of title 49, United States Code, is amended to read as follows:

''§ 5505. National university transportation centers

''(a) IN GENERAL.—

''(1) ESTABLISHMENT AND OPERATION.—The Secretary of Transportation shall make grants under this section to eligible nonprofit institutions of higher learning to establish and operate national university transportation centers.

''(2) ROLE OF CENTERS.—The role of each center shall be to advance significantly transportation research on critical national transportation issues and to expand the workforce of transportation professionals.

''(b) APPLICABILITY OF REQUIREMENTS.—A grant received by an eligible nonprofit institution of higher learning under this section shall be available for the same purposes, and shall be subject to the same terms and conditions, as a grant made to a nonprofit institution of higher learning under section 5506.

''(c) ELIGIBLE NONPROFIT INSTITUTION OF HIGHER LEARNING DEFINED.—In this section, the term 'eligible nonprofit institution of higher learning' means each of the lead institutions identified in subsections (j)(4)(A), (j)(4)(B), and (j)(4)(F) of section 5505 as in effect on the day before the date of enactment of the Transportation Equity Act: A Legacy for Users, the university referred to in section 704 of Public Law 103–206 (107 Stat. 2447), and the university that, as of the day before such date of enactment, is the lead institution for the regional university transportation center for region 5 of the Standard Federal Regional Boundary System.

''(d) GRANTS.—In each of fiscal years 2004 through 2009, the Secretary shall make a grant under this section to each eligible nonprofit institution of higher learning in an amount not to exceed $3,500,000.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 55 of such title is amended by striking the item relating to section 5505 and inserting the following:

''5505. National university transportation centers.''.

SEC. 5302. UNIVERSITY TRANSPORTATION RESEARCH.

(a) IN GENERAL.—Section 5506 of title 49, United States Code, is amended to read as follows:

''§ 5506. University transportation research

''(a) IN GENERAL.—The Secretary of Transportation shall make grants under this section to nonprofit institutions of higher learning to establish and operate university transportation 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 course work and participation in research.

''(3) TECHNOLOGY TRANSFER.—An ongoing program of technology transfer that makes transportation research results available to potential users in a form that can be implemented, utilized, or otherwise applied.

''(c) 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 10 Tier II 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 a fiscal year for more than one university transportation center.

''(d) 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 select each recipient of a grant under this section through a competitive process on the basis of the following:

''(A) The demonstrated research and extension resources 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 at least $400,000 each year 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.

''(e) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

''(1) COMPETITION.—Not later than August 31, 2005, 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 regional university transportation centers referred to in subsection (c)(1)(A).

''(2) SELECTION CRITERIA.—In conducting a competition 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) not less than 10 graduate degrees awarded in professional fields closely related to highways and public transportation for year for each of the preceding 5 years; and

''(iii) not less than 5 tenured 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 50 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 a competition conducted under this subsection, the Secretary shall make a grant to the recipient to establish and operate a regional university transportation center in each of the first 4 fiscal years beginning after the date of the competition.

''(4) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.—For each of fiscal years 2004 and 2005, the Secretary shall make a grant under this section to each of the 10 nonprofit institutions of higher learning that were competitively selected for grants by the Secretary under this section in July 1999 to operate regional university transportation centers.

''(5) AMOUNT OF GRANTS.—For each of fiscal years 2004 through 2009, a grant made by the Secretary to a nonprofit institution of higher learning for a fiscal year to establish and operate a regional university transportation center shall not exceed $3,500,000.

''(f) TIER I UNIVERSITY TRANSPORTATION CENTERS.—

''(1) COMPETITION.—Not later than March 31, 2006, 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 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—

''(A) 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 $6,000,000 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 tenured 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 a competition 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 2004, 2005, AND 2006.—For each of fiscal years 2004, 2005, and 2006, the Secretary shall make a grant under this section to each of the 10 nonprofit institutions of higher learning that were competitively 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 to establish and operate a Tier I university transportation center shall not exceed $1,000,000 for fiscal year 2004 and $1,500,000 for each of fiscal years 2005 through 2009.

''(g) 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 (f)(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 2008; and

''(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, a grant made 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.

''(h) SUPPORT OF NATIONAL STRATEGY FOR SURFACE TRANSPORTATION RESEARCH.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall provide assurances satisfactory to the Secretary that the research and education activities of its university transportation center will support the national strategy for surface transportation research, as identified by—

''(1) the report of the National Highway Research and Technology Partnership entitled 'Highway Research and Technology: The Need for Greater Investment', dated April 2002; and

''(2) the programs of the National Research and Technology Program of the Federal Transit Administration.

''(i) MAINTENANCE OF EFFORT.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall enter into an agreement with the Secretary to ensure that the institution will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of such expenditures in its 2 fiscal years prior to award of a grant under this section.

''(j) FEDERAL SHARE.—The Federal share of the costs of activities carried out using a grant made under this section shall be 50 percent of such costs. The non-Federal share may include funds provided to a recipient under section 503, 504(b), or 505 of title 23.

''(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.

''(3) MANAGEMENT AND OVERSIGHT.—The Secretary shall expend $1,500,000 for each of fiscal years 2005 through 2009 from amounts made available to carry out this section to carry out management and oversight of the centers receiving assistance under this section.

''(l) PROGRAM ADMINISTRATION.—The Secretary shall carry out this section acting through the Administrator of the Research and Innovative Technology Administration.

''(m) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this section shall remain available for obligation by the Secretary for a period of 2 years after the last day of the fiscal year for which such funds are authorized.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 55 of such title is amended by striking the item relating to section 5506 and inserting the following:

''5506. University transportation research.''.

SEC. 5303. TRANSPORTATION SCHOLARSHIP OPPORTUNITIES PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary may establish and implement a scholarship program for the purpose of attracting qualified students for transportation-related critical jobs.

(2) PARTNERSHIP.—The Secretary may establish the program in partnership with appropriate nongovernmental institutions.

(b) PARTICIPATION AND FUNDING.—An operating administration of the Department of Transportation and the Office of Inspector General may participate in the scholarship program. Notwithstanding any other provision of law, the Secretary may use funds available to an operating administration or from the Office of Inspector General of the Department of Transportation for the purpose of carrying out this section.

Subtitle D—Advanced Technologies

SEC. 5401. ADVANCED HEAVY-DUTY VEHICLE TECHNOLOGIES RESEARCH PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

''§ 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.—To ensure the activities performed pursuant to this section achieve the maximum benefit, the Secretary of Transportation shall consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and other relevant Federal agencies on research, development, and demonstration activities authorized under this section related to advanced heavy-duty vehicle technologies.

''(c) GRANTS, COOPERATIVE AGREEMENTS, AND OTHER TRANSACTIONS.—The Secretary may make grants to, and enter into cooperative agreements and other transactions with, Federal and other public agencies (including State and local governments) and persons to carry out subsection (a).

''(d) COST SHARING.—At least 50 percent of the funding for projects carried out under this section must be provided by non-Federal sources.

''(e) 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.

''(f) CONTRACT AUTHORITY.—The funds authorized to be appropriated by subsection (e) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23 and shall be subject to any limitation on obligations imposed on funds made available to carry out title V of the Transportation Equity Act: A Legacy for Users.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 55 of such title is amended by adding at the end the following:

''5507. Advanced heavy-duty vehicle technologies research program.''.

SEC. 5402. COMMERCIAL REMOTE SENSING PRODUCTS AND SPATIAL INFORMATION TECHNOLOGIES.

(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 establish and maintain a national policy for the use of commercial remote sensing products and spatial information technologies in national transportation infrastructure development and construction.

(2) POLICY IMPLEMENTATION.—The Secretary shall develop new applications of commercial remote sensing products and spatial information technologies for the implementation of the national policy established and maintained under paragraph (1).

(c) COOPERATION.—The Secretary shall carry out this section in cooperation with the commercial remote sensing program of the National Aeronautics and Space Administration and a consortium of university research centers.

(d) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $3,000,000 for fiscal year 2004 and $9,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out this section.

Subtitle E—Transportation Data and Analysis

SEC. 5501. BUREAU OF TRANSPORTATION STATISTICS.

Section 111 of title 49, United States Code, is amended to read as follows:

"§ 111. 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 TRANSPORTATION DECISIONMAKERS.—Ensuring that the statistics compiled under paragraph (5) 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 surveys and data collection methods to improve the accuracy and utility of transportation statistics.

''(4) ENCOURAGING DATA STANDARDIZATION.—Encouraging the standardization of data, data collection methods, and data management and storage technologies for data collected by the Bureau, the operating administrations of the Department of Transportation, States, local governments, metropolitan planning organizations, and private sector entities.

''(5) COMPILING 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);

''(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) availability 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) frequency of vehicle and transportation facility repairs and other interruptions of transportation service;

''(J) safety and security for travelers, vehicles, and transportation systems;

''(K) consequences of transportation for the human and natural environment;

''(L) the extent, connectivity, and condition 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.

''(6) NATIONAL SPATIAL DATA INFRASTRUCTURE.—Building and disseminating the transportation layer of the National Spatial Data Infrastructure, including coordinating the development of transportation geospatial 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 reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993, and the amendments made by such Act, and shall carry out such other reviews of the sources and reliability of other data collected or statistical information published by the heads of the operating administrations of the Department as shall be requested by the Secretary.

''(8) MAKING STATISTICS ACCESSIBLE.—Making the statistics published under this subsection readily accessible.

''(d) INFORMATION NEEDS ASSESSMENT.—

''(1) IN GENERAL.—Within 60 days after the date of the enactment of the Transportation Equity Act: A Legacy for Users, the Secretary shall enter into an arrangement with the National Research Council to develop and publish a National Transportation Information Needs Assessment (referred to in this subsection as the 'Assessment'). The Assessment shall be transmitted to the Secretary and the Congress not later than 24 months after such arrangement is entered into.

''(2) CONTENT.—The Assessment shall—

''(A) identify, in priority order, transportation data that is not being collected by the Bureau, Department of Transportation operating administrations, or other Federal, State, or local entities, but is needed to improve transportation decisionmaking at the Federal, State, and local level and to fulfill the requirements of subsection (c)(5);

''(B) recommend whether the data identified in subparagraph (A) should be collected by the Bureau, other parts of the Department, or by other Federal, State, or local entities, and whether any data is a higher priority than data currently being collected;

''(C) identify any data the Bureau or other Federal, State, and local entities is collecting that is not needed;

''(D) describe new data collection methods (including changes in surveys) and other changes the Bureau or other Federal, State, and local entities should implement to improve the standardization, accuracy, and utility of transportation data and statistics; and

''(E) estimate the cost of implementing any recommendations.

''(3) CONSULTATION.—In developing the Assessment, the National Research Council shall consult with the Department's Advisory Council on Transportation Statistics and a representative cross-section of transportation community stakeholders as well as other Federal agencies, including the Environmental Protection Agency, the Department of Energy, and the Department of Housing and Urban Development.

''(4) REPORT TO CONGRESS.—Not later than 6 months after the National Research Council transmits the Assessment under paragraph (1), the Secretary shall transmit a report to Congress that describes—

''(A) how the Department plans to fill the data gaps identified under paragraph (2)(A);

''(B) how the Department plans to stop collecting data identified under paragraph (2)(C);

''(C) how the Department plans to implement improved data collection methods and other changes identified under paragraph (2)(D);

''(D) the expected costs of implementing subparagraphs (A), (B), and (C) of this paragraph;

''(E) any findings of the Assessment under paragraph (1) with which the Secretary disagrees, and why; and

''(F) any proposed statutory changes needed to implement the findings of the Assessment under paragraph (1).

''(e) INTERMODAL TRANSPORTATION DATA BASE.—

''(1) IN GENERAL.—In consultation with the Under Secretary for Policy, the Assistant Secretaries, and the heads of the operating administrations of the Department of Transportation, the Director shall establish and maintain a transportation data base for all modes of transportation.

''(2) USE.—The data base shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

''(3) CONTENTS.—The data base shall include—

''(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation and intermodal combinations, and by relevant classification;

''(B) information on the volumes 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.

''(f) NATIONAL TRANSPORTATION LIBRARY.—

''(1) IN GENERAL.—The Director shall establish and maintain a National Transportation Library, which shall contain a collection of statistical and other information needed for 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)(8).

''(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).

''(g) 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 analysis.

''(h) 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 whatsoever, neglects or refuses, when requested by the Director or other authorized officer, employee, 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 and submitted 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 $10,000.

''(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) for—

''(1) investigation of the subjects specified in subsection (c)(5) and research and development of new methods of data collection, standardization, management, integration, dissemination, interpretation, and analysis;

''(2) demonstration programs by States, local governments, and metropolitan planning organizations to harmonize data collection, reporting, management, storage, and archiving to simplify data comparisons across jurisdictions;

''(3) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (f); and

''(4) development and improvement of methods for sharing geographic data, in support of the national transportation atlas data base under subsection (g) and the National Spatial Data Infrastructure developed under Executive Order No. 12906.

''(j) 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 reduce the authority of any other officer of the Department of Transportation to collect and disseminate data independently.

''(k) PROHIBITION ON CERTAIN DISCLOSURES.—

''(1) IN GENERAL.—An officer, employee or contractor of the Bureau may not—

''(A) make any disclosure in which the data provided by an individual or organization under subsection (c) can be identified;

''(B) use the information provided under subsection (c) for a nonstatistical purpose; or

''(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c).

''(3) INFORMING RESPONDENT OF USE OF DATA.—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent that is requested or required to supply the data or information of the nonstatistical purpose.

''(l) TRANSPORTATION STATISTICS ANNUAL REPORT.—The Director shall transmit to the President and Congress a Transportation Statistics Annual Report which shall include information on items referred to in subsection (c)(5), documentation of methods used to obtain and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

''(m) DATA ACCESS.—The Director shall have access to transportation and transportation-related information in the possession of any Federal agency except information—

''(1) the disclosure of which to another Federal agency is expressly 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.

''(n) PROCEEDS OF DATA PRODUCT SALES.—Notwithstanding section 3302 of title 31, 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.

''(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) FUNCTION.—It shall be the function of the Advisory Council established under this subsection to—

''(A) advise the Director of the Bureau of Transportation Statistics on the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau of Transportation Statistics and the Department of Transportation;

''(B) provide input to and review the report to Congress under subsection (d)(4); and

''(C) advise the Director on methods to encourage harmonization and interoperability of transportation data collected by the Bureau, the operating administrations of the Department of Transportation, States, local governments, metropolitan planning organizations, and private sector entities.

''(3) MEMBERSHIP.—The Advisory Council established under this subsection shall be composed of not fewer than 9 and not more than 11 members appointed by the Director, who are not officers or employees of the United States. Each member shall have expertise in transportation data collection or analysis or application; except that 1 member shall have expertise in economics, 1 member shall have expertise in statistics, and 1 member shall have experience 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.

''(4) TERMS OF APPOINTMENT.—(A) Except as provided in subparagraph (B), members shall be appointed to staggered terms not to exceed 3 years. A member may be renominated for one additional 3-year term.

''(B) Members serving on the Advisory Council on Transportation Statistics as of the date of enactment of the Transportation Equity Act: A Legacy for Users shall serve until the end of their appointed terms.

''(5) 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.''.

SEC. 5502. REPORTS OF BUREAU OF TRANSPORTATION STATISTICS.

Section 111(k) of title 49, United States Code, as amended by section 5501 of this Act, is amended by inserting after paragraph (1) the following:

''(2) COPIES OF REPORTS.—

''(A) IN GENERAL.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c) with the Bureau or retained by an individual respondent.

''(B) LIMITATION ON JUDICIAL PROCEEDINGS.—A copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

''(i) shall be immune from legal process; and

''(ii) 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.

''(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably determined by direct or indirect means.''.

Subtitle F—Intelligent Transportation Systems 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 include—

(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade to enable existing facilities to meet a significant portion of 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) protection and enhancement of the natural 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 motor vehicles, motorcycles, 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 system transportation 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 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;

(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) POLICY.—Intelligent transportation system research projects and operational tests funded pursuant to this subtitle shall encourage and

not displace public-private 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 program 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 program, 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.—

(1) IN GENERAL.—The Secretary shall—

(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this subtitle (including the amendments made by this subtitle); and

(B) make, on request, that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) AGREEMENT.—

(A) IN GENERAL.—The Secretary may enter into an agreement with a third party for the maintenance of the repository for technical and safety data under paragraph (1)(A).

(B) FEDERAL FINANCIAL ASSISTANCE.—If the Secretary enters into an agreement with an entity for the maintenance of the repository, the entity shall be eligible for Federal financial assistance under this section.

(3) AVAILABILITY OF INFORMATION.—Information in the repository shall not be subject to section 555 of title 5, United States Code.

(h) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish an Advisory Committee to advise the Secretary on carrying out this subtitle.

(2) MEMBERSHIP.—The Advisory Committee shall have no more than 20 members, be balanced between metropolitan and rural interests, and include, at a minimum—

(A) a representative from a State highway department;

(B) a representative from a local highway department who is not from a metropolitan planning organization;

(C) a representative from a State, local, or regional transit agency;

(D) a representative from a metropolitan planning organization;

(E) a private sector user of intelligent transportation system technologies;

(F) an academic researcher with expertise in computer science or another information science field related to intelligent transportation systems, and who is not an expert on transportation issues;

(G) an academic researcher who is a civil engineer;

(H) an academic researcher who is a social scientist with expertise in transportation issues;

(I) a representative from a not-for-profit group representing the intelligent transportation system industry;

(J) a representative from a public interest group concerned with safety;

(K) a representative from a public interest group concerned with the impact of the transportation system on land use and residential patterns; and

(L) members with expertise in planning, safety, and operations.

(3) DUTIES.—The Advisory Committee shall, at a minimum, perform the following duties:

(A) Provide input into the development of the Intelligent Transportation System aspects of the strategic plan under section 508 of title 23, United States Code.

(B) Review, at least annually, areas of intelligent transportation systems research being considered for funding by the Department, to determine—

(i) whether these activities are likely to advance either the state-of-the-practice or state-of-the-art in intelligent transportation systems;

(ii) whether the intelligent transportation system technologies are likely to be deployed by users, and, if not, to determine the barriers to deployment; and

(iii) the appropriate roles for government and the private sector in investing in the research and technologies being considered.

(4) REPORT.—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 those recommendations; and

(C) for recommendations not implemented, the reasons for rejecting the recommendations.

(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(i) REPORTING.—

(1) GUIDELINES AND REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall issue guidelines and requirements for the reporting and evaluation of operational tests and deployment projects carried out under this subtitle.

(B) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under subparagraph (A) shall include provisions to ensure the objectivity and independence 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) FUNDING.—The guidelines and requirements issued under subparagraph (A) shall establish 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.

(2) SPECIAL RULE.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the reporting of any test, deployment project, or program assessment activity under this subtitle shall not be subject to chapter 35 of title 44.

SEC. 5604. NATIONAL ARCHITECTURE AND STANDARDS.

(a) IN GENERAL.—

(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—Consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783), the Secretary shall develop, implement, and maintain a national architecture and supporting standards and protocols to promote the widespread use and evaluation of intelligent transportation system technology as a component of the surface transportation systems of the United States.

(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the national architecture shall promote interoperability among, and efficiency of, intelligent transportation system technologies implemented throughout the United States.

(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.—In carrying out this section, the Secretary shall use the services of such standards development organizations as the Secretary determines to be appropriate.

(4) USE OF EXPERT PANEL.—

(A) DESIGNATION.—The Secretary shall designate a panel of experts to recommend ways to expedite and streamline the process for developing the standards and protocols to be developed pursuant to paragraph (1).

(B) NONAPPLICABILITY OF ADVISORY COMMITTEE ACT.—The expert panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(C) DEADLINE FOR RECOMMENDATION.—No later than September 30, 2006, the expert panel shall provide the Secretary with a recommendation relating to such standards development.

(b) PROVISIONAL STANDARDS.—

(1) IN GENERAL.—If the Secretary finds that the development or balloting of an intelligent transportation system standard jeopardizes the timely achievement of the objectives identified in subsection (a), the Secretary may establish a provisional standard, after consultation with affected parties, using, to the extent practicable, the work product of appropriate standards development organizations.

(2) PERIOD OF EFFECTIVENESS.—A provisional standard established under paragraph (1) shall be published in the Federal Register and remain in effect until the appropriate standards development organization adopts and publishes a standard.

(c) CONFORMITY WITH NATIONAL ARCHITECTURE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall ensure that intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, conform to the national architecture, applicable standards or provisional standards, and protocols developed under subsection (a).

(2) SECRETARY'S DISCRETION.—The Secretary may authorize exceptions to paragraph (1) for—

(A) projects designed to achieve specific research objectives outlined in the national intelligent transportation system program plan or the surface transportation research and development strategic plan developed under section 508 of title 23, United States Code; or

(B) the upgrade or expansion of an intelligent transportation system in existence on the date of enactment of this Act if the Secretary determines that the upgrade or expansion—

(i) would not adversely affect the goals or purposes of this subtitle;

(ii) is carried out before the end of the useful life of such system; and

(iii) is cost-effective as compared to alternatives that would meet the conformity requirement of paragraph (1).

(3) EXCEPTIONS.—Paragraph (1) shall not apply to funds used for operation or maintenance of an intelligent transportation system in existence on the date of enactment of this Act.

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, road weather management, toll collection, traveler information, or highway operations systems and remote sensing products;

(2) utilize interdisciplinary approaches to develop traffic management strategies and tools to address multiple impacts of congestion concurrently;

(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 operational tests and demonstrations 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 this section shall solely carry out research and development called for in the National Research Council's report entitled ''A Research Agenda for Improving Road Weather Services''. Such research and development includes—

(1) integrating existing observational networks and data management systems for road weather applications;

(2) improving weather modeling capabilities and forecast tools, such as the road surface and atmospheric interface;

(3) enhancing mechanisms for communicating road weather information to users, such as transportation officials and the public; and

(4) integrating road weather technologies into an information infrastructure.

(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, workzone 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 fully integrated public sector intelligent transportation system components, as defined by the Secretary.

(3) INTELLIGENT TRANSPORTATION SYSTEM.—The term ''intelligent transportation system'' means electronics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

(4) NATIONAL ARCHITECTURE.—The term ''national architecture'' means the common framework for interoperability that defines—

(A) the functions associated with intelligent transportation system user services;

(B) the physical entities or subsystems within which the functions reside;

(C) the data interfaces and information flows between physical subsystems; and

(D) the communications requirements associated with the information flows.

(5) 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.

(6) STANDARD.—The term ''standard'' means a document that—

(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for their purposes; and

(B) may support the national architecture and promote—

(i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

(ii) interoperability among intelligent transportation system technologies implemented throughout the States.

(7) STATE.—The term ''State'' has the meaning given the term under section 101 of title 23, United States Code.

(8) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—The term ''transportation systems management and operations'' has the meaning given the term under section 101(a) of such title.

SEC. 5609. RURAL INTERSTATE CORRIDOR COMMUNICATIONS STUDY.

(a) STUDY.—The Secretary, in cooperation with the Secretary of Commerce, State departments of transportation, and other appropriate State, regional, and local officials, shall conduct a study on feasibility of installing fiber optic cabling and wireless communication infrastructure along multistate Interstate System route corridors for improved communications services to rural communities along such corridors.

(b) CONTENTS OF STUDY.—In conducting the study, the Secretary shall identify—

(1) impediments to installation of the infrastructure described in subsection (a) along multistate Interstate System route corridors and to connecting such infrastructure to the rural communities along such corridors;

(2) the effective geographic range of such infrastructure;

(3) potential opportunities for the private sector to fund, wholly or partially, the installation of such infrastructure;

(4) potential benefits fiber optic cabling and wireless communication infrastructure may provide to rural communities along such corridors, including the effects of the installation of such infrastructure on economic development, deployment of intelligent transportation systems technologies and applications, homeland security precaution and response, and education and health systems in those communities;

(5) rural broadband access points for such infrastructure;

(6) areas of environmental conflict with such installation;

(7) real estate ownership issues relating to such installation;

(8) preliminary design for placement of fiber optic cable and wireless towers;

(9) monetary value of the rights-of-way necessary for such installation;

(10) applicability and transferability of the benefits of such installation to other rural corridors; and

(11) safety and other operational issues associated with the installation and maintenance of fiber optic cabling and wire infrastructure within Interstate System rights-of-way and other publicly owned rights-of-way.

(c) CORRIDOR LOCATIONS.—The study required under subsection (a) shall be conducted for corridors along—

(1) Interstate Route I–90 through rural Wisconsin, southern Minnesota, northern Iowa, and South Dakota;

(2) Interstate Route I–20 through Alabama, Mississippi, and northern Louisiana;

(3) Interstate Route I–91 through Vermont, New Hampshire, and Massachusetts; and

(4) any other rural corridor the Secretary considers appropriate.

(d) FEDERAL SHARE.—The Federal share of the cost of the study shall be 100 percent.

(e) REPORT TO CONGRESS.—Not later than September 30, 2006, the Secretary shall transmit to Congress a report on the results of the study, including any recommendations of the Secretary.

(f) FUNDING.—Of the amounts made available under section 5101(a)(5), $1,000,000 shall be available for fiscal year 2005, and $2,000,000 for fiscal year 2006, to carry out this section.

SEC. 5610. CENTERS FOR SURFACE TRANSPORTATION EXCELLENCE.

(a) ESTABLISHMENT.—The Secretary shall establish 3 centers for surface transportation excellence.

(b) GOALS.—The goals of the centers for 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, information sharing of best practices, and training in the use of tools and decision-making processes that can assist States in planning and delivering environmentally sound surface transportation projects.

(2) RURAL SAFETY.—To provide research, training, and outreach on innovative uses of technology to enhance rural safety and economic development, assess local community 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) the Secretary shall use such amounts 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.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by 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 the Federal share shall be 100 percent.

(e) PROGRAM ADMINISTRATION.—

(1) COMPETITION.—A party entering into a contract, cooperative agreement, or other transaction with the Secretary, or receiving a grant to perform research or provide technical assistance under this section shall be selected on a competitive basis, to the maximum extent practicable.

(2) STRATEGIC PLAN.—The Secretary shall require each center to develop a multiyear strategic plan that describes—

(A) the activities to be undertaken; and

(B) how the work of the center is coordinated with the activities of 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.

Subtitle C of title V of The Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 452–463) is repealed.

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, 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 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 51 the following:

"CHAPTER 52—TRANSPORTATION PLANNING AND PROJECT DELIVERY

''SUBCHAPTER A—GENERAL PROVISIONS

''Sec.

''5201. Definitions.

''SUBCHAPTER B—TRANSPORTATION PLANNING AND PROJECT DELIVERY

''5211. Policy.

''5212. Definitions.

''5213. Metropolitan transportation planning.

''5214. Statewide transportation planning.

''SUBCHAPTER C—EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING

''5251. Definitions and applicability.

''5252. Project development procedures.

''SUBCHAPTER A—GENERAL PROVISIONS

"§ 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

"§ 5211. Policy

''(a) IN GENERAL.—It is in the national interest to—

''(1) encourage and promote the safe and efficient management, operation, 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 5213(f) and 5214(d).

''(b) COMMON TRANSPORTATION PLANNING PROGRAM.—This subchapter provides a common transportation planning program to be administered by the Federal Highway Administration and the Federal Transit Administration.

"§ 5212. Definitions

''(a) APPLICABILITY BY REFERENCE.—Unless otherwise specified in subsection (b), the definitions in section 101(a) of title 23 and section 5302 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 metropolitan planning organization for the area and the Governor under section 5213(c).

''(2) METROPOLITAN PLANNING ORGANIZATION.—The term 'metropolitan planning organization' means the policy board of 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 elected and appointed officials 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.

"§ 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 accessible pedestrian walkways 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 the plans and TIPs 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) in accordance with procedures established by applicable State or local law.

''(2) STRUCTURE.—Each metropolitan planning organization that serves an area 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, under 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 adoption by a metropolitan planning organization; and

''(B) develop long-range capital 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 subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).

''(5) REDESIGNATION 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 planning area population (including the largest incorporated city (based on population) as named by the Bureau of the Census) as appropriate to carry out this section.

''(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 by agreement 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 plan; 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 redesignation 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 boundaries 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 affected metropolitan planning organizations in the manner described in subsection (b)(5).

''(5) NEW 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);

''(C) may encompass the areas described in paragraph (2)(B); and

''(D) may address any nonattainment area identified under the Clean Air Act for ozone or carbon monoxide.

''(d) COORDINATION IN MULTISTATE AREAS.—

''(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

''(e) MPO CONSULTATION IN PLAN AND TIP COORDINATION.—

''(1) NONATTAINMENT AREAS.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and TIPs required by this section.

''(2) TRANSPORTATION IMPROVEMENTS LOCATED IN MULTIPLE MPOS.—If a transportation improvement funded from the Highway Trust Fund or authorized under chapter 53 is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans and TIPs regarding the transportation improvement.

''(3) RELATIONSHIP WITH OTHER PLANNING OFFICIALS.—The Secretary shall encourage each metropolitan planning organization to consult with those officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, environmental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities. Under the metropolitan planning process, transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the metropolitan area that are provided by—

''(A) recipients of assistance under chapter 53;

''(B) governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and

''(C) recipients of assistance under section 204 of title 23.

''(f) SCOPE OF PLANNING PROCESS.—

''(1) IN GENERAL.—The goals and objectives developed through the metropolitan planning process for a metropolitan planning area under this section shall address the following factors as they relate to the performance of the metropolitan area transportation systems:

''(A) Support of the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.

''(B) Increases in the safety and security of the transportation system for motorized and nonmotorized users.

''(C) Increases in the accessibility and mobility of people and for freight.

''(D) Protection and enhancement of the environment, promotion of energy conservation, improvement of the quality of life, and promotion of consistency between transportation improvements and State and local planned growth and economic development patterns.

''(E) Enhancement of the integration and connectivity of the transportation system, across and between modes, for people and freight.

''(F) Promotion of efficient system management and operation.

''(G) Emphasis on 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, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a TIP, a project or strategy, or the certification of a planning process.

''(g) DEVELOPMENT OF TRANSPORTATION PLAN.—

''(2) TRANSPORTATION PLAN.—A transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:

''(A) An identification of transportation facilities (including major roadways, transit, multimodal and intermodal facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions. In formulating the transportation plan, the metropolitan planning organization shall consider factors described in subsection (f) as such factors relate to a 20-year forecast period.

''(B) A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan 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. For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

''(C) Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.

''(D) Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs.

''(E) Proposed transportation and transit enhancement activities.

''(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas which are in nonattainment for ozone or carbon monoxide under the Clean Air Act, the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act.

''(4) PARTICIPATION BY INTERESTED PARTIES.—Before approving a transportation plan, each metropolitan planning organization 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 transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan, in a manner that the Secretary deems appropriate.

''(5) PUBLICATION.—A transportation plan involving Federal participation shall be published or otherwise made 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 establish.

''(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2)(B), 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).

''(h) METROPOLITAN TIP.—

''(1) DEVELOPMENT.—

''(A) IN GENERAL.—In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the area for which the organization is designated.

''(B) 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 the disabled, representatives of users of pedestrian walkways and bicycle facilities, and other interested parties with a reasonable opportunity to comment on the proposed TIP.

''(C) 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.

''(D) UPDATING AND APPROVAL.—The TIP shall be updated at least once every 4 years and shall be approved by the metropolitan planning organization and the Governor.

''(2) CONTENTS.—

''(A) PRIORITY LIST.—The TIP shall include a priority list of proposed federally supported projects and strategies to be carried out within each 4-year period after the initial adoption of the TIP.

''(B) FINANCIAL PLAN.—The TIP shall include a financial plan that—

''(i) demonstrates how the TIP can be implemented;

''(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

''(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

''(iv) may include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

''(C) 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 phase of the project.

''(D) CONGESTION RELIEF ACTIVITIES.—The TIP shall include a listing of congestion relief activities to be carried out to meet the requirements of section 139 of title 23, categorized as either under one or under three congestion relief activities.

''(3) INCLUDED PROJECTS.—

''(A) PROJECTS UNDER TITLE 23 AND CHAPTER 53.—A TIP developed under this subsection for a metropolitan area shall include the 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.—All 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 shall be 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 for the project 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 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 the disabled, representatives of users of pedestrian walkways and bicycle 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 (i)(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) by—

''(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

''(ii) in cooperation with the metropolitan planning organization.

''(B) 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 State or 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 readily 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.—

''(1) IDENTIFICATION AND DESIGNATION.—

''(A) REQUIRED IDENTIFICATION.—The Secretary shall identify as 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 serving a transportation management 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.

''(3) CONGESTION MANAGEMENT PROCESS.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section shall address congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 and chapter 53 through the use of travel demand reduction and operational management strategies and shall identify a sufficient number of congestion relief activities under section 139 of title 23 to meet the requirements of such section. The Secretary shall establish an appropriate phase-in 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 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) or under chapter 53 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) NATIONAL HIGHWAY SYSTEM PROJECTS.—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 within such boundaries under the bridge program or the Interstate maintenance program under title 23 shall be selected for implementation from the approved TIP by the State in cooperation with the metropolitan planning organization designated for the area.

''(5) CERTIFICATION.—

''(A) IN GENERAL.—The Secretary shall—

''(i) ensure that the metropolitan planning process of a metropolitan planning organization serving a transportation management area is being carried out in accordance with applicable provisions of Federal law; and

''(ii) subject to subparagraph (B), certify, not less often than once every 4 years, that the requirements of this paragraph are met with respect to the metropolitan planning process.

''(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

''(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

''(ii) there is a TIP for the metropolitan planning area that has been approved by the metropolitan planning organization and the Governor.

''(C) EFFECT OF FAILURE TO CERTIFY.—

''(i) WITHHOLDING OF PROJECT FUNDS.—If a metropolitan planning process of a metropolitan planning organization serving a transportation management area is not certified, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization for projects funded under title 23 and chapter 53.

''(ii) RESTORATION OF WITHHELD FUNDS.—The withheld funds shall be restored to the metropolitan planning area at such time as the metropolitan planning process is certified by the Secretary.

''(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

''(j) ABBREVIATED PLANS FOR CERTAIN AREAS.—

''(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated transportation plan and TIP for the metropolitan planning area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

''(2) 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 the Clean Air Act (42 U.S.C. 7401 et seq.).

''(k) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

''(1) IN GENERAL.—Notwithstanding any other provisions 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 addressed through a congestion management process.

''(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (c).

''(l) 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.

''(m) FUNDING.—

''(1) SET-ASIDES.—Funds set aside under section 104(f) of title 23 or section 5305(h) shall be available to carry out this section.

''(2) OTHER FUNDING.—Funds made available under section 5338(c) shall be available to carry out this section.

''(n) 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 have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or TIP described in this section shall not be considered to be a Federal action subject to review under such Act.

''§ 5214. Statewide transportation planning

''(a) GENERAL REQUIREMENTS.—

''(1) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the objectives stated in section 5211, each State shall develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State subject to section 5213. 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 5211, and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

''(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—A State shall—

''(1) coordinate planning carried out under this section with the 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 multistate planning efforts; and

''(2) develop the transportation portion of the State implementation plan as required by the Clean Air Act (42 U.S.C. 7401 et seq.).

''(d) SCOPE OF PLANNING PROCESS.—

''(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 users;

''(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 planned 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, subchapter II 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.

''(e) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall consider, at a minimum—

''(1) with respect to nonmetropolitan areas, the concerns of affected local officials with responsibility for transportation;

''(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

''(3) 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.

''(f) LONG-RANGE STATEWIDE TRANSPORTATION PLAN.—

''(1) DEVELOPMENT.—Each State shall develop a long-range statewide transportation plan, with a minimum 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) CONSULTATION 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, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, 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 expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, 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 should include capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system.

''(g) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.—

''(1) DEVELOPMENT.—Each State shall develop a statewide transportation improvement program for all areas of the State.

''(2) CONSULTATION WITH GOVERNMENTS.—

''(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5213.

''(B) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with affected nonmetropolitan local officials with responsibility for transportation. The Secretary shall not review or approve the specific consultation process in the State.

''(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

''(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the proposed program.

''(4) INCLUDED PROJECTS.—

''(A) IN GENERAL.—A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

''(B) PROJECTS UNDER CHAPTER 2 OF TITLE 23.—All projects proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program.

''(C) CONSISTENCY WITH STATEWIDE TRANSPORTATION PLAN.—Each project shall be—

''(i) consistent with the statewide transportation plan developed under this section for the State;

''(ii) identical to the project or phase of the project as described in an approved metropolitan transportation plan; and

''(iii) in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under that Act.

''(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The transportation improvement program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

''(E) FINANCIAL PLAN.—The transportation improvement program may include a financial plan that demonstrates how the approved transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the transportation improvement program, and recommends any additional financing strategies for needed projects and programs. The financial plan 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.

''(F) 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 under subparagraph (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) PRIORITIZATION OF CONGESTION RELIEF ACTIVITIES.—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.

''(5) PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.—Projects carried out in areas with populations of less than 50,000 individuals shall be selected, from the approved transportation improvement program (excluding projects carried out on the National Highway System and projects carried out under 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 under sections 5310, 5311, 5316, and 5317 shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected nonmetropolitan local officials with responsibility for transportation.

''(6) TRANSPORTATION IMPROVEMENT PROGRAM APPROVAL.—Every 4 years, a transportation improvement program developed under this subsection shall be reviewed and approved by the Secretary if based on a current planning finding.

''(7) PLANNING FINDING.—A finding shall be made by the Secretary at least every 4 years that the transportation planning process through which statewide transportation plans and programs are developed is consistent with this section and section 5213.

''(8) 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 transportation improvement program in place of another project in the program.

''(h) FUNDING.—

''(1) SET-ASIDE.—Funds set aside pursuant to section 104(i) of title 23 shall be available to carry out this section.

''(2) OTHER FUNDING.—Funds made available under section 5338(c) shall be available to carry out this section.

''(i) TREATMENT OF CERTAIN STATE LAWS AS CONGESTION MANAGEMENT PROCESSES.—For purposes of this section and section 5213, State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process under section 5213(i)(3) if the Secretary finds that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of section 5213, as appropriate.

''(j) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since the statewide transportation plan and the transportation improvement program described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the statewide transportation plans and the transportation improvement program are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning statewide transportation plans or the transportation improvement program described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a metropolitan or statewide transportation plan or the transportation improvement program described in this section shall not be considered to be a Federal action subject to review under such Act.''.

(b) CONFORMING AMENDMENT.—The analysis for such subtitle is amended by inserting the following after the item relating to chapter 51:

''52. Transportation planning and project delivery. ..... 5201''.

SEC. 6002. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) POLICY AND PURPOSE.—

(1) POLICY.—The Enlibra principles, as initially developed by the Western Governors Association and adopted by the National Governors Association, represent a sound basis for interaction among the Federal, State, local governments, and Indian tribes on environmental matters and should be followed in the development of highway construction and public transit improvements. These principles are as follows:

(A) Assign responsibilities at the right level.

(B) Use collaborative processes to break down barriers and find solutions.

(C) Move to a performance-based system.

(D) Separate subjective choices from objective data gathering.

(E) Pursue economic incentives whenever appropriate.

(F) Ensure environmental understanding.

(G) Make sure environmental decisions are fully informed.

(H) Use appropriate geographic boundaries for environmental problems.

(2) PURPOSE.—The purpose of this section is to reduce delays in the delivery of highway construction and public transportation capital projects arising from the environmental review process, while continuing to ensure the protection of the human and natural environment.

(b) PROJECT DEVELOPMENT PROCEDURES.—Chapter 52 of title 49, United States Code, as added by section 6001(a) of this Act, is amended by adding at the end the following:

''SUBCHAPTER C—EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING

''§ 5251. 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 for a project 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 any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(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 private or public-private 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 authorities granted in this subchapter may be exercised for a project, class of projects, or program of projects.

''§ 5252. Project development procedures

''(a) LEAD AGENCIES.—

''(1) FEDERAL LEAD AGENCY.—The Department of Transportation shall be the Federal lead agency in the environmental review process for a project.

''(2) PROJECT SPONSOR AS JOINT LEAD AGENCY.—Any project sponsor that is a State or local governmental entity receiving funds under title 23 or chapter 53 for the project shall serve as a joint lead agency with the Department for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and may prepare any such environmental document required in support of any action or approval by the Secretary if the Federal lead agency furnishes guidance in such preparation and independently evaluates such document and the document is approved and adopted by the Secretary prior to the Secretary taking any subsequent action or making any approval based on such document, whether or not the Secretary's action or approval results in Federal funding.

''(3) 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 by the project sponsor 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 any approval to the same extent that such Federal agency could adopt or use a document prepared by another Federal agency.

''(b) PARTICIPATING AGENCIES.—

''(1) IN GENERAL.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection.

''(2) INVITATION.—The lead agency shall identify, as early as practicable in the environmental review process for a project, any 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.

''(3) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—

''(A) has no jurisdiction or authority with respect to the project;

''(B) has no expertise or information relevant to the project; and

''(C) does not intend to submit comments on the project.

''(4) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

''(A) supports a proposed project; or

''(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

''(5) COOPERATING AGENCY.—A participating agency may also be designated by a lead agency as a 'cooperating agency' under the regulations contained in part 1500 of title 40, Code of Federal Regulations.

''(6) DESIGNATIONS FOR CATEGORIES OF PROJECTS.—The Secretary may exercise the authorities granted under this subsection for a project, class of projects, or program of projects.

''(c) PROJECT INITIATION.—

''(1) IN GENERAL.—The project sponsor shall initiate the environmental review process for a project by submitting an initiation notice to the Secretary.

''(2) CONTENTS OF NOTICE.—The initiation notice shall include, at a minimum, a brief description of the type of work, termini, length, and general location of the proposed project, together with a statement of any Federal approvals anticipated to be needed for the project.

''(d) PURPOSE AND NEED.—

''(1) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in defining the purpose and need for a project.

''(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 preparing 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, which may include—

''(A) achieving a transportation objective identified in an applicable statewide or metropolitan transportation plan;

''(B) supporting land use, economic development, or growth objectives established in applicable Federal, State, local, or tribal plans; and

''(C) serving national defense, national security, or other national objectives, as established in Federal laws, plans, or policies.

''(e) ALTERNATIVES ANALYSIS.—

''(1) PARTICIPATION.—As early 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 determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project.

''(3) 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 level of detail required 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 mitigation measures or concurrent 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) For 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 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.

''(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 materials 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 under applicable laws.

''(2) LEAD AGENCY RESPONSIBILITIES.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process 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) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts. In this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

''(4) ISSUE RESOLUTION.—Whenever issues of concern are identified or at any time upon request of a project sponsor, the lead agency 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 reviews, 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 must require all 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 and for which funds are 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 support activities 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 section 204 of title 23 for a project for the purposes specified in this subsection 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 to meet the time limits for environmental review.

''(3) CONDITION.—A request under paragraph (1) to expedite time limits for environmental review may be approved only if such time limits are less than the customary time necessary for such review.''.

(c) EXISTING ENVIRONMENTAL REVIEW PROCESSES.—Nothing in this section shall be deemed to affect any existing environmental review process approved by the Secretary.

SEC. 6003. POLICY ON HISTORIC SITES.

(a) TITLE 49.—Section 303 of title 49, United States Code, is amended by adding at the end the following:

''(d) SPECIAL RULES FOR HISTORIC SITES.—

''(1) IN GENERAL.—The requirements of this section are deemed to be satisfied 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) and the agreement includes a determination that the program or project will not have an adverse effect on the historic site.

''(2) LIMITATION ON APPLICABILITY.—This subsection does not apply in any case in which the Advisory Council on Historic Preservation determines, concurrent with or prior to the conclusion of section 106 consultation, that allowing section 106 compliance to satisfy the requirements of this section would be inconsistent with the objectives of the National Historic Preservation Act. 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.

''(3) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) SECTION 106 CONSULTATION.—The term 'section 106 consultation' means the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

''(B) 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 in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.''.

(b) TITLE 23.—Section 138 of title 23, United States Code is amended—

(1) by inserting ''(a) Policy.—'' before ''It is''; and

(2) by striking ''In carrying'' and inserting the following:

''(c) STUDIES.—In carrying''; and

(3) by inserting after subsection (a) (as designated by paragraph (1)) the following:

''(b) SPECIAL RULES FOR HISTORIC SITES.—

''(1) IN GENERAL.—The requirements of this section are deemed to be satisfied 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) and the agreement includes a determination that the program or project will not have an adverse effect on the historic site.

''(2) LIMITATION ON APPLICABILITY.—This subsection does not apply in any case in which the Advisory Council on Historic Preservation determines, concurrent with or prior to the conclusion of section 106 consultation, that allowing section 106 compliance to satisfy the requirements of this section would be inconsistent with the objectives of the National Historic Preservation Act. 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.

''(3) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) SECTION 106 CONSULTATION.—The term 'section 106 consultation' means the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

''(B) 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 in a manner that would diminish

the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.''.

SEC. 6004. EXEMPTION OF INTERSTATE SYSTEM.

Section 103(c) of title 23, United States Code, is amended by adding at the end the following:

''(5) EXEMPTION OF INTERSTATE SYSTEM.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Interstate System 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 the Interstate System 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, shall be considered to be a historic site under section 303 of title 49 or section 138 of this title, as applicable.

''(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, and section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f).''.

SEC. 6005. INTERSTATE COMPACTS.

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 section 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 subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

''(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

''(i) establish with 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.

''(C) INTERSTATE COMPACT.—

''(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of 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 affected population (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) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

''(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

''(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of title 23 and under chapter 53, not more than 1 percent of the funds allocated under section 202 of title 23 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

''(D) 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 funded using funds allocated 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. 6006. DEVELOPMENT OF TRANSPORTATION PLAN.

Section 5213(g), as inserted by section 6001(a) of this Act, is amended by inserting before paragraph (2) the following:

''(1) IN GENERAL.—Each metropolitan planning organization shall prepare, and update periodically, according to a schedule that the Secretary determines to be appropriate, a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection. The metropolitan planning organization shall prepare and update such plan every 4 years (or more frequently, if the metropolitan planning organization elects to update more frequently) in the case of each of the following:

''(A) Any area designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

''(B) Any area that was nonattainment and subsequently designated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)) and that is subject to a maintenance plan under section 175A of that Act (42 U.S.C. 7505a).

In the case of any other area required to have a transportation plan in accordance with the requirements of this subsection, the metropolitan planning organization shall prepare and update such plan every 4 years unless the metropolitan planning organization elects to update more frequently.''.

SEC. 6007. INTERSTATE AGREEMENTS.

Section 5214, as inserted by section 6001(a) of this Act, is amended by inserting after subsection (b) the following:

''(c) INTERSTATE AGREEMENTS.—

''(1) IN GENERAL.—The consent of Congress is granted to 2 or more States entering 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 section related to interstate areas and localities in the States and establishing authorities the States consider desirable for making the agreements and compacts effective.

''(2) 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 PLANNING.

Not later than 18 months after the date of enactment of this Act, the Secretary shall issue regulations that are consistent with the provisions of subchapter B of chapter 52 of title 49, United States Code, that relate to the Clean Air Act.

SEC. 6009. SPECIAL RULES RELATING TO PROJECT DEVELOPMENT PROCEDURES.

Section 5252 of title 49, United States Code, as inserted by section 6001(a) of this Act, is amended by adding at the end the following:

''(j) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

''(1) JUDICIAL REVIEW.—Except as set forth under subsection (k), nothing in this section shall affect the reviewability of any final Federal agency action in a court of the United States.

''(2) SAVINGS CLAUSE.—Nothing in this section shall be construed as superseding, amending, or modifying 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.

''(3) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

''(A) any practice of seeking, considering, or responding to public comment; or

''(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 provisions of law applicable to projects, plans, or programs.

''(k) LIMITATIONS ON CLAIMS.—

''(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 highway or public transportation capital project shall be barred unless it is filed within 90 days after the permit, license, or approval is final pursuant to the law under which the agency action is 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 Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 771.130 of title 23, Code of Federal Regulations. The preparation of a supplemental environmental impact statement when required shall be considered a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 90 days after the date of such action.''.

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 occur each day, according to Department of Transportation estimates;

(2) the movement of hazardous materials in commerce is necessary to maintain economic vitality 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 a release of such materials and pose a serious threat to public health and safety;

(4) many States and localities have enacted laws and regulations that vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers 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, Federal 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 material in intrastate, interstate, and foreign commerce.''.

SEC. 7003. DEFINITIONS.

Section 5102 is amended—

(1) in paragraph (1)—

(A) by striking ''or'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(C) by inserting at the end the following:

''(C) on a United States registered aircraft.'';

(2) in paragraph (8) by striking ''national response team'' each place it appears and inserting ''National Response Team'';

(3) by redesignating paragraphs (11), (12), and (13) as paragraphs (12), (13), and (14), respectively; and

(4) by inserting after paragraph (10) the following:

''(11) '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 ''toxic,''.

(b) REGULATIONS FOR SAFE TRANSPORTATION.—Section 5103(b)(1)(A) is amended—

(1) in clause (i) by striking ''transporting'' and inserting ''that transports'';

(2) in clause (ii)—

(A) by striking ''causing'' and inserting ''that causes''; and

(B) by striking ''or'' at the end; and

(3) 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 5103a(c) 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 by regulation 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 a commercial motor vehicle transporting hazardous material until the operator has undergone a background records check similar to the background records check required of operators of commercial motor vehicles 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'' and inserting ''No person'';

(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''.

SEC. 7007. TECHNICAL AMENDMENTS.

(a) ELIMINATION OF COMPLETED STUDY.—Section 5105 is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

(b) CLASSIFICATION OF EXPLOSIVES.—Section 5108(a)(1)(B) is amended by striking ''class A or B'' and inserting ''Division 1.1, 1.2, or 1.3''.

SEC. 7008. TRAINING OF CERTAIN EMPLOYEES.

Section 5107 is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (g)(2) (as so redesignated) by striking ''sections 5106, 5108(a)–(g)(1) and (h), and 5109 of this title'' and inserting ''section 5106''; and

(3) by inserting after subsection (e) the following:

''(f) TRAINING OF CERTAIN EMPLOYEES.—The Secretary shall ensure that maintenance-of-way 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 (2)(B) by striking ''manufacturing, fabricating, marking, maintaining, 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(c) is amended—

(1) by striking the subsection heading and inserting''FILING SCHEDULE''; and

(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 ''in accordance with regulations issued by the Secretary''; and

(C) by striking the second sentence.

(c) FEES.—Section 5108(g) is amended—

(1) in paragraph (1) by striking ''may'' and inserting ''shall'';

(2) in paragraph (2)(A) by striking ''$5,000'' and inserting ''$3,000''; and

(3) by adding at the end the following:

''(3) FEES ON EXEMPT PERSONS.—Notwithstanding subsection (a)(4), the Secretary shall impose and collect a fee of $25 from 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.''.

(d) RELATIONSHIP TO OTHER LAWS.—Section 5108(i)(2)(B) is amended by inserting '', Indian tribe,'' after ''State'' the first place it appears.

(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 any 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 the shipping paper''.

SEC. 7011. RAIL TANK CARS.

Section 5111, and the item relating to such section in the analysis for chapter 51, are repealed.

SEC. 7012. UNSATISFACTORY SAFETY RATING.

The text of section 5113 is amended to read as follows: ''A person who violates section 31144(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 determines 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''; and

(3) in paragraph (2)—

(A) by inserting ''and distribute'' after ''publish''; and

(B) by striking ''programs that uses'' and all that follows before the period at the end and 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 (F); and

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

''(E) the report submitted by the State to the Secretary under section 5125(f)(2); and''.

(b) COMPLIANCE WITH CERTAIN LAW.—Section 5116(c) is amended—

(1) by inserting ''or Indian tribe'' after ''a State'';

(2) by inserting ''or Indian tribe'' after ''the State'' the first place it appears; and

(3) by inserting ''(1) the State or Indian tribe is complying with all applicable requirements of this chapter (including section 5125(f)), and (2) in the case of a State,'' after ''certifies that''.

(c) GOVERNMENT'S SHARE OF COSTS.—Section 5116(e) is amended by striking the second sentence and inserting the following: ''Amounts received by the State or tribe under subsections (a)(1) and (b)(1) are not part of the non-Government share under this subsection.''.

(d) MONITORING AND TECHNICAL ASSISTANCE.—Section 5116(f) is amended—

(1) in the first sentence—

(A) by striking ''Secretaries 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

(2) in the second sentence—

(A) by striking ''the Secretaries, Administrator, and Directors each shall'' and inserting ''the Secretary shall''; and

(B) by striking ''national response team'' and inserting ''National Response Team''.

(e) DELEGATION OF AUTHORITY.—Section 5116(g) is amended by striking ''Government grant programs'' and inserting ''Federal financial assistance''.

(f) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—Section 5116(i) is amended—

(1) by striking the subsection heading and inserting ''HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—'';

(2) in the matter preceding paragraph (1)—

(A) by inserting '', to be known as the 'Hazardous Materials Emergency Preparedness Fund','' after ''account in the Treasury''; and

(B) by striking ''section 5108(g)(2)(A) of this title'' and all that follows before the period at the end of the first sentence and inserting ''this chapter'';

(3) by striking ''and'' at the end of paragraph (2);

(4) by redesignating paragraph (3) as paragraph (4); and

(5) by inserting after paragraph (2) the following:

''(3) to publish and distribute the Emergency Response Guidebook; and''.

(g) REPORTS.—In section 5116(k)—

(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 uses of planning grants under subsection (a), training grants under subsection (b), and grants under subsection (j) and under 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.—

(1) IN GENERAL.—Section 5117 is amended by striking the section number and heading and inserting the following:

''§ 5117. Special permits and exclusions''.

(2) CONFORMING AMENDMENT.—The item relating to section 5117 in the analysis for chapter 51 is amended to read as follows:

''5117. Special permits and exclusions.''.

(b) SUBSECTION HEADING.—The heading for subsection (a) of section 5117 is amended by striking ''EXEMPT'' and inserting ''ISSUE SPECIAL PERMITS''.

(c) AUTHORITY TO ISSUE SPECIAL PERMITS.—Section 5117(a)(1) is amended—

(1) by striking ''an exemption'' and inserting '', modify, or terminate a special permit authorizing a variance''; and

(2) by striking ''transporting, or causing to be transported, hazardous material'' and inserting ''performing a function regulated by the Secretary under section 5103(b)(1)''.

(d) PERIOD OF SPECIAL PERMIT.—Section 5117(a)(2) is amended to read as follows:

''(2) A special permit issued under this section shall be effective for an initial period of not more than 2 years and may be renewed by the Secretary upon application for an additional period of not more than 4 years or, in the case of a special permit relating to section 5112, for an additional period of not more than 2 years.''.

(e) APPLICATIONS.—Sections 5117(b) is amended—

(1) by striking ''an exemption'' each place it appears and inserting ''a special permit''; and

(2) by striking ''the exemption'' and inserting ''the special permit''.

(f) DEALING WITH APPLICATIONS PROMPTLY.—Section 5117(c) is amended by striking ''the exemption'' each place it appears and inserting ''the special permit''.

(g) LIMITATION ON AUTHORITY.—Section 5117(e) is amended—

(1) by striking ''an exemption'' and inserting ''a special permit''; and

(2) by striking ''be exempt'' and inserting ''be granted a variance''.

SEC. 7016. UNIFORM FORMS AND PROCEDURES.

Section 5119 is amended to read as follows:

''§ 5119. Uniform forms and procedures

''(a) ESTABLISHMENT OF WORKING GROUP.—The Secretary shall establish a working group of State and local government officials, including representatives of the National Governors' Association, the National Association of Counties, the National League of Cities, the United States Conference of Mayors, the National Conference of State Legislatures, and the Alliance for Uniform Hazmat Transportation Procedures.

''(b) PURPOSE OF WORKING GROUP.—The purpose of the working group shall be to establish uniform forms and procedures for a State to register, and to issue permits to, persons that transport, or cause to be transported, hazardous material by motor vehicle in the State.

''(c) LIMITATION ON WORKING GROUP.—The working group may not propose to define or limit the amount of a fee a State may impose or collect.

''(d) PROCEDURE.—The Secretary shall develop a procedure by which the working group shall harmonize existing State registration and permit laws and regulations relating to the transportation of hazardous materials, with special attention paid to each State's unique safety concerns and interest in maintaining strong hazmat safety standards.

''(e) REPORT OF WORKING GROUP.—Not later than 18 months after the date of enactment of this subsection, the working group shall transmit to the Secretary a report containing recommendations for establishing uniform forms and procedures described in subsection (b).

''(f) REGULATIONS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall issue regulations to carry out such recommendations of the working group as the Secretary considers appropriate.

''(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a State from voluntarily participating in a program of uniform forms and procedures until such time as the Secretary issues regulations under subsection (f).''.

SEC. 7017. INTERNATIONAL UNIFORMITY OF STANDARDS AND REQUIREMENTS.

(a) CONSULTATION.—Section 5120(b) is amended by inserting ''and requirements'' after ''standards''.

(b) DIFFERENCES WITH INTERNATIONAL STANDARDS AND REQUIREMENTS.—Section 5120(c) is amended—

(1) in paragraph (1) by inserting ''or requirement'' after ''standard'' each place it appears; and

(2) in paragraph (2)—

(A) by inserting ''standard or'' before ''requirement'' each place it appears; and

(B) by striking ''included in a standard''.

SEC. 7018. ADMINISTRATIVE.

(a) GENERAL AUTHORITY.—Section 5121(a) is amended—

(1) in the first sentence by inserting ''conduct tests,'' after ''investigate,'';

(2) in the second sentence by striking ''After'' and inserting ''Except as provided in subsections (c) and (d), after''; and

(3) by striking ''regulation prescribed'' and inserting ''regulation, order, special permit, or approval issued''.

(b) RECORDS, REPORTS, AND INFORMATION.—Section 5121(b) is amended—

(1) in paragraph (1) by inserting ''and property'' after ''records''; and

(2) in paragraph (2)—

(A) by inserting ''property,'' after ''records,'';

(B) by inserting ''for inspection'' after ''available''; and

(C) by striking ''requests'' and inserting ''undertakes an investigation or makes a request''.

(c) ENHANCED AUTHORITY TO DISCOVER HIDDEN SHIPMENTS OF HAZARDOUS MATERIAL.—Section 5121(c) is amended to read as follows:

''(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);

''(B) 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 contemporaneously documents such belief in accordance with procedures set forth in guidance or regulations prescribed under subsection (e);

''(D) may gather information from the offeror, carrier, packaging manufacturer or retester, 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, carrier, packaging manufacturer or retester, or other person responsible for the package to have the package transported to, opened, and the contents examined and analyzed, at a facility appropriate for the conduct of such examination and analysis; 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 material being transported is perishable, in the safe and expeditious resumption of transportation of the perishable hazardous material.''.

(d) EMERGENCY AUTHORITY FOR HAZARDOUS MATERIAL TRANSPORTATION.—Section 5121 is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(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-of-service 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:

''(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.

(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.

''(f) CREDITS TO APPROPRIATIONS.—The Secretary may credit to any appropriation to carry out this chapter an amount received from a State, Indian tribe, or other public authority or private entity for expenses 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. CONFORMING AMENDMENTS.

Chapter 51 is amended by striking ''Secretary of Transportation'' each place it appears (other than the second place it appears in section 5108(g)(2)(C), the first place it appears in section 5115(a), 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 TRANSIT 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 $6,271,000,000 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 $6,844,000,000 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: $2,062,755,000 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—

''(1) in subparagraph (B), by striking ''the Transportation Equity Act for the 21st Century and all that follows through the colon and inserting: ''the Transportation Equity Act: A Legacy for Users:''; and

''(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 colon and inserting '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 (B) through (E) 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)(I)(aa) OMB shall take the actual level of highway receipts for the year before the current year and subtract the sum of the estimated level of highway receipts in subclause (II) plus any amount previously calculated under item (bb) for that year.

''(bb) OMB shall take the current estimate of highway receipts for the current year and subtract the estimated level of receipts for that year.

''(cc) 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 8103 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 the outlays flowing therefrom through subsequent fiscal years. After making the calculations under the preceding sentence, OMB shall adjust the amount of obligations set forth in that section for the budget year and the first outyear by adding one-half of the sum of the amount calculated under items (aa) and (bb) to each such year.

''(II) The estimated level of highway receipts for the purposes of this clause are—

''(aa) for fiscal year 2004, $29,172,000,000;

''(bb) for fiscal year 2005, $33,898,000,000;

''(cc) for fiscal year 2006, $35,393,000,000;

''(dd) for fiscal year 2007, $36,615,000,000;

''(ee) for fiscal year 2008, $37,770,000,000; and

''(ff) for fiscal year 2009, $38,857,000,000.

''(III) In this clause, the term 'highway receipts' means the governmental receipts credited to the highway account of the Highway Trust Fund.

''(C) In addition to the adjustment required by subparagraph (B), when the President submits the budget under section 1105 of title 31, United States Code, for fiscal year 2007, 2008, or 2009, OMB shall calculate and the budget shall include for the budget year and each outyear an adjustment to the limits on outlays for the highway category and the mass transit category equal to—

''(i) the outlays for the applicable category calculated assuming obligation levels consistent with the estimates prepared pursuant to subparagraph (D), as adjusted, using current technical assumptions; minus

''(ii) the outlays for the applicable category set forth in the subparagraph (D) estimates, as adjusted.

''(D)(i) When OMB and CBO submit their final sequester report for fiscal year 2006, that report shall include an estimate of the outlays for each of the categories that would result in fiscal years 2007 through 2010 from obligations at the levels specified in section 8103 of the Transportation Equity Act: A Legacy for Users using current assumptions.

''(ii) When the President submits the budget under section 1105 of title 31, United States Code, for fiscal year 2008, 2009, or 2010, OMB shall adjust the estimates made in clause (i) by the adjustments by subparagraphs (B) and (C).

''(E) OMB shall consult with the Committees on the Budget and include a report on adjustments under subparagraphs (B) and (C) in the preview report.''.

SEC. 8103. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the highway category is—

(1) for fiscal year 2004, $34,309,000,000;
(2) for fiscal year 2005, $35,160,000,000;
(3) for fiscal year 2006, $37,417,000,000;
(4) for fiscal year 2007, $38,787,000,000;
(5) for fiscal year 2008, $40,077,000,000; and
(6) for fiscal year 2009, $41,467,000,000.

(b) MASS TRANSIT CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the mass transit category is—

(1) for fiscal year 2004, $7,265,900,000;
(2) for fiscal year 2005, $7,646,300,000;
(3) for fiscal year 2006, $8,482,000,000;
(4) for fiscal year 2007, $9,042,000,000;
(5) for fiscal year 2008, $9,639,000,000; and
(6) for fiscal year 2009, $10,277,000,000.

For purposes of this subsection, the term ''obligation limitations'' means the sum of budget authority and obligation limitations.

SEC. 8104. ENFORCEMENT OF GUARANTEE.

Clause 3 of rule XXI of the Rules of the House of Representatives is amended—

(1) by striking ''Transportation Equity Act for the 21st Century'' and inserting ''Transportation Equity Act: A Legacy for Users''; and

(2) by adding at the end the following: ''For purposes of this clause, any obligation limitation relating to surface transportation projects under section 1602 of the Transportation Equity Act for the 21st Century and section 1702 of the Transportation Equity Act: A Legacy for Users shall be assumed to be administered on the basis of sound program management practices that are consistent with past practices of the administering agency permitting States to decide High Priority Project funding priorities within State program allocations.''.

SEC. 8105. TRANSFER OF FEDERAL TRANSIT ADMINISTRATIVE 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 amounts specified in annual appropriation Acts to carry out the Transportation Equity Act: A Legacy for Users (including the amendments made by that Act), from the Federal Transit Administration's administrative expenses account to other mass transit budget accounts under section 250(c)(4)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The Acting CHAIRMAN. No further amendment is in order except those printed in part B of the report or pursuant to a subsequent order of the House. Each amendment printed in part B may be offered only in the order printed in the report, by a member designated in the report, shall be considered 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.

It is now in order to consider amendment No. 1 printed in part B of House Report 109–14.

AMENDMENT NO. 1 OFFERED BY MR. BOOZMAN

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

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, and conform the table of contents, of the bill accordingly):

SEC. 4132. BREAKS DURING DAILY TOUR OF DUTY.

Section 31502 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 workrelated 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. ''.

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.

First, 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 as tough a schedule as anybody anyplace 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 Ranking 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 starts.

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 still exist with the 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.

□ 1345

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 to, 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 very worthwhile.

Again, I would like to work with the gentleman from Minnesota (Mr. OBERSTAR), work with the Federal motor carriers, the drivers, all of the parties involved in the industry, so we can get in a situation where we can rectify it and give the truckers the flexibility that they greatly need.

Mr. BACA. Mr. Chairman, let's be clear—the Boozman amendment will force truck drivers to work longer hours, with less rest, putting all of us at risk.

This amendment is about one thing—increasing the workday for truck drivers from 14 to 16 hours. Those 16 hours are twice the length of the average American's workday. We do not need more tired truck drivers on the road.

I represent one of the largest trucking communities in this country. The Inland Empire in California is the trucking hub of all of Southern California. Let me share with you what I know.

Every truck stop in Southern California, and I suspect the rest of the Nation, is full of stay-awake and other legal caffeine pills for overworked and sleepy truck drivers. Truck drivers also quietly grumble that they are increasingly forced to carry larger loads, over longer distances, with shorter deadlines.

This amendment is not about flexibility; it is about rolling back safety so a few companies can increase profits.

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 also little wonder that the D.C. 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 its adoption.

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 122,000 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 (Mr. TOM DAVIS of Virginia). Without objection, the amendment is withdrawn.

There was no objection.

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 EQUIPMENT AND MACHINERY.

Notwithstanding sections 31136 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.

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 need to be; they are there 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 hours-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 offerer; 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 separate sector of 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 rulemaking process, they are coming to the Congress saying, fix it by law.

Look at what this proposal will do. Under the previous rule, 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 any congressional district. I have talked with those on the road. 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.

With all due respect to my colleague on the other side, that is not what this is about. This is about reducing a regulatory burden on an industry without demonstrated evidence that this, in fact, does what we all want, and that is safe drivers on our highways.

This issue of driver fatigue, a bit tongue-in-cheek, but there may be those who say this body in session at 2 a.m. in the morning is a greater public safety risk than the truck drivers in the oil and gas business. We are talking about mom and pop organizations who are these service companies that are burdened with this regulation. We are also talking about the very largest oil field service companies that are burdened by it.

To a person, they are interested in safety. They do not want to run their trucks in an unsafe manner. They have immense liabilities if that happens. They have as great or greater interest in safe, alert truck drivers than we certainly do in Congress. This industry is burdened by regulation that is not proven to increase safety with respect to oil and gas operations. It is simply an added layer of regulation that I believe is unnecessary. This amendment would unburden that very important industry in our country.

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 drivers on the road with so little sleep. That is what this is all about, about 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 109–14.

AMENDMENT NO. 3 OFFERED BY MR. KUHL OF NEW YORK

Mr. KUHL of New York. 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 drivers of 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, it is larger than 6,000 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 such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. This is another example of chipping away at hours of service. We have already had a discussion in the course of debate on the previous amendment. We already have provided for exemptions for the agricultural community. Our committee held hearings, acknowledged the concerns, listened to the views of people on both sides of the issue, and we have included in the bill an exemption for the agricultural community with an exemption of a 100-air mile radius.

□ 1400

Now, I do not know what the argument is for a little bit more or a few more miles. There has not been any case made of what this dividing line is. In fact, 100 miles is a fairly arbitrary number in itself.

But, it may relate to the time it takes to drive 100 miles. That used to be the rule in railroading; that after 100 miles, the locomotive engineer was off duty and could get some rest. Well, maybe that is the issue here.

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 then 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(c) and insert after section 4134(a) 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 insects).''

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 the time of harvest 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 other farm products.

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-shirts. This exemption has been in existence 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 seasonal, applying 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 product 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 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 H.R. 3 that provides exemption for 28,000 carriers. The pending amendment would include live animals, live fish, animal feed, products of animal origin, meat, fish, seafood, tobacco products, meat, logs, livestock, lumber products, processed food, beverages, 42,000 exemptions, 42,000 carriers 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 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 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-thinking member of our 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 congressional district that are intensely agricultural. We want that corn and soybeans to get to market in timely fashion. But in yielding a yard to the industry, they now want the whole ball field. The amendment goes way 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 driving record of the 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 intentioned 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 manager's 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 OF THE WHOLE

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 198, noes 226, not voting 9, as follows:

[Roll No. 56]

AYES—198

Aderholt	Boehner	Camp
Akin	Bonilla	Cannon
Alexander	Bonner	Cantor
Bachus	Bono	Capito
Baker	Boozman	Carter
Barrett (SC)	Boren	Castle
Bartlett (MD)	Boustany	Chabot
Barton (TX)	Bradley (NH)	Chocola
Bass	Brady (TX)	Cole (OK)
Beauprez	Brown (SC)	Conaway
Bilirakis	Brown-Waite, Ginny	Cox
Bishop (GA)	Burgess	Cramer
Bishop (UT)	Burton (IN)	Crenshaw
Blackburn	Buyer	Cubin
Blunt	Calvert	Culberson
Boehlert		Cunningham

Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCrery
McHenry
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Moore (KS)
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Udall (CO)
Udall (NM)
Walden (OR)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—226

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Reynolds
Rogers (AL)
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sweeney
Tancredo
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Baird
Clay
Herseth
Hobson
Jackson-Lee (TX)
Ramstad
Rothman
Stupak
Tiberi

□ 1441

Mr. DICKS, Mr. GERLACH, Ms. SCHWARTZ of Pennsylvania, and Messrs. HINOJOSA, PASTOR, DAVIS of Tennessee, McCOTTER, SMITH of New Jersey, YOUNG of Florida, and Mrs. MILLER of Michigan, Mrs. JOHNSON 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 KANSAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. MORAN) on which further proceedings were postponed and on which the ayes 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 CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 257, noes 167, not voting 9, as follows:

[Roll No. 57]

AYES—257

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCrery
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner
Udall (CO)
Udall (NM)
Upton
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—167

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
English (PA)
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)

Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Price (NC)
Rahall
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Stark
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—9

Baird
Clay
Herseth
Hobson
Jackson-Lee (TX)
Ramstad
Rothman
Stupak
Tiberi

□ 1451

Mrs. MILLER of Michigan and Mr. EDWARDS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The 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. 1838. 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 First Class 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 is 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 the 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 construction 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 108–19) 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 Chairmanships 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 Subcommittee 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 principle, statesmanship, 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 on the floor, and 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 community called 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 last 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 as chairman and CEO, and under 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. Amo 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 twining 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 his service on 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 regards 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 Congressman, 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 even when 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 am 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 agree 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 me in to say a few 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 is all congested 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.

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 Armed 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.

□ 1500

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 31112(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 140, 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, Colorado, Wyoming, North Dakota, 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, the Dakotas, on up into Canada; 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. Then the truck has to go back 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 polices 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 loads 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 gentleman's State. CMVs can operate at a length of 65 feet. This amendment would raise it to 81 feet 6 inches.

The original rationale was to allow custom harvesters, those who have unique requirements, unique needs. I represent an agricultural area among the great diversity of my district, and there we do not have wheat but do have soybeans and corn. The idea was to allow the harvester to pull a combine and header, that is in the words of the amendment, exclusively in harvesting the wheat.

Now we see his amendment and it creeps, wheat, soybeans and milo. Each of these crops has different harvest times. So, if the length exemption is adopted, we will have these exemptions in place for much of the year.

They have had 14 years of working with this. This is the first time the issue has come before the committee. I do not understand what the need is except that they want to do it, but the language would allow these vehicles to operate basically on any route in Nebraska with a State or U.S. Route shield language. That is serious. That is placing serious safety problems on the Nation's roadway.

Try to pass one of those vehicles in a VW or Ford Pinto, if you still have one, or any other small vehicle. It is nerve-wracking and dangerous. I have tried it and I do not think it is safe; and as the figures show, 5,000 people a year die in car-truck crashes. We should not open the floodgates for rollback of a critical safety provision now in the regulatory process.

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

Mr. OSBORNE. 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, which is 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 have the right to close. I am the only speaker. If the gentleman wishes to conclude his amendment, I will make the closing remarks.

Mr. OSBORNE. Mr. Chairman, I yield back my time.

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

It is true that other States have the right to operate longer-length vehicles. They were grandfathered in in 1991. I like being a grandfather but of very small children, not of very large trucks. Had I been in the leadership position in 1991, I did oppose it, I did object to it, but I was not in a leadership position to stop it, and we would have stopped it.

This is not a good move. This is not in the public interest. The adjoining States ought not to have longer vehicles; and if this amendment is done, then we might as well just throw the motor carrier safety rules away and let everybody drive longer vehicles, heavier vehicles at any time of the year and see further endangerment of safety on the roadways.

This well-intentioned amendment, it is certainly initiated by farmers who feel they are going to be able to move their goods to market at lower cost, more efficiently, but at great risk to life and to the public safety.

So I urge Members to vote ''no'' on the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. OSBORNE).

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

Mr. OSBORNE. 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 Nebraska (Mr. OSBORNE) will be postponed.

It is now in order to consider amendment No. 7 printed in part B of House Report 109–14.

AMENDMENT NO. 7 OFFERED BY MR. COX

Mr. COX. 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. 7 offered by Mr. COX:

Redesignate section 4136 as section 4137 and insert after section 4135 the following (and conform the table of contents accordingly):

SEC. 4136. STATE LAWS RELATING TO VEHICLE TOWING.

Nothing in section 14501(c) of title 49, United States Code, shall be construed to prevent a State from requiring that, in the case of vehicles towed from private property without the consent of the owner or operator of the vehicle, towing companies have prior written authorization from the property owner or lessee (or an employee or agent thereof), or that such owner or lessee (or an employee or agent thereof) be present at the time the vehicle is towed from the property, or both.

The Acting CHAIRMAN. Pursuant to House Resolution 140, the gentleman from California (Mr. COX) and the gentleman from Virginia (Mr. MORAN) each will control 5 minutes.

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 gentleman 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 of consumer protection in towing, which is what this amendment is about, to the attention of the Congress.

The legislation that he introduced last Congress, which he has reintroduced as H.R. 1173 in the 109th Congress, properly has focused attention on a program that is frustrating local government officials and police personnel charged with protecting public safety and especially our constituents, ordinary citizens.

I would especially like to thank the chairman and the professional staff of the Committee on Transportation and Infrastructure who bent over backwards to work with us to put together this good amendment. The gentleman from Alaska (Chairman YOUNG), the gentleman from Minnesota (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 help local communities 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 is occurring 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 with the knowledge and participation 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.

□ 1515

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 Virginia where the co-author resides. It is in many communities 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 prompted 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 towers, 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 confusing and conflicting 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 proper 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.

The 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, when 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, they have had 280 cases of abusive victimization of people 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 instead of 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 cited 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 it does not work, 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 form 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 we 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 conduct a study 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 vehicle owner or operator, 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. 49 USC §14501(3)(1)(2). 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 operations.

The federal loophole chills the ability 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. While the Supreme Court upheld state and local authority to regulate this industry for public safety, the Court declined to address what specific types of regulation would qualify. City of Columbus v. Ours 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 an 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 the term in section 171 of the Clean Air Act (42 U.S.C. 7501).

"(2) 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.

''(C) 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 the conditions described in subparagraphs (A) and (B).

''(ii) TERMINATION.—An agreement under clause (i) shall terminate with respect to a facility upon the decision of the State or public authority to discontinue 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 facility may continue to charge tolls in accordance with the terms of the agreement until such time as the debt is retired.

''(D) 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.

''(4) 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 the program;

''(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.—

''(1) 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 performance 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; and

''(iii) seek to minimize additional costs and maximize convenience to users of the toll facility and to the toll facility owner or operator.

''(2) FUTURE MODIFICATIONS.—As the state of technology progresses, the Secretary shall modify the rule promulgated under paragraph (1)(A), as appropriate.''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 1012 of the Intermodal Surface Transportation Efficiency Act (23 U.S.C. 149 note; 105 Stat. 1938; 112 Stat. 211) is amended by striking subsection (b).

(2) 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:

(3) An analysis demonstrating that the facility could not be maintained or improved to meet current or future needs from the State's apportionments and allocations made available by this Act (including amendments made by this Act) and from revenues for highways from any other source without toll revenues.

Strike subsection (a) of section 1603 of the bill and insert the following:

(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System reconstruction and rehabilitation pilot program under which the Secretary, notwithstanding sections 129 and 301 of title 23, United States Code, may permit a State to collect tolls on a highway, bridge, or tunnel on the Interstate System for the purpose of reconstructing and rehabilitating Interstate highway corridors that could not otherwise be adequately maintained or functionally improved without the collection of tolls.

After section 1603(c)(4)(C) of the bill, insert the following (and redesignate any subsequent subparagraphs accordingly):

(D) an agreement for public disclosure of revenues generated and operating expenditures.

Strike paragraph (1) of section 1603(d) of the bill and insert the following:

(1) the State is unable to reconstruct or rehabilitate the proposed toll facility using existing apportionments;

Strike section 1604 of the bill and insert the following (and conform the table of contents accordingly):

SEC. 1604. FAST LANES.

(a) IN GENERAL.—Subchapter I of chapter I of title 23, United States Code, is amended by adding at the end the following:

''§ 169. FAST fees

''(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 1 or more additional lanes (including bridge, support, and other structures necessary for construction or expansion) on the Interstate System.

''(b) ELIGIBILITY.—To be eligible to participate in the program, a State shall submit to the Secretary for approval an application that contains—

''(1) an identification of the additional lanes (including any necessary bridge, support, and other structures) to be constructed on the Interstate System under the program;

''(2) in the case of 1 or more additional lanes that affect a metropolitan area, an assurance that the metropolitan planning organization established under section 134 for the area has been consulted during the planning process concerning the placement and amount of fees on the FAST lanes; and

''(3) a facility management plan that includes—

''(A) a plan for implementing the imposition of fees on the additional lanes;

''(B) a schedule and finance plan for construction, operation, and maintenance of the additional lanes using revenues from fees (and, as necessary to supplement those revenues, revenues from other sources); and

''(C) a description of the public or private entities that will be responsible for implementation and administration of the program.

''(c) REQUIREMENTS.—The Secretary shall approve the application of a State for participation in the program after the Secretary determines that, in addition to meeting the requirements of subsection (b), the State has entered into an agreement with the Secretary that provides that—

''(1) fees collected from motorists using a FAST lane shall be collected only through the use of noncash electronic technology;

''(2) all revenues from fees received from operation of FAST lanes shall be used only for—

''(A) debt service relating to the investment in FAST lanes;

''(B) reasonable return on investment of any private entity financing the project, as determined by the State;

''(C) any costs necessary for the improvement, and proper operation and maintenance (including reconstruction, resurfacing, restoration, and rehabilitation), of FAST lanes and existing lanes, if the improvement—

''(i) is necessary to integrate existing lanes with the FAST lanes;

''(ii) is necessary for the construction of an interchange (including an on- or off-ramp) from the FAST lane to connect the FAST lane to—

''(I) an existing FAST lane;

''(II) the Interstate System; or

''(III) a highway; and

''(iii) is carried out before the date on which fees for use of FAST lanes cease to be collected in accordance with paragraph (6); or

''(D) the establishment by the State of a reserve account to be used only for long-

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 on or for the use 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; and

''(7)(A) to ensure compliance with paragraphs (1) through (5), annual audits shall be conducted for each year during which fees are collected on FAST lanes; and

''(B) the results of each audit shall be submitted to the Secretary.

''(d) APPORTIONMENT.—

''(1) IN GENERAL.—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.

''(2) NO EFFECT ON STATE EXPENDITURE OF FUNDS.—Nothing in this section affects the expenditure by any State of funds apportioned under this chapter.

''(e) DEFINITION.—For purposes of this section, the term 'FAST lane' means a interstate highway or interstate highway lane, financed, at least in part, through the collection of fees, that is added to the Interstate System to reduce traffic congestion.''.

(b) CONFORMING AMENDMENT.—

(1) The analysis for subchapter I of chapter 1 of title 23, United States Code, as amended by section 1208 of the bill, is amended by inserting after the item relating to section 168 the following:

''169. FAST fees.''.

(2) Section 301 of title 23, United States Code, is amended by inserting after ''tunnels,'' the following: ''and except as provided in section 169,''.

At the end of title I of the bill, insert the following (and conform the table of contents of the bill accordingly):

SEC. 1838. FREEDOM FROM TOLLS.

Section 301 of title 23, United States Code, is amended by inserting before the comma the following: ''and section 169''.

At the end of title III of the bill, insert the following (and conform the table of contents of the bill accordingly):

SEC. 3047. CONGRESSIONAL INTENT REGARDING TRANSIT INVOLVEMENT.

It is the intention of Congress to work with the States and the private sector to include bus rapid transit when adding FAST capacity to the Interstate System

At the end of section 1105 of the bill strike the end quotation marks and the last period and insert the following:

''(k) TOLL FEASIBILITY.—The Secretary shall select and conduct a study on a project under this title that is intended to increase capacity, and that has an estimated total cost of at least $50,000,000, to determine whether—

''(1) a toll facility for the project is feasible; and

''(2) privatizing the construction, operation, and maintenance of the toll facility is financially advisable (while retaining legal and administrative control of the portion of the applicable Interstate route).''.

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, so there are no toll booths; and the fees 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 their 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 cosponsors. Both the conservative Heritage Foundation and the new Democrat Progressive Policy Institute have written favorably about it. I appreciate the Chairman'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 and, in that way, gives States far less flexibility than they deserve. It limits the ability to increase capacity by limiting its 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 resistance 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 Minneapolis, Minnesota Star Tribune poll showing 69 in support of FAST.

Frankly, many States around the country are using FAST. This amendment authorizes variable congestion tolls on existing roads and on newly-constructed lanes, and I would just recommend to my colleagues that we adopt this capacity-expanding, State-empowering, maintaining-the-trust-of-the-driving-public amendment.

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

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition, and yield myself such time as I may consume.

Mr. Chairman, the gentleman is certainly well-intentioned in his purpose of adding to our fund of surface transportation capacity, but this is the wrong way to do it. Toll is spelled T-A-X. And this proposition is opposed by AASHTO, by tolling authorities, and by various environmental organizations.

Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy. I want to make clear that I personally am open to the possibility of having more flexibility within the transportation fund: Value pricing and tolling have a role. They have had a role since the beginning of our freeway system. But this amendment is not the FAST-lane bill that the gentleman from Minnesota (Mr. KENNEDY) introduced last year.

Despite the rhetoric that it is supported by every major highway user group, his amendment is opposed by almost every highway user group, including AASHTO. My colleague from Minnesota pointed out AGC, APTA, AMPO, and the International Bridge and Tunnel Turnpike Authority. They oppose this amendment.

Actually, there is correspondence that I will enter into the record that was actually signed against this from the Reason Foundation, Robert Poole.

Now, why is that? Well, first of all, there are a number of areas right now that this would severely restrict the ability of State DOTs and local governments to develop pricing systems that meet their local needs. No reason to do that. Almost every community currently using HOT lanes or value pricing has a portion of the revenue dedicated to transit and corridor improvements.

In fact, it has been proven time and time again that the support for value pricing actually increases if people can have a balanced approach. This is not balanced and the public does not support tolling on facilities without an equity element.

In fact, the Kennedy amendment assumes, or it asserts, and I talked to him again about this today, that it is not a problem for people to continue on. Well, in San Diego, New York, even Minneapolis, in his own State, where they are currently using HOT lanes, they would be restricted in the use of their revenues and could no longer use any of these funds to pay for transit investment in their corridor. That is why the local governments, transit agencies, AASHTO and road builders oppose this amendments.

Why would we dictate to them how they are going to design their use of toll revenues?

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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 prohibit 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 comprehensibly 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 and 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.

AASHTO, ENVIRONMENTAL DEFENSE OPPOSE TOLLING MEASURE THAT LACKS FLEXIBILITY

The American Association of State Highway and Transportation Officials (AASHTO), which represents state transportation departments, today joined 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 transit reauthorization bill expected to come to the House floor tomorrow. The proposed amendment would further restrict states' and localities' current tolling authority, restrict tolling on Interstates, limit tolling as a revenue option, and eliminate funding for promising non-highway transportation market incentive pilot projects that help reduce traffic and pollution.

''We agree with the President that these decisions need to be made on a state and local level,'' said AASHTO Executive Director John Horsley.

''While AASHTO and Environmental Defense have frequently differed on highway-related issues,'' Horsley said, ''the limitations inherent in Rep. Kennedy's tolling bill would needlessly restrict an important revenue and traffic-management tool available to state departments of transportation, as they seek to close the gap between pressing transportation needs and available resources,'' Horsley said.

Tolling is being explored in several states, including New York, California, and Texas, in combination with debt financing as a way to advance sorely needed transportation infrastructure projects. Horsley explained that AASHTO's members believe state transportation officials should have the ability to determine, on a case-by-case basis, where tolling would be most productive and what projects should be financed using toll revenues.

As submitted Tuesday afternoon to the Rules Committee, the Kennedy legislation would allow for new tolls to be levied only to fund additional lane construction or to convert high-occupancy vehicle (HOV) lanes to high-occupancy toll (HOT) lanes. If used for new construction, tolls newly imposed under the amendment would have to be lifted once debt-service was paid and a reserve fund for maintenance and operations had been established.

The Kennedy amendment continues to restrict toll revenues for highway use only, denying agencies the opportunity to fund new improved transit.

''The Kennedy amendment would reverse a growing trend in which states are experimenting with tolls to cut congestion and air pollution,'' said Michael Replogle, Transportation Director for Environmental Defense. ''San Diego is using tolls on the 1–15 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 these tools to cut congestion and pollution and boost access—not take the tools away.''

''Properly placed transit projects remove a great deal of traffic from overcrowded roads,'' Horsley noted. ''We need to be able to address the nation's transportation needs in a holistic, multi-modal way, not piecemeal.''

Replogle said his group supports ''accountability and transparency for toll-road projects to mitigate their environmental impacts and traffic growth. We can minimize new pavement by doing more to price and manage the pavement we've already got,'' Replogle said.

Although AASHTO and Environmental Defense have found common ground on the Kennedy language, Horsley noted that they remain of two minds about a variety of issues within the larger reauthorization bill, H.R. 3, being moved by House transportation leaders.

The Kennedy approach to date has drawn the opposition of the Tolling Coalition, which includes AASHTO, the American Road and Transportation Builders Association (ARTBA), the Associated General Contractors (AGC), the American Council of Engineering Companies (ACEC), the National Asphalt Pavement Association (NAPA), the National Stone, Sand and Gravel Association, the International Bridge, Tunnel & Turnpike Authority (IBTTA) and the National Council for Public-Private Partnerships.

Other members of the Tolling Coalition include Koch Performance Roads Inc., Peter Kiewit and Sons, Nossaman Guthner Knox Elliott 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 The Kennedy amendment has drawn opposition as well from the Value Pricing Futures Group, a coalition that includes Environmental Defense, a 400,000 member nonprofit group dedicated to innovative solutions to environmental problems, and many other groups. These include the American Public Transportation Association, the Port Authority of New York & New Jersey, the Miami-Dade Expressway Authority, the Georgia State Road and Tollway Authority, the San Diego Association of Governments, Portland Metro in Oregon, the Alameda County Congestion Management Agency, Wilbur Smith Associates, and the Surface Transportation Policy Project.

Also, the Natural Resources Defense Council, the Regional Plan Association, the Tri-State Transportation Campaign, the American Planning Association, the American Society of Landscape Architects, the Independent Institute, the Central Parking System of Orange County, California, HNTB Corp., Transportation Innovations, Inc., UrbanTrans Consultants, City CarShare, the International Downtown Association, TIME/to Improve Municipal Efficiency, Cofiroute USA, the Resource Systems Group, CRSPE, Inc. of Cape Coral, Florida, Smart Growth America, Friends of the Earth, Transportation Alternatives of New York City, the Union of Concerned Scientists, the Center for Neighborhood Technology in Chicago, the Oregon Environmental Council, CYCLE-SAFE, INC. of Grand Rapids, Michigan, the Thunderhead 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 HOV to HOT conversions 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.

I appreciate very much the good work that AASHTO does, but I have never really viewed them as a highway-user organization; they are a highway building and constructing organization.

Those that are supporting the Kennedy-Smith amendment is the Highway Users Association, is the American Truckers Association which makes this their top priority, is the 108,000 small business owner-operator individual drivers of America, is AAA. All of those are the preeminent highway users, as well as it is supported by those that believe we ought to be fiscally responsible and we ought to honor the trust of the driving public, whether we are talking about Americans for Tax Reform, National Taxpayers Union, Citizens Against Government Waste, and many others.

Mr. Chairman, this is pro-capacity, and this is pro-give-States-flexibility, and this is to make sure that we add more construction and 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 Members 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 happens to believe 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 because 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 tolls, but this amendment restricts 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 fiscally 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 this.

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.

I would also like to address some of the information that may have come from the committee suggesting this is an anti-tolling amendment. This is a responsible expansion of fee-type lanes being built and would allow for 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 gentlewoman 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. They are 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, we are constantly behind and 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 prohibit.

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 without really seeing our amendment, 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. I would 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 add significantly more of. 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 gentlewoman 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. It takes 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 that, estimated by a study done by Mr. Poole, of, 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 in 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 HOV 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 limits it 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.

Again, 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.

□ 1545

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

Again, I urge my colleagues to resist the siren 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 England who allowed one of his knights the authority to build a bridge over the Thames in exchange for charging a fee to cross that 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 widespread tolling on 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 seeks to "streamline" tolling 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 obtain financing for 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 obtaining a federal match—thereby greatly expediting the development of major projects that serve the communities. This amendment will 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. In reducing an otherwise viable revenue stream, this amendment would restrict local governments like Houston from choosing the best tool to respond to local conditions and priorities.

In addition, this proposal would prohibit the tolling of new interstates, including the I–69 Corridor, which lacks an alternate source of financing. The City of Houston already suffers from congestion and poor air quality.

Mr. Chairman, I oppose this amendment and urge my colleagues to join me.

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

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

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. 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 that rents or leases the 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, orpossession 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 supersedes the 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.—Notwithstanding any other provision of law, 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:

"(1) AFFILIATE.—The term "affiliate" means a 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.

"(2) 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.

"(3) PERSON.—The term 'person' means any individual, corporation, company, limited liability company, trust, association, firm, partnership, society, joint stock company, or any other entity.".

(b) 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

gentleman from Oregon (Mr. DEFAZIO) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri (Mr. GRAVES).

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

Mr. Chairman, I am here today to correct an inequity in the car and truck renting and leasing industry. By reforming vicarious liability to establish a national standard that all but a small handful of States already follow, we will restore fair competition to the car and truck renting and leasing industry and lower costs and increase choices for all consumers.

Currently, a small number of States impose vicarious liability or limitless liability without fault, on companies and their affiliates simply because they own a vehicle involved in an accident. Whether or not the vehicle was at fault is completely irrelevant in these situations. These vicarious liability lawsuits cost consumers nationwide over $100 million annually.

Vicarious liability laws apply where the accident occurs. It does not matter where the car or truck was rented or leased. Since companies cannot prevent their vehicles from being driven to a vicarious liability State, they cannot prevent their exposure to these laws and must raise their rates accordingly. These higher costs have driven many small companies out of business, reducing the consumer choice and competition that keeps costs down.

While this amendment seeks to level the playing field, I want to emphasize, I want to be very clear about this, that this provision will not allow car and truck renting and leasing companies to escape liability if they are at fault. Accident victims will continue to be compensated according to individual State law.

This is supported by the NFIB. It is supported by the U.S. Chamber of Commerce and the Alliance of Automobile Manufacturers. I ask my colleagues to support this commonsense reform measure to level the playing field so that consumers are protected.

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

Mr. DEFAZIO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Missouri (Mr. GRAVES) regarding vicarious liability for rental car companies. This amendment, if passed, would nullify the laws of 15 States and the District of Columbia and would have the disastrous effect of allowing rental car companies to lease vehicles to uninsured drivers with no recourse for innocent victims should an accident occur. Fifteen States and the District of Columbia allow rental car companies the freedom to lease cars to whomever they choose whether or not the customer has his or her own insurance. In exchange for this right, the companies are required by the State laws to assume responsibility when uninsured drivers cause injury and are financially unable to compensate the people they injure or kill. If the gentleman from Missouri's amendment were to pass, the innocent victim would have no recourse, no insurance company to sue.

This trade-off is in the best interest of both the States and the rental car companies. For example, my own State of New York is one of the most active rental car markets in the country. In New York City, many, many people do not own cars. Therefore, they do not have automobile insurance. If companies were allowed to rent cars only to insured drivers, and that is the natural result should this amendment pass, these States would allow companies to rent only to insured drivers, many New York residents would effectively have no access to rental cars and the rental car market would decline.

This situation is not unique to New York. Anybody, Republican or Democrat, who is from Arizona, Connecticut, Delaware, Iowa, Maine, Nevada, New York, Rhode Island, the District of Columbia, California, Florida, Idaho, Michigan, Minnesota, Oklahoma, and Wisconsin should not vote for this amendment, Republican or Democrat, unless you want to say to your State legislators: We are going to preempt the law of New York, of California, of Florida, wherever, because we know better. Many of these States are big tourism States. By holding rental car companies responsible for the out-of-state drivers who rent cars while vacationing, these States protect their own residents from negligent out-of-state drivers. Vicarious liability laws also protect innocent Americans from negligent foreign drivers. If a foreigner rents a car in New York City or Los Angeles, runs over a pedestrian and her child, and then flees the country, the injured family would be left with no remedy should this amendment pass. In fact, the Graves amendment would probably shift responsibility away from wrongdoers and onto taxpayers. That is not something we ought to do.

There is nothing wrong, Mr. Chairman, with a State deciding, a State making its own decision. We believe in that here, supposedly. There is nothing wrong with a State deciding that it is in the best interests of the people of that State for uninsured drivers to be able to rent cars, but to require the car rental companies to take vicarious liability so that we do not shift the burden of paying for an accident to the pedestrian, the innocent victim or to the hospital or to the taxpayers, it is a perfectly reasonable thing to do. And 15 States and the District of Columbia have done it. Why should Congress usurp the States' power to make this decision for themselves? What is the overriding Federal interest in preempting State laws on this subject?

Rental car companies reap lots of profits in these States. Any expense that results to them from these State laws, such as any insurance policy the rental car company itself has to carry to cover its liability, is simply passed on to the rental car drivers as a cost of doing business. If we are going to preempt State vicarious liability laws, we could require that any uninsured drivers must purchase insurance themselves from the rental car company, but no such requirement is included in this amendment.

To pass this amendment is to say that we are going to obviate the policy choices of these States and shift the burden of any accidents to innocent victims of accidents in those States. We should not do it. The States should decide this question as they have. I urge my colleagues to oppose this amendment.

Mr. GRAVES. Mr. Chairman, I yield myself 30 seconds.

Quickly, Mr. Chairman, there are no uninsured rental vehicles on the road. Every single rental vehicle out there has to meet the State's minimum requirements for insurance. There is recourse. States put drivers on the road. Rental vehicle companies put cars on the road. They should be responsible for their equipment. Drivers should be responsible for themselves. But there is no uninsured rental vehicles on the road today.

Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Missouri (Mr. BLUNT), the majority whip.

Mr. BLUNT. Mr. Chairman, I want to commend my colleague from Missouri for his work on this important issue. Even well-intentioned laws do not always make good sense and this is one of those times. Find me an American who believes that a driver who rents a car and causes an accident is not in the wrong, and the rental company is. You might be able to find that on the Floor of the House. I do not think you can find that out there where this passes the commonsense test with Americans.

Holding rental and leasing companies responsible for the actions of their renters drives up the cost of renting a vehicle for all consumers. 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 already have 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, a position that Congress should 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 the gentleman from Oregon 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 rebutting the notion offered by the gentleman from Missouri (Mr. GRAVES) about protecting the rental car 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 an individual 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 caused by negligent rental car drivers and companies.

Take the case of the gentleman from New York (Mr. NADLER). New York City, I have been in cabs where we have wrecks downtown in Manhattan. Car rental is a very dangerous activity. For us not to require this backup from the car rental industry would be a travesty. And so I am hoping that we will just do something for the consumers. By the way, Members, that is what you have in your district, consumers of a product that need a little insurance backup when necessary. And to knock that out in the cavalier manner that is being proposed is preposterous.

I rise in strong opposition to the amendment offered by Mr. GRAVES of Missouri. This provision is nothing more than a special interest sham designed to unfairly and unjustifiably protect the very profitable car rental and leasing industry and harm innocent bystanders.

Vicarious liability protects innocent bystanders from injuries caused by irresponsible drivers of rented cars. In exchange for the right to rent or lease to whomever the car companies chooses, fifteen states, including my own state of Michigan, require that rental and leasing car companies assume the responsibility when uninsured drivers cause injury and cannot compensate the victim. Thus, when a car rental company allows an uninsured driver to drive a rental vehicle, they do so, understanding the risk created by that action. If a driver harms an individual and cannot compensate for the injury, the rental company should do so. Vicarious liability guarantees that victims are not left to shoulder the cost of their injuries caused by negligent rental car drivers and companies that put these uninsured drivers on the road.

New York City is a case in point. It has one of the most active car rental markets in the country and a huge number of uninsured drivers that rent cars due to the car ownership rates in NYC. New York has forbidden car rental companies to ask their customers if they own auto insurance, in order to allow the largest number of people access to rented cars. Since New York has made the policy decision to mandate car rental companies to rent to uninsured drivers, New York needs vicarious liability to protect innocent bystanders who are injured by these uninsured drivers. Eliminating vicarious liability would be disastrous for the citizens of New York, leaving injured people to shoulder their own costs of injuries unforeseen and prevent.

It is also important to note that the issue of preempting state liability is 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 has traditionally been handled by the state legislative 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 based solely on the fact 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.

□ 1600

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

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 have prevented the accident.

Consumers pay $100 million annually resulting from these unfair laws because companies must bill the costs of these arbitrary damage awards into their 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 10/20 insurance, $10,000/$20,000, and 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 1½ 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 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 national 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, except that the amendment relieves 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 vehicle 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 drug abuser or to someone who has a history of a very bad driving record.

That is wrong. We should not be in the business of wholesale removal of liability for responsibility.

Mr. GRAVES. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, think about the statement that the opposition makes, that this amendment releases the rental industry except in the case of negligence. Think about that for just a minute. They should be liable in the case of negligence. They should not be liable for the action of their drivers.

The fact of the matter is, 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 their negligence or for their equipment, but 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 in a non-vicarious liability State and drive it into a State such as New York, they 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 car is essentially not insured 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 cars 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, I would say 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.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

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.

The Clerk redesignated 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:

[Roll No. 58]

AYES—236

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Etheridge
Everett
Feeney
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Sanders
Schwarz (MI)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Waxman
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—184

Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (NY)
Blumenauer
Boehlert
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Gillmor
Green (WI)
Green, Al
Grijalva
Gutierrez
Harman
Hefley
Higgins
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Maloney
Markey
Matheson
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Petri
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—13

Baird
Clay
Gibbons
Herseth
Hinchey
Hobson
Jackson-Lee (TX)
Payne
Ramstad
Rothman
Royce
Stupak
Tiberi

□ 1639

Messrs. RANGEL, RUPPERSBERGER, TOWNS, JEFFERSON, and Mr. TOM DAVIS of Virginia changed their vote from ''aye'' to ''no.''

Messrs. REYNOLDS, GARY G. MILLER of California, WAXMAN, and Mrs. BONO changed their vote from ''no'' to ''aye''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. KENNEDY OF MINNESOTA.

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. KENNEDY) 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 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—ayes 155, noes 265, not voting 13, as follows:

[Roll No. 59]

AYES—155

Aderholt
Akin
Alexander
Andrews
Barrett (SC)
Bass
Beauprez
Blackburn
Blunt
Boehlert
Boehner
Bonner
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brown (SC)
Burton (IN)
Buyer
Cannon
Cantor
Cardoza
Chabot
Coble
Cole (OK)
Cooper
Cox
Cramer
Crenshaw
Cubin
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Goode
Gordon
Green (WI)
Gutknecht
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Hinojosa
Hoekstra
Hostettler
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
LoBiondo
Mack
Manzullo
McCaul (TX)
McCotter
McHenry
McHugh
McMorris
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Mollohan
Moore (KS)
Moran (KS)
Musgrave
Neugebauer
Ney
Northup
Norwood
Nussle
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Portman
Pryce (OH)
Putnam
Rahall
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Thornberry
Upton
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—265

Abercrombie
Ackerman
Allen
Baca
Bachus
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonilla
Bono
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Carter
Case
Castle
Chandler
Chocola
Cleaver
Clyburn
Conaway
Conyers
Costa
Costello
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dicks
Dingell
Doolittle
Doyle
Dreier
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hefley
Herger
Higgins
Hinchey
Holden
Holt
Honda

Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Marchant
Markey
Marshall
Matheson
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (WI)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pelosi
Peterson (MN)
Petri
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Radanovich
Rangel
Regula
Reichert
Rogers (MI)
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Skelton
Slaughter
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Westmoreland
Wexler
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—13

Baird
Bishop (UT)
Clay
Gibbons
Herseth
Hobson
Jackson-Lee (TX)
Jefferson
Payne
Ramstad
Rothman
Stupak
Tiberi

□ 1649

Mr. SCOTT of Georgia changed his vote from ''aye'' to ''no.''

Messrs. BASS, McHUGH, BOEHLERT, DOGGETT, and MOORE of Kansas, and Mrs. MUSGRAVE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Chairman, I rise today to explain how I would have voted on March 9, 2005 during rollcall votes No. 58 and No. 59 in the first session of the 109th Congress. The first vote was on the Osborne Amendment to H.R. 3, the Transportation Equity Act—A Legacy for Users, the second vote was on the Kennedy Amendment to H.R. 3.

I would have voted ''yes'' on both these rollcall votes.

I was unable to cast these votes because I was serving as the Master of Ceremonies at the dedication of Nevada's Sarah Winnemucca statue in the rotunda of the U.S. Capitol.

AMENDMENT NO. 10 OFFERED BY MR. GRAVES

The Acting CHAIRMAN (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. GRAVES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate 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—ayes 218, noes 201, not voting 15, as follows:

[Roll No. 60]

AYES—218

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tanner
Taylor (NC)
Thornberry
Tiahrt
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOES—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chandler
Cleaver
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Flake
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Istook
Jackson (IL)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Knollenberg
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Markey
Marshall
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rogers (AL)
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tancredo
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Baird
Bishop (UT)
Clay
DeGette
Herseth
Hobson
Jackson-Lee (TX)
Payne
Ramstad
Rothman
Saxton
Simmons
Stupak
Thomas
Tiberi

□ 1658

Mr. WELDON of Florida changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. SIMMONS. Mr. Chairman, on rollcall No. 60, I was unavoidably detained. Had I been present, I would have vote ''aye.''

The Acting CHAIRMAN. No further amendment being in order, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr.

LAHOOD, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, had come to no resolution thereon.

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.

□ 1700

GENERAL LEAVE

Mr. NUNES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3.

The SPEAKER pro tempore (Mr. DENT). Is there objection to the request of the gentleman from California?

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 therein extraneous material.)

Mr. PITTS. Mr. Speaker, as a result of a judge's decision, next week, March 18, 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. She seemed 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 her type of case so that she does not have to die a very painful death, in accordance with this judge's decision.

A VISIT WITH TERRI SCHIAVO

(By Attorney Barbara Weller)

This past Christmas Eve day, 2004, I went to visit Terri Schiavo with her parents, Bob and Mary Schindler, her sister, her niece, and Attorney David Gibbs III. The visit took place at the Woodside Hospice for about 45 minutes just before noon.

When I knew I was going to visit Terri with her parents, I had no idea what to expect. I was prepared for the possibility that the Schindlers love their daughter and sister so much that they might imagine behaviors by Terri that aren't actually evident to others. The media and Mr. Schiavo clearly give the impression that Terri is in a coma or comatose state and engages only in non-purposeful and reflexive movements and responses. I am a mother and a grandmother, as well as one of the Schindlers' attorneys, and I could understand how parents might imagine behavior and purposeful activity that is not really there. I was prepared to be as objective as I could be during this visit and not to be disappointed at anything I saw or experienced.

I was truly surprised at what I saw from the moment we entered the little room where Terri is confined. The room is a little wider than the width of two single beds and about as long as the average bedroom, with plenty of room for us to stand at the foot of her bed. Terri is on the first floor and there is a lovely view to the outside grounds of the facility. The room is entered by a short hallway, however, and there is no way for Terri to see out into the hallway or for anyone in the hallway to observe Terri.

From the moment we entered the room, my impression was that Terri was very purposeful and interactive and she seemed very curious about the presence of obvious strangers in her room. Terri was not in bed, but was in her chair, which has a lounge chair appearance and elevates her head at about a 30-degree angle. She was dressed and washed, her hair combed, and she was covered with a holiday blanket. There were no tubes of any kind attached to her body. She was completely free of any restraints that would have indicated any type of artificial life support. Not even her feeding tube was attached and functioning when we entered, as she is not fed 24 hours a day.

The thing that surprised me the most about Terri as I took my turn to greet her by the side of her chair was how beautiful she is. I would have expected to see someone with a sallow and gray complexion and a sick looking countenance. Instead, I saw a very pretty woman with a peaches and cream complexion and a lovely smile, which she even politely extended to me as I introduced myself to her. I was amazed that someone who had not been outside for so many years and who received such minimal health care could look so beautiful. She appeared to have an inner light radiating from her face. I was truly taken aback by her beauty, particularly under the adverse circumstances in which she has found herself for so many years.

Terri's parents, sister, and niece went immediately to greet Terri when we entered the room and stood in turn directly beside her head, stroking her face, kissing her and talking quietly with her. When she heard their voices, and particularly her mother's voice, Terri instantly turned her head towards them and smiled. Terri established eye contact with her family, particularly with her mother, who spent the most time with her during our visit. It was obvious that she recognized the voices in the room with the exception of one. Although her mother was talking to her at the time, she obviously had heard a new voice and exhibited a curious demeanor. Attorney Gibbs was having a conversation near the door with Terri's sister. His voice is very deep and resonant and Terri obviously picked it up. Her eyes widened as if to say, ''What's that new sound I hear?'' She scanned the room with her eyes, even turning her head in his direction, until she found Attorney Gibbs and the location of the new voice and her eyes rested momentarily in his direction. She then returned to interacting with her mother.

When her mother was close to her, Terri's whole face lit up. She smiled. She looked directly at her mother and she made all sorts of happy sounds. When her mother talked to her, Terri was quiet and obviously listening. When she stopped, Terri started vocalizing. The vocalizations seemed to be a pattern, not merely random or reflexive at all. There is definitely a pattern of Terri having a conversation with her mother as best she can manage. Initially, she used the vocalization of ''uh'uh'' but without seeming to mean it as a way of saying ''no'', just as a repeated speech pattern. She then began to make purposeful grunts in response to her mother's conversation. She made the same sorts of sound with her father and sister, but not to the same extent or as delightedly as with her mother. She made no verbal response to her niece or to Attorney Gibbs and myself, but she did appear to pay attention to our words to her.

The whole experience was rather moving. Terri definitely has a personality. Her whole demeanor definitely changes when her mother speaks with her. She lights up and appears to be delighted at the interaction. She has an entirely different reaction to her father who jokes with her and has several standing jokes that he uses when he enters and exits her presence. She appears to merely ''tolerate'' her father, as a child does when she says ''stop'' but really means, ''this is fun.'' When her father greets her, he always does the same thing. He says, ''here comes the hug'' and hugs her. He then says, ''you know what's coming next—the kiss.'' Her father has a scratchy mustache and both times when he went through this little joke routine with her, she laughed in a way she did not do with anyone else. When her father is ready to plant the kiss on her cheek, she immediately makes a face her family calls the ''lemon face.'' She puckers her lips, screws up her whole face, and turns away from him, as if making ready for the scratchy assault on her cheek that she knows is coming. She did the exact same thing both times that her father initiated this little routine joke between the two of them.

The interactions with her family and our appearance in her room appeared to require some effort and exertion from Terri. From time to time, she would close her eyes as if to rest. This happened primarily when no one was paying particular attention to her, but we were talking among ourselves. After a few minutes or when one of the visitors approached her and started to talk directly to her again, Terri would open her eyes and begin her grunting sounds again in response to their conversations. Although I approached her, leaned close and stroked her arms and spoke to her, she did not verbally respond to me.

Terri's hands are curled up around little soft cylinders that help her not to injure herself. I understand that these contractures are likely very painful, although there was a time when Terri was receiving simple motion therapy when her hands and arms relaxed and were no longer as constricted. When the therapy was discontinued by order of her guardian and the court, the contractures returned. These contractures would apparently be avoidable if Terri were given the simple range of motion therapy she previously received. It is very sad to observe

firsthand these conditions that make her life more difficult, but that would be correctable with little effort.

When we were preparing to leave, the interactions 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 to me or to Attorney Gibbs when we said our goodbyes to her. When her sister went to her to say goodbye, Terri's verbalizations changed dramatically. Instead of the happy grunting and ''uh uh'' sounds she had been making throughout the visit, her verbalizations at these 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 definitely apparent in the short time I was there that her emotions changed—it was apparent 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 was attempting 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 why the Schindlers are fighting so hard to protect her, to get her medical care and rehabilitative assistance, and to spend all they have to protect her life.

I realize that Terri has good days and bad days. There are obviously days when she does not interact with her family, as they had previously told us. There are also apparently days when Terri is even more interactive and responsive to them than she was on the day I visited. Since this visit I am more convinced than ever that the Schindlers are not just parents who refuse to let go of their daughter. There really is a lot going on with their daughter and potentially, it seemed obvious to me, Terri could improve even more with appropriate care and 24 hour a day love that can only come from a dedicated family. As I watched her, my foremost thought was that on the next day, Christmas, Terri should not have been confined to her small room in a hospice center, nice as that room was, but that she should have been gathered around the Christmas dinner table enjoying the holiday with her family.

INTERNATIONAL WOMEN'S DAY

(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 Week and realize that maybe 20 years or 30 years ago there would not 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 Afghanistan Caucus; and I acknowledge violence still peppers and perpetrates 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 against women 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.''

Mr. Speaker, we must fight for the liberation of women around the world.

I would like to thank Lifetime Television and their commitment to "Stop Violence Against Women." Their generous support has made the celebration of International Women's Day possible.

Yesterday was International Women's Day, and it was brought to my attention that in light of all these celebrations of how far women have come over the decades, it would be naïve for us to stand here and believe that we have eradicated gender based violence. Statistics keep coming in, showing that the problem is widespread for both sexual and domestic violence, and victims fear reporting the crimes to proper authorities.

In my state of Texas, nearly 2 million adult Texans, almost 13 percent of the state population, have been sexually assaulted. In Texas, every two minutes, someone is sexually assaulted and two women are killed each week by their intimate partner.

Approximately 31 percent of sexual assault victims reported that a family member also has been sexually assaulted. We must raise awareness about how we as a society can take care of the victims of such crimes. An estimate of 82 percent of rapes and sexual assaults go unreported because of shame, fear, hurt and anger. Nearly 80 percent of those raped know the person who raped them.

Family and friends not only help their loved one deal with the effects of an assault, and must manage their own feelings about the victimization of someone they care about. The impact of such a traumatic experience is severe. thirty percent of rape victims contemplate suicide, and 13 percent attempt to take their own life.

I have worked with formidable organizations such as Texans Against Sexual Assault, who work to bring voices to women who have been 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."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SOCIAL SECURITY

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 we 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 over 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

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 in case of untimely death to a spouse and/or surviving children. It also provides for a disability benefit.

The proponents of privatization, in addition to not fixing potential financing problems for Social Security, have not dealt with the issues of survivor benefits or disability benefits. They 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, 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 people in their retirement years; and, no, we do not want to help facilitate people to save more toward their retirement. Because FDR envisioned the one guaranteed leg, the earned benefit of Social Security in addition to private pensions in a different savings. Private pensions are going away, so we need to help people save more, invest more and have more to supplement a guaranteed earned benefit of Social Security that is secure.

That is what this debate has been about. Finally, there is some realization on that side of the aisle that private accounts, in addition to taking the future financing of Social Security and putting it more in jeopardy, are a sideshow, as Senator GRAHAM, Republican from South Carolina, has said, to the real issue of, are we going to take steps to guarantee that Social Security will be there not only for this generation and the near generation of retirees, as the President would do, but for all future generations.

We can do that easily. There are a number of ways to get there, one which I have proposed in past Congresses is to lift the cap on earnings. We say, look, if someone earns $25 million a year, they should pay the same percent of their income into Social Security as someone who earns $40,000 a year. If a person earns $40,000 a year, who works for wages and salary, pays 6.2 percent into Social Security; the person who earns $25,000 a year pays about a thousandth of one percent of their income into Social Security; they finish paying social security taxes on the second or third day of the year at that wage rate. That is not fair. It is not right. If they paid on all of their earnings, and their employer, some big multinational corporation paid on all their earnings, Social Security would be secure forever. In fact, we could lower the tax rate on 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 that would finally begin 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 on 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 sources I 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 for 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 Truman 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 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 demographics. In order for our Social Security System to work, we need large numbers of young people to pay into the system. We also need people on retirement to not live very long after they retire. But the reality is our birth rates in this country are down, and our retirees are living longer lives.

Both situations are arguably good news, but they do portend a serious situation for our Social Security System. I would draw attention to this graphic. This was produced by the Congressional Research Service. It is not a partisan chart. But here is the year I was born, 1950, and we have a little over 16 workers working away to support every retiree. Fast forward, and here we are in 2005. We have three workers working to support every retiree. But as we move down the line, we go to two workers to support every retiree.

Now, Mr. Speaker, make no mistake about it, I believe very strongly in the American economy. And I would bet on the American economy over and above any economy in the world. And I just bet we can make those two workers a lot more productive in those out years, in 2040 and 2050. But I do not know if we can make them productive enough for two workers to support one retiree. I think we have to look at some other things.

A lot of people talk about the trust fund, and, gosh, there is just money in the trust fund, and we will spend that money on retirees when the time comes. Again, I will go to the Congressional Research Service, and this is a graph produced by them just a few weeks ago. It is on the Web site. Anybody can go access it that wants to. Well, this shows the money in the trust fund. And again, you will see that there is a great deal of money coming in, and it is projected to increase. But we reach a point, looks to be about 2028, when the money starts coming down, and it comes down very rapidly.

□ 1715

This includes paying back the money that is in the trust fund that was borrowed. This includes monetizing the Social Security debt which in and of itself can be pretty painful for the markets when that time comes.

Mr. Speaker, there is a question of fairness here because 12 percent of the country's payroll pays into the Social Security system and does not really pay a fair rate of return. It pays by anyone's estimate 1.14, 1.19 percent interest. What Albert Einstein, probably the finest mind of the last century, described as the miracle of compound interest, this miracle is being denied to American workers.

The old axiom states we tax what you do not want, but surely we want jobs for tomorrow's American. Increasing the payroll tax is really not a solution that I can accept. So what are the solutions? What about cutting benefits as suggested by one of the other speakers. I did not come to Congress to cut benefits on Social Security. We could raise taxes, but I do not want to do that. Taxes on jobs are going to drive jobs overseas. We already create a punitive environment in this country for the creation of new jobs with our legal system, cost of health care, and our Social Security payroll tax. I do not think we need to contribute to that, and this Congress should make a pledge that it will not contribute to driving jobs overseas by increasing the payroll tax.

I have already alluded to growth in the economy, and I believe in this country and I believe our economy will grow, but I do not know that we can count on that to cover all of the projected problems with the shortfall in the Social Security fund. So that leaves one lever left to pull, and that lever is getting a fair rate of return on the money that is invested in the Social Security system.

The problem is if we leave that money for us in Congress, and I have only been here for 2 years, but I know what other Members know, if we leave that money in Congress, we will spend it. We will spend it so quickly, we will not even know we have spent it. And when it comes time to pay the interest, we will write an IOU to pay the other IOUs we have in that filing cabinet in West Virginia.

The only way to protect the Social Security funds is to put them in accounts controlled by individuals where we cannot get at it. A question always comes how are we going to pay for this. We are already paying a great deal of money into the Social Security funds. We are paying a surplus into the Social Security system. So why not take that money in surplus, invest it and earn a fair rate of return on that investment.

There is debt that is owed to the Social Security system. That debt will some day have to be monetized. That money continues to grow as we pay the interest on it and as we continue to borrow from those funds. Why do we not just borrow the money? The obligation is already there. Let us refinance it like any American family would refinance a mortgage if they were trying to work their way out of a difficult financial situation. Refinance the money, make it real debt with a real interest rate. I think the markets would take a great deal of comfort in that. Markets do not like uncertainty, and I do not think in 10 or 15 years' time they are going to like the uncertainty when we monetize the debt that we owe the Social Security system.

So let us recognize it up front, call it what it is, it is a loan, we borrowed it, let us set a fair interest rate on it, and pledge to pay it back and set up a repayment schedule that we can all live with.

So the current obligation is already present. Let us finance the transition with that debt and convert an unknown obligation into bonded indebtedness and give the markets some measure of comfort that we in Congress recognize the problem and know what we are doing to alleviate the problem.

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.'' These 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 Mathew 20 and 27: ''And whosoever will be chief among you, let him be servant.''

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 Center launched Moody Online 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 the 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. Without question, Dr. Joseph Stowell was one of the most effective presidents in the history of Moody Bible Institute.

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,'' and 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 been called 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 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 know now 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 the Pentagon showing that the government 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. Now we do tests underground. The picture next to me took place in 1970. It was an underground nuclear weapons test, the Baneberry Shot it 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 how this was dispersed across 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 to radiation.

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.

□ 1730

I encourage all of my colleagues to join me in support of this legislation.

I would just like to close by mentioning I have supporters of this bill that include the National Association of Atomic Veterans, Physicians for Social Responsibility, the National Association of Radiation Survivors, the Intermountain Pediatric Society, the Utah Medical Association and the Utah State legislature. I encourage my colleagues to join me in cosponsoring this bill. I hope we bring it to speedy action on the floor.

The SPEAKER pro tempore (Mr. DENT). Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) 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 gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-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. MILLENDER-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 hit last October. Oil 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 today based 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 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 dependency on oil.

I was shocked at his answer since 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 the Middle East 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 for 60 minutes 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 to give us 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 in the 1960s when the freight 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 terminate the RPOs 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, and 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 industrial 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 track, 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, oh, that will hurt 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 a student 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.

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 this 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 disinvest, drive Amtrak into bankruptcy, wash their hands of the issue and walk away from it. That is wrong. That keeps America as a third world country.

□ 1745

We got there by accident. We can get out of this problem by design, by responsible investment in the future of rail passenger service. Others will talk about the infamous September 11 when 5,240 aircraft, commercial airplanes came out of the skies, and all of the radar screens of our aircraft control system went dark. Amtrak was operating.

We must not wait for another tragedy to shut down an important segment of transportation and come to the realization we should have been investing in Amtrak. I salute the gentlewoman from Florida (Ms. CORRINE BROWN) for her commitment, for her dedication, for raising this issue, taking this time to bring to the American public the need for investment in Amtrak.

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?

You know, we have been raising this issue about aviation, and, you know, we put billions of dollars, I forget how many billions into aviation, and we talk about our transportation bill, we have it on the floor today, and we are putting it in.

But is there any mode of transportation in the whole world that pays for itself?

Mr. OBERSTAR. 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 land. Every other section of land from the Mississippi River to the West Coast, the Pacific Ocean to build their railroads.

Without that land and the rights to the minerals and the lumber on 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 controllers' 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 that comes out of public funds, 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 programs to which 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, now the gentlewoman 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. OBERSTAR), 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), and to thank her very much 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 funds. The past 3 years have been among the most successful in Amtrak's 30-year history, 34-year history.

Despite an overall turndown in the travel industry that has resulted in financial disaster for our airlines, Amtrak has been making great strides in efficiency while becoming an increasingly popular choice for consumers. It remains a vital component of our Nation's infrastructure, providing an invaluable public service unmatched by any other means of transportation.

Since 2002, our rail system has gone through an exceptional period of financial and operating stability. Amtrak has established new accounting and financial reporting systems, trimmed mail and express rail operations, truncated long distance routes and cut expenses while raising ridership and engaging in the large-scale repair and restoration of an aged fleet.

Last year, the 240 employees of Beech Grove, Indiana, which is in my district, a heavy maintenance facility, repaired and returned to service 15 wrecked Superliners and locomotives.

And as all of us recall the 9/11 fiasco, consumers turned to Amtrak to continue their commuting to work and other ways. When Amtrak was established by an act of Congress in 1970 to take over for the money-losing private passenger rail systems in America, then Secretary of Transportation John Volpe predicted that Amtrak could turn a profit, but only if the Federal Government provided enough capital to produce high-speed trains and profitable corridors.

What better investment could Congress make to ensure the preservation of 22,000 jobs of the Amtrak employees and to preserve the vital services for consumers around the country who rely daily on Amtrak services.

According to the Congressional Research Service, Amtrak's fastest train, the Acela, averages 86 miles per hour in the New York to Washington corridor. And I am telling you, if I lived in New York or New Jersey, my transportation would be Amtrak. I love it. I love to ride Amtrak back and forth to New York and to New Jersey, and I am sure the other passengers do too.

So it is my strongest, strongest request and hope that Congress will do what it should do in terms of maintaining Amtrak and funding it at the proper levels so that it can remain efficient and solvent for many years to come.

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 confine 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 tremendous amount 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 inner-city 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.

The number third busiest corridor in the Nation is the capital corridor, from San Jose to Sacramento to Auburn. It provided over 1.1 million riders last year for over a 2.3 percent increase 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 areas, 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 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. Amtrak in return 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 fitting 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.

We all know, if we study our Nation's history, that every mode of transportation going back to the 18th century has been subsidized in one form or another.

□ 1800

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 time 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 in our 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 where 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 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 Amtrak 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 of the American people.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. CUMMINGS), a member of the Committee on Transportation and Infrastructure and a leader in this country on transportation and infrastructure.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman, first of all, for having this special order this evening. I also thank her for her leadership as the ranking member of the Subcommittee on Railroads of our Committee on Transportation and Infrastructure. I feel very fortunate to be a part of that subcommittee, and I thank her for her vigilance and constantly standing up for people who need a voice.

Certainly, there is no question about it this evening, Mr. Speaker, that there are a number of people that, just this morning and this evening, as a matter of fact, are crowded on trains trying to get home, many of them having worked all day, glad to be able to sit down and relax as they ride home in an efficient and fast system of which Amtrak has structured itself and made available to them.

The interesting thing that we face is that, so often, when we have good things going for us and they are working, sometimes folk like to tinker with them. And when they tinker with them, quite often they lose a lot of their effectiveness, and a lot of times they are thrown off the track.

But the fact is that here we have a case where the President basically, by his actions, and I know he says otherwise, puts this very important system, this system that I just spoke about, 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 would 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 just stated, with over 60 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 liquidated. 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 prolonged 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 with access 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 value of maintaining a national passenger rail service. It is long past time for Congress to clearly define the nature of this commitment and to honor this commitment by providing sufficient and reliable funding to Amtrak to enable it to succeed as a transportation service.

Our commitment must be a national commitment to national rail service. Congress must not shift the responsibility for funding our national intercity passenger rail service to the individual States which cannot afford to meet it and which cannot guide a truly national, seamless, intercity passenger rail service.

In examining how Amtrak can be strengthened, Congress must look broadly at all aspects of Amtrak service, including its relationship with freight railroads, and we must establish clear objectives for Amtrak that emphasize excellent national service. Congress must also demand that Amtrak respond to our investment by developing and implementing a workable plan to provide the most efficient and cost-effective service possible. Such a plan must include appropriate benchmarks for measuring progress. And Congress must be vigilant in demanding accountability from that system.

Finally, America has had an intercity passenger rail service for more than 150 years, and this service remains an essential component of our transportation network. I urge the Congress to renew our commitment to intercity passenger rail service and to move past the annual struggle over Amtrak by creating a reliable funding stream and to embark on a concerted effort to enable this service to realize its full potential.

One hundred and fifty years of rail service, the fact is that, now, that same service is under our watch, and so it is up to each of us, each one of us and the President, to ensure that that service lasts for another 150 years, so that when generations yet unborn look back at what we did in 2005, they can say that we sent a powerful message to the future, and that is that we cared about Amtrak and that we cared about the passenger who simply wants to move from one place to another to have the very, very best lives that they can.

With that, I again thank the gentlewoman for her vigilance and leadership.

Ms. CORRINE BROWN of Florida. Mr. Speaker, reclaiming my time, may I ask the gentleman one question before he leaves?

I know that the gentleman comes from Baltimore, which is a big city, and many people look at the big city and know that we need Amtrak. But would the gentleman believe that 109 small cities do not have any other form of transportation? They do not have bus service, nor do they have air service.

Mr. CUMMINGS. Mr. Speaker, if the gentlewoman would yield further, I

often ride from Baltimore up to Connecticut on Amtrak, and I see some of the little small stops that we stop at. The stations are very small, but the fact is that people get on the train and people get off the train. And I say to myself, I wonder what they would do if we 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. Speaker, 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. 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. As a personal beneficiary of the service that Amtrak provides and as someone who represents a congressional district that counts on safe, reliable rail service, I am a strong supporter of providing this vital industry the funding necessary to continue operations.

A healthy Amtrak is an integral part of New York and the Nation's economy and transportation systems. 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.

These numbers tell the story. Amtrak is a major industry helping to support families and towns throughout the country, and it requires our support now.

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 that with regard 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 no wonder that we are debating investment in Amtrak. We have never provided the adequate assistance that would allow Amtrak to operate at full capacity, thereby providing no baseline for comparison now that the President is proposing to eliminate the program.

Over 30 years ago, Amtrak replaced a faltering private rail system failing to provide adequate services. Now, 30 years later, we are attempting to replace an existing public passenger rail system with some undefined private system by stripping funding for a struggling but improving system that America supports. We should not continue this cycle, and I urge my colleagues to oppose this proposal, as it represents an unclear approach to a very serious issue.

Congress continues to focus on funding other transportation modes over Amtrak to the detriment of the rail industry. Amtrak's level of funding represents only 2 percent of the U.S. Department of Transportation's nearly $60 billion budget; whereas over 50 percent of the Department's spending went for highways, and nearly $20 billion went for air travel.

□ 1815

The fact is that America relies on Amtrak to move people. Commuter rail systems would be faced with major roadblocks and possible route elimination if Amtrak lost funding. So we are not just talking about an effect on Amtrak's customers alone. Over 850,000 commuters a day rely on Amtrak or its infrastructure to get to and from work, and it simply makes no sense to eliminate funding for a program that benefits nearly 1 million commuters a day.

Mr. Speaker, I urge all of my colleagues to fight for the continued operation of Amtrak by advocating for a budget providing $1.8 billion for fiscal year 2006. I thank the gentlewoman from Florida (Ms. CORRINE BROWN) for her leadership on this issue.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I have a question for the gentleman: Can he repeat how much we are proposing to spend this year on Amtrak?

Mr. BISHOP of New York. The President's budget proposes zero.

Ms. CORRINE BROWN of Florida. Zero.

Mr. BISHOP of New York. And what we need is a budget of at least $1.8 billion.

Ms. CORRINE BROWN of Florida. Mr. Speaker, $1.8 billion. Would the gentleman believe that we are spending $1 billion a week in Iraq, $4 billion a month in Iraq, and with $3 billion, it would completely fund the Amtrak system and bring it up to date. The people that pay the bill are getting the short end of the stick.

Mr. BISHOP of New York. Indeed they are. This country has a long history of finding the money to support things that it considers to be a priority, and we simply need to come together and say that this kind of passenger rail service is a priority.

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 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. NORTON. Mr. Speaker, I thank the gentlewoman for yielding and for her kind words. Yes, I have been on this committee for 14 years, and I am very pleased to see the gentlewoman become the new leader of the Subcommittee on Railroads and already, in this and other ways, is offering excellent leadership. The gentlewoman is going to be tested, because she faces a crisis like no Chair of that committee has faced, with possible loss all together of Amtrak; and I congratulate her for taking hold and having no fear, but then the gentlewoman 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 order to accomplish that, some good things came from it, but some not-so-good things came from it, because they had to pull out of many markets that are not unprofitable, given the deregulation. Even before 9/11, all the airlines were, as it were, in the hospital. Every 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, finally. Yet, we are systematically 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 gentlewoman 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 needed $375 billion. So we are way behind. This is because 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 Governors, the local communities, 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 through the highways 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 cheap, 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–9/11 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 Washington and carried the Florida delegation home.

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.

I 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 the point I think 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 Florida talk about New York being left in the same way. Who would, as the gentlewoman says, want to even risk that?

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 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 trying 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 their goal to put an industry 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 not 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 a certain number of places. And guess what? They need some kind of subsidy, and they certainly have gotten 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 they do need it. It is not 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 said, hey, there is no profit in this. What makes us think there is profit in it now, when even we 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 that the States, which are now 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 on the tax bases of each and every State which are having a hard enough time keeping their own transportation going.

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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 forming of transportation.

I really welcome this debate because I think we have been nickeling 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 think 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 most profitable, there is a tiny part that is profitable maybe between Boston and New York and say, the rest of you are on your own. You would have one corridor or so railroad. Nothing resembling the kind of coverage that we have now would be possible.

I do want to point out something because as a lawyer, I got interested when I learned something from my staff. I said, wait a minute, I have to look into this. There are so many impossible missions we have given Amtrak. They have modernized and done a very good job of doing that.

Ms. CORRINE BROWN of Florida. I want to point out ridership on Amtrak is up 1 million passengers. People are using the services. You lawyers do this, suppose this. Well, let me just say, my position is what happens when failure is not an option. We cannot fail the American people on this issue. This issue is bigger than us. This is bigger than the Congress. This is about the future of America. It is about post–9/11 and whether or not we are going to provide the safety that the American people need. We are talking about homeland security. This is homeland security.

We have got to make sure that we can move people and not just invest in operations, but we need to invest in safety, and not just for Amtrak but for all of the systems. Because look what happened in Madrid when the Amtrak was bombed. I mean, those are the kinds of things that we need to be looking into. How can we make sure the system is safe for the ridership?

This administration is short-minded. They have their priorities backwards in many areas. And certainly, I feel that, I guess when you get a 53 percent mandate, you got it going on. But as far as I am concerned, the American people need to understand, and I think it is our job to help educate them on the importance of Amtrak and give them a method that they can communicate to us and let us know that Amtrak is important.

With that, I am proposing that we do a series of whistle stops throughout the country. I think the Members need to get out into the districts, ride the train, and talk to the people that are doing that ridership. And we are working on that, and we are organizing that. And I hope that the gentlewoman will participate because I think that the best thing to do is to have townhall meetings where the people can give us direct input.

This is the people's House, and we represent the people of the United States, and we are closer to them. We have to come before them every 2 years. And so I think this would be one avenue with those whistle stops, to get out and talk to the American people and hear what they have to say about Amtrak.

My hour is up. I am going to close by just saying, what do you do when failure is not an option? Failure is not an option when it comes to Amtrak. We must have Amtrak passenger rail service in this country.

The current funding issues concerning Amtrak brings up a fundamental question of where this Nation stands on public transportation. We have an opportunity to improve a system that serves our need for passenger rail service, or we can let it fall apart, and leave this country's travelers and businesses with absolutely no alternative form of public transportation.

Without the funding Amtrak needs to keep operating, we will soon see people that rely on Amtrak to get them to work each day, waiting for a train that isn't coming.

We continue to subsidize highways and aviation, but when it comes to our passenger rail system, we refuse to provide the money Amtrak needs to survive.

This issue is so much bigger than just transportation. This is about safety and national security. Not only should we be giving Amtrak the money it needs to continue providing service, we should be providing security money to upgrade their tracks and improve safety and security measures in the entire rail system.

Once again we see the Bush Administrations paying for its failed policies by cutting funds to vital public services and jeopardizing more American jobs. This Administration sees nothing wrong with taking money from the hard working Amtrak employees who work day and night to provide top quality service to their passengers. These folks are trying to make a living for their families, and they don't deserve this shabby treatment from the President.

It's time for this Administration to step up to the plate and make a decision about Amtrak based on what's best for the traveling public, not what's best for the right wing of the Republican party and the bean counters at OMB.

I represent Central Florida, which depends on tourism for its economy, and we need people to be able to get to the state to enjoy it. Ever since September 11th, more and more people are turning from the airlines to Amtrak, and they deserve safe and dependable service.

And this is just one example of Amtrak's impact on my state. Amtrak runs four long-distance trains through Florida, employs 990 residents with wages totaling over $43 million, and purchase over $13 million in goods and services last year alone. And they are doing the same thing in every state they run in.

Some people think that the solution to the problem is to privatize the system. If we privatize, we will see the same thing we saw when we deregulated the airline industry. Only the lucrative routes would be maintained, and 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 isn't 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 stalled the advancement of corridor development throughout the country.

Dependent upon an annual federal appropriation, Amtrak's national network is constantly threatened by under-investment, lack 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; Oakland-Fresno-Bakersfield; 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 Haven, CT to Springfield, MA, 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 predominantly federally owned or federally assisted 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 to the FAA, and $1.217 billion for Amtrak.

Amtrak's FY 2004 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 its existing passenger railroad network. Canada's system is ⅓ the size of Amtrak's and has ⅙ 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.

Amtrak's corridor services 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 covers all of their expenses from fare box revenues.

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Thirteen states provide operating support for 20 different routes, with payments totaling over $135 million in FY 2004. Many states, including California, Illinois, Oregon, New York, and Washington recognize the benefits of investing in corridor development, and have spent substantial state funds to improve services with positive ridership results.

Currently, Amtrak operates the high-speed Acela Express service, which travels in the Northeast Corridor between New York and Washington in approximately 2 hours 45 minutes, and Boston and New York in approximately 3 hours, 20 minutes. Amtrak now carries 50 percent of the air/rail market between New York and Washington, and 39 percent of the market share between Boston and New York. This is up from 36 percent between New York and Washington and 18 percent between Boston and New York before Acela Express was introduced. This demonstrates travelers will increasingly use a reliable, trip-time competitive alternative to the congestion that is otherwise choking our cities.

Corridors in which states have invested funds to improve trip times and frequencies include the Pacific Surfliners in California and the Cascades Service in the Pacific Northwest. These corridors have multiple frequencies and the potential to become higher-speed rail corridors once infrastructure improvements can be made.

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The route through the Northern part of the country, the Empire Builder, which carried over 437,000 passengers last year, is the only public transportation service in many communities in North Dakota, Montana and Northeastern Washington. For most of the states along the Empire Builder, tourism serves as a major economic engine. A recent study identifying the economic contributions of the Empire Builder demonstrated nearly $14 million in annual economic benefits to the state of Montana alone.

Long-distance trains also provide transportation during periods of severe weather conditions or emergencies that stall other modes of transportation. This was demonstrated after the September 11 terrorist attacks that grounded air travel. Additionally, these trains provide a strong economic benefit for the states and communities that they serve.

The majority of passengers on the long-distance trains do not travel between the endpoints, but rather to any combination of city pairs. For example, the Southwest Chief, which travels from Chicago to Los Angeles via 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 tong distance trains. However, each long distance train passenger is the equivalent of five short distance train 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 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 labor 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 continues and will allow Amtrak to increase capacity, and therefore revenues, on long distance trains, which often sell out. These changes should help further reduce the losses of long-distance trains.

Amtrak's 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.

With the exception of trains over the Northeast Corridor between Washington, DC, and Boston, MA, Amtrak trains operate over tracks owned and managed by the nation's freight railroad companies.

In the past, congestion on these freight routes has caused delays for Amtrak trains, however, this past summer has seen significant delays and inconveniences to Amtrak's passengers across the country.

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 acknowledge 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

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 have 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, Capitals and San Juaquins 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 railroad since taking the helm in May 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. INGLIS). 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 things to the people of this 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 pat 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 Medicaid. Obviously, we have got a serious problem with Medicaid. We need to reform that system, and the President talked about many of these things in his State of the Union address. We addressed, of course, Medicare modernization and the prescription drug act last year. In fact, December of 2003 is when that bill was signed by President Bush.

But we will continue to focus on Medicare in realizing that it is not a perfect system. It is a good system. It has served our people well, but it is not perfect.

Then, of course, the issue of the uninsured, some 43 million in this country. Many of them, Mr. Speaker, have jobs. They work. They are not unemployed, but they are underemployed and, in many cases, are not insured at all. They do not have the opportunity to purchase health insurance. Maybe it is not even offered by their employer, or if it is, they cannot afford to purchase that insurance. And my colleague, the co-chairman of this Republican Health Care Public Affairs Team who is with us tonight, will be speaking in just a few minutes. We will be talking about, also, just the issue of electronic medical record keeping and how important that is to reduce the number of errors, medical errors that we know cause far too many injuries and, yes, in some cases, loss of life in this country. The gentleman from Pennsylvania (Mr. MURPHY) will talk about that.

The main emphasis tonight, of course, as I stated, Mr. Speaker, will be to talk about this issue of medical liability and why it is causing such anguish in our country and resulting in the lack of timely and necessary access to health care.

I am often asked, I am a physician Member, I think, Mr. Speaker, you know that, and my colleagues are aware of that. I came to this body after practicing OB-GYN medicine in my district, the 11th district of Georgia, the City of Marietta, Cobb County of Georgia, where I delivered over 5,200 babies. And it was tough to give up that practice. But without question, I was beginning to feel a lot of stress, a lot of anxiety, frustration in my medical practice as I watched those medical liability insurance premiums just continue to skyrocket and get up to the point where it was awfully difficult to be able to afford that.

So this is really what a lot of my colleagues are going through. I have also had people back in the district say, now, I think you have a lot of doctors and a lot of health care providers in the Congress now. Did we not elect a few more? In fact, we did in this 109th Congress. We grew our numbers a little bit, Mr. Speaker. We went from a grand total of seven M.D.'s to ten in the House, and of course, we have a number of other health care providers, be they nurses or dentists or pharmacists or psychologists, but it is still a small number.

When we look at 435 Members, and maybe we have something less than 20 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 which we are managing, 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 you 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 truly, we have, as I say, 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 this 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, of course, in regard 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, indeed a 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 in a very timely manner and in some instances get that child to surgery, the damage that can be done is irreparable damage and it cannot be undone.

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So we know that we have physicians like neurosurgeons, and I mentioned my specialty, OB/GYN. Doctors who are involved in high-risk specialties are the ones that are getting absolutely killed by runaway medical liability premiums and that constant threat. They are willing, through compassion and love of their profession and their patients, to take on those tough 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 bring some relief. When I say bring some relief, I am not hardly even talking about the doctor's income. I am talking about keeping them in practice, keeping them performing those cases, seeing those patients that are high risk, rather than hanging up that stethoscope and trading it in for a fishing rod or whatever, because they just no longer can stay in practice under that environment. So it is a huge, huge problem.

Let me just talk about why we at the Federal level, I said Georgia passed tort reform, Florida did, Texas did, California of course gave us the model of tort reform back in 1978, the bill called MICRA, which stabilized malpractice insurance premiums so that doctors did not leave California, did not stop their practices, continued to see those high-risk patients, without these premiums going just totally through the roof, and it worked and it worked 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 here in the 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 it. 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; but when it gets 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 to be, and I continue 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 I 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 particular chart.

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 slide. 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 solve it at the Federal level.

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 as 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 these issues of why it 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, that the numbers out there, 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 so important, that part of what 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. Now, this touched off a great concern across the Nation. The government and many efforts, President Bush and then-Secretary Tommy Thompson started investigations to see what happened, why this was so. A great deal of research and other efforts took place in hospitals and physician offices and medical schools across the country to find out what this is about.

What stood out, however, is even more alarming: that we really do not know how many of these deaths occur every year because they typically may not get reported. This has led to a situation where many health care providers simply do not talk about the

problem because they fear legal retribution. 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 errors, zero patient errors. Anything beyond that I believe is too high. It is too high of a cost for our Nation's health care facilities, and we should not embrace 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 or 1 percent 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 percent or 99 percent success? Certainly, every one of us in the health care field wants to aim towards 100 percent success, 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 paying.

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 staphylococcus 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 reported that these hospital-acquired infections affect 5 to 10 percent 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 infections could have been prevented by 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, they seem 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 it clear here to our colleagues, 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 Federal Government embracing truly changes in how we handle errors.

Many hospitals and doctors are concerned about this, but we also see that there are recommendations for open and meaningful communication with health professionals about medical errors. 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 continue on this evening, I 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 other ways that this liability crisis is affecting our Nation and how patient safety needs to work hand in hand with working to reduce some of these liability issues, and that will be something that not only keeps more doctors practicing 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 that while physicians in this country, health care providers are in a crisis situation, as we said at the outset, because of the need to practice defensive medicine, inability to pay for liability premiums that have gone through the roof, what Dr. MURPHY, my co-chair, has brought to us is to say physician, health care provider, heal thyself, heal thyself.

□ 1900

And that is important. We cannot say that we are not going to do things to try to make sure that there are less errors and less accidents. People must know that we are determined to reduce those medical errors that the gentleman from Pennsylvania was talking about.

I am very pleased to introduce the next Member, my colleague from Georgia. We talked at the outset about the number of physicians in the House and the fact that we picked 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 colleague from my own County of Cobb and represents the district that adjoins mine. We both have a part, a significant part of Cobb County.

The gentleman from Georgia (Mr. PRICE), Representative PRICE, Congressman PRICE is an orthopedic surgeon, one of my great mentors when I was a member of the Georgia Assembly, 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 incredibly important to every single American, and that is their health.

I know we are talking about patient safety, but I want to put a little different spin on patient safety. I want to put it in a little different light. Because 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 access to health 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 some of this information just 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. Ones does not think about that happening. If it is in your community, though, it is an incredibly important thing for not just the economic vitality of your community but for the health and well-being of your citizens.

Four percent of Georgia physicians will leave the State or quit medical practice in the coming year. This was asking, what is going to happen to your practice over this next year? Four percent. A remarkable number. And 11 percent of Georgia physicians will stop taking emergency room coverage.

Now, I believe that the crux of the liability 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, this is the consequence: Hospitals close; doctors quit doing certain procedures because they cannot afford the insurance to cover that, or they simply close their office. And when that happens, what is the real result? The real result is that patients cannot have access to the kind of quality care that they need and that they deserve.

So I want to touch on a few very specific issues that are certainly true in our State, and I know them to be true around the Nation because, as I mentioned, Georgia is not any different than any other State.

We have a number of different specialties that are more at risk than others, 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 a few specialists that I know who are having significant problems, and I will point out what they are no longer 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, well, what is a high-risk procedure? Must be something that endangers the patient's life; right, immediately? Well, in fact, that is not the case. For radiologists, mammograms are high-risk procedures. Mammograms are high-risk procedures. Something 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 error rate because 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 the radiologist, 40 percent of the radiologists nearly in our State, and I know it is true around the Nation as well, have said, look, I cannot expose my family to that liability, and the only thing I can do from a personal standpoint is say, I am sorry, 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 goes up, that 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 technology 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 they say, 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 earlier, and I 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 environs of Atlanta, who no longer have the 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.

I believe that the amount of safety 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 his 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, and he became unconscious. 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 available.

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 people are talking about because it will be attributed to a traumatic fall. 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 review a couple 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 forgot how 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, quit delivering babies over 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 all across our State and, frankly, all across our Nation.

Let me close with just three very specific examples. A good friend of mine, and my colleague from Georgia knows him as well, Frank Kelly, an orthopedic surgeon who practiced for 25 years. He is in the prime of his career. He ought to be able to practice for another 10 or 15 year. A very, very highly-qualified orthopedic surgeon in the middle of our State who quit practice. Quit practice.

The reason was not that he did not have a passion for it any more. The reason was not that he had forgotten what he was supposed to do when he came to office. The reason was the liability crisis in our Nation.

Another example. Atlanta pediatric neurosurgeon, and we only have eight in the State, left the State last March, left the State because of the liability crisis.

Again, in Marietta, where my colleague and I, where we both share adjacent districts, a 52-year-old general surgeon we both know well, performed 80 surgeries a month. That is the level of his practice. That is how qualified he was and how much the patients and citizens of our districts love him. He, at 52 years old, again, this is somebody who ought to be in the prime of his career and providing excellent high-quality care to citizens in our districts, had to quit the practice of medicine because of the incredible liability crisis. And that is an individual who had no claims; had never been sued. But because of the increasing liability crisis and the increase in cost, he was no longer able to do that.

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 it 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 doctor from Georgia for his 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 lawsuits in order to try 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 colleague now, the gentleman from Texas (Mr. BURGESS), who oftentimes refers to himself as a country doctor from Texas. He has delivered many babies in his OB–GYN practice, and so I wonder if he, as he begins to talk, whether he can talk about making sure we have more accurate approaches to tracking and understanding errors as a means of improving on patient safety.

□ 1915

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 if 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 figure, they doubled 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 that, 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 campaigning for this office, a young woman who is about 40 came up to me and said, I have lost my insurance coverage because my insurer left the State, and now I cannot practice my specialty of radiology. I cannot get insurance anywhere, so I am 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 have occurred 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 here 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 of $22 million in the 6 months after 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 doing, they were allowed to participate 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 have 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 anesthesiologist? 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 1996 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 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 their cases look good when presented on the stand. That is why this is so critical for us 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.

Again, 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 I had pointed out earlier in the hour that the total percentage of nonmandatory 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 up these points. I want 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 retirees 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 ones which I am hoping all of us 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 half an hour 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 and my penmanship was developed by the Catholic nuns at a very strict parochial school, but what the gentleman from Pennsylvania (Mr. MURPHY) is talking about is you have a chart, it is in the office. The doctor sees a patient maybe a couple of times a year over a long period of time. The chart gets thicker and thicker. Sheets are put in, not tabbed, they are out of order. The doctor may not know even when the patient was last seen if they are not a good historian.

□ 1930

The gentleman from Pennsylvania talked about this earlier, about medical errors. The gentleman from Texas mentioned it, and I think the gentleman from Georgia, too; that the Institute of Medicine statistics, hopefully they are not accurate, because that is an astronomical number of deaths and injuries that they say occur each year because of medical errors. But as the gentleman pointed out, even one is too many. A lot of it is because of this sloppy medical recordkeeping. So, yes, it is definitely a problem and needs some immediate attention.

Mr. MURPHY. What the President has proposed here is to make some changes to entice hospitals throughout the Nation and from medical practice to go towards electronic medical records. Let me try and describe that for our colleagues. This is a system which could be kept in place within the hospital itself, so that, any time a physician needed to access, or any medical provider within that hospital network, needed to access the patient's file, they could call upon this. Think about all the times you have been to see the doctor and you have to fill in the history sheet all over again and your address. You hope you remember all the places you have gone and all of the medication you have been on and all the illnesses you have had, but chances are, for the most part, a person cannot. In fact, some studies have looked at that, just looking at some of the paper charts that occur, that there are omissions and 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 the hospital, they can update those records. 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 these at work, but I am wondering 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 recordkeeping, 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 happens a lot, far 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 tonight about medical liability reform 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 understand that, as I pointed out earlier in my statement, physician, heal thyself. We know there are some problems. I think one of the biggest problems in regard to the error rate is this issue, as the gentleman from Pennsylvania points out, of poor medical recordkeeping, the traditional system, the 20th century recordkeeping, if you will. It is time to make these changes. The technology is there. We need to incentivize. My colleague from Pennsylvania 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 a disincentive, I think, for a lot of them to do that. But we need to move toward a system of reimbursement, maybe under the Medicare or Medicaid program, Federal match and 100 percent pay on Medicare. We need to be able to incentivize individual doctors 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 Information Technology leadership estimated that, if we move towards electronic 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 businesses have seen their health care costs climbing, sometimes up into the double-digit amounts per year, it can do a great deal.

I know we only have a few minutes left, but one other thing just to whet the appetite with which we will need to come back to at another time is electronic prescribing. No offense to the good doctor, but very often, it is tough for someone to read a physician's handwriting. This can also lead to errors. Pharmacists estimate about 140 million times 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 prescribing 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 these 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 so thankful to be doing this with my cochair, the gentleman from Pennsylvania, 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 extremely interested 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 injured 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 redress 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 minutes.

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 health care needs that exist and the challenges that the American people have in obtaining 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 campaign. That is, the claims that were made about the U.S. economy. Our supposedly 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 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 Herbert 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 established at the time of the Depression, and it was based on a Depression-era economy.

But let us assume for one moment that the payroll survey presents a complete and accurate picture of job creation in our economy. What does that picture look like over the past 4 years? It shows a period of job loss that followed a stock market bubble bursting, an economic recession, horrible, horrible terrorist attacks, and a series of major corporate scandals. Following this period of losses came a recovery that was sluggish at first, and then picked up rapidly, eventually creating 2.2 million jobs in calendar year 2004. And the net job losses? The Herbert Hoover workforce? It never ever happened. Despite the series of massive blows to our economy in the early part of this decade, despite an ongoing war on terror, despite sluggish growth in many of our biggest trading partner nations, President Bush presided over 4 years of net job creation, 119,000 jobs to be exact. But those 119,000 payroll jobs are only a small slice of the overwhelmingly positive news about our economy.

This Depression-era job survey is a little out of its league in our very fast-paced 21st century economy. While it counts payroll jobs in long-established businesses, it misses many of the types of jobs that are increasingly common in an economy based on innovation and entrepreneurship. Today's independent contractors, consultants, small business owners and LLC partners account for one-third of new job creation. But they are not reflected in that payroll number, that Depression-era structure that is used for counting payroll jobs.

By contrast, the Bureau of Labor Statistics' survey of households goes directly to individuals. All types of workers, regardless of how they are employed or how their jobs were created, are covered by the household survey. Consequently, the picture it portrays of our economy over the past 4 years is far more complete than what the payroll survey conveys. By surveying the entire workforce, it demonstrates that President Bush presided over the creation of 2.5 million new jobs in his first term. Again, he did this throughout incredibly tumultuous and difficult times.

The household survey figure of 2.5 million new jobs is much more in line with other economic indicators that highlight just how absurd that Herbert Hoover claim actually is. In 2004, gross domestic product growth, the broadest measure of economic health, grew by 4.4 percent, the fastest pace since the bubble burst in 1999. Fourth quarter GDP growth was recently revised significantly upward, from 3.1 percent to 3.8 percent, based on news that exports were even stronger than had originally been thought. Business investment has also been revised upward, from 14.9 to a very robust 18 percent. And for the first time since 1994, non-high-tech business investment outpaced high tech investment, demonstrating that our economic vitality is widespread.

Mr. Speaker, the President may have inherited very difficult economic circumstances, but thanks to his pro-growth policies, particularly his trade

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. CAPITO, 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. HOBSON (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. PALLONE, 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. MILLENDER-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. CAPITO. 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

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, March 8, 2005.

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)(1), 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 addressed 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. ROBFOGEL,
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:

Issuance of the Board's Initial Notice of Proposed Rulemaking: On September 29, 2004, the Board of Directors of the Office of Compliance issued a **Notice of Proposed Rulemaking** in the Congressional Record at 150 Cong. Rec. S9917 (daily ed.), and at 150 Cong. Rec. H7850 (daily ed.). The Notice of Proposed Rulemaking was prompted by the promulgation by the Secretary of Labor, effective August 23, 2004, of amended regulations regarding various exemptions from the overtime pay requirements of the FLSA. ***See: Federal Register, Vol. 69, No. 79 (August 23, 2004).***

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

format? This Notice of Adoption of Substantive Regulations, and Submission for Congressional Approval is available on the Office of Compliance web site, www. Compliance. gov which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice can also be made available in large print or Braille. Requests for this Notice in an alternative format should be made to: Alma Candelaria, Deputy Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, D.C. 20540; 202-724-9250; TDD: 202-426-1912; FAX: 202-426-1913.

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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Authority: 29 U.S.C. 213;[[Public Law 101-583, 104 Stat. 2871]]; ***2 U.S.C. 203; 2 U.S.C. 304.*** [[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 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 ***[[***, State or municipal***]]*** laws***[[***, 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 ***[[***enterprise***]] 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 degreed 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 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 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, transmitting the Department's final rule—Spring Viremia of Carp; Payment of Indemnity [Docket No. 02–091–2] received February 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(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. 109–15). 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. CUBIN:

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 lenders, 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 Navassa 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. BROWN of Ohio, Mr. CUMMINGS, Ms. ZOE LOFGREN of California, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. FILNER, Ms. SCHAKOWSKY, Mr. FARR, Mr. VAN HOLLEN, Mr. MCDERMOTT, Ms. WATSON, Mr. OLVER, Mr. ABERCROMBIE, Mr. WEXLER, Mr. CLYBURN, Ms. SLAUGHTER, Mr. MCGOVERN, Mr. CAPUANO, Ms. CARSON, Ms. VELÁZQUEZ, Ms. ESHOO, Mr. STARK, Mr. KUCINICH, Mr. MATHESON, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. ISRAEL, Mr. TIERNEY, Mr. DAVIS of Illinois, Mr. ALLEN, Mr. TOWNS, Ms. WATERS, Mr. CONYERS, Mr. WATT, Mr. NEAL of Massachusetts, Ms. LINDA T. SÁNCHEZ of California, Ms. BALDWIN, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Mr. RANGEL, Mr. BERMAN, Mr. NADLER, and Ms. NORTON):

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. LEACH, Mrs. MALONEY, Mr. JONES of North Carolina, Mr. MOORE of Kansas, Mr. RYUN of Kansas, Mr. ISRAEL, Mr. NEY, Mr. TIBERI, Mrs. BIGGERT, Mr. GUTIERREZ, Mr. DAVIS of Alabama, Mr. HINOJOSA, Mr. KING of New York, Mrs. MCCARTHY, Mr. LATOURETTE, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. FORD, Mr. TOWNS, Mr. RENZI, Mr. CLAY, Mr. GARY G. MILLER of California, Mr. MCHENRY, and Mr. BARTLETT of Maryland):

H.R. 1185. A bill to reform the Federal deposit insurance system, and for other purposes; to the Committee on Financial Services.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. MCCRERY, Mr. HULSHOF, Mr. CULBERSON, Mr. SIMMONS, Mr. MCCAUL of Texas, Mr. SHAW, Mr. GILLMOR, Mr. KING of New York, Mr. FOSSELLA, Mr. HOSTETTLER, Mr. BAKER, Mr. PAUL, Mr. BEAUPREZ, Mr. NORWOOD, Ms. HART, Mr. SENSENBRENNER, and Mr. SAM JOHNSON of Texas):

H.R. 1186. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

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 punish the placing of sexual explicit photographs on the Internet without the permission of the persons photographed; to the Committee on the Judiciary.

By Mr. HUNTER:

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 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. BOEHLERT, Mr. PALLONE, Mr. WELDON of Pennsylvania, and Mr. ALLEN):

H.R. 1191. A bill to establish a National Marine Scholarship Program to recruit and prepare graduate students for careers in the fields of marine science, and for other purposes; to the Committee on Science.

By Mr. LAHOOD (for himself, Mr. RAHALL, Mr. SHIMKUS, Mr. HASTERT, Mr. EMANUEL, Mr. ENGLISH of Pennsylvania, Mr. LIPINSKI, Mr. ISSA, Mr. SOUDER, Ms. SLAUGHTER, Mr. EVANS, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. HYDE, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mr. COSTELLO, Mrs. BIGGERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. RUSH, and Ms. BEAN):

H.R. 1192. A bill to establish the Abraham Lincoln National Heritage Area, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY (for herself, Mr. WEINER, Mr. CUMMINGS, Ms. LEE, Mr. GUTIERREZ, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Mr. GONZALEZ, Mr. SANDERS, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 1193. A bill to amend the Hate Crime Statistics Act to require the Attorney General to acquire data about crimes that manifest evidence of prejudice based on gender; to the Committee on the Judiciary.

By Mr. MATHESON (for himself, Ms. BERKLEY, and Mr. SPRATT):

H.R. 1194. A bill to protect public health and safety, should the testing of nuclear weapons by the United States be resumed; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, and Resources, 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 Mrs. MCCARTHY:

H.R. 1195. A bill to increase public safety and reduce the threat to domestic security by including persons who may be prevented from boarding an aircraft in the National Instant Criminal Background Check System, and for other purposes; to the Committee on the Judiciary.

By Mr. ORTIZ (for himself, Mr. BONILLA, Mr. HINOJOSA, Mr. GENE GREEN of Texas, Mr. DOGGETT, and Ms. JACKSON-LEE of Texas):

H.R. 1196. A bill to improve the security clearance process along the United States-Mexico border, to increase the number of detention 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. 1197. A bill to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska; to the Committee on Resources.

By Mr. PETERSON of Minnesota:

H.R. 1198. A bill to amend title 38, United States Code, to provide a presumption of service connection for certain specified diseases and disabilities in the case of veterans who were exposed during military service to carbon tetrachloride; to the Committee on Veterans' Affairs.

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. STARK, Mr. GEORGE MILLER of California, Mr. HINCHEY, Mr. DICKS, Ms. WOOLSEY, Mr. FARR, Mr. WEINER, Mr. RUSH, Mr. BROWN of Ohio, Mr. KUCINICH, Mr. PALLONE, Ms. SCHAKOWSKY, Ms. LEE, Mr. CONYERS, Ms. CARSON, Ms. MILLENDER-MCDONALD, Mr. OLVER, Mr. PAYNE, Mr. BERMAN, Mr. GRIJALVA, Mrs. 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 Committees on Ways and Means, Government Reform, and Armed Services, 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 Texas):

H.R. 1201. A bill to amend the Federal Trade Commission Act to provide that the advertising or sale of a mislabeled copy-protected music disc is an unfair method of competition and an unfair and deceptive act or practice, and for other purposes; 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 microphone modules for use in motor vehicles; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California:

H.R. 1203. A bill to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to define and punish stalking by persons subject to that chapter; to the Committee on Armed Services.

By Mr. SHAYS (for himself, Mrs. MALONEY, Mr. PAYNE, Mr. RUSH, Mr. BROWN of Ohio, Mrs. NAPOLITANO, Mr. NADLER, Mr. MCDERMOTT, Mr. KILDEE, Mr. CASE, Mrs. DAVIS of California, Mr. PALLONE, Mr. BLUMENAUER, Mr. BERMAN, Mr. CUMMINGS, Mr. HONDA, Mr. CLAY, Mr. HOLT, Mr. FARR, Mr. INSLEE, Mr. CAPUANO, Mr. CHANDLER, Mr. GILCHREST, Mr. SMITH of New Jersey, Mrs. CAPPS, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. HOOLEY, Mr. EMANUEL, Mr. HOLDEN, Ms. PELOSI, Mr. STARK, Mr. GRIJALVA, Mr. FERGUSON, Mr. KUCINICH, Mr. NEY, Mr. MOORE of Kansas, Mr. ALLEN, Mr. FATTAH, Mr. BECERRA, and Mr. THOMPSON of California):

H.R. 1204. A bill to designate as wilderness, wild and scenic rivers, national park and preserve study areas, wild land recovery areas, and biological connecting corridors certain public lands in the States of Idaho, Montana, Oregon, Washington, and Wyoming, and for other purposes; to the Committee on Resources.

By Mr. SIMMONS (for himself and Mr. NEAL of Massachusetts):

H.R. 1205. A bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to extend the authorization for that corridor, and for other purposes; to the Committee on Resources.

By Mr. SIMPSON:

H.R. 1206. A bill to amend the Higher Education Act of 1965 to exclude veterans education benefits under the Montgomery GI Bill for purposes of determining need analysis for grants to students in attendance at institutions of higher learning; to the Committee on Education and the Workforce.

By Mr. SIMPSON:

H.R. 1207. A bill to amend title 38, United States Code, to provide additional work-study opportunities for eligible veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SLAUGHTER (for herself and Mr. DUNCAN):

H.R. 1208. 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 parents of traditional college 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 ''Congresswoman Shirley 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. GRIJALVA, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. MARSHALL, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. STRICKLAND, and Mr. WEXLER):

H.R. 1210. A bill to amend the Low-Income Home Energy Assistance Act of 1981 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. PAYNE (for himself, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BRADY of Pennsylvania, Mrs. JONES of Ohio, Ms. CARSON, Mr. RANGEL, Mr. JACKSON of Illinois, Ms. KILPATRICK of Michigan, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. SANDERS, Mr. OWENS, Ms. 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. FALEOMAVAEGA, and Mr. BROWN of Ohio):

H. Con. Res. 88. Concurrent resolution remembering the victims of the genocide that occurred in 1994 in Rwanda and pledging to work to ensure that such an atrocity does not take place again; to the Committee on International Relations.

By Mr. RYAN of Ohio (for himself, Mr. TURNER, Mr. INSLEE, Mr. FORD, Mr. GRIJALVA, Ms. MCCOLLUM of Minnesota, Mr. CONYERS, Ms. KILPATRICK of Michigan, Mr. MCGOVERN, Mr. OBERSTAR, Mr. TOWNS, Mr. KUCINICH, Mr. WAXMAN, Mr. KENNEDY of Rhode Island, Mr. TIBERI, Mr. LANTOS, Mr. PRICE of North Carolina, Mr. GILLMOR, Mr. WELDON of Pennsylvania, Mr. EVANS, Mrs. JONES of Ohio, Mr. PAYNE, Mr. BROWN of Ohio, Ms. KAPTUR, and Mr. STRICKLAND):

H. Con. Res. 89. Concurrent resolution honoring the life of Sister Dorothy Stang; to the Committee on International Relations.

By Ms. SOLIS (for herself, Ms. GINNY BROWN-WAITE of Florida, Mrs. CAPPS, Ms. ROS-LEHTINEN, Mr. RAMSTAD, Mr. REYES, and Mr. LANTOS):

H. Con. Res. 90. Concurrent resolution conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes; to the Committee on International Relations.

By Mr. OSBORNE (for himself, Ms. ROYBAL-ALLARD, Mr. VAN HOLLEN, Mr. CASE, Mr. WOLF, and Mr. BARTLETT of Maryland):

H. Res. 145. A resolution expressing the sense of the House of Representatives that the National Collegiate Athletic Association (NCAA) should affirm its commitment to a policy of discouraging alcohol use among underage students by ending all alcohol advertising during radio and television broadcasts of collegiate sporting events; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. MCKEON 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. CARDOZA and Mr. SMITH of Washington.

H.R. 29: Mr. EDWARDS.

H.R. 34: Mr. FOSSELLA, Mr. RYUN of Kansas, Mrs. TAUSCHER, Mr. ISRAEL, Mr. MARSHALL, Mr. GONZALEZ, Mr. LANGEVIN, Mr. AKIN, Mrs. MILLER of Michigan, and Ms. MCKINNEY.

H.R. 72: Mr. MCHENRY.

H.R. 97: Mr. MCGOVERN and Mrs. CHRISTENSEN.

H.R. 147: Mr. MILLER of North Carolina, Mr. WESTMORELAND, Mr. LEWIS of Georgia, Mr. GUTIERREZ, 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. HOEKSTRA.

H.R. 297: Mr. NADLER, Mr. OLVER, Mr. LARSEN of Washington, Mr. GRIJALVA, Mr. HINCHEY, Mr. ENGEL, and Mr. SWEENEY.

H.R. 325: Mr. CLEAVER.

H.R. 331: Mr. MENENDEZ and Mr. WELLER.

H.R. 354: Mr. GENE GREEN of Texas.

H.R. 358: Ms. PELOSI, Mr. GREEN of Wisconsin, Mr. BARRETT of South Carolina, Mr. BONNER, Ms. HARRIS, Mr. FRANKS of Arizona, Mr. JENKINS, and Mr. TANCREDO.

H.R. 376: Mr. BERMAN, Mr. BARROW, Mr. GOODLATTE, Ms. 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. 421: Mrs. CHRISTENSEN.

H.R. 448: Mr. PAUL and Mr. CULBERSON.

H.R. 459: Ms. SOLIS.

H.R. 474: Mr. HINCHEY.

H.R. 475: Mr. MEEHAN, Mr. TIERNEY, and Mr. NADLER.

H.R. 500: Mr. PENCE, Mr. HALL, Mr. SOUDER, Mr. WESTMORELAND, Mr. COBLE, Mr. CULBERSON, Mr. CRENSHAW, Mrs. BONO, Ms. FOXX, Mr. CARTER, and Mr. FORBES.

H.R. 524: Ms. WOOLSEY.

H.R. 536: Mr. SKELTON.

H.R. 552: Mr. MCHENRY and Mr. PETRI.

H.R. 566: Mr. PAYNE.

H.R. 577: Mr. TERRY and Mr. ANDREWS.

H.R. 581: Mr. FORTUÑO, 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. FOLEY, and Mr. ROGERS of Michigan.

H.R. 634: Mrs. JOHNSON of Connecticut.

H.R. 668: Ms. BORDALLO and Mr. MCNULTY.

H.R. 685: Mr. UPTON, Mr. KNOLLENBERG, Mrs. MILLER of Michigan, Mr. WILSON of South Carolina, Mrs. NORTHRUP, Mr. HOEKSTRA, Mr. CASE, and Mr. SOUDER.

H.R. 697: Ms. WOOLSEY.

H.R. 699: Mr. WYNN, Mr. LANTOS, and Mr. SCHIFF.

H.R. 737: Mr. MCDERMOTT, Mr. BROWN of Ohio, Mr. OWENS, Mr. GRIJALVA, Mr. HONDA, and Ms. Lee.

H.R. 772: Mr. GORDON, Mr. MOORE of Kansas, Mr. BOSWELL, Mr. CUMMINGS, Mr. CASE, Mr. BLUMENAUER, and Mr. SALAZAR.

H.R. 793: Mr. HOYER, Mr. BEAUPREZ, Mr. BAKER, Mrs. LOWEY, and Mr. NUNES.

H.R. 809: Mr. FOLEY, Mr. GARY G. MILLER of California, and Mr. BLUNT.

H.R. 810: Mrs. JOHNSON of Connecticut, Mr. SHAW, Mr. BARROW, Mr. SCOTT of Georgia, and Mr. MEEKS of New York.

H.R. 825: Mr. CANNON.

H.R. 827: Mr. BUYER, Ms. LEE, and Mr. ORTIZ.

H.R. 844: Mr. CUELLAR and Mrs. CHRISTENSEN.

H.R. 892: Mr. FOLEY, Mr. MURPHY, and Mr. MILLER of Florida.

H.R. 893: Ms. LINDA T. SÁNCHEZ of California.

H.R. 897: Mr. HOEKSTRA.

H.R. 900: Mr. GONZALEZ and Ms. ZOE LOFGREN of California.

H.R. 911: Mr. SESSIONS, Mr. DAVIS of Kentucky, and Mr. MORAN of Kansas.

H.R. 925: Mr. ISSA, Mr. JENKINS, Mr. DOOLITTLE, Mr. SHAYS, Mr. TANCREDO, and Mr. JONES of North Carolina.

H.R. 930: Mr. ROSS, Mr. BOUCHER, Mr. ROGERS of Alabama, Mr. HAYES, Mr. FORD, Mr. WILSON of South Carolina, Mr. MARSHALL, Mr. GORDON, Mr. GOODE, and Mrs. BIGGERT.

H.R. 937: Ms. CARSON, Ms. SLAUGHTER, Mr. OWENS, Mr. JACKSON of Illinois, Mr. SCOTT of Georgia, Mr. GEORGE MILLER of California, Mr. LANTOS, Ms. NORTON, Mr. TOWNS, Mr. RANGEL, Mr. SCOTT of Virginia, Mr. BUTTERFIELD, Mr. CUMMINGS, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Ms. WOOLSEY, Mr. PAYNE, Mr. CLYBURN, Ms. WATERS, Mr. WYNN, and Mr. MEEK of Florida.

H.R. 940: Mr. KNOLLENBERG.

H.R. 970: Ms. WATSON.

H.R. 972: Mr. CUMMINGS, Mrs. JO ANN DAVIS of Virginia, Mr. MEEKS of New York, Mr. GUTIERREZ, Mr. MCGOVERN, Mr. MCNULTY, Mr. DOGGETT, and Mrs. NAPOLITANO.

H.R. 983: Mr. TIERNEY and Mr. FILNER.

H.R. 987: Mr. PAYNE, Mr. HINCHEY, and Mr. SERRANO.

H.R. 997: Mr. KUHL of New York, Mr. ISSA, and Mr. TIBERI.

H.R. 1000: Mr. JACKSON of Illinois and Mr. CLAY.

H.R. 1001: Mr. HENSARLING, Mr. GOHMERT, Mr. PAUL, and Mr. BURGESS.

H.R. 1010: Mr. BISHOP of Georgia.

H.R. 1029: Ms. LINDA T. SÁNCHEZ OF CALIFORNIA.

H.R. 1059: Mr. FILNER and Mr. KOLBE.

H.R. 1082: Mr. LUCAS, Mr. ISTOOK, and Mr. COLE of Oklahoma.

H.R. 1103: Mr. BERMAN and Ms. WOOLSEY.

H.R. 1114: Mr. BLUNT and Mr. HALL.

H.R. 1131: Mr. SENSENBRENNER.

H.R. 1134: Mr. GARY G. MILLER of California and Mr. HAYWORTH.

H.R. 1139: Mrs. BONO and Mr. ROGERS of Michigan.

H.R. 1140: Mr. SENSENBRENNER.

H.R. 1142: Mr. POMEROY and Ms. HARRIS.

H.R. 1155: Mr. LEVIN and Mr. DAVIS of Florida.

H.R. 1157: Mrs. CHRISTENSEN.

H. Con. Res. 34: Mr. SHERMAN.

H. Con. Res. 41: Mr. PALLONE, Mr. FORD, Mr. CONYERS, Mr. PLATTS, Mr. KUCINICH, Mr. WEINER, Ms. MCCOLLUM of Minnesota, Mr. PETERSON of Pennsylvania, Mr. SANDERS, Mr. KENNEDY of Rhode Island, Mr. SIMMONS, Mr. LEVIN, Mr. KILDEE, Mr. FOLEY, Ms. LINDA T. SÁNCHEZ of California, and Mr. KENNEDY of Minnesota.

H. Con. Res. 50: Mr. GARRETT of New Jersey and Ms. FOXX.

H. Con. Res. 61: Ms. HART and Mr. COSTELLO.

H. Con. Res. 70: Mr. WU, Mr. BURTON of Indiana, Mr. ROGERS of Alabama, Mr. TANCREDO, Mr. AL GREEN of Texas, Mr. HOSTETTLER, Mr. GINGREY, and Ms. ROS-LEHTINEN.

H. Con. Res. 83: Mr. GARRETT of New Jersey, Mr. POE, Mr. ROTHMAN, and Mr. PASCRELL.

H. Res. 84: Mr. RAMSTAD.

H. Res. 90: Ms. WOOLSEY and Ms. SOLIS.

H. Res. 97: Mr. BLUNT, Mr. SAM JOHNSON of Texas, Mr. TANCREDO, Mr. PAUL, Ms. FOXX, Mr. NEUGEBAUER, and Mr. CAMP.

H. Res. 99: Mr. ISSA and Ms. SOLIS.

H. Res. 101: Mr. BURTON of Indiana, Mr. SHERMAN, Mr. SOUDER, Ms. HARRIS, Mr. HERGER, and Mr. BEAUPREZ.

H. Res. 127: Mr. BECERRA, Ms. WASSERMAN SCHULTZ, Ms. KAPTUR, Mr. RANGEL, Mr. PASTOR, Mr. MCGOVERN, and Mr. GRIJALVA.

H. Res. 131: Mr. UDALL of New Mexico, Mr. CAPUANO, Mr. THOMPSON of Mississippi, Mr. MORAN of Virginia, Ms. ZOE LOFGREN of California, Mr. MCNULTY, Mr. STUPAK, Mr. LARSON of Connecticut, Mr. RYAN of Ohio, Mr. BAIRD, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MCCARTHY, Mr. FARR, Mr. WYNN, Mr. HOLT, Mr. RAHALL, Mr. BLUMENAUER, Mr. DELAHUNT, Mr. BECERRA, Mr. PASTOR, Mr. ORTIZ, Mrs. TAUSCHER, Mr. PASCRELL, Ms. SOLIS, Mr. OBERSTAR, Mr. PAYNE, Mr. BISHOP of New York, Mr. DINGELL, Mr. KILDEE, Mr. BRADY of Pennsylvania, Mr. SCOTT of Virginia, Mr. ENGEL, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. BOUCHER, Mr. FRANK of Massachusetts, Mr. BACA, Mr. EVANS, Mr. WAXMAN, Ms. WOOLSEY, Mr. TOWNS, Mr. SNYDER, Mr. GRIJALVA, Mr. TAYLOR of Mississippi, Mrs. MALONEY, Mr. HONDA, Mr. MILLER of North Carolina, Mr. CASE, Mr. VAN HOLLEN, Mr. SCHIFF, Mr. LANTOS, Mr. DEFAZIO, Mr. CLEAVER, Mr. DOGGETT, Mr. HINCHEY, and Mr. SHAYS.

H. Res. 132: Mr. DOGGETT.

H. Res. 135: Mr. MOORE of Kansas.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

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Senate

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.

TED STEVENS,
President pro tempore.

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 rollcall 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 rollcall 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

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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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, on March 17, 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 judgeship 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 duties of judges. I will look to see if this nominee had the aspect of courtesy to those who come before the court. I will reserve the right to vote against some extremists, 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 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. Those rules have changed from time to time. . . . So the Members of the Senate who met in 1789 and approved that first body of rules did not for one moment think, or believe, or pretend, that all succeeding Senates 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 proceed to 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 1953 to 1959, 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 Sunnis who are only 20 percent of the country but who formerly dominated the country.

I can remember back when I came here as a legislative assistant to Howard Baker in the Senate in 1967, Republicans were the ones worrying about protecting minority rights then. There were 64 Democrats and 36 Republicans. And then, 10 years later, when I came back to the Senate as an aide to Senator Baker for a few months, when he was elected Republican leader, there were 38 Republicans. In 1979, when the distinguished Senator from West Virginia made his persuasive argument that a majority of the Senate could change Senate rules, there were 58 Democrats and 41 Republicans.

So just as our Republican majority should be cautious about making changes that would lessen minority rights, I would respectfully suggest that the Democratic minority should be equally cautious about provoking such a change.

One way, of course, to avoid provoking rules changes would be for the Democratic Senators who opposed the President's nominees in the last session to look them over again and reconsider their basis for opposition.

For example, I believe if some of the Senators on the other side would really study the record of Judge Charles Pickering of Mississippi, they would be impressed with his commitment to civil rights. At a time when it was hard to do, he testified against a grand wizard of the Ku Klux Klan in 1967, and did it in open court. At the same time, he put his children in public schools when many White Mississippians were putting their children in what were called ''segregation academies.''

Any Senator who carefully looks at the record of former Attorney General Bill Pryor of Alabama, I believe, would admire his record on civil rights. He was a law clerk for Judge John Minor Wisdom, probably the leading civil rights Federal judge of the last century. Bill Pryor showed, as attorney general, he could take a position on abortion, on prayer before football games, on reapportionment, and on displaying the Ten Commandments that were at odds with his personal views because he believed the decisions of the Supreme Court and the U.S. Constitution required it.

Both Judge Pickering and Judge Pryor have served in recess appointments and have even more of a record now to consider favorably.

But the other way to avoid a lengthy and damaging procedural battle is simply for individual Senators now to declare their willingness to support allowing an up-or-down vote of any qualified nominee for the bench by any President. This would apply to this Republican President's nominees or to some future Democratic President's nominees.

I do not know what terrible grievances in the past have caused such strong feelings on the other side causing them to take these unprecedented steps to block an up-or-down vote on nominees once the nominee gets to the floor. As I say, there is a 200–year tradition—a 200–year tradition—in this body of then moving to an up-or-down vote.

It never happened before like this. And if it continues, even though I hope it does not, it will almost certainly force a Senate rules change. I hope we don't come to that. I have suggested two ways to avoid it. I have taken a step myself to forgo some of my rights as an individual Senator as one way to help solve the problem. I hope others will do the same.

I ask unanimous consent that my remarks from March 17, 2003, be printed in the RECORD.

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

> Mr. President, I am a new Senator. I am aware of the traditions of the Senate, one of which is that a new Senator is not expected to say much—at least throughout the year is not expected to say much—to begin with until they have something of importance to

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 putting the teaching of American 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 planned on doing 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 about Miguel Estrada.

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 new Members 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—if we continue in the same direction, we run the risk of permanently damaging the process by which we select Federal judges and by which we dispense justice in the United States. I am disappointed because this is not what I expected when I came to the Senate.

I may be new to the Senate, but I know something about judges. 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 John Minor Wisdom of New Orleans. 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 men and women 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 and 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 considers, and then confirms or rejects 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.

I have been listening very carefully, and that is not what is happening. The other side has simply decided that it will not allow the Senate to vote on the nomination of Miguel Estrada. In doing so, it is doing something that has never been done for a circuit court of appeals judge in our Nation's history.

In those hours that I have presided over this body in the last few days, I have been listening very carefully to see what reasons our friends on the other side could give for coming to such an extraordinary conclusion about whom I have come to learn is an extraordinary individual, Miguel Estrada.

I have been listening carefully for the answers, especially to these three questions: No. 1, what is wrong with Miguel Estrada? What is wrong with him? No. 2, why can't we vote on Miguel Estrada, after 10 days of debate? And, No. 3—most importantly—why should we change the constitutional tradition that a majority of the Senate will decide whether to confirm Miguel Estrada? Because what they are saying, really, is that he 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 to the debate.

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 within a short period of time, he was attending Columbia University, one of the most prestigious universities in America.

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 of America this year—and I know a great many of them—think about it. This young man, in a few years, was admitted to Harvard Law School. And not only that, he became an editor of 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. By now he was in the top 1 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 keep up with this sort of thing, 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 that office, there are a couple of political appointees there—the Solicitor General and his Deputy—and there are about 20 career lawyers. Miguel Estrada was one of those lawyers. They are there because they are 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 greatest lawyers. It is the most competitive position in which you can be.

And there he is, Miguel Estrada, coming here at age 17, barely speaking English, making his way into there. He worked there for the Clinton administration and the Bush administration. Then he went to one of the major law firms of America. And he has argued 15 cases before the Supreme Court of the United States.

That is an incredibly talented record. There is almost no one who has been nominated for any judgeship in our country's history who has a superior record. For anyone to have even suggested for 15 minutes that Miguel Estrada is not superbly qualified to be a member of the United States Court of Appeals—for anyone to even suggest that—it is difficult to see how one could do that with a straight face.

Little has been made about what he did in the Solicitor General's Office. I think it is worth talking about that. These talented young men and women have the job of helping the Solicitor General make decisions about what to do in cases in which the United States is a party. That means they review all the decisions that come against us, the United States of America. They are the lawyers for us, the United States of America.

They write memoranda and they write opinion and they must argue back and forth. And they must argue about every side of every issue. And our friends on the other side have come up with straight-face argument No. 2, which is that somehow Mr. Estrada, who does not even have all those memoranda, should be penalized because the U.S. Government does not want to hand those memoranda, that were exchanged back and forth between the various Solicitor General's assistants, over to the Senate.

We have never done that. There are seven living former Solicitors General of the United States, and seven—all of them—have written a letter to this body saying that has never been done, and it never should be done, for obvious reasons. If it were done, you would never have any straightforward memoranda left in that office. It protects us, the United States. And that never should even be considered to be held against Mr. Estrada.

So is he qualified? It is hard to imagine someone who is better qualified. I consider it a great privilege to come to the Senate and find a President who discovered such an extraordinary person to nominate for the Court of Appeals for the District of Columbia Circuit. Such a story should give inspiration to men and women all over America, that this is the country to which you can come, regardless of race or background or whatever your condition, and dream of being admitted to the best universities, finding the best jobs in a short period of time, and being nominated by the President of the United States for such a court.

What a wonderful story. And what an embarrassing event it is to have our friends on the other side to even take the time of this Senate trying to suggest such a person is not qualified. So let's just throw that argument away and put it in the drawer.

Since that argument did not fly, they then moved to argument No. 2, which is equally difficult to offer with a straight face, if I may respectfully say so. They said he has no judicial experience.

Now, this argument is still being made. I heard the distinguished Senator from New York, last night, in an impassioned address, right over on the other side, say he has never been a judge, and we don't know what his opinions are. Never been a judge—Miguel Estrada cannot be a judge because he has never been a judge.

Well, I am awfully glad that was not the standard that was applied to Justice Felix Frankfurter when President Roosevelt nominated him. He would never have been a judge before he was a Justice of the Supreme Court.

I am glad it was not the standard that was applied to Louis Brandeis before he was nominated to the Supreme Court. I am glad it was not the standard that was applied to

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 never been a 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 I had a chance to be a messenger down 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. They presided, having 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 here of judge after judge after judge. Earl Warren; Byron White; Justice Powell; Justice Rehnquist; Justice Breyer; Judge Wisdom's favorite friend on the second circuit, Henry Friendly of New York. He had never been a judge before. Charles Clark; Jerome Frank; John Paul Stevens; Warren Burger; Harold Leventhal; Spottswood Robinson; Ruth Bader Ginsberg, who had never been a judge before she was a Justice. Does that mean she wasn't qualified to sit on this Court?

Why would the other side be taking up the time of the Senate at a time when we are concerned with war with Iraq and the economy is hurting, by making that kind of argument? They would be asked to sit down in any respectable 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. Even today, given the paucity 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 becomes a judge, we would have a terrible, invidious discrimination against men and women who should not be discriminated against, and I am sure my friends on the other side don't want to see that happen.

So even though we have spent days arguing that Miguel Estrada should not be considered because he has never been a judge, that argument has no merit to it whatsoever. We hear it less and less now that it is on the tenth day.

Well, those two arguments didn't fly because here is a superbly qualified person. So they said he didn't answer the questions.

I just had the privilege of hearing the distinguished Senator from California and the distinguished Senator from Minnesota spend a long time talking about that, saying he hasn't answered questions. Well, Mr. President, I am not a member of the Judiciary Committee, but I know they had hearings and I know Members on the other side were in charge of the Senate when they had the hearings. I know the hearings could have gone on as long as they wanted them to because they were in charge. If I am not mistaken, the distinguished Senator from Utah was here. I believe they went on all day long. The hearings were unusually long. Miguel Estrada was there and he answered their questions. Every Senator on the committee had the opportunity to ask followup questions in writing, and two did. The Senator from Massachusetts and the Senator from Illinois did that. Mr. Estrada gave those answers in writing. He has now said to Members of the Senate that he is available for further questions. He will be glad to visit with them.

What does he have to do to answer the questions? Why is there a new standard for Miguel Estrada? Why do we say to him, for the first time, tell us your views in a particular case before we will confirm you? We have tradition rooted in history that it is even unethical to do that. I appointed 50 judges, as I said, when I was Governor. When I sat down with these judges, I didn't ask: How would you rule on TV A and the rate case, or how would you rule on partial-birth abortion, in the abortion case; or what would you do about applying the first amendment to the issue of whether to take the Ten Commandments down from the courthouse in Murfreesboro, TN, or how do you feel about prayer in the schools, or if somebody says a prayer before a football game?

I didn't do that because I didn't think it was right to ask a judge to decide a case before the case came before him, which has been the tradition in this country. We are not appointing legislators to the bench, or precinct chairmen, or think-tank chairmen, or Senators; we are appointing judges. They are supposed to look at the facts and consider the law and come to a conclusion. But they say he didn't answer the questions.

Mr. President, the only way I know to deal with that—because this side says one thing and that side says the other, and since I am not on the Judiciary Committee—is to read the questions and the answers. I wanted to see whether he was asked some questions and whether he gave some answers.

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 Senate'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 win cases are not the ones who say "on the one 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 would you say 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 claims. In courts of appeals court 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 come to different conclusions. 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 solemn assurance that I firmly think I have those qualities, or else I would not have accepted the nomination.

"Does that include the temperament of the judge?", asked the chairman.

Mr. Estrada said: Yes, that includes the temperament of a judge. To borrow somewhat from the American Bar Association, the temperament of a judge includes whether he or she is impartial and openminded, unbiased, courteous, yet firm, and whether he will give ear to people who have come into his courtroom and who don't come in with a claim about which the judge may at first be skeptical.

The chairman said: Thank you.

I submit that is a good answer. I appointed 50 judges and I would have listened to that question. I would give him an A-plus on that.

Here is the Senator from Iowa: Before I make some comment, I want to ask three basic questions.

This is in the hearing with Mr. Estrada. This is the man who the other side says doesn't answer questions.

The Senator from Iowa: In general, Supreme Court precedents are binding on all lower Federal courts, and circuit court precedents are binding on district courts within a particular circuit. Are you committed to following the precedents of the higher courts faithfully, giving them full force and effect even if you disagree with such precedents?

Mr. Estrada: Absolutely, Senator.

How could you make a better answer than that? You could either say yes or no. He said yes.

The Senator from Iowa: What would you do if you believed the Supreme Court or court of appeals had seriously erred in rendering a decision? Would you, nevertheless, apply that decision, or would you use your own judgment on the merits, or the best judgment of the merits?

Mr. Estrada: My duty as a judge, and inclination as a person and as a lawyer of integrity would be to follow the orders of the highest court.

The Senator from Ohio: And if there were no controlling precedent dispositively concluding an issue with which you were presented in your circuit, to which sources would you turn for persuasive authority?

Mr. Estrada: When facing a problem for which there is not a decisive answer from a higher court, my cardinal rule would be to seize aid from any place I could get it. Depending on the nature of the problem, that would include related case law and other areas higher courts had dealt with that had some insights to teach with respect to the problem at hand. It could include history of the enactment, in the case of a statute, legislative history. It could include the custom and practice under any predecessor statute or document. It could include the view of academics to the extent they purport to analyze what the law is instead of prescribing what it ought to be, and, in sum, as Chief Justice Marshall once said, to attempt not to overlook anything from which aid might be derived.

I give him an A-plus for that. That was a good question, and he gave a superb answer, just the kind of answer I think an American citizen who wants to appear before an impartial court in this country would hope to hear. I do not think we want to hear: Welcome to the court, Mr./Ms. Litigant. We have here your Democratic court; we have here your Republican court. If your views are all right, you might get the right hearing. You would want a judge who said what Mr. Estrada said.

The Senator from Massachusetts, who has been extremely critical of Mr. Estrada, asked a more detailed question. Mr. President, you may be wondering why I am going into such detail when this is available to the whole world, including the Senators on the

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 presiding day in and day out for 10 straight days 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 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 case, I have difficulty in understanding why you would 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 involved in the issue, deal with the subject of street gangs that engage in or may engage in some criminal activity. I got involved in the issue as a result of being asked by the city of 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 comment—which had passed by similar ordinance dealing with street gangs. And I was called by somebody who worked for Mayor Daley when they needed help in the Supreme Court in a case that was pending on the loitering issue. I mention that because after doing my work in that case, I got called by the attorney for the city of Annapolis, which is the case to which you are making reference. They had a somewhat similar law to the one that had been at issue in the Supreme Court. Not the same law. They were already in litigation, as you mentioned, with the NAACP. By the time he called me—this is the lawyer for the city—he had filed a motion for summary judgment making the argument that you outlined. And he had been met with the entrance into the case by a prominent DC law firm on the other side. He went to the State and local legal center and asked: Who can I turn to to help? And they sent him to me because of the work I had done in the Chicago case. Following that, I did the brief, and the point on the standing issue that you mentioned is that in both Chicago and in the Annapolis ordinance, you were dealing with types of laws that had been passed with significant substantial support 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 their elected representatives and ask for those type of laws to be passed to make the appropriate arguments that a court might accept to uphold the judgment of the democratic people. In the context of the NAACP, that was relevant to a legal issue because one of the requirements we argued for representational standing—those who might be listening may think this is awfully detailed, awfully specific, awfully long. Mr. President, that is my point. Senator Kennedy asked an appropriate and very detailed question about an issue involving street gangs in Chicago where Mayor Daley asked Mr. Estrada to help, and Mr. Estrada gave Senator Kennedy a very detailed, courteous, respectful, specific answer that has taken me 3 or 4 minutes to read, and I am not through yet.

The point is, the other side keeps saying he has not answered questions when he has answered the questions. Not only has he answered them, he has answered them in a way a superbly qualified lawyer with his background might be expected to answer.

The Senator from Alabama: Mr. Estrada, if you are confirmed in this position, and I hope you will be, how do you see the rule of law, and will you tell us, regardless of whether you agree with it or not, you will follow binding precedent?

Mr. Estrada: I will follow binding case law in every case. I don't even know that I can say whether I concur in the case or not without actually having gone through all the work of doing it from scratch. I may have a personal, moral, philosophical view on the subject matter, but I undertake to you that I would put all that aside and decide cases in accordance with the binding case law and even in accordance with the case law that is not binding but seems instructive in the area, without any influence whatsoever from any personal view that I may have about the subject matter.

What Mr. Estrada was saying to the Senator from Alabama was: Mr. Senator, with respect, I may not decide this case the way you would like for it to be decided because I will look at the case law and I will follow the case law, and I might even decide this case the way my personal view would decide it if the case law is different than my personal view. In other words, I think 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 questions, he is not answering the questions, when, in fact, there is a book full of questions and answers to which I believe law professors in the law school I attended would give a very high grade.

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 1995, 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 school zones, but almost every Senator voted for it because they did not want to sound like they were against gun-free school zones, I guess, or whatever the reason might have been, but it was a controversial issue and a hard issue to vote against.

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 urging 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 by the court. Although my 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 urging on the court on behalf of the Government.

In other words, Mr. Estrada was sticking up for the very people who are 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 worked very hard in that case to come up with every conceivable argument for why the power of Congress would be as vast as the mind could see, and told the court so at oral argument, I understand I lost on that issue in that case as an advocate, and I will be constrained to follow the Lopez case.

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, when he writes a brief or argues a 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 not consider voting against him or anybody else based on that kind of reason, a very complete answer.

Then if I may, I 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 every Senator from the other side who has come in has said he has not answered the questions, so I want the American people and my colleagues 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.

Here is a tough one from the Senator from California: Do you believe that Roe v. Wade was correctly decided?

There is no more a difficult question for a judge who comes before the Senate, because that is a terribly difficult issue about which we all have deeply held moral beliefs, and for all of us almost there is only one right way to answer the question, unless one believes that what judges are supposed to do is to interpret the law and apply the law to the facts.

Mr. Estrada's answer: My view on that judicial function, Senator FEINSTEIN, does not allow me to answer that question.

Then he 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 not done what I think the judicial 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 controversy with an open mind. I have not gone back and run down everything that they have cited. And the reason I have not done any of those things is that I view our system of law as one in which both me as an advocate and possibly, if I am confirmed, as judge have the job of building on the wall that is already there and not to call it into question. I have had no particular reason to go back and look at whether it was right or wrong as a matter of law, as I would if I were a judge that was hearing the case for the first time. It is there. It is the law, as has been subsequently refined by the Casey case, and I will follow it.

That is a complete answer to the most difficult question that could be asked of a nominee for a Federal judgeship.

Senator FEINSTEIN: So you believe it is settled law?

Mr. Estrada: I believe so.

As I mentioned, if I understand the committee's rules, every Senator on the committee has the ability to ask followup questions. I know when I was confirmed by the committee they asked me many followup questions and I worked hard answering the questions 10 or 12 years ago when I was in the first President Bush's Cabinet. These are serious questions and serious answers.

Here I think is a revealing question, and one which may give us some idea of why we are in the 10th day of debate on one of the most superbly qualified candidates ever nominated for the court of appeals, a man who exemplifies the American dream. The Senator from Massachusetts, Mr. Kennedy, asked this question:

Mr. Estrada, do you consider yourself a ''conservative'' lawyer? Why or why not?

Why do you believe that you are being promoted by your supporters as a conservative judicial nominee? Do you believe that your judicial philosophy is akin to that of Justices 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 decisions or liberal decisions? I thought we wanted fair decisions, based on precedent, based on fact. I thought we wanted judges who it would be impossible for us to tell where they were coming from before they were coming.

The response from Mr. Estrada is very interesting. He said to the Senator from Massachusetts: My role as an attorney is to advocate 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 attorney 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 cannot be confirmed 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 knowledge of the specific reasons that might cause a particular supporter of 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 before me without being guided by any preconceptions 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 appropriate answers, if they believe a judge's job is to apply precedent 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 ever nominated for the Federal court of appeals. If he, by his very candidacy, represents the American dream that anything is possible, coming here from Honduras at age 17 and making his way through such a distinguished series of appointments, if he has answered the questions in what I would argue is a superior way, the way most nominees would be capable of answering the questions, and I have read just a few of them—I can come back and take another 2 or 3 hours and read more because there are hours of questions and answers—and if a majority of Members of the Senate have signed a letter saying they would vote to confirm him, then why can we not vote on Miguel Estrada?

The only reason can be that our Democratic friends want to change the way judges are selected. They want to say it takes 60 votes instead of 51, and they want to say the criteria for winning those votes is to answer the questions the way they want.

That will give us a Federal judiciary filled with partisans, or an empty Federal judiciary because we will be debating night after night because we cannot agree on whom to nominate and confirm. Such a process, if carried on in subsequent Congresses, will diminish the executive. It will diminish the judiciary. It will reduce the likelihood that facts will be considered and that binding precedent will apply. In other words, it will reduce the chance that justice will be done. It will reduce respect for the courts because it will be assumed that if partisan views on the case are what it takes to get confirmed by the Senate, then partisan views are what it takes to win a case before the court.

It reminds me of the story we tell at home about the old Tennessee judge. He was in a rural county up in the mountains and the lawyers showed up for a case one morning. He said: Gentlemen, we can save a lot of time. I received a telephone call last night. I pretty well know the facts. All you need to do is give me a little memorandum on the law.

We do not want a judiciary where those who come before it believe the judges got their political instructions when they were confirmed and that there is really no need to argue the case.

So Miguel Estrada is superbly qualified. Miguel Estrada has answered question after question, and he has done it very well. A majority of the Senate has signed a letter saying they are ready to vote today to confirm Miguel Estrada, and never in our history have we denied such a vote by filibuster to a circuit court judge. It is time to vote.

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 judgeship 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 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 reserve the right to vote against some extremists, 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 majority 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 views more liberal than mine. 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, I hope my friends 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 conservative than theirs.

These are the most serious times for our country. Our values are being closely examined in every part of the world. Our men and women are about to be asked, it appears, to fight a war in another part of the world. How we administer our system of justice is one of the most important values they are defending. We need to constrain our partisan instincts to get them under control. We need to avoid a result that changes the way we select judges. In my view, we permanently damage our process for selecting Federal judges.

The PRESIDING OFFICER (Mr. VITTER). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before Senator ALEXANDER leaves the Chamber, I am pleased 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 decide 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 contentious nominees 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 qualifications, his capacity. There was enough enthusiasm against him—rancor—that if the filibuster had been used and brought to fruition, he probably never would have gotten enough votes to break the filibuster. He would have been defeated that way. But that did not happen. There was an up-or-down vote, and he was defeated.

Remember recently when we thoroughly debated Clarence Thomas, how many weeks that went on; how many days the debate went on. That controversial nomination was not filibustered. 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 happened in the case of Clarence Thomas and he won by two votes. It is obvious, that if those who opposed him—and they opposed him with a great deal of certainty that he should not go on the bench—would have chosen the course of today, they would have used a filibuster. Why didn't they? They didn't because historically in the Senate, traditionally in the Senate, where there is majority support for a nominee, a filibuster is not used.

Having said that, it is obvious to this Senator that somehow or another in the last 4 years there has been a new idea promulgated that the advice and consent function, which the Constitution says is our prerogative to give to Presidential nominees, allows the other side, when it has an objection to a nominee, to filibuster that nominee. There have been more filibusters in the last 4 years against judges than in all of this body's previous history. It appears that every time there is a contentious nominee, that tactic will be used. That idea was not in this body before 2000. That tactic was not used before to the same degree it is used now. It is an invitation, I say to my friends on the other side of the aisle, for the majority to decide that enough is enough.

The idea that we want to protect the minority goes both ways. Senator ALEXANDER is right. Many of us have been in the Senate on this side of the aisle when we were in the minority. I came here when we only had 38 Republicans. We were the ones crying out for protection. But we didn't filibuster Federal judgeships. We didn't filibuster district

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 discussed by 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 more than a majority; to expel 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 a situation in our governance that required a supermajority, 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 only a one-edged sword. That sword 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 cause 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 free debate, by opportunity to amend. But there also is precedent 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, is willing to have a vote. The other side 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.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 on 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 Senator may from time to time use a vote on a judicial nomination 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 Senators, on a repeated, 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 86 to 13. 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. These 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 then voted against the judge 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 had wanted 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. To his great credit, Senator LOTT urged our colleagues not 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 to justify 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 longstanding Senate norm and precedent that the Senate does not filibuster judicial nominations. That is an unwritten Senate 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 upset.

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 allowed to prevail, 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:

A 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 in Madrid, 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 from 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) 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 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.

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

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, 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 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 for 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 Scobey, 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) 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 Restoration 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 point on which 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 strong, but first 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 out of 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 would push many senior 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 first. 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 even consider. Privatization cannot meet that guarantee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There is 6 minutes 50 seconds remaining.

Mrs. 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 that privatizing Social Security is the only way to go.

Now we hear that the President is embarking on a 60-stop campaign tour in an effort to sell 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 address 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 benefit reductions, 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—people who are retiring at 62—by 40 percent by the year 2026, by 50 percent by the year 2054, and it will reduce them by 56 percent by the year

2080. The deconstruction of the guaranteed benefit leads us further away from the real security this program provides, and this country needs to know that even though Republicans do not like to campaign on it, their plans would end the guaranteed benefit Social Security provides today.

A few weeks ago, I joined several of my female colleagues on the Senate floor to speak about how the President's plan would impact women. Unfortunately, this is not a new battle. For years, we have fought to ensure that women and minorities receive a fair shake in Social Security reform discussions. The promise of Social Security is especially important to women. Why? Because women face unique challenges when they retire. We know women make less money throughout their lifetimes, so we know when they retire they have fewer dollars to live on. Women also leave the workforce to raise their families. That is a value that we all support and endorse and want women to be able to do, but that means they have less money when they retire. Finally, women live longer. That is a fact. And they are more likely to suffer from a chronic health condition. So they, in particular, rely on the security of Social Security. With those special challenges women face, we know today Social Security keeps a lot of older women out of poverty. The benefit formulas of Social Security are tilted to give a greater rate of return for lower wage workers such as women and minorities.

Unfortunately, time and time again, we have found that these proposals will impoverish women and slash their benefits. The new plan that has been offered in the Senate is no exception. That plan will cut benefits based on a new life-expectancy requirement. The Senate Republican plan says:

> By factoring increased life expectancy into the base benefit calculation, the rate of increase in benefit payments will be slowed.

Addressing the long-term solvency of Social Security is a laudable goal, but trying to balance the books by slashing benefits for women is absolutely unacceptable. This plan would dismantle the progressive nature of Social Security benefits, leaving women with less money over a longer period of time. So if one is a woman who retires at 62 or 65 and lives to be 95, under these plans they will not be able to make it. Their Social Security benefits will be reduced, and they will not be able to live off what they retired on 30 years prior to that.

It makes no sense to reduce women's benefits. They are already limited by their lower income, and cutting them again simply because they live longer is just wrong. In fact, we should be doing all we can to ensure progressive benefits for low wage earners that are targeted to those least likely to have other retirement savings. All too often, as we know, that means women.

I know I am not going to stand for this attack on women, and I know 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 to talk about, and that is these 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 not affect programs such 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. The letter said, in part, funding privatized accounts with Social Security dollars would not only make the program's long-term problems worse, but many believe it represents 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.

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, 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. Morning 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.

Pending:

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 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.

Dodd amendment No. 52, to prohibit extensions of credit to underage consumers.

Dodd amendment No. 53, to require prior notice of rate increases.

Kennedy (for Leahy/Sarbanes) amendment No. 83, to modify the definition of disinterested 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 502(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. 87, to amend section 104 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 bankruptcy reform bill is 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 after Senator has come to the floor and said that. I even asked 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 for 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 those lower 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 believe this bill exempts 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 FRIST.

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 want to put everybody through these means tests regardless of their income, even those in the lowest income categories, 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 protected themselves and 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 cost, 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. 66

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

given an extremely high priority, as they should be. This bill raises the cap on how much pay can be received as a high priority to $10,000. Unfortunately, however, the bill puts a time limit on this of 180 days. In other words, under the bill a worker gets this preference, gets first-in-line priority preference for getting backpay and wages but only for the last 180 days prior to the company filing for bankruptcy. My amendment simply strikes the 180-day limitation. It doesn't touch the $10,000 limit.

Why is this important? Many courts have ruled that severance pay is earned during the entire time a worker works for a company. If a worker, let's say, has worked for a company for 10 years and under the contractual agreement gets $500 per year severance pay for every year one worker worked for the company, if this worker has worked for the company for 10 years, this worker is due $5,000 in severance pay. The company goes bankrupt. He gets first in line, he gets his priority, but he can only get it for the last 180 days. So, instead of $5,000, he or she only gets $250. That is grossly unfair.

We faced a similar problem with vacation pay. Again, vacation pay has been held to accrue over a certain time period, usually 1 year. So a 1-year time period is when you accrue vacation pay. Let's say, though, that your company goes bankrupt. Let's say you have earned vacation pay for the whole year. Now you only get 180 days' credit, so 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 laid you off. Then 181 days later or 190 days or 200 days later the company files for bankruptcy, OK? Now that worker who worked in that division wants to get priority for back wages. I am sorry, you are out of luck. Why? Because you only get 180 days going back. You may have been laid off, but the company did not go bankrupt, so now you only get to go back 180 days, and they lose their priority. This, again, is grossly unfair.

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 to get his pay 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 elevators there is a cap, 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 you are a worker, if your company goes 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 10 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 longtime 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 fresh fruits and vegetables 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, this and that, all over the place. 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 and start in the schools where 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 had 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, 35 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, if we are going to move 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 what 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.

Guess what. 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 35 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 activities out of school. If they are on the football team or the basketball team, or some other varsity, 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 in school, they eat them, it solves the hunger pain, and they study better. Guess what. They are not putting their money in the vending machines to buy 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 should eat. Because there are already fights about their homework and about reading and math.
>
> You've got to make an effort. What you give a child or what you put in your body is exactly what we become. So the more garbage you put in there, the more you're going to look like a garbage disposal.

Again, I want to take the time to commend the Governor for his leadership on this issue. He is a great example of physical fitness. He is also a great example of endurance and of leadership. I hope the Governor of California will not confine himself on this issue only to California. I hope he will take his message nationwide. I hope the other States and other Governors will follow his lead on what he has done in California.

I ask unanimous consent that the articles I read from—one that appeared in the Associated Press and also the Los Angeles Times—be printed in the RECORD.

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

[From the Associated Press, March 7, 2005]

CALIFORNIA GOV. ARNOLD SCHWARZENEGGER SAYS HE WANTS TO BAN JUNK FOOD AT SCHOOLS

(By Erica Werner)

COLUMBUS, OH.—California Gov. Arnold Schwarzenegger wants to pump up his state's students with vegetables, fresh fruits and milk.

''First of all, we in California this year are introducing legislation that would ban all the sale of junk food in the schools,'' Schwarzenegger said during a question-and-answer session with fans on the final day of the Arnold Classic, the annual bodybuilding contest that bears his name. He said junk food would be pulled from school vending machines in favor of healthier foods, including fruits and vegetables.

After the session Sunday, the governor's aides said Schwarzenegger supports a bill by Democratic state Sen. Martha Escutia that would ban soft drinks at public schools.

The administration also hopes to develop a more comprehensive legislative package dealing with snack foods later in the year, said Chief of Staff Pat Clarey, although she added it might not eliminate all junk food from schools.

Topics at the question-and-answer session ranged from fitness to whether Schwarzenegger wants to be president. Several hundred fans at the Columbus Veterans Memorial auditorium were invited to ask the former world bodybuilding champion whatever they wanted.

With fellow former Mr. Olympia Franco Columbo at his side, Schwarzenegger spent about 50 minutes answering questions.

Many people asked detailed queries about workout routines. Schwarzenegger talked knowledgeably on how best to improve the deltoid muscles—numerous repetitions, tailored to the three separate deltoid muscle groups, front, middle, and back.

Schwarzenegger said he still does 30 to 45 minutes of cardio each day and lifts weights about four days a week. He said he misses doing heavy lifting, but doctors banned it after his heart surgery in 1997.

At one point, Schwarzenegger delivered what amounted to a motivational lecture after a questioner betrayed some discouragement about his own fitness potential. Schwarzenegger told him to visualize his goal, never lose sight of the vision and work toward it.

''As you know, I'm a big believer in the mind,'' Schwarzenegger said. ''Just be positive, and kick some butt.''

At the men's bodybuilding finals the night before, Schwarzenegger had called on bodybuilding to get rid of steroids, which are reportedly rampant in the sport. He got one question on the topic Sunday, from a sixth-grader.

The girl asked the governor to explain why he's said publicly he doesn't regret his own past steroid use. Schwarzenegger reiterated that at the time he took the drugs they were new to the market and weren't illegal.

People shouldn't take steroids now—''A, they are harmful for the body, and B, they are illegal,'' he said.

Schwarzenegger was asked whether he would consider running for president if the Constitution were amended to allow foreign-born citizens to serve in the office. As in the past, he said he's focused on governing California.

''I'm not saying no I'm not interested in it, but I'm not concentrating on it,'' he said.

Mr. HARKIN. Mr. President, I commend the Governor of California. I say to him that whatever we can do here on a bipartisan basis to back you up, you have our support and our encouragement. Please take your message nationwide. Don't just keep it in California.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

AMENDMENT NO. 62

Mrs. BOXER. Mr. President, I call up my Amendment No. 62.

The PRESIDING OFFICER. The amendment is pending.

Mrs. BOXER. Mr. President, is the rule 10 minutes per side?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mrs. BOXER. Will my friend tell me when I will have 1 minute remaining?

The PRESIDING OFFICER. Absolutely.

Mrs. BOXER. Mr. President, in the next 5 minutes I want to describe this amendment. I cannot imagine anyone in the Senate voting against this amendment. Having said that, I predict that this amendment will not be agreed to because there seems to be some type of agreement going on that this bill can not change at all, in any way, shape, or form. But I want to give the Senate a chance.

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 fair 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.

I ask anyone listening to this debate to think about how many credit card applications you receive in the mail in a week's time, in a month's time. Once I started saving it up. Then they started sending them to my grandson. He is 9. I was surprised they didn't send it to our cat. I suppose they would, if cats could pay interest.

But let me tell you about this particular egregious situation I am trying to fix. I think it would shock Americans to understand 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 to cap it at 36 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 or two—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 last 10 years 100 percent.

When you analyze the stories—I have read them in the Wall Street Journal—you find they are getting paid back for sure, but they are not getting the full 30–percent interest. But the poor people who are caught in this have a real problem.

Here is what the amendment says. If a credit card company issues a seventh credit card to someone below the age of 21 without a responsible party cosigning, and if that individual has a job that pays less than the poverty level, then in fact if there is a default the judge should take into consideration the facts. It is as simple as that. Why wouldn't a credit card company ask you that simple question, How many cards do you have? And, What is your income? After all, this is unsecured debt. It is not secured by anything but the person.

We are saying, if, in fact, an individual defaults, they are younger than 21, they had no cosigner, they earn below the poverty line, they already have six cards, if they wind up in bankruptcy court, the judge should consider this situation.

This is about responsibility on the part, yes, of the person who is using the card, but also on the part of the credit card companies.

I yield the floor.

AMENDMENT NO. 67

Mr. DODD. Mr. President, I urge my colleagues to support the amendment I offered yesterday. It is an amendment designed principally to protect children and families caught in the bankruptcy situation.

Let me state again at the outset, clearly there is a need to reform the bankruptcy laws—none of us disagree with that—but it must require a sense of balance. People are moving through the bankruptcy courts, but we also need to keep in mind that families, particularly children, the innocents in this, are not going to be so disadvantaged by the process that we create a more serious problem than the bankruptcy issue suggests.

Under this bill as presently crafted, there are several areas where we could do a far better job of seeing to it that children and families are going to be protected to the extent possible, while creditors are also going to have an ability to reach assets. This bill provides too strong a straitjacket for families.

I offer four different parts in this amendment. The first modifies the means test to require greater flexibility and reasonableness in calculating a debtor's ability to pay. Under the bill you have $1,500 a year as the total amount allowed for educational expenses for children. The reality of the 21st century, putting aside parochial school education, even for a public school, $1,500 is too low a figure for the children to get the proper education they need. Our amendment raises that ceiling from $1,500 to $5,000.

Second, the amendment ensures that support payments, child support payments, alimony, if there are any resources coming from the earned income tax credit or the child tax credit, specifically money intended to support children and their needs, should not go to creditors. Those moneys ought to be kept out of the estate. Again, child support, alimony, EITC, child tax credits. The bill does not presently allow that. We specifically passed that legislation to assist poor families and families with children.

Third, the amendment enables debtors going through bankruptcy to keep personal property normally found in and around the home. The bill does list some new items that were not in the earlier versions of the bill. That is a simple reasonableness test. Rather than having a finite list, if these goods have no resale value at all, and they are used for children and used for providing for the needs of the household, they ought to be excluded. That is the third part of this amendment.

Fourth, the amendment ensures that debtors are not forced into bankruptcy court to seek to prove that food, diapers, school uniforms, and other items are luxury items. Under the present law, the bankruptcy current law allows $1,225 to be charged within 60 days of filing bankruptcy. This bill drops that number to $500 within 90 days. That is a totally unrealistic number. Anyone who has young children will tell you $500 over 90 days to provide for your children is far too low. We tried to offer a compromise, saying any charges amounting to $1,000 within 70 days. As I say, existing law is $1,225 within 60 days. The bill says $500 within 90 days. Our amendment says $1,000 within 70 days.

Lastly, as part of this amendment, if the creditors think these are luxury items, let them make the allegation in court. This bill requires these dependent women, most of them single women raising children, have to prove these are not luxury items. The burden ought to be on the opposite side of the equation.

That is what the amendment is designed to do. There are four pieces to it. It is specifically designed to offer some relief to the innocents, the children and the families who are going through this process—not to blame them or put them in an untenable situation.

This amendment is supported by a long list of organizations across the country dealing with women and children. I ask unanimous consent that list be printed in the RECORD.

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

ACES, Association for Children for Enforcement of Support, Inc., American Association of University Women, American Medical Women's Association, Business and Professional Women/USA, Center for Law and Social Policy, Center for the Advancement of Public Policy, Center for the Child Care Workforce, Children NOW, Children's Defense Fund, Church Women United, Coalition of Labor Union Women (CLUW), Equal Rights Advocates, Feminist Majority, Hadassah, International Women's Insolvency & Restructuring Confederation (''IWIRC''), MANA, A National Latina Organization, National Association for Commissions for Women (NACW), National Black Women's Health Project, National Center for Youth Law, National Council of Jewish Women, National Council of Negro Women, National Organization for Women.

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.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER. The minority time is expired and the majority has 5 minutes on each of four amendments.

AMENDMENT NO. 62

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 card 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 borrowers buying and refinancing their homes; require additional disclosures regarding credit card so-called introductory rates; extending Truth in Lending requirements to Internet-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 the Boxer 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. This late in the game, a 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 means test 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 day. 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 benefit 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 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. I respect my colleagues' dedication 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 rollcall 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 PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—42

Akaka	Durbin	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Kennedy	Reed
Cantwell	Kerry	Reid
Clinton	Kohl	Rockefeller
Conrad	Landrieu	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden

NAYS—58

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Snowe
Carper	Hagel	Specter
Chafee	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Talent
Cochran	Isakson	Thomas
Coleman	Johnson	Thune
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

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. There ought not be an arbitrary time limit for a worker who has backpay, sick pay, or severance pay coming. That is all this amendment does.

I cannot believe the House will not send this to the President if we adopt this amendment. Do not even try to sell that to me.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Madam President, I yield back all time and ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

The question is on agreeing to amendment No. 66. 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 48, nays 52, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—48

Akaka	Durbin	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Harkin	Nelson (NE)
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Clinton	Kohl	Salazar
Collins	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Corzine	Leahy	Snowe
Dayton	Levin	Specter
Dodd	Lieberman	Stabenow
Dorgan	Lincoln	Wyden

NAYS—52

Alexander	Coburn	Enzi
Allard	Cochran	Frist
Allen	Coleman	Graham
Bennett	Cornyn	Grassley
Bond	Craig	Gregg
Brownback	Crapo	Hagel
Bunning	DeMint	Hatch
Burns	DeWine	Hutchison
Burr	Dole	Inhofe
Chafee	Domenici	Isakson
Chambliss	Ensign	Kyl
Lott	Santorum	Thomas
Lugar	Sessions	Thune
Martinez	Shelby	Vitter
McCain	Smith	Voinovich
McConnell	Stevens	Warner
Murkowski	Sununu	
Roberts	Talent	

The amendment (No. 66) was rejected.

AMENDMENT NO. 62

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 cosigner, 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. All time has been yielded back. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 40, nays 60, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—40

Akaka	Feingold	Mikulski
Biden	Feinstein	Murray
Bingaman	Harkin	Obama
Boxer	Inouye	Pryor
Byrd	Jeffords	Reed
Cantwell	Kennedy	Reid
Chafee	Kerry	Rockefeller
Clinton	Kohl	Salazar
Conrad	Landrieu	Sarbanes
Corzine	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden
Dorgan	Lieberman	
Durbin	Lincoln	

NAYS—60

Alexander	DeMint	McCain
Allard	DeWine	McConnell
Allen	Dole	Murkowski
Baucus	Domenici	Nelson (FL)
Bayh	Ensign	Nelson (NE)
Bennett	Enzi	Roberts
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Burr	Hagel	Snowe
Carper	Hatch	Specter
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Sununu
Cochran	Isakson	Talent
Coleman	Johnson	Thomas
Collins	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Warner

The amendment (No. 62) was rejected.

Mr. McCONNELL. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. I ask unanimous consent the last vote in this series in relation to the Dodd amendment occur at 2:45 today; provided further that following that vote, the Senate proceed to vote in relation to the Kennedy amendment numbered 68; further that no amendments be in order to the amendments prior to the vote.

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

The Senator from Hawaii.

AMENDMENT NO. 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 can 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 502(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 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 people who are 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 credits, 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:

CONSUMERS UNION,
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 responsible lending by payday loan companies 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 created credit counseling 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 companies are leaving debt choked 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 payment to the credit counseling agency, which then forwards the funds to the appropriate credit card company. In exchange, creditors agree to offer two key ''concessions'' to help consumers 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 card companies in recent years have become increasingly unwilling to reduce interest rates for consumers in credit counseling, which has led to more bankruptcy filings. 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 they offered to 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 like Capital One, General Electric 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, one-third 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 card 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 PREDATORY PAYDAY LOANS

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 money in the bank to cover them as the basis for making ''payday loans'' should not be allowed to use the bankruptcy courts to collect. Payday loans trap borrowers in a cycle of debt when consumers flip loans to keep their checks from bouncing.

Last year, consumers paid $6 billion to borrow $40 billion in small cash advances from over 22,000 payday loan outlets. These loans of $100 up to $1,000 are secured by personal checks or electronic access to bank accounts and must be repaid in full on the borrower's next payday. Lenders charge annual interest rates on these loans that *begin* at 390 percent, with finance charges of $15 to $30 per $100 borrowed.

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 before other obligations, due to the severe adverse consequences of failing to make good on a check. Some lenders threaten criminal prosecution or court martial of military consumers for failure 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 any lender that entices 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.

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.

SUSANNA MONTEZEMOLO,
Policy Analyst, Consumers Union.

LINDA SHERRY
Editorial Director, Consumer Action.

EDMUND MIERZWINSKI,
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 to discuss my remaining 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 to the floor earlier in the day and was complaining that I had a number of amendments and that I did not intend to vote for the bill.

I have been a legislator for 22 years. This is not an auction. Even if you are going to vote against a bill, if you 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 came to 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. And 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 bait and switch. 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 forced into bankruptcy because other people—criminals, in fact—ran up debts in their names. It is awfully hard to argue with a straight face and pretty hard to claim that victims of identity theft should have to pay at least some of their debts if they have a higher than median income. The debts are not even theirs. Believe it or not, this bill might actually force someone to file for chapter 13 and make payments on debts for 5 years that were not even run up by the person filing for bankruptcy. I find this to be incredible. Unfortunately, the response from one of the bill's cosponsors was: ''well, you have a good point here, but your amendment is just too broad.''

In the Senate I have come to love in my 12 years here, the Senate I served in just a few years ago when we last considered the bankruptcy bill, Senators and their staffs would have sat down and they would have worked out language that was not too broad. There would have been some negotiation. In many cases an agreement would be reached. But in this debate that kind of legislating is apparently forbidden.

What is most disheartening is that so many Senators sent here to represent their constituents, to exercise their independent judgment for the good of their States and the country, have been willing to blindly follow instructions from the shadowy coalition of groups that are behind this bill—mainly the credit card industry—and vote down even the most reasonable of amendments. It is just sad when there is no debate on amendments, no discussion, no negotiation, just an edict from outside of the Senate, and the ''no'' votes follow every time.

Last night I offered a very important amendment concerning small businesses. I spoke for 10 or 15 minutes about the amendment and explained some new data on small business bankruptcies that I think shows these provisions are actually very wrongheaded. After what has gone on here, I, of course, didn't expect to win the amendment, but I did think we might have a debate of sorts. The sponsors of the bill didn't even bother to come down and debate. Not one Senator made a single response to my arguments. They sent an emissary to deliver the message right before the vote that the sponsors expected a ''no'' vote. Nonetheless, I have not given up hope that some real legislating can still take place in the waning moments of our consideration of this bill.

I have a number of amendments, 14 to be exact, pending before this body. They are entitled to receive votes before we vote on final passage. They are reasonable and modest amendments. They are not so-called message amendments. They are not intended to be poison pills or bring down the bill by causing a huge disagreement with the House. They are intended to improve the bill because this bill is now not an academic exercise, as we know. It is going to become law. It is going to be the first bankruptcy reform of any great substance since 1978. It is going to become law, probably in a matter of weeks, and it will have a real impact on real people all over this country.

Last night my staff was able to have some discussions about these amendments with staff for the sponsors. I am hopeful that some of these amendments can be accepted or negotiated. I am prepared to entertain any reasonable offer. If I feel the sponsors have made a legitimate effort to look closely at my amendments and consider them with an open mind, and if some number of those amendments are accepted, I will not seek votes on all the amendments. No one likes a vote-arama, as it has come to be known, when we vote on a bunch of amendments in a row and often people don't know what they are voting on. But we will have one if the attitude that has been on display for the last week and a half continues.

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 debtors to obtain 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 in the Senate that these 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 even 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 do we want to require a soldier to sit down at a computer to take a credit counseling or credit education course while they are in Iraq in order to protect his or her family back home from financial ruin?

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 are already having to file 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 debtors whom the bankruptcy decision 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 few, unusual, and very hard-luck 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. Requiring 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. But 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 the bill, 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. So she would be forced into a 5-year plan, even though her real income 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 during the bankruptcy case to less than the median income, 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 safety valve 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 shouldn't import the means test to chapter 13 without allowing for special circumstances adjustments to income. Either of my amendments would bring chapter 13 in line with chapter 7 on this score.

The next amendment I want to discuss also has to do with chapter 13. There is a peculiar problem in this bill. I have often called it a bill that is at war with itself. What I mean by that is that the bill's overriding purpose—the argument that we have heard over and over on the floor in the past week 26 and a half—is to get more people to file for bankruptcy under chapter 13, which will require them to pay some of their debts over a 3- or 5-year period before getting a discharge of their remaining debts. This is what the means test is all about—getting debtors to pay some of their debts if they are able. That is chapter 13. You would think, then, that the bill's sponsors and supporters would want to make sure that chapter 13 remains a viable option for those debtors. But the bill also includes a number of provisions that make it less advantageous to file in chapter 13 and harder to complete repayment plans. That is a bill at war with itself, and I predict this bill will have very bad consequences if it is adopted as it stands. The chapter 13 bankruptcy trustees and judges have certainly told us that over and over again for the past 8 years. Apparently, no one wants to listen.

One amendment I have offered to try to undo one of the problems this bill creates for chapter 13 amendment No. 95, having to do with discharge of back taxes. Current bankruptcy law allows debtors who complete chapter 13 payment plans to discharge all taxes that were owed more than 3 years before the time of the petition. This allows debtors to look forward to someday improving their financial situation without facing a lifetime of debt repayment for old taxes. But the bill makes it less advantageous to file for bankruptcy under chapter 13 by disallowing the discharge of many of these older taxes.

Under section 707 of the bill, a standard now applicable only to chapter 7 would be applied to chapter 13. In chapter 7 cases, debtors may only discharge old taxes if they filed a tax return for those taxes at least 2 years before filing for bankruptcy. That limitation does not currently apply to chapter 13 cases. By the way, under chapter 13 today, as in chapter 7, taxes owed for the last 3 years must still be paid in full as priority debts, which enables the IRS to collect what is available 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 have recently gotten back on their feet and found a job 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 attempting to get 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 pay what they can afford 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 eviscerate 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 all they can afford—that is, their disposable income after living expenses—to payments under their plan. These payments go to administrative expenses, secured creditors and unsecured creditors. In fact, most chapter 13 cases filed under current law are filed in order to deal with secured debts, to prevent foreclosure on a home or repossession of a car.

As written, section 102(h) of this bill would instead require that for debtors who are below median income, all disposable income must go to unsecured creditors, and none could be used for secured debts or administrative expenses. This is an obvious drafting error, since the purpose of section 102(h), as I understand it, was simply to require debtors with income over the median income to use the IRS standards contained in the means test to determine their allowable living expenses but to leave the law unchanged for debtors below median income.

If this error is not corrected, the bill will make it impossible for debtors below median income to use chapter 13. Now some in this body may be under the mistaken impression that people who file for chapter 13 bankruptcy are well off and they will only choose that chapter if they are forced to by this bill. That is obviously not true since chapter 13 exists now and millions of people use it voluntarily. The large majority of chapter 13 filers are actually below median income. In fact, in the 1980s, one study found that about 15 percent of chapter 13 filers were actually below the poverty line. Very few people file in chapter 13 because they have large amounts they can afford to pay to unsecured creditors. They do it to protect their homes from foreclosure or their cars from repossession. While there certainly are exceptions, people who file for bankruptcy are generally poor, whether they choose chapter 7 or chapter 13.

Currently, with no means test in place, about 30 percent of bankruptcy debtors voluntarily file under chapter 13. Even the sponsors of this bill claim that only another 8–10 percent of those who now file under chapter 7 would be switched to chapter 13 if the means test were implemented. So even with the means test, the majority of chapter 13 debtors will almost certainly be below median income. That means the drafting error I have discussed is a big deal. We have to fix this problem before it becomes law.

A second problem created by this error has to do with administrative expenses in chapter 13 cases. Administrative expenses in bankruptcy include the fees of lawyers and trustees who are paid to process the case.

Section 102(h) of the bill would effectively impose a 10 percent cap on chapter 13 administrative expenses for debtors with income over the median. And it would prohibit any payments at all for administrative expenses for debtors below the median. What that means is 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 in chapter 13 cases.

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 if you don't want this bill to write chapter 13 out of existence.

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 226 to 228 of the bill. 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 the word ''lawyer'' means, 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 that relationship without adding any meaningful substantive protection.

I think the intention of the bill's drafters was to prevent attorneys from tricking consumers into 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 I 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 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,
Cincinatti, OH, February 28, 2005.

Re Attorney Liability Provisions in S. 256, The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Hon. ARLEN SPECTER,
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 the Senate prepares to consider the ''Bankruptcy Abuse Prevention and Consumer Protection Act of 2005'' (S. 256), I

write to express the opposition of the Federal Bar Association to several provisions in the proposed legislation that would in our opinion inappropriately increase the potential liability and administrative burdens of bankruptcy attorneys under the Bankruptcy Code. Those provisions would require attorneys to: certify the accuracy of factual allegations in the debtor's bankruptcy petition and schedules under penalty of court sanctions (section 102); certify the ability of the debtor to make payments under a reaffirmation agreement (section 203(a)); identify and advertise themselves as ''debt relief agencies'' subject to a variety of regulations (sections 227–229).

The Federal Bar Association, with over 16,000 members throughout the country, is the only national association composed exclusively of attorneys in the private sector and government who practice within or before the federal courts and agencies. Our mission is to serve our nation's federal legal system. In our view, the above-referenced provisions of the proposed legislation pose a serious threat to the efficient operation of the bankruptcy laws and the bankruptcy courts. We are joined in this opinion by many state and national bar associations and bankruptcy practitioners.

The cumulative potential liability and additional administrative burden imposed upon debtor attorneys by the legislation may be expected to generate a substantial negative impact on the availability of quality 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 and schedules, for example, will essentially require the attorney to become a guarantor of the petitioner's statements. The effect of these draconian changes may be to drive many consumer bankruptcy practitioners out of this area of practice, depriving individuals of adequate legal representation and forcing them to seek less responsible alternatives such as unlicensed bankruptcy petition preparers or to file their petitions themselves. They may not even receive adequate advice regarding the necessity or advisability of filing for bankruptcy. Therefore, the attorney liability and ''debt relief agency'' provisions contained in the proposed bankruptcy legislation may have an adverse effect on debtors, creditors and the bankruptcy system itself. While these changes may not be intended by the advocates of the legislation, they are foreseeable.

The spirit of the above-referenced provisions can be better satisfied by the imposition of non-dischargeability sanctions upon debtors who falsify their bankruptcy schedules and tougher action by bankruptcy courts and the United States Trustee to enforce Bankruptcy Rule 9011 when misconduct by a party exists. These reforms would reduce bankruptcy fraud and abuse without unfairly harming honest debtors or the bankruptcy system.

We call upon you to support amendments that may be offered on the Senate floor that would remove the inappropriate and unnecessary sanctions and burdens described above from the proposed bankruptcy legislation.

Thank you for considering these views. If you would like more information on the PBA's views, your staff may contact our counsel for government relations, Bruce Moyer, at (301) 270–8115.

Very truly yours,

THOMAS R. SCHUCK,
National President.

Mr. FEINGOLD. Mr. President, another amendment I have pending is really concerned with making the bankruptcy system work better for both creditors and debtors. It is amendment No. 90, dealing with notice.

The bill contains three separate notice requirements which seem to create significantly differing procedures for notice.

The first provision requires debtors to send notice to the creditor at whatever preferred address the creditor has specified in correspondence with the debtor shortly before bankruptcy.

The second provision says that debtors and the court must send notice to the creditor at an address the creditor files in each individual case.

And the third provision says the court must send notice to an address the creditor files for all cases, with an exception if a different address is filed for an individual case.

The first requirement, that debtors send notice that bankruptcy has been filed to creditors at the creditors' preferred address, is actually unworkable and unfair and serves no apparent purpose. Debtors often do not receive correspondence within the last 90 days prior to filing for bankruptcy, and even when they do, they may not know that the correspondence is significant. Essentially, debtors might end up having their cars repossessed despite the fact that they filed for bankruptcy and repossession should be prevented by the automatic stay because they threw away what appeared to be junk mail from the creditor. And bankruptcy lawyers are forced to search through their clients' correspondence for an address or a change of address.

I think we can come up with a much more streamlined notice provision that will satisfy the interests of both creditors and debtors.

My amendment will eliminate the first notice provision of the bill and instead establish a central national registry for creditors' correspondence 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 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 of a stay. 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. The creditor might 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 reasonably calculated to come to the attention of a creditor or its agent is sufficient to allow sanctions for violation of the stay.

Correcting the notice provisions will protect the interest of debtors and creditors. Do we really want to leave in place a provision that is so obviously contradictory and unworkable and that could lead to a result as unjust as the example I just described? I hope not.

I also believe that creditor as well as debtor attorneys will appreciate the streamlined notice provision in my amendment and the establishment of a national registry available on the Internet.

It is my understanding the Administrative Office of the Courts does not favor the current language of the bill because it has essentially been overtaken by events. The courts are moving to electronic filing and notice registries. Keep in mind, this bill started about 8 years ago. An awful lot has happened in that time to make this much more feasible and, frankly, much more helpful to whoever is working on this, whether it be creditor representatives or debtor representatives.

My amendment is consistent with that movement. The bill is not.

One of my amendments is just a clarification of the effect of my bill and should not be controversial at all. It is amendment No. 100 on reaffirmation.

Section 524(1) allows creditors 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 potentially require courts to 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 this point 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 long 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 the cost of living. But not all 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 current bill should be 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, and I hope 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, provided 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 chairman for making an argument, 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 just 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:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 51.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is 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,''.

Beginning on page 14, strike line 10 and all that follows through page 15, line 17, and insert the following:

''(ii) the court grants such motion.

''(B) Any costs and fees awarded under subparagraph (A) shall have the administrative priority described in section 507(a)(2) of this title, and such costs and fees shall be excepted from the discharge described in section 727 of this title in the current or any successor cases filed under this title.

On page 16, strike line 8 and all that follows through line 10 and insert the following: ''the''.

On page 28, between lines 17 and 18, insert the following:

(l) 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 prior 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:

''(5) The declaration shall consist of the following certification:

On page 60, strike line 4 and all that follows through line 10.

On page 182, line 4, strike **"EXPANSION"** and insert **"ENFORCEMENT"**.

On page 182, 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 182, line 8, strike ''App.)'' and insert ''App.).''

On page 182, strike line 9 and all that follows through line 19.

On page 459, lines 24 and 25, strike ''', even if such amount has been discharged in a prior case under this title'''.

Mr. BINGAMAN. Mr. President, this amendment would help to ensure that legal representation remains affordable and accessible to lower income Americans who are forced into bankruptcy.

As currently written, the bill contains provisions that would significantly increase attorney's fees and expenses related to the filing of a bankruptcy petition. Under existing law, attorneys can rely on information that a client provides regarding the extent and the value of their assets, such as the worth of a car, household furniture, and that sort of item.

In an effort to combat the perceived abuse of the bankruptcy system, this proposed bill requires an attorney to certify that the attorney has made an inquiry into the client's assertions, and it subjects the lawyers to personal liability for inaccuracies in a debtor's list of assets. Although the proponents of this provision may argue that the change will prevent abuse, I believe it is an unnecessary change that will have significant unintended consequences.

Under existing law, attorneys are already required to certify that pleadings, motions, and other materials have factual support pursuant to bankruptcy rule 9011. Attorneys are also prohibited from knowingly making any legal or factual misrepresentation to the court or assisting a client in any abuse. If we want to address misconduct by attorneys, what we need is better enforcement of those existing rules. If we want to address abuse by debtors in submitting their lists of assets, we should seek to hold those individuals responsible. My amendment would do that by making specific debts nondischargeable if the debtor lied about them in their bankruptcy schedule.

With regard to the unintended consequences of these changes, in order to protect themselves from harsh sanctions, attorneys would be forced to conduct a costly investigation into the value and the actual existence of the client's claimed assets. This would not only directly increase the attorney's expenses, it would also likely raise very significantly other costs such as malpractice insurance. The Attorneys' Liability Protections Society, Inc., which is a malpractice carrier that insures 15,000 lawyers in 27 jurisdictions around the country, has estimated that the impact of this provision could result in the immediate increase of insurance premiums for bankruptcy lawyers from 10 to 20 percent.

The bankruptcy bill contains another provision with regard to reaffirmation agreements that will also likely result in higher attorney's fees and costs.

Current law provides that debtors can reaffirm a debt and therefore keep a specific asset, as long as the attorney 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 able to make future 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 that client would be able to afford specific payments. Of course, that would drive up attorneys' fees as well.

These additional costs would negatively impact on the accessibility of legal representation and court administration in two primary ways. First, they would reduce the ability of lawyers to take on pro bono cases and would make these legal services unavailable to many indigent debtors. In my own State, the law clinic at the University of New Mexico Law School has said if the bill passes in its current form, it would likely have to stop doing bankruptcy work for indigent clients due to the additional cost and concerns 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 as much time to process as cases where debtors are represented by counsel. 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 debtors 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 assist 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 abuse of 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 defeated 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 actually requiring 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 consider the need to 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.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. 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 business here in the Senate is 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 nongermane 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 on how money 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 holding some of this money 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 on their contracts: Bring 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. One of them, I guess, 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 in cash 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 selling 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 in Iraq. When they get a flat tire, 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 American 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 goes to a 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 after the company that got giant no-bid contracts, and there is no accountability for the way the money is spent. 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 28,000 meals 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 soldier told me they were standing 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 this President that says we are 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 passing around there is 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; Halliburton Refunds $27 million,'' February 3, 2004. On February 4, 2004, ''Halliburton Faces Criminal Investigation; Pentagon Proving Alleged Overcharges for Iraq Fuel.''

By the way, the recently retired person in the Pentagon who purchased fuel—it was his job to purchase fuel 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 here in this Chamber. 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 taxpayer. The Coalition Provisional Authority in Iraq was created by an executive order, in a very specific document. To have the U.S. Justice Department take the position that defrauding the Coalition Provisional Authority—

which is us—is not the same as defrauding the American taxpayer is Byzantine.

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 minority party, with subpoena power to have the kind of investigation and the kind of oversight that the American taxpayers ought to expect of this Congress. 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 taxpayers paying $45 for cases of what I call ''pop'' back home, Coca-Cola or Pepsi-Cola, $45 a case; or renting SUVs for $7,500 a month; $2.65 a gallon for fuel delivered in Iraq when the just retired head of the Defense Energy Support Center testified they could have supplied it for half that price; $18.6 million of U.S. equipment missing that a company was given to manage, and now they can't find it, don't know where it is, and don't know what happened 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 all of us know, we are rushing headlong to have a vote on bankruptcy. We will have that vote. But there is apparently no interest in trying to get to the bottom 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 there; 8,206 were being paid for by the CPA, but only 602 were working. The Coalition Provisional Authority actually had possession of nearly $9 billion in funds that actually came from Iraqi oil that belonged to the Iraqi people. The inspector general says that money cannot be accounted for. Where did it go? What happened to it? When will someone start caring about those things?

I have asked a lot of questions. We have held hearings in the Democratic Policy Committee on these subjects, because the authorizing committees will not hold hearings on these subjects. I have offered an amendment in the Senate on a timely basis. Because cloture was invoked, the majority party knew they would not require Senators to vote on this amendment to this bill. But obviously, this amendment will come back. I will have the opportunity to offer it again, will offer it again, and we will vote in the Senate, provided there is any appetite at all about what is happening to the American taxpayers' money.

I have previously supported bankruptcy legislation. I had hoped to support it this time. But because I was precluded from getting a vote on an amendment that I offered on a timely basis, and because of other concerns I have with the bill, I don't intend to vote to advance this legislation. I say to my colleagues, we will vote on this amendment at another time because I will offer it again. We will find a way to force a vote in the Senate on creating a special committee to investigate this waste, fraud, and abuse.

It is unthinkable at a time when we have massive Federal budget deficits, a fiscal policy that is far off track at the same time we have massive trade deficits, the combination of which is well over $1 trillion a year, that no one seems to care much about waste. If ever I have seen an example of waste, fraud, and abuse that is sickening and disgusting, it is in this area. This Senate owes it to the American people to create a committee to investigate, if the authorizing committees in the Senate will not do their job and hold oversight hearings.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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. 68

Mr. KENNEDY. Mr. President, I call up amendment 68.

The PRESIDING OFFICER. The amendment is pending.

Mr. KENNEDY. Mr. President, the most disturbing thing about this supposed bankruptcy reform is the utter lack of fairness and balance in the legislation. It gets tough on working families facing financial hardship due to a health crisis, job loss caused by a plant closing or offshoring of a job, or a military callup to active duty. The laws of bankruptcy are being changed to wrest every last dollar out of these unfortunate families in order to further enrich the credit card companies.

However, the authors of this legislation look the other way when it comes to closing millionaires' loopholes and ending corporate abuse. The legislation fails to address the real crisis in corporate bankruptcy where reorganization plans often benefit the very insiders whose greed and mismanagement brought down the company at the expense of the workers, the retirees, and the creditors, and it fails to address the shocking abuse of millionaires hiding their assets in so-called asset protection trusts, placing them completely beyond the reach of creditors.

This bill also fails to deal effectively with the unlimited homestead exemptions in a few States which allow the rich to hold on to their multimillion-dollar mansions while middle-class families in other States lose their modest homes. We truly cannot allow this bill to pass without closing the millionaires' homestead loophole once and for all. It has become a national embarrassment. Millionaire deadbeats buy a huge mansion in Florida and Texas to shield their wealth from creditors. The harsh rules of bankruptcy being established by this bill will trap hard-working middle-class families, but the unlimited homestead exemption will allow rich debtors to escape.

Existing bankruptcy laws allow those in bankruptcy to protect from their creditors certain assets, the nature of which is largely determined by State law. Most States make some allowance for homes or homesteads people live in, but the allowance is a modest one, too modest, in many States, for elderly people with large equity in the homes they have lived in for most of their lives.

However, five States—the most notorious of which are Texas and Florida—have unlimited homestead exemptions. This means debtors in those States can stash away millions, even tens of millions of dollars in the States and leave their creditors with nothing.

S. 256 leaves this gaping loophole wide open. It will allow the real abusers of the bankruptcy system to file for bankruptcy and to still keep their fortunes and properties intact while leaving their creditors with nothing. S. 256 has created some minor exceptions to the homestead exemption, none of which would be applicable in many of the most egregious cases. The bill fails to deal with the problem head on of multimillionaires who abuse bankruptcy by stashing away wealth while they declare bankruptcy.

My amendment caps the amount allowed for the homestead exemption at $300,000. This is an adequate allowance for most people. The average home in the United States is $240,000, a great deal higher in many of the regions of the country and lower in some parts of the country. This $300,000 is an adequate allowance for most people and would end the exploitation of the homestead exemption to hide assets from creditors. It would add some measure of fairness and balance to a bill that sorely needs some fairness and balance.

Some of the most egregious abuses we have currently and that this legislation fails to deal with are the kinds of abuses that we have in the case of Ken Lay, the former chairman of Enron, who owns a $7 million penthouse condominium. Mr. Lay made over $200 million from Enron stock and $19 million in bonuses. Other executives received bonuses as high as $5 million. Over 5,000 employees lost their jobs, and 20,000 lost an estimated $1 billion in retirement savings. Now, Ken Lay has been able to put some $7 million in a penthouse condominium in Houston's exclusive River Oaks neighborhood with 12 rooms covering 12,800 square feet.

We are going to find there have been hard-working men and women who have had health insurance—half of all of the bankruptcies are the result of dramatic health bills. Seventy-five percent of those individuals had health insurance. And, as we have pointed out during the course of this debate, if your family is touched by cancer, you, by definition, are going to have $35,000 to $40,000, at a minimum, out-of-pocket expenses. And that, in many situations, is enough to drive a family into bankruptcy.

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 of dollars.

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: He will be out there in his $7 million 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, recently built a 4-acre, $15 million estate in Boca Raton, FL, with an 18–seat movie theater, art gallery, and lagoon.

You are telling me we are going to protect those individuals in their homes when we have single mothers who cannot get the child support or alimony, through no fault of their own, and they are thrown into bankruptcy and in danger of losing their homes? And the cruelty is the innocent individual, more often the wife, who is not getting the alimony or child support, has a very good chance of losing her home—but not these individuals, not 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 against you, and you live in any of these States—in New Jersey, in Pennsylvania, or Maryland—there is no homestead exemption. Your home, if you have the blessings to have a home, is thrown right in there, sold right off, put right on the market, and out you go.

In the State of Michigan, it is $3,500 in value. In Kentucky, it is $5,000 of value; Georgia, $5,000; South Carolina, $5,000; Ohio, $5,000; Alabama, $5,000; Virginia, $5,000, plus $500 per dependent; Tennessee, $5,000 in value, and $7,500 with your home if you are a married couple; Indiana, $7,500; Illinois, $7,500; Missouri, $8,000.

But there is no limitation for the Ken Lays, the Jeffrey Skillings, the Dennis Kozlowskis putting aside tens of millions of dollars that is going to be protected.

These families will have that amount of equity that will be protected. You can go into some other States: New York, $10,000; North Carolina, $10,000; and Wyoming, $10,000. And some States go on up to $75,000—Connecticut. In Montana it is $100,000. In my State of Massachusetts, it is $300,000. But there is no limit at all, no dollar limit—some acreage amount—in Texas. In Texas, it is 10 acres in an urban area. It can be in downtown Dallas or downtown Houston. Or it can be 200 acres in a rural area. You are protected. If you have a home on 10 acres, wherever it is in an urban area—or 200 acres in a rural area—you are not touched by this legislation. And that is true in varying degrees for the six States.

So we have to ask ourselves, why treat these six States separately and differently from all of the other States, and particularly where, in the other States, when people fall into bankruptcy, one of the first assets they are going to lose is their home.

So at the appropriate time we will have an opportunity to vote on my amendment. As I say, this amendment closes that homestead loophole but permits, notwithstanding any other provision, the maximum amount of homestead exemption that may be provided under State law shall be $300,000.

If you get a judgment against you for $400,000, they sell your home, but at least that $300,000 is enough that you may be able to get something, particularly if you are an elderly person living on an income of $1,200 or $1,500 a month, you might be able to survive.

But the idea outside of that is that you are effectively taking away the homes and putting them at risk for 44 States and permitting 6 States to effectively circumvent this legislation in a very important way. It is wrong. I hope our colleagues and friends can support our measure.

AMENDMENT NO. 70

Mr. President, I would ask that amendment be temporarily set aside, and I call up amendment No. 70.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment No. 70 is already pending.

Mr. KENNEDY. I thank the Chair.

Mr. President, this amendment is designed to protect single mothers and their children, who are forced into bankruptcy because they did not receive the child and spousal support they were entitled to, from the 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 would turn the screws on, looking 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 she was entitled to receive pursuant to a valid court order totaling more than 35 percent of her household income within a 12-month period. No wonder such a person ended up 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.

Few people realize the magnitude of this problem. In 2004, $95 billion in child support—$95 billion—was uncollected. Failure to receive that child

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 bankruptcy relief to many 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.

The following 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 innocent women who 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 amok 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 wives, because the 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 moms. We have talked 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 a very harsh future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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—by 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 dangers 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 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 correct this problem. It provides that income from any job in which the debtor is no longer employed and income from any activity in which he can no longer engage due to a medical disability will be excluded from this calculation.

Mr. President, if we look at what has 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 is the economic condition 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—by and large individuals who have lost their jobs because 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 American workers 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 had our 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, college tuition is up, housing is up, and gas is up. It is forcing these individuals into bankruptcy.

All we are saying for those 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 spendthrifts, Mr. President. 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 comfortable home in 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 about 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 25th chapter. It reads:

> 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 the credit 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 pillaging of 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 Americans to hold big corporations 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 do not 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 that seek 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 $150,000 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 illness.

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 year leading up to 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 27 percent of other filers.

For those bankrupt 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. In fact, 35 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 healthcare 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, 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 on a different day, with different 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.

AMENDMENT NO. 67

Mr. DODD. Mr. President, this amendment was going to be voted on, actually, earlier this morning, but there was a reason to delay it until this afternoon. I ask unanimous consent to have 1 minute to explain the amendment.

The PRESIDING OFFICER. Under the previous order, the question will be on amendment No. 67, offered by the Senator from Connecticut, Mr. DODD. Without objection, the Senator will be recognized for 1 minute.

Mr. DODD. Mr. President, this amendment is simple and straightforward. More than 1 million women in the coming year will file bankruptcy. The overwhelming majority of these women are mothers of young children. This amendment is designed to see to it that the needs of children will be met as persons go through the bankruptcy act. The credit card companies certainly have a right to receive what resources are due them, but they should not be able to trump the needs of children.

Too often in this bill, in a variety of places, that is exactly what happens. My colleague from Utah said this bill has been 8 years in the making. It would only take a couple of minutes here to try to redress some of the inequities that exist when it comes to questions of providing for the basic needs of children—educational needs, utilizing child support, the earned-income tax credit, the child tax credit, and alimony to support the needs of children.

For over 100 years, since 1903, women and children have come first in our Nation's bankruptcy laws. This will be the very first time, without this amendment being adopted, that children and families will take a backseat to the credit card industry. That is a wrong priority for our Nation.

Every major child advocacy group in this country supports this amendment. I urge my colleagues to support it. This is one exception we ought to make to get right the balance in this bill of the needs of the credit card companies with the needs of America's children and families. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 67, offered by the Senator from Connecticut, Mr. DODD, on which the yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

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

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—42

Akaka	Feingold	Lincoln
Baucus	Feinstein	Mikulski
Bayh	Harkin	Murray
Bingaman	Inouye	Nelson (FL)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Clinton	Kerry	Reid
Conrad	Kohl	Rockefeller
Corzine	Landrieu	Salazar
Dayton	Lautenberg	Sarbanes
Dodd	Leahy	Schumer
Dorgan	Levin	Stabenow
Durbin	Lieberman	Wyden

NAYS—58

Alexander	DeMint	McConnell
Allard	DeWine	Murkowski
Allen	Dole	Nelson (NE)
Bennett	Domenici	Roberts
Biden	Ensign	Santorum
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Grassley	Snowe
Burr	Gregg	Specter
Carper	Hagel	Stevens
Chafee	Hatch	Sununu
Chambliss	Hutchison	Talent
Coburn	Inhofe	Thomas
Cochran	Isakson	Thune
Coleman	Kyl	Vitter
Collins	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	
Crapo	McCain	

The amendment (No. 67) was rejected.

AMENDMENT NO. 68

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, do we have an minute on each side?

The PRESIDING OFFICER. Further time requires unanimous consent.

Mr. KENNEDY. I ask unanimous consent for a minute on each side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. First of all, I want to pay tribute to my friend and colleague, Senator KOHL, who has worked on this issue for many, many years. This amendment closes one of the gaping loopholes in this bill, but it is a loophole millions of dollars wide and millions of dollars deep.

Right now, because a few States have no limit on homestead, the Ken Lays, the Jeff Schillings, and the Dennis Kozlowskis in this world can hide millions of dollars or tens of millions of dollars of their assets from their creditors even after they go into bankruptcy. There isn't much fairness or balance in the bill so far, but this amendment will put a very small measure of balance in the bill by limiting the homestead exemption nationwide to $300,000.

I ask my colleagues to vote for balance and fairness, and agree to this amendment.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, this bill is all about fairness and balance. This bill, as I introduced it minus the

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 major 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	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Obama
Boxer	Harkin	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Chafee	Kennedy	Salazar
Clinton	Kerry	Sarbanes
Collins	Kohl	Schumer
Conrad	Landrieu	Snowe
Corzine	Lautenberg	Specter
Dayton	Leahy	Stabenow
DeWine	Levin	Wyden
Dodd	Lieberman	

NAYS—53

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (FL)
Baucus	Enzi	Nelson (NE)
Bennett	Frist	Roberts
Bond	Graham	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith
Burr	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Talent
Cochran	Isakson	Thomas
Coleman	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Warner
DeMint	McCain	

The amendment (No. 68) 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.

The 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, this bankruptcy reform bill before the Senate, S. 256, is a 500-page bill, which has been the dream of the credit card industry, banks, and financial institutions across America for almost 10 years. What they are trying to do in this bill is make it more difficult for someone to have their debts discharged in bankruptcy.

Now, of course, everyone understands our legal and moral obligation to pay our debts. But we recognized a long time ago that some people get into a situation where they are swamped with debt and cannot get out from under it. In the old days, they were relegated to debtors' prisons; they literally imprisoned them. In more civilized times, the decision was made to have a civil court procedure, where you could go in and have your debts released, surrendering virtually all of your assets to start over. That is happening in America today. About 1.3 million Americans go into bankruptcy court for personal bankruptcies.

The credit card industry and the banks say too many people are getting their debts discharged. So we are going to set up a new process in the bankruptcy court where we are going to ask more questions than ever and try to determine whether the person filing for bankruptcy could conceivably pay back, over the next 10 years, $165 a month. And if they can pay back $165 a month, we will not discharge their debts. They will end up walking out of court with the same debt they carried in, in most cases.

Now, for a lot of people, you would say, if you can pay back something, you ought to pay it back. But for many people, it means the debts they have incurred that they cannot pay back will be dogging them and burdening them for the rest of their natural lives. So many of us have said when you take a look at this bill, at least be sensitive to some people who go into bankruptcy court through no fault of their own.

Senator KENNEDY talked about people with medical bills, because of a medical crisis in their family. A woman goes to the doctor with a lump on her breast, and a mammogram shows it is breast cancer. She goes through extensive radiation, chemotherapy, all sorts of recovery time; she cannot go back to work, and the bills mount up sky high and complications ensue. That is nothing that she has done wrong. There is no moral failure there. If her health insurance is not good, she is left in a position where she can never, ever pay back the bills. That is not a person who should be put through a more rigorous procedure in a bankruptcy court.

Senator KENNEDY said that if you don't do anything else for that poor woman and her family, at least say at the end of the bankruptcy court hearing she will still have a home, a roof over her head. So we asked for a $150,000 homestead exemption so that a person could at least have a modest home to return to after bankruptcy from a medical illness. That amendment was rejected. Everybody on the other side of the aisle voted against it.

I offered an amendment and said, what about the men and women in uniform today, the Guard and Reserve who are being activated. They joined thinking: once a year I may have to serve my State, my country for a month or so. Now we are calling them into battle for a year, a year and a half, and no end is in sight.

What if you were a member of the Guard? You have sworn to protect this Nation. You are called into combat and leave behind your family and your business. And what if the business fails because you are gone? What if you are forced into bankruptcy? Could we not at least include language in this bill to give special consideration to the men and women in uniform who are answering their Nation's call and may face bankruptcy? I lost that amendment 58 to 38. Not a single Republican would vote in favor of that amendment.

The last amendment I am going to offer, much to the relief of my Republican colleagues, is one which asks my friends on the other side to take one last look at this issue. Instead of applying that special treatment or giving some help to all soldiers, guardsmen, and reservists who serve and may lose a business or go into family bankruptcy because they are overseas for America, I ask my colleagues on the other side of the aisle to consider this: How about disabled veterans whose indebtedness occurred primarily while they were serving America?

I have met some of these veterans at Walter Reed Hospital. They have lost limbs. They face terrible injuries. If they face a bankruptcy that occurred because of debts that happened while they were in service to our country, should we not give these disabled veterans a fighting chance in bankruptcy court? Should we not spare them the hurdles, obstacles, paperwork, and legal bills that the credit card industry is demanding for people who go to bankruptcy court? This exemption will especially help recently disabled veterans who, in addition to their physical loss, have terrible financial difficulties.

The bankruptcy bill makes petitions for debt relief under chapter 7 subject to a means test. I had a chart before. It is a long chart. Not only do you have to file all the documents to go into bankruptcy court, but this new 500-page bill lays it on you again and makes you file another ton of documents to see if maybe you could pay back $150 or $175 a month over the next 10 years.

So I am giving relief to disabled veterans. I am not going to apologize for that. A lot of us get up on the floor and praise them for what they have done.

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 applies only if ''the debtor is 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 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 $7,861 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.'' We receive less than half on average of disability payments paid in other States.

In considering whether to support this amendment, I invite my colleagues to reflect for a moment on the physical and financial situations 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 burdensome 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 LEAHY 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 period of 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 from 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 in several different Congresses 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 even reaching President Clinton for his signature. But it was the end of the year, and he pocket-vetoed 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 year 2002 when 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 compromises.

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 of people or that group of people 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 courts. And if we added 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 process called 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 to whom they do pay their 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 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.

AMENDMENT NO. 83

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. SARBANES, and the senior Senator from Virginia, Mr. WARNER, in offering a bipartisan amendment that will moderately preserve 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 huge some of these bankruptcy 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 multibillion-dollar bankruptcy but do not worry, I will now be the disinterested party to advise you where we go now.

I think the reason 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 underwriting as an adviser in the 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 did the underwriting. Of course, 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 seven decades. Firms that had a part in those companies could 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 this 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 said, Judge Edith Jones. 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 rigorous 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 business 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 have 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 managed the investigation, 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, Consumer Action, U.S. Public Interest Research Group, and the National Consumer Law Center be printed in the RECORD.

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

MARCH 3, 2005.

Hon. PATRICK J. LEAHY
Ranking Member, Senate Judiciary Committee, Washington, DC.
Hon. PAUL S. SARBANES
Ranking Member, Senate Banking, Housing and Urban Affairs Committee, Washington, DC.

DEAR SENATORS LEAHY AND SARBANES: The undersigned national consumer organizations strongly support your amendment to strike a little noticed provision of pending bankruptcy legislation (S. 256) that would weaken current conflict-of-interest standards in the bankruptcy code. This provision would, for the first time, allow investment bankers to offer advice in bankruptcy restructuring cases 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 they attempt to restructure debtor companies in a manner that is fair to investors and other creditors. Of the several parties that are automatically banned from offering advice because of obvious conflicts of interest, Section 414 removes only one: investment banking firms. This means that the same firms that underwrote and sold stocks and bonds for a bankrupt 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 that helped to land the company in bankruptcy—could now be allowed to offer restructuring advice to the management or trustee 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 to protect all creditors and investors.) This review includes determining what role, if any, that outside advisers and financial partners played in bringing about a company's downfall. Another of DIP management's most important responsibilities is determining the best source of financing for any restructuring. An investment banking firm has obvious conflicts in both roles and is very unlikely to be an advocate for review of its own previous work or the deals in which it participated. It is quite possible, for example, that an investment banker would discourage bankruptcy management or trustees from pursuing legal claims against the banking firm for illegal activities of that firm that contributed to the bankruptcy. The landmark settlement with the leading investment banks over their stock research practices shows just how poorly these firms have handled comparable conflicts in the past.

Imagine how the public would have reacted if the investment banks that were later found to have profited enormously from structured finance deals with Enron had been hired to offer advice in the Enron bankruptcy. Indeed, if the participants in Enron's earlier financial dealings had managed the investigation, 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'' advisors in this and other bankruptcy proceedings. This scenario is possible because, as you know, it often takes months or longer to unravel the role of investment banking firms in such cases, particularly cases that do not receive the media and congressional scrutiny of an Enron or Worldcom collapse.

In response to these conflict-of-interest concerns, investment banking interests offer a familiar refrain. We can offer better advice, they say, because we are intimately aware of the distressed company's financial situation. This response is eerily similar to that offered by the accounting industry, as it loudly insisted that a conflict did not exist when accountants served as both internal 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 also contended that this provision will merely provide bankruptcy officials with the discretion to make a judgment about 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 bankrupt 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 already have been done to investor interests, and the credibility of the process would have been hopelessly undermined.

For example, the Wall Street Journal reported on May 14, 2003 that investment firm UBS Warburg, ''was far more involved in the inner workings of HealthSouth than 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 eliminating just these kind of conflicts in an effort to restore investor confidence. The SEC has made important strides, for example, in implementing the Sarbanes-Oxley corporate reform law and in cracking down on Wall Street conflicts of interest. More recently, the National Association of Securities Dealers (NASD) has been considering whether to place new limits on investment banking firms' ability to write fairness opinions for deals in which they are involved, since these firms could benefit financially if a merger or acquisition is approved. By allowing new financial conflicts, section 414 of S.256 runs completely contrary to this trend.

Investment firms that have previously advised a bankrupt company have a prima fascia conflict of interest and should continue to be automatically prohibited from offering advice in a bankruptcy restructuring case. We commend you for moving to eliminate the conflicts-of-interest that this bill would allow.

Sincerely,

BARBARA ROPER,
Director of Investor Protection, Consumer Federation of America.
TRAVIS B. PLUNKETT,
Legislative Director, Consumer Federation of America.
SUSANNA MONTEZEMOLO,
Policy Analyst, Consumers Union.
LINDA SHERRY,
Editorial Director, Consumer Action.
EDMUND MIERZWINSKI,
Consumer Program Director, U.S. Public Interest Research Group.
JOHN RAO,
Staff Attorney, National Consumer Law Center.

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 and not have the Senate 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 drastically 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, Dean Nancy Rapoport of the University of Houston Law Center. They were rejected by the National Bankruptcy Review Commission of 1997.

In my view, section 414, if allowed to stay in the legislation as it is now written, would significantly raise the risk of abuse 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 in the RECORD the entire letter

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:

SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, May 22, 2003.

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 7, in response to a question from Senator Sarbanes at a hearing of the Senate Committee on Banking Housing and Urban Affairs on the Impact of the Global Settlement, I expressed my personal views about 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 conflicts of interest restriction. While we recognize that this one-size-fits-all statutory exclusion is controversial, 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.

The current ''disinterested person'' requirement was adopted at least in part in response to a 1938 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 this often would involve an assessment of transactions in which the firm participated. However, we should note that in the 65 years since the 1938 study was issued, bankruptcy practices and procedures have improved significantly with the addition of a dedicated bankruptcy judicial system, the establishment of the U.S. Trustee's office, and the strengthening of active creditors' committees.

We are aware of the arguments of proponents of the amendment that the current statutory exclusion is too broad because it covers firms that participated in any underwriting of the debtor, even if it was years ago and the firm has had no further involvement with the debtor. However, if the exclusion is eliminated entirely, we are concerned that the general protection in the statute—which relies on the judge, at the outset of the proceedings, to forbid those with materially adverse interests to the estate, its creditors, or its equity security holders from advising a company in bankruptcy—may well be insufficient.

We appreciate the opportunity to comment on this proposed amendment. If you or your staff need any further information, please contact my office.

Sincerely,

WILLIAM H. DONALDSON,
Chairman.

Mr. SARBANES. The Chairman writes:

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 1938 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 this often would involve an 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 letter of Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit, a very distinguished member of the 1997 National Bankruptcy Review Commission. She pointed out that they had been asked 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. They 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 two 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 also a good, hard look at how the debtor 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 pre-petition debtor were 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 not 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 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 attorneys fees for every bankruptcy case without increasing the benefits to the estate as a whole.''

The final report of the National Bankruptcy Review Commission pointed out the strict 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 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 regarding 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, could investment banks that advised or underwrote securities for companies such as Enron or WorldCom that filed bankruptcy, which ended up defrauding investors, could they then be hired to represent the interests of the same defrauded creditors during the bankruptcy proceeding?

The way the bill is now written, without our amendment, could they then be hired to represent the interests of the defrauded creditors?

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 bankrolled WorldCom and advised it on a 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 provision in the law altogether 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 headed, ''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 reasoned 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 chairman of the committee, the Senator from Pennsylvania, is recognized.

Mr. SPECTER. I have secured the 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 Act 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. Nationally, this act affects over 60,000 individuals, including every State except for Hawaii. These health 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 representation of the coal miners, gone 30-stories-deep underground, ridden in a cable car, crunched over like a corkscrew to avoid being hit by the ceiling as the cars moved in on the long wall to perform the mining operation.

The issue came 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 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. But until 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 amendments?

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 bill, as, first of all, intervening 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, the sole 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 is an issue which we will pursue and I think 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. 83

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 inappropriate 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 proceedings.

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 simply never 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 posed a couple 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 conflicted due to having some minor 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 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 because it would make 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 this 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, under the change in the law proposed here, 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.

Well, 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 many cases when the 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 them.

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 problems, and 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 a possible outcome they may face, 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 that advice if we do end up having 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

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. And yet the effort here seems to say that for some reason we do not want to let the investment bank advisers be subjected to the same disinterested test. Instead, we want to presume that they are guilty of some inappropriate conduct because the company has not financially made it, and ban them from being able to work with the company once a bankruptcy filing takes place.

It is another one of those one-size-fits-all cookie cutter solutions that is coming from Washington, DC that is telling every bankruptcy judge across the country that they have no alternative in terms of their choice of who can be the investment bank advisers and supporters for a company that goes into bankruptcy, if there is any connection in the last 5 years between that investment bank and the company that had to file.

Bankruptcy courts currently review disinterestedness for all professionals, and 414 would allow judges the same discretion with investment banks as they have for attorneys and accountants. The current law has created a market, frankly, in which a small club of restructuring boutiques dominates the market for restructuring services in bankruptcy. In other words, they realize that if they even get close to a company before bankruptcy, then they won't be able to serve as a part of the restructuring effort for that company coming out of bankruptcy. So this sort of boutique business has developed where the only alternatives the judge has to turn to are those companies that specifically don't help until after the bankruptcy filing.

That is the issue we need to address. Do we want to create a system of investment bank advice for companies that are facing financial difficulties in which those companies have to make a choice as to who they will contact for support before the bankruptcy filing, knowing that whoever they choose to help them in their investment banking will be automatically prohibited from helping them if they do end up having to go into a bankruptcy?

Professionals 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 know; the judge may make a mistake; 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 advisors.

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 and bad actors 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 investment banks to participate with those companies in our economy, whether they be strong or facing financial difficulties, and help them to the maximum of their abilities. And if it turns out some of those companies end up having to make a bankruptcy filing, then it is important that we protect the flexibility for the bankruptcy judge to select the most qualified investment bank support to work out that bankruptcy circumstance.

That is what is in the best interest of our shareholders, in the best interest of our economy, and in the best interest of the debtor and the creditors. We must make certain that we don't allow one more very rigid Federal standard to continue to create this kind of difficulty in the bankruptcy process.

Two other points. First, all Senators have received a copy of this letter. There is a letter that was sent out which was signed by those in the industry who are involved in this, who very strongly indicate that the reform and the flexibility this bankruptcy proposal promotes should be supported. That includes the American Bankers Association, the Bond Market Association, the Financial Services Roundtable, the Futures Industry Association, and the Securities Industry Association.

Frankly, although I know Chairman Donaldson has been quoted here, I am not aware that the SEC itself has ever taken a position on this issue. If that is the case, I stand corrected.

Mr. SARBANES. Will the Senator yield on that?

Mr. CRAPO. I will yield.

Mr. SARBANES. The letter we submitted reflected the opinion of the commission. Chairman Donaldson had indicated a personal view in a hearing, and then I sent a letter asking him for the commission's view.

Mr. CRAPO. And he responded on behalf of the commission?

Mr. SARBANES. It begins: ''Thank you for requesting the Commission's views on section 414 of H.R. 975.''

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 does speak for 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 being able to move 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 ban prohibiting many companies 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 reexamine 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 ensure investor confidence or to enhance protection for employees, pensioners, or creditors of failing companies.

Let me make one other point which needs to be understood. To the extent an investment bank—and it needs to be understood that an investment bank has been viewed as integrally related to the financial arrangements of the company, similar to creditors, security holders, and insiders—advised on the creation of a company's capital structure before a bankruptcy filing, it may itself be exposed to potential liability. As it works out the deal that permits the company to emerge from bankruptcy, it may be tempted to prefer the creditors who have a potential claim against the investment bank.

Now, that is the very sort of conflict that we simply ought not to permit. We address one point made by the Senator about a connection a long time ago that is no longer relevant in the 5–year provision, and the amendment takes care of that.

Beyond that, I think we would be making a grave mistake to allow this radical change to take place. I very much hope my colleagues will support the amendment offered by Senator LEAHY, Senator WARNER, and myself.

I yield the floor.

Mr. LEAHY. Mr. President, we have had a good debate. I mentioned to the Senator from Iowa, I don't know if other people wish to speak, but I am perfectly willing to go ahead and have a vote. I know the leadership is trying to move things along and get things going. I am willing to have a vote.

Mr. GRASSLEY. I would like to speak for a short time.

Mr. President, under current law, investment banks are not allowed to compete on the same playing field as other professionals. Right now, investment banks are precluded per se, in many circumstances, from representing a debtor in a business bankruptcy if the investment bank acted as the investment banker for the company before it filed for court protection.

I think this is a draconian rule. The bill would give the bankruptcy judge the ability to determine whether an investment banker is disinterested, just as the judge determines whether other professionals are disinterested. The provision in the bill, it seems to me, is not only fair, but it will also safeguard the proceedings from any conflict of interest. Do we trust our Federal judges, or don't we, to make this determination? After all, the environment for this is in the judiciary—before judges. We happen to trust them for all other professionals involved in the bankruptcy proceedings, whether there is any conflict of interest for anyone involved. So then the question becomes, why should it be different for investment banks?

I think the provision in the bill is fine as it is. It is part of the compromise. We should allow a judge to make this determination and, thus, protect the integrity of the bankruptcy process. So I ask my colleagues to oppose this amendment.

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. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

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.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, I checked with the majority staff and they have no objection to my seeking to be recognized for up to 10 minutes as in morning business.

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

INDICTMENT OF RAMUSH HARADINAJ

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.

During the fighting in 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 they were in great danger. In fact, Italian 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, I sent him a confidential letter 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 of 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 vote for a 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, Roma, 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's statesman-like actions are intended to keep Kosovo on the path toward Final Status negotiations.

In the overall post-Yugoslav context, Mr. Haradinaj's willingness after his indictment to surrender voluntarily and go to The Hague is striking. It 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: former Bosnian Serb General Ratko Mladic, former Bosnian Serb leader Radovan Karadzic, and former Croation General Ante Gotovina.

By their evasion of ICTY's indictments, all three are blocking their countries' progress toward entering Euro-Atlantic institutions, a necessary 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 and for eventual NATO and EU membership.

Karadzic's unwillingness to give himself up is blocking Partnership for Peace membership for Bosnia and Herzegovina.

Gotovina's fugitive status is holding up Croatia's promising candidacy for EU membership.

Whatever the eventual adjudication of his indictment, Ramush Haradinaj by his dignified departure and public statement has proven himself to be a patriot. The same cannot be said of Mladic, Karadzic, and Gotovina, whose selfish actions are standing in the way of much needed progress for Serbia, Bosnia and Herzegovina, and Croatia.

Whatever Mr. Haradinaj's fate, I want to publicly salute him for his personal courage, for the statesmanship he has demonstrated over the last two days, and for having kept his word by doing exactly what he told me he would do with regard to the monastery. I wish him well. I hope justice is served, and I applaud him for his wise decision to cooperate with the Hague Tribunal.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I ask unanimous consent that I be excused from voting for the remainder of the day.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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.

Mr. KENNEDY. Mr. President, those Americans who have been watching this debate on bankruptcy reform for the last 8 days must wonder what in the world is happening in the Senate this evening where we have had these prolonged quorum calls. We have had a series of votes over the course of the day. We had tentatively planned to have another series of votes on amendments at 5 o'clock this evening.

But then because of the concern of our Republican colleagues on one particular amendment, an amendment that would have addressed the 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 absolutely amazing. 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 encumbering working families, primarily, who fall on difficult times, as we have pointed out during the debate. 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 are unsure of 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 that is 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 here that will do 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 75 percent of those individuals 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 any consideration for 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 family—except Members of the Senate, who have very good health care. It would not happen to us. But we cannot get health care for the rest of

Americans. No, that is just too bad, that they have a heart attack in their family, or a stroke, or that they have a sick child, they are going into bankruptcy, and they are going through the harsh provisions of bankruptcy that are going to make them pay for the next 5 years to 10 years $15 or $20 a week, and continue to bleed them. That is what is in this bill.

The American people are beginning to understand it. We talked about all the single women who go into bankruptcy because their ex-husbands do not pay them money for child support. Do you think we could have some understanding or some sensitivity to their particular problem? Absolutely not. No way. Let's take those spendthrifts and put it right to them. That is what this bill does. No, we cannot deal with that. What's your next amendment? Let's go on, it is getting late. Let's have time. Time, they say. What has happened here for the last 3 hours? The clock has run and they cannot figure out whether they have the votes to protect the banking industry. That is what is going on. The Republicans are trying to find out whether they have the votes to protect the banking industry, and they get all worked up when we call this special interest legislation. You have not seen special interest legislation until you see this bill.

We used to, around here, look at a piece of legislation and say, who benefits and who suffers with this? Well, it is very easy to find out here who benefits. It is the credit card companies. They are the ones who are going to be put in the catbird's seat. Their estimate in the passing of this bill—listen to me—this legislation makes the bankruptcy courts of the United States the collection agencies for the credit card industry of America. Who do you think pays for the bankruptcy courts? You do, Mr. America. Ordinary Americans pay for those bankruptcy judges and the bankruptcy courts, and they are going to be out there as a collecting agency for the credit card companies. That is what this is about.

It has been difficult to get anyone on the Republican side to understand that. Well, we voted on this some years ago. We have a changed condition from some years ago. Sure, we have the problems of bankruptcy. What about Enron and WorldCom? What about Polaroid in my own State? When they went belly up, the people not only lost their health insurance and pensions, they also lost their investments in what was called an ESOP—their requirement to invest in the companies. They all lost out on it. We are sure of one thing: Ken Lay and all of the people at Enron have big houses all sheltered away in places like River Oaks in Houston, TX. They have all those protected, tens of millions of dollars. What happened to the other people?

So we do have a problem, but this bill doesn't address it. It does nothing about WorldCom or Enron or about Polaroid and what happened to those workers. Zero. Zip. Nothing. And then, when we found out that there is another loophole where, when wealthier people know they are going into bankruptcy, they can get a clever lawyer and put their money in trust and be free from the reaches of the bankruptcy court, that was addressed. No, we are not going to change this legislation. We are concerned about these spendthrifts—whoever they are. I have been on the floor for most of the time in this debate, and I still have not heard who they are. All I heard is that we passed this several years ago, and we have to pass it again.

Well, there have been many changes since the last time we addressed this bankruptcy bill, and the major companies and corporations have basically done in the workers with their pensions, with their health insurance, with their life insurance; they have done them in, but this bill doesn't do anything about that. And then we have the issue of the use of these trusts to protect the assets of these wealthy debtors who are going into bankruptcy. But this bill doesn't do anything about that. We have the inequities where people in at least 20 or 25 States across the country, their investment in their homes will be protected up to $5,000 or $7,000, but not in Texas or Florida, where you can have tens of millions. Fair? Equitable? No, we are not going to do anything about that. No, we have not done anything about any of these issues.

What we are basically saying is that those people who have worked hard, have health insurance, and had a serious health challenge or need in their family—just enough to tip them over—is that we are not going to show them any mercy. Absolutely, no, put the wood to them. Veterans, put the wood to them. Single moms who are not getting their payments of child support and alimony, put the wood to them.

If you happen to fall below the median line, so you are outside—you would think that if you could show that your total certified income was below the median income of your State, you are supposed to be free from repaying. That is what you heard on the floor of the Senate. Yet when amendments are offered to make sure that all the other punitive provisions that are added to that—you have to go out there and enlist in some course on credit. Find a course on credit counseling. These are people who average $12,000 to $15,000 a year in terms of income—you are going to require them to take a credit course? They have to demonstrate that they graduate from that course; otherwise they will be subject to the $5 or $10 a week in terms of payment.

This bill is all about $5 billion dollars in additional profits to the credit card companies. That is what this bill is all about. Where do you think it comes from? People who have gone into bankruptcy. Who are those people? They are the people that have the heart attacks. They are the men and women whose jobs have been outsourced.

They are the mothers, single moms who are not getting paid alimony and child support. Those are the people who are being hurt, and those are the people who are hard-working Americans and who are going to have their final drops of blood drawn out of them with payments. That is this bill.

We have been saying this is a special interest bill; tonight reaffirms it. The Republicans will not vote to restore a provision in this bill that was existing law that dealt with conflicts of interest for banks. They do not want to risk a vote in the Senate tonight. Why don't they explain it? Where is their shame? Why don't they explain it to the American people? Where are they? Where are all these proponents of this wonderful bill to explain why it is so difficult for them to decide tonight? This is just seamy, just a terrible way to legislate.

We have seen these votes, as I mentioned, over time. We have seen who the vulnerable people are. We have seen who the beneficiaries are. We have pointed out what has been happening in America, across the landscape, over the last 4 or 5 years with the loss of jobs, the loss of extending unemployment compensation to people who paid into the unemployment compensation fund for a long time. The jobs are not out there. We have 8 million people who are unemployed, and there are 3.4 million jobs out there. There are going to be people who cannot work, cannot find work.

Mr. REID. Will my friend yield for a parliamentary inquiry?

Mr. KENNEDY. Yes.

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 industry. That is right, the collection industry, 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 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. And what does this administration want to do? They want to give Social Security to Wall Street. They want to give Wall Street Social Security and 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, 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 has been 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, 20; 2004, look at this, $30 billion, between 2000 and 2004. Find an industry like that in America, except maybe 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 are 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 debate? We have 1.5 million bankruptcies 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 offices constantly wondering when we are going to start the votes. Two votes were supposed to be at 5 o'clock—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 3.4 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. That has been part of the phenomenon. Do you think that concept is of any importance to the proponents of this legislation? Absolutely not. No way.

Health care prices have gone through the roof by 59 percent and the cost of prescription drugs 65 percent, and the fact we are an aging population with our parents, children, almost a third disabled who need those prescription drugs, and the prices are going up through the roof—are we giving them any consideration? Absolutely not. We do not care about the workers who have gotten shortchanged. We do not care about those who have needed prescription drugs and have been bankrupted in paying the prices.

This is the same Republican Senate that would not permit the Secretary of HHS to negotiate prices downward—do you hear me—like we do in the Veterans Administration. Here we have hundreds of thousands of people who are going bankrupt because of increases in the cost of health care and prescription drugs, and we—most of us on this side—who are opposed to these harsh provisions tried to make some difference several months ago to permit the Secretary of HHS to negotiate prices downward, as they do in the Veterans Administration. But, no, we are not going to let you do that. So that was defeated. You cannot import cheaper drugs from outside the country. You cannot get cheaper prices here. And what happens? You end up going into bankruptcy and end up with the harsh provisions of this legislation.

This legislation is not fair, it is not just, and tonight we have seen what this is all about.

The bankruptcy bill as written contains a provision, section 414, which would repeal the provision in current law on investment banks which underwrote a security of the company in bankruptcy from now serving as adviser to the bankruptcy. This is a basic conflict-of-interest prevention in current law, which this bill would repeal. It is one of the many shameful special interest provisions in this bill.

To their credit, Senators LEAHY and SARBANES offered an amendment to remove this provision and maintain the current law against conflicts of interest by the investment banks. It appears that it may have the votes to pass, so to protect the investment banks the Republicans have effectively shut down the process. There should be no doubt, when people finally vote tomorrow, what this bill is all about, who it was for. When it is a fight for the real people, then we hear from the other side saying, no, no. But when it is their friends in the banks who are threatened, it shuts down debate in the Senate.

Clearly, there is no room in the Republican agenda for the real needs of the real people, the veterans, the workers, the mothers, the children, and the widows.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I will have a little bit to say about what the distinguished Senator from Massachusetts has been talking about, but I rise in opposition to the Kennedy amendment to S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Now, it is important that colleagues on both sides of the aisle fully understand what this amendment does to our bankruptcy laws and what it does to the prospects for reform. Before I start, I will take a few minutes to remind everyone what this bill is all about. The short answer is fairness. Those who can pay their bills should pay their bills. That is the American way.

All law-abiding, bill-paying consumers pay when some do not repay their obligations. You and I and every citizen of this country is going to pay if we allow people who can pay to escape their obligations, and this bill stops the gaming.

This is not too revolutionary an idea, but to listen to some of the opponents of this legislation on the floor these last few days, one would think we are trying to square a circle.

I have been down on this floor quite a bit over the last few days and I have heard many of the arguments from the few Senators against this bill, and I emphasize the ''few Senators against this bill.'' It sounds pretty familiar. I have been around this place for a long time and I only know one thing for sure. At the end of the day, some on the losing side will think that the underlying bill is without any merits at all and that their concerns have not been treated with the seriousness they feel they deserve.

The principal substantive argument we have heard is that this bill goes too far and too fast; we have to take it slow; we have to rethink this; this bill is too extreme, they say. For some of my colleagues across the aisle, this is the same old song we have heard now for 8 solid years that we have tried to put this bill together and it has always had huge bipartisan support. That is bipartisan support, Democrat and Republican support.

I am a bit confused by some of the arguments that have been used on some of the same old amendments and against the bill itself. Sure, there are places we could have done better in this bill, as in every other legislation. There are always things we could do 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 yesterday, 69 to 31. That is not just Republicans; there are 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 a bipartisan fashion. But to hear 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 lather, now a carpenter today, and I am darned 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 bipartisan vote, 69 to 31, on cloture. 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.

I will 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 made privacy concessions for filers. 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 that some of these remaining amendments will improve this already fully vetted bill.

The five amendments adopted in the markup ran the gamut. One was a technical fix that created a more restrictive 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 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 involving persons representing 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 through a 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 on. 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 on 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 97 to 1 vote. You cannot get much more support than that. 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. The Senate passed H.R. 833 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 same bill 70 to 28. That was a big 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 didn't have an abortion 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 believe, I 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 again, 83 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 we have to take care of 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 will never vote for this bill no matter what we do—they would rather criticize it than vote for it. I can criticize aspects of this bill myself, I 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 535 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 in our society. 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 Representatives in the House of Representatives or 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 created 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 many times 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 exceptions, 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 should not saddle all America with their debts when they can afford to pay them back. But in the first markup, the man who is now the minority whip, my friend from Illinois, proposed the amendment that remains at the heart of the means test in this bill, and we accepted it.

What is amazing to me is that when my colleagues want to raise taxes they are always talking about how great the means test is. But when we want to make sure that people who can pay can pay, suddenly the means test is not a good test. You can't have it both ways. It is amazing to me. It is almost hypocrisy.

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 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, unless it is a complete cave-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 their arguments are serious. I 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, why do we have to go through all 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 populist rhetoric 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. These 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 personnel and veterans, and Senator KENNEDY with respect to 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 short, 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 became 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 can recall, and so has 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 many more for procedural reasons. I oppose the amendment offered by the distinguished Senator from Massachusetts for all of these substantive reasons.

Let me give 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 not 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 repaid 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 everything for all of us. 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 be repaid 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. This bill will not force them to. If they can 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 problem.

Let me close by addressing the investment banker provision my colleague from Massachusetts has strenuously commented upon. I am not sure if strenuous is quite the word, but I will use that word here tonight. It seemed to me a little more than strenuous.

Companies in financial distress need the ability to retain good help. They need to be able to keep people on who know the company best and who will enable that company to emerge from reorganization a more healthy outfit that can continue providing for its employees and contribute to the economy.

Under current law, investment bankers alone among professionals in the business world were deemed, per se, interested persons who could not work for a company after filing for bankruptcy if they had served as banker for any outstanding security of the corporation. This bill simply extends the test, one of the materially 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 is. 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 are trying 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 a good bill that can do so much good for our society. 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, who 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 refute them.

I could not sit back and not come to the Senate tonight because we 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 pass 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 we 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 enumerating 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:

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 AIRA's goal of increasing industry awareness of the organization as an important educational and technical resource for professionals in business turnaround, restructuring, and bankruptcy practice, and of the Certified Insolvency and Restructuring Advisor (ClRA) designation as an assurance of expertise in this area.

We write to make you aware 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 mark-up of the bill and elicited little attention at the time. However, we believe this provision will cause considerable harm to a 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 and the local communities of which the company is a part. Companies that fail to successfully reorganize 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 assist with attracting and retaining the type of management talent necessary to bring the company successfully through the Chapter 11 process—this is because the pre-petition equity is almost always without value. Key employee retention plans (''KERPs'') have become common practice since the early 1990's and have been viewed by courts, debtors, and creditors alike as an important and useful way to help reorganization by retaining key employees.

Bankruptcy courts have agreed with this reasoning, and many judges have used their judicial discretion to approve KERPs. For a court to approve a KERP under existing law, however, a debtor must use proper business judgment in formulating the program, and the court must find the program to be reasonable and fair. Creditors have the right to object to proposed KERPs, and judges are presented with a full evidentiary record upon which to make a determination. If a KERP is not appropriate or if it is not in the best interest of the company's creditors, the judge can refuse to approve it.

In the last few years, there has been a trend, with which we agree, towards stricter judicial scrutiny of proposed KERPs by bankruptcy judges. Such a trend seems appropriate in the wake of numerous high profile bankruptcy filings where management's misconduct or mismanagement has led to the Chapter 11 filing. Judges have discretion to deny KERPs in these circumstances, and they do so when the facts and circumstances warrant.

Unfortunately, S. 256 as reported by the Senate Judiciary Committee includes an amendment authored by Senator Edward M. Kennedy (the Kennedy amendment) that places significant limits on retention bonuses and severance payments to employees of companies in Chapter 11. It would prohibit a bankruptcy judge from approving retention bonuses in every Chapter 11 case unless he or she finds that the company in question has proven that the employee has a bona fide job offer at the same or greater rate of compensation; was prepared to accept the job offer; and the services of that employee are ''essential to the survival of the business''. The amendment also places significant caps on the amount of such bonus and payments.

The Kennedy amendment appears to be motivated by a desire to combat KERPs in Chapter 11 cases where employee-related fraud substantially contributed to the bankruptcy of the company. Yet, by painting with such a broad brush, the Kennedy amendment will, if enacted, effectively eliminate all companies' ability to ever receive court approval for a KERP. Federal bankruptcy judges would have little or no discretion to approve KERPs. In turn, bankrupt companies would have less flexibility in trying to retain or attract necessary employees. This result will cause considerable harm to companies in bankruptcy, their employees, and their creditors.

It is apparent that the Kennedy amendment is designed to prevent abuses of the system, where creditors' employees' and retirees' monies are unnecessarily expended for the enrichment of management. Whether there currently is or is not sufficient judicial scrutiny of KERPs is a valid question, insofar as the overall bankruptcy system allows debtors a fair amount of flexibility in exercising reasonable judgment—but there must be an approach better than handcuffing the judiciary and stakeholders in bankruptcy cases by essentially precluding all use of KERPs. The proper use of KERPs requires an analysis of all facts and circumstances of the case, and not what is essentially a blanket proscription of these tools.

Senator Kennedy has advanced an important public policy discussion with his amendment. Managers who have had responsibility for driving a company into bankruptcy should not be paid a bonus to remain. Similarly, if the retention of an employee would not enhance a company's value for its stakeholders, they should not be paid a bonus to stay. Current law provides bankruptcy judges with the discretion necessary to deny a KERP in such circumstances and bankruptcy judges do deny KERP payments in these circumstances. Still, if the Congress wishes to improve the operation of current law while still safeguarding the ability of the courts to approve legitimate KERPs, we would welcome a discussion on how best to achieve that end. Unfortunately, S. 256, as reported by the Committee, goes too far and should be amended so as not to unnecessarily limit 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,

The members of the board and management of the Association of Insolvency and Restructuring Advisors.

Soneet R. Kapila, CIRA, Kapila & Company; President, AIRA; James M. Lukenda, CIRA, Huron Consulting Group; Chairman, AIRA; Grant Newton, CIRA, Executive Director, AIRA; Daniel Armel, CIRA, Baymark Strategies LLC; Dennis Bean, CIRA, Dennis Bean & Company; Francis G. Conrad, CIRA, ARG Capital Partners LLP; Stephen Darr, CIRA, Mesirow Financial Consulting LLC; Louis DeArias, CIRA, PricewaterhouseCoopers LLP.

James Decker, CIRA, Houlihan Lokey Howard & Zukin; Mitchell Drucker, CIT Business Credit; Howard Fielstein, CIRA, Margolin Winer & Evens LLP; Philip Gund, CIR, Marotta Gund Budd & Dzera LLC; Gina Gutzeit, FTI Palladium Partners; Alan Holtz, CIRA, Giuliani Capital Advisors LLC; Margaret Hunter, CIRA, Protiviti Inc; Alan Jacobs, CIRA, AMJ Advisors LLC.

David Judd, Neilson Elggren LLP; Bernard Katz, CIRA J H Cohn LLP; Farley Lee, CIRA, Deloitte. Kenneth Lefoldt, CIRA, Lefoldt & Company; William Lenhart, CIRA, BDO Seidman LLP; Kenneth Malek, CIRA, Navigant Consulting Inc; J. Robert Medlin, CIRA, FTI Consulting Inc; Thomas Morrow, CIRA, AlixPartners LLC.

Michael Murphy, Mesirow Financial Consulting; LLC; Steven Panagos, CIRA, Kroll Zolfo Cooper LLC; David Payne, ClRA, D R Payne & Associates Inc; David Ringer, CIRA, Eisner LLP; Anthony Sasso, CIRA, Deloitte. Matthew Schwartz, CIRA, Bederson & Company LLP; Keith Shapiro, Esq. Greenberg Traurig LLP; Grant Stein, Esq., Alston & Bird LLP; Peter Stenger, CIRA, Stout Risius Ross Inc; Michael Straneva, 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 mansions in states with unlimited 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 after 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 on the homestead amendment that gets at the worst abusers of this loophole, including felons. In fact, it will be the first Federal law ever on the homestead exemption.

The provision included in the bill, however, while obviously better than the current law's allowance of an unlimited homestead exemption, is still not a comprehensive solution to the current abuses of the law. It would allow those who establish their residence in an unlimited homestead state more than 3 years and 4 months before a bankruptcy filing to shelter an unlimited amount of money in their residences. All it would take for a greedy or unscrupulous individual to take 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 of the many examples:

John Porter, WorldCom's cofounder and former Chairman, bought a 10,000 square-foot ocean front estate in Palm Beach, Florida in 1998, a home featured on the cover of the November 2004 issue of Luxury Homes magazine, 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 May 2004. Florida's homestead exemption allows Porter to keep most of the value of the house.

The former Executive Vice President of Conseco has sought to avoid repaying $65 million in loans from Conseco by selling 90% of her and her husband's assets and buying a $10 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 37,000 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 rooms, 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 debts, but still held on to the multi-million dollar ranch he bought in Florida.

Movie star Burt Reynolds wrote off over $8 million in debt through bankruptcy, 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—all with over $100,000 in home equity—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, when a 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 preserve $40,000 which is more than enough for a fresh start. Most States reasonably cap their 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 S. 256, 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 restore the stigma attached to bankruptcy, these high profile cases are the best place to start.

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 voice vote. 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 rich 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 middle class debtors and yet allows people like Burt Reynolds to declare bankruptcy, wipe out $8 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.

The legislative clerk proceeded to 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, 88, 94, 97, 98, 99, 100, 101, and 119—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 304(b)(3) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384 (b)(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 required by subsection (b)(1), 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 addressed to William W. Thompson II, Executive Director of the Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, D.C. 20540; 202–724–9250, TDD 202–426–1912.

Sincerely,

SUSAN S. ROBFOGEL,
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:

Issuance of the Board's Initial Notice of Proposed Rulemaking: On September 29, 2004, the Board of Directors of the Office of Compliance issued a **Notice of Proposed Rulemaking** in the Congressional Record at 150 Cong. Rec. S9917 (daily ed.), and at 150 Cong. Rec. H7850 (daily ed.). The Notice of Proposed Rulemaking was prompted by the promulgation by the Secretary of Labor, effective August 23, 2004, of amended regulations regarding various exemptions from the overtime pay requirements of the FLSA. ***See: Federal Register, Vol. 69, No. 79 (August 23, 2004).***

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

format? This Notice of Adoption of Substantive Regulations, and Submission for Congressional Approval is available on the Office of Compliance web site, www. Compliance. gov which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice can also be made available in large print or Braille. Requests for this Notice in an alternative format should be made to: Alma Candelaria, Deputy Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, D.C. 20540; 202-724-9250; TDD: 202-426-1912; FAX: 202-426-1913.

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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Authority: 29 U.S.C. 213;[[Public Law 101-583, 104 Stat. 2871]]; ***2 U.S.C. 203; 2 U.S.C. 304.*** [[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 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 ***[[***, State or municipal***]]*** laws***[[***, 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 ***[[***enterprise***]] 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 degreed 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 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 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

NATIONAL SCHOOL BREAKFAST WEEK

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 neediest 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 the 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 school breakfasts 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 who were shouting 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 hate. 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.

I am pleased to take time this week 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. MORRISS

• 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 judge advocate, 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 staff of the Senate Armed services 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 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.

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, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Certification Requirements of Multistage Vehicles'' (2127–AE27) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1242. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Availability of Information for Hazardous Materials Transported by Aircraft'' (RIN2137–AD29) 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'' (RIN2130–AA94) 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'' ((RIN2120–AA64) (2005–0103)) 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 RB211 Series Turbofan Engines'' ((RIN2120–AA64) (2005–0104)) 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, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney JT8D–209, 217, 217A, 217C, and 219 Series Turbofan Engines'' ((RIN2120–AA64 (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, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135BJ Series Airplanes'' ((RIN2120–AA64) (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, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas odel MD 11 and MD 11F Airplanes Equipped with Pratt and Whitney PW4000 Series Engines'' ((RIN2120–AA64) (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, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757 Series Airplanes Equipped with Rolls Royce Model RB211 Engines'' ((RIN2120–AA64) (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, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD 11 and MD 11F Airplanes'' ((RIN2120–AA64 (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, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes'' ((RIN2120–AA64) (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, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–200, 300, and 300F Series Airplanes'' ((RIN2120–AA64) (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, transmitting, pursuant to law, the report of a rule entitled ''Carrying Candidates in Elections'' (RIN2120–AI12) 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, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pacific Aerospace Corp, Ltd. Model 750XL Airplanes'' ((RIN2120–AA64) (2005–0114)) 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, transmitting, 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'' ((RIN2120–AA64) (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, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes'' ((RIN2120–AA64) (2005–0112)) 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, transmitting, pursuant to law, the report of a rule entitled ''Cape Town Treaty Implementation; Opportunity to Comment on Information Collection Requirements'' (RIN2120–AI48) 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 ''Redesignation of Mountainous Areas in Alaska'' (RIN2120–AI44) received on March 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1259. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oriental Fruit Fly; Removal of Quarantined Area'' (APHIS Docket No. 04–106–2) received on March 8, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1260. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Federal Gas Valuation'' (RIN1010–AD05) received on March 8, 2005; to the Committee on Energy and Natural Resources.

EC–1261. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning the International Labour Conference; to the Committee on Foreign Relations.

EC–1262. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the authorization of the wearing of the insignia of major general; to the Committee on Armed Services.

EC–1263. A communication from the Deputy Assistant Secretary of the Army (Project Planning and Review), Department of Defense, transmitting, pursuant to law, the reports of the Chief of Engineers; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 134. A bill to adjust the boundary of Redwood National Park in the State of California (Rept. No. 109–23).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

S. 205. A bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers (Rept. No. 109–24).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 207. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes (Rept. No. 109–25).

By Mr. DODD, from the Committee on Energy and Natural Resources, without amendment:

S. 243. A bill to establish a program and criteria for National Heritage Areas in the United States, and for other purposes (Rept. No. 109–26).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 250. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs. *Ronald Rosenfeld, of Oklahoma, to be a Director of the Federal Housing Finance Board for the remainder of the term expiring February 27, 2009.

By Mr. GRASSLEY for the Committee on Finance. Harold Damelin, of Virginia, to be Inspector General, Department of the Treasury.

Raymond Thomas Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2009.

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs. *Michael Jackson, of Virginia, to be Deputy Secretary of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate. (Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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 Mrs. CLINTON):

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 ''Congresswoman Shirley 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. KENNEDY):

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. LAUTENBERG, 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, Mr. CORZINE, Mr. SCHUMER, Mrs. 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 terrorism matches; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mrs. CLINTON, Mr. SANTORUM, Ms. LANDRIEU, Mr. DURBIN, and Mr. ENSIGN):

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.

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. Res. 76. 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. DEMINT, Mr. BURR, and Ms. CANTWELL):

S. Res. 77. 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. CORNYN, Mr. CORZINE, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mrs. FEINSTEIN, 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 the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. INOUYE, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 50, a bill to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes.

S. 211

At the request of Mrs. DOLE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 217

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 217, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 230

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 230, a bill to improve railroad safety.

S. 233

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 233, a bill to increase the supply of quality child care.

S. 236

At the request of Mr. NELSON of Nebraska, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Colorado (Mr . SALAZAR) were added as cosponsors of S. 236, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

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 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. GREGG) 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. SHELBY) 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. 489

At the request of Mr. ALEXANDER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 489, 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. 495

At the request of Mr. BROWNBACK, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 501

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 501, a bill to provide a site for the National Women's History Museum in the District of Columbia.

S. 506

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) 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. GREGG, the names of the Senator from Ohio (Mr. DEWINE), 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. 539

At the request of Mr. MARTINEZ, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 539, 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. JEFFORDS, the name of the Senator from Alabama (Mr. SESSIONS) 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 effect patient safety.

S. 548

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 548, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

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. DOLE), 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.

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 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 license to drive trucks with hazardous materials. This particular individual is so frustrated because whenever he goes to this Government agency or that Government agency, they always send him to another one, saying we can't help you. There is someone out there with his identity who keeps violating traffic rules and laws all over the country and he keeps getting summonses to courts in States all over the country, and he can't get back his identity.

That is just one example. Or take the example of the mom recently widowed, so her grown daughter takes over the paying of her bills, and because the mom has always been frugal, the daughter sees a charge on the credit card for $10,000 and thinks, well, my mom is suddenly going to start spending a little on herself. The daughter continues to pay these kinds of bills until she finally gets a call from a store in San Francisco and the clerk says, I want to see if you will approve this $26,000 charge for your mother. And she says, well, that is not my mother because my mother is not in San Francisco, she is here with me in Cocoa, FL right now. Fortunately, the game was up. They stopped that process, but that daughter had already paid $40,000 worth of bills thinking they were legitimate charges by her mother, and she will never get back that $40,000.

These are just a couple of examples of identity theft. But now the problem has gotten to be so much larger because these data collectors, which I call information brokers, with the advance of technology are able to gather billions and billions of records. This particular company that has come to light over the last couple of weeks with the theft of 400,000 records—ChoicePoint is the name of the company—has stored, now listen to this, 17 to 19 billion—that is with a B—records. With that amount of data, they virtually have information on every American. It is not just credit reports that are protected by the Fair Credit Reporting Act. It is Social Security numbers and driver's licenses. It is job applications. It is DNA tests. It is medical records.

With this kind of information, centralized under the control of one company, if there is a penetration of the security of that company, then you see what the invasion of our privacy is about to cause.

Indeed, we are going to be in a situation where no American has any privacy, and we are going to continue to go through this process until we say, enough already, and the people stand up and say: You have to protect our privacy.

That is what the bill I am introducing, the Information Security and Protection Act, sets out to do. It is going to require legal safeguards, put some teeth in the law, that is going to require not just credit reports, which is covered by existing Federal law, but it is going to require these collectors of information who sell them for a profit-making business to have the safeguards to protect the consumers.

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 the very personal and private 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 traumas that come from identity theft.

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 records, 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 company said the breach, 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 Congressman MARKEY 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 to 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 I am filing also allows 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 to pass 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 then 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 were 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 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 is here. We have three examples in the last 2 weeks—ChoicePoint, Bank of America, and today Lexis-Nexis. I ask for the support of the Senate in passing the Information Protection and Security Act.

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:

S. 570

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 ''Advance Directives Education Act of 2005''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Improvement of policies related to the use and portability of advance directives.
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 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, family 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 stressed the use of advance directives as a means of safeguarding that right should those adults become incapable of deciding 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.

(5) Competent adults should complete advance care plans stipulating their health care decisions in the event that they become unable to speak for themselves. Through the execution 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 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.

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 if presented by the individual (or on behalf of the individual), to include the content of such advance directive in a prominent part of such record'' before the semicolon at the end;

(B) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.'';

(2) in paragraph (3), by striking ''a written'' and inserting ''an''; and

(3) by adding at the end the following new paragraph:

''(5)(A) 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 an advance directive that meets 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 preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.''.

(b) MEDICAID.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396a(w)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking ''in the individual's medical record'' and inserting ''in a prominent part of the individual's current medical record''; and

(ii) by inserting ''and if presented by the individual (or on behalf of the individual), to include the content of such advance directive in a prominent part of such record'' before the semicolon at the end;

(B) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.'';

(2) in paragraph (4), by striking ''a written'' and inserting ''an''; and

(3) by adding at the end the following paragraph:

''(6)(A) In addition to the requirements of paragraph (1), a provider or 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 an advance directive that meets 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 preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsections (a) and (b) shall apply to provider agreements and contracts entered into, renewed, or extended under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and to State plans under title XIX of such Act (42 U.S.C. 1396 et seq.), on or after such date as the Secretary of Health and Human Services specifies, but in no case may such date be later than 1 year after the date of enactment of this Act.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by subsection (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 4. INCREASING AWARENESS OF THE IMPORTANCE OF END-OF-LIFE PLANNING.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

''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 directive and end-of-life decisions.''.

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, taking into consideration 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 of the United States determines to be appropriate.

SEC. 6. ADVANCE DIRECTIVES AT STATE DEPARTMENT OF MOTOR VEHICLES.

Each State shall establish a program of providing information on the advance directives clearinghouse established pursuant to section 399Z-1 of the Public Health Service Act to individuals who are residents of the State at such State's department of motor vehicles. Such program shall be modeled after the program of providing information regarding organ donation established at the State's department of motor vehicles, if such State has such an organ donation program.

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.

Mr. AKAKA. Mr. President, I rise today to introduce two bills to increase the security of the Nation's agriculture and food supply: the Homeland Security Food and Agriculture Act and the Agriculture Security Assistance Act. Both measures build on legislation I sponsored in the 107th and 108th Congresses. I would like 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 Food and Agriculture Act, 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 contamination that would damage our economy, and, most importantly, could cost lives. Such contamination could be devastating to states such as Hawaii which generates more than $1.9 billion in agricultural sales annually.

Just last week, the President of Interpol 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 bills 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 Food and Agriculture Sector Coordinating Council, and funding two university-based Centers of Excellence to research livestock and poultry diseases, GAO found that critical vulnerabilities still exist.

Even though veterinarians may be the first to spot outbreaks of diseases, Department of Agriculture (USDA) certified veterinarians are not required to

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 10, 2005, hearing 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 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 tobe 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) floraculture; 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; or

''(ii) influence the policy of a government by intimidation or coercion.

''(4) 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);

''(D) veterinarian or other animal health professional; and

''(E) related personnel, agency, or authority.

''(6) SUSPECT LOCATION.—The term 'suspect location' means a location that, as recognized by an element of the intelligence community—

''(A) has experienced, or may experience, an agroterrorist act or an unusual disease; or

''(B) has harbored, or may harbor, a person that committed an agroterrorist act.

''SEC. 899B. AGRICULTURAL SECURITY RESPONSIBILITIES OF THE DEPARTMENT OF HOMELAND SECURITY.

''(a) COORDINATION OF FOOD AND AGRICULTURAL SECURITY.—

''(1) IN GENERAL.—The Secretary shall establish and carry out a program to protect the agriculture and food supply of the United States from agroterrorist acts.

''(2) PROGRAM INCLUSIONS.—The program established pursuant to paragraph (1) shall include provisions for —

''(A) advising and coordinating with Federal, State, local, regional, and tribal homeland security officials regarding—

''(i) preparedness for and the response to an agroterrorist act; and

''(ii) the detection, prevention, and mitigation of an agroterrorist act; and

''(B) executing the agriculture security responsibilities of the Secretary described in Homeland Security Presidential Directive 7 (December 17, 2003) and Homeland Security Presidential Directive 9 (February 3, 2004).

''(b) RESPONSIBILITIES.—

''(1) SECRETARY.—The Secretary shall have responsibility for—

''(A) increasing communication and coordination among all Federal, State, local, regional, and tribal emergency response providers regarding biosecurity;

''(B) ensuring that each Federal, State, local, regional, and tribal emergency response provider understands and executes the role of that emergency response provider in response to an agroterrorist attack;

''(C)(i) ensuring that State, local, and tribal officials have adequate access to information and resources at the Federal level; and

''(ii) developing and implementing information-sharing procedures by which a Federal, State, local, regional, or tribal emergency response provider can share information regarding a biological threat, risk, or vulnerability;

''(D) coordinating with the Secretary of Transportation to develop guidelines for restrictions on the interstate transportation of an agricultural commodity or product in response to an agricultural disease;

''(E) coordinating with the Administrator of the Environmental Protection Agency in considering the potential environmental impact of a response by Federal, regional, State, local, and tribal emergency response providers to an agricultural disease;

''(F) working with Federal agencies (including the Department of Agriculture and other elements of the intelligence community) to improve the ability of employees of the Department of Homeland Security to identify a biological commodity or product, livestock, and any other good that is imported from a suspect location;

''(G) coordinating with the Department of State to provide the President and Federal agencies guidelines for establishing a mutual assistance agreement with another country, including an agreement—

''(i) to provide training to veterinarians, public health workers, and agriculture specialists of the United States in the identification, diagnosis, and control of foreign diseases;

''(ii) to provide resources and technical assistance personnel to a foreign government with limited resources; and

''(iii) to participate in a bilateral or multilateral training program or exercise relating to biosecurity.

''(2) UNDERSECRETARY FOR EMERGENCY RESPONSE AND PREPAREDNESS.—The Undersecretary for Emergency Response and Preparedness shall have responsibility for—

''(A) not later than 180 days after the date of enactment of this subtitle, cooperating with State, local, and tribal homeland security officials to establish State, local, and regional response plans for an agricultural disease or agroterrorist act that include—

''(i) a comprehensive needs analyses to determine the appropriate investment requirements for responding to an agricultural disease or agroterrorist act;

''(ii) a potential emergency management assistance compact and any other mutual assistance agreement between neighboring States; and

''(iii) an identification of State and local laws (including regulations) and procedures that may affect the implementation of a State response plan; and

''(B) not later than 90 days after the date of enactment of this subtitle, establishing a task force consisting of State and local homeland security officials that shall—

''(i) identify the best practices for carrying out a regional or State biosecurity program;

''(ii) make available to State, local, and tribal governments a report that describes the best practices identified under clause (i); and

''(iii) design and make available information (based on the best practices identified under clause (i)) concerning training exercises for emergency response providers in the form of printed materials and electronic media to—

''(I) managers of State, local, and tribal emergency response provider organizations; and

''(II) State health and agricultural officials.

''(c) GRANTS TO FACILITATE PARTICIPATION OF STATE AND LOCAL ANIMAL HEALTH CARE OFFICIALS.—

''(1) IN GENERAL.—The Office of State and Local Coordination and Preparedness, in consultation with the Undersecretary for Emergency Response and Preparedness and the Secretary, shall establish a program under which the Secretary shall provide grants to communities to facilitate the participation of State and local animal health care officials in community emergency planning efforts.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2006.''.

S. 573

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 ''Agricultural Security Assistance Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(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) AGRICULTURAL DISEASE EMERGENCY.—The term ''agricultural disease emergency'' means an agricultural disease that the Secretary determines to be an emergency under—

(A) section 415 of the Plant Protection Act (7 U.S.C. 7715); or

(B) section 10407(b) of the Animal Health Protection Act (7 U.S.C. 8306(b)).

(3) AGRICULTURE.—The term ''agriculture'' includes—

(A) the science and practice of activities relating to food, feed, and fiber production, processing, 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, floraculture, veterinary medicine, and other environmental and natural resource sciences.

(4) AGROTERRORISM.—The term ''agroterrorism'' means the commission of an agroterrorist act.

(5) 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 policy of a government by intimidation or coercion.

(6) BIOSECURITY.—

(A) IN GENERAL.—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.

(B) INCLUSIONS.—The term ''biosecurity'' includes the exclusion, eradication, and control of biological agents that cause plant or animal diseases.

(7) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(9) TRIBAL GOVERNMENT.—The term ''tribal government'' means the governing body of an Indian tribe.

SEC. 3. STATE AND LOCAL ASSISTANCE.

(a) STUDY.—

(1) IN GENERAL.—In consultation with the steering committee of the National Animal Health Emergency Management System and other stakeholders, the Secretary shall conduct a study to—

(A) determine the best use of epidemiologists, computer modelers, and statisticians as members of emergency response task forces that handle foreign or emerging agricultural disease emergencies; and

(B) identify the types of data that are necessary for proper modeling and analysis of agricultural disease emergencies.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report that describes the results of the study under paragraph (1) to—

(A) the Secretary of Homeland Security; and

(B) the head of any other agency involved in response planning for agricultural disease emergencies.

(b) GEOGRAPHIC INFORMATION SYSTEM GRANTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security and the Secretary of the Interior, shall establish a program under which the Secretary shall provide grants to States to develop capabilities to use a geographic information system or statistical model for an epidemiological assessment in the event of an agricultural disease emergency.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $2,500,000 for fiscal year 2006; and

(B) such sums as are necessary for each subsequent fiscal year.

(c) BIOSECURITY AWARENESS AND PROGRAMS.—

(1) IN GENERAL.—The Secretary shall implement a public awareness campaign for farmers, ranchers, and other agricultural producers that emphasizes—

(A) the need for heightened biosecurity on farms; and

(B) reporting to the Department of Agriculture any agricultural disease anomaly.

(2) ON-FARM BIOSECURITY.—

(A) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Secretary, in consultation with associations of agricultural producers and taking into consideration research conducted under the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.), shall—

(i) develop guidelines—

(I) to improve monitoring of vehicles and materials entering or leaving farm or ranch operations; and

(II) 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.—

(i) 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.

(ii) 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).

(3) BIOSECURITY GRANT PILOT PROGRAM.—

(A) INCENTIVES.—

(i) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Secretary shall develop a pilot program to provide incentives, in the form of grants or low-interest loans, to agricultural producers to restructure farm and ranch operations (based on the biosecurity guidelines developed under paragraph (2)(A)(i)) to achieve the goals described in clause (ii).

(ii) GOALS.—The goals referred to in clause (i) are—

(I) to control access to farms and ranches by persons intending to commit agroterrorist acts;

(II) to prevent the introduction and spread of agricultural diseases; and

(III) to take other measures to ensure biosecurity.

(iii) LIMITATION.—The amount of a grant or low-interest loan provided under this paragraph shall not exceed $10,000.

(B) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(i) describes the implementation of the pilot program; and

(ii) makes recommendations for expanding the pilot program.

(C) 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. 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 LIAISONS.—

(1) AGRICULTURAL DISEASE MANAGEMENT LIAISON.—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;

(ii) the Department of Agriculture;

(iii) other Federal agencies responsible for a response to an emergency relating to an agriculture disease;

(iv) the emergency management community;

(v) State emergency and agricultural officials;

(vi) tribal governments; and

(vii) industries affected by agricultural disease.

(2) ANIMAL HEALTH CARE LIAISON.—The Secretary of Health and Human Services shall establish within the Department of Health and Human Services a senior level position the primary responsibility of which is to serve as a liaison between—

(A) the Department of Health and Human Services; and

(B)(i) the Department of Agriculture;

(ii) the animal health community;

(iii) the emergency management community;

(iv) tribal governments; and

(v) industries affected by agricultural disease.

(b) TRANSPORTATION.—

(1) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary and the Secretary of Homeland Security, shall—

(A) publish in the Federal Register proposed guidelines for restrictions on interstate transportation of an agricultural commodity or product in response to an agricultural disease;

(B) provide for a comment period of not less than 90 days for the proposed guidelines; and

(C) establish final guidelines, taking into consideration any comment received under subparagraph (B); and

(2) provide the guidelines described in paragraph (1) to officers and employees of—

(A) the Department of Agriculture;

(B) the Department of Transportation; and

(C) the Department of Homeland Security.

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 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;

(B) providing resources and personnel to a foreign government with limited resources to respond to an agricultural disease; and

(C) bilateral training programs and exercises relating to assistance provided under this paragraph; and

(2) provide funding for a program or exercise 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.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall conduct a review 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;

(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

(3) the types and extent of legal evidence that may be required by a State court before a response plan described in paragraph (1) may be implemented.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report that describes the results of the review under subsection (a) (including any recommendations of the Attorney General).

By Ms. MIKULSKI (for herself, Mr. LAUTENBERG, 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.

Ms. MIKULSKI. Mr. President, I rise to introduce the ''Educational Opportunity for All Act.'' The core of the American Dream is getting a college education and I want to make sure that every student has access to that dream. I want to help families who are trying to send their children to college and adults who are going back to school—for their first degree or their third. This $4,000 tuition tax credit will help students who are taking one night class at a community college to update their skills or four classes at a university to get their bachelor's degree. And my tax credit is refundable so it helps families who don't owe taxes.

Our middle class families are stressed and stretched. Families in my State of Maryland are worried—they're worried about their jobs and they're terrified of losing their healthcare when costs keep ballooning. Many are holding down more than one job to make ends meet. They're racing from carpools to work and back again. But most of all, they don't know how they can afford to send their kids to college. And they want to know what we in the United States Senate are doing to help them.

That's why I want to give every family sending a child to college a $4,000 per student per year tuition tax credit. My bill would give help to those who practice self help—the families who are working and saving to send their child to college or update their own skills.

College tuition is on the rise across America. Tuition at the University of Maryland has increased by almost 40 percent since 2002. Tuition for Baltimore Community College rose by $300 in one year. The average total cost of going to a 4-year public college is $10,635 per year, including tuition, fees, room and board. University of Maryland will cost more than $15,000 for a full time undergraduate student who lives on campus.

Financial Aid isn't keeping up with these rising costs. Pell Grants cover only 40 percent of average costs at 4-year public colleges. Twenty years ago, Pell Grants covered 80 percent of average costs. Our students are graduating with so much debt it's like their first mortgage. The average undergraduate student debt from college loans is almost $19,000. College is part of the American Dream; it shouldn't be part of the American financial nightmare.

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 $4,150. I want to double Pell Grants. Instead of easing 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 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 of 2005''.

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.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this subtitle 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.

''(b) ELECTION NOT TO HAVE SECTION APPLY.—A taxpayer may elect not to have this section apply with respect to the qualified tuition expenses of an 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) EXCEPTION 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 subparagraph (A) 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 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), 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.

''(d) SPECIAL RULES.—

''(1) IDENTIFICATION REQUIREMENT.—No credit shall be allowed under subsection (a) to a taxpayer with respect to the qualified tuition expenses of an individual unless the taxpayer includes the name and taxpayer identification number of such individual on the return of tax for the taxable year.

''(2) ADJUSTMENT FOR CERTAIN SCHOLARSHIPS, ETC.—The amount of qualified 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—

''(A) a qualified scholarship which is excludable from gross income under section 117,

''(B) an educational assistance allowance under chapter 30, 31, 32, 34, or 35 of title 38, United States Code, or under chapter 1606 of title 10, United States Code, and

''(C) 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.

''(3) TREATMENT OF EXPENSES PAID BY DEPENDENT.—If a deduction under section 151 with respect to an individual is allowed to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins—

''(A) no credit shall be 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) TREATMENT 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 3 months following such taxable year, such academic period shall be treated for purposes of this section as beginning during such taxable year.

''(5) DENIAL OF DOUBLE 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 and the taxpayer's spouse file 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 subsection (g) or (h) of section 6013.

''(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 inserting ''or section 36'' after ''section 25A'' each place it appears.

(2) Section 6213(g)(2)(J) of such Code is amended by inserting ''or section 36(d)(1)'' after ''expenses)''.

(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) EFFECTIVE DATE.—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.

Mr. BYRD. Mr. President, President Reagan was often fond of saying that ''there's nothing better for the inside of a man 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 to the economy, history, and character 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 Horse Annie 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, established as national 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 reports have documented the failure 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 use up nearly half of 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 2005 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 unsuccessfully offered for adoption three times. The BLM has estimated that about 8,400 mustangs out of 22,000 being 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 that would restore 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 bourne 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 was intended 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 Health Care Financing Administration—now 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 prohibits 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, benefits for a particular injury can, in some cases, be excluded based on the source of the injury.'' A plan could, for example, include a general exclusion for injuries sustained while

doing a specified list of recreational activities, even though treatment for those injuries—a broken arm for instance—would have been covered under the plan if the individual had tripped and fallen.

Because of this loophole, an individual who was injured while skiing or running could be denied health care coverage, while someone who is injured while drinking and driving a car would be protected.

This clearly is contrary to Congressional intent. One of the purposes of HIPAA was to prohibit plans and issuers from establishing eligibility rules for health coverage based on certain health-related factors, including evidence of insurability. To underscore that point, the conference report language stated that ''the inclusion of evidence of insurability in the definition of health status is intended to ensure, among other things, that individuals are not excluded from health care coverage due to their participation in activities such as motorcycling, snowmobiling, all-terrain vehicle riding, horseback riding, skiing and other similar activities.'' The conference report also states that ''this provision is meant to prohibit insurers or employers from excluding employees in a group from coverage or charging them higher premiums based on their health status and other related factors that could lead to higher health costs.''

Millions of Americans participate in these legal and common recreational activities which, if practiced with appropriate precautions, do not significantly increase the likelihood of serious injury. Moreover, in enacting HIPAA, Congress simply did not intend that people would be allowed to purchase health insurance only to find out, after the fact, that they have no coverage for an injury resulting from a common recreational activity. If this rule is allowed to stand, millions of Americans will be forced to forgo recreational activities that they currently enjoy lest they have an accident and find out that they are not covered for needed care resulting from that accident.

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 passed the Senate 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 move quickly 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 sources. 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 Record Retention (TARR) Act.'' I am introducing it in response to a report that Senator BIDEN and I requested from the Government Accountability Office (GAO).

The report examined the practices of the National Instant Criminal Background Checks system (NICS) in conducting background checks of people who are on the Federal terrorist watch list and who try to purchase firearms.

The GAO found that from February 3 through June 30 of last year—a period of just five months—a total of 44 known or suspected terrorists attempted to purchase firearms. The GAO Report is available at http://www.gao.gov/new.items/d05127.pdf.

In 35 of these cases, the FBI authorized the transactions to proceed because its field agents were unable to find any disqualifying information, such as felony convictions or illegal immigrant status, within the federally prescribed three business days.

FBI officials told GAO investigators that from June through October 2004, the FBI's NICS handled an additional 14 transactions involving known or suspected terrorists. Of these 14 transactions, the FBI allowed 12 to proceed and denied 2 based on prohibiting information.

These people who are on the terrorist watch list are not even allowed to board a commercial airliner. Yet most of them were allowed to purchase firearms.

Some would say that defies common sense—but it gets worse.

After most of the people with suspected terrorist connections were allowed to purchase these deadly weapons, the FBI was forced to destroy the records of the transactions within 24 hours after the FBI had approved the sale.

These records were destroyed pursuant to the ''Tiahrt Amendment'' which was implemented last July.

The GAO also found that Department of Justice procedures prohibit the NICS from sharing information about gun sales to suspected terrorists with counterterrorism officials.

This restriction of information-sharing is based on the belief at DOJ that information gathered by NICS should not be used for law enforcement purposes or to fight the war against terror. This is despite the fact that FBI counterterrorism officials said that it would help them fight the war on terror if they were to routinely receive all available personal identifying information and other details from valid-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 agents 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 helps them cover their tracks.

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.

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 in 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)—

''(A) all information related to the prospective transaction shall automatically and immediately be transmitted to the appropriate

Federal and State counterterrorism officials, including the Federal Bureau of Investigation;

''(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, including the ATF Form 4473, that are obtained by Federal and State officials shall be retained for a minimum of 10 years.''.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 18.—Section 922(t)(2)(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 617(a)(2) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (118 Stat. 95) 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 taken advantage of this gap.

Since the Sept. 11 terrorist attacks, law enforcement officials and gun control groups have voiced increasing concern about the prospect of a terrorist walking into a gun shop, legally buying an assault rifle or other type of weapon and using it in an attack.

The G.A.O. study offers the first full-scale examination of the possible dangers posed by gaps in the law, Congressional officials said, and it concludes that the Federal Bureau of Investigation ''could better manage'' its gun-buying records in matching them against lists of suspected terrorists.

F.B.I. officials maintain that they are hamstrung by laws and policies restricting the use of gun-buying records because of concerns over the privacy rights of gun owners.

At least 44 times from February 2004 to June, people whom the F.B.I. regards as known or suspected members of terrorist groups sought permission to buy or carry a gun, the investigation found.

In all but nine cases, the F.B.I. or state authorities who handled the requests allowed the applications to proceed because a check of the would-be buyer found no automatic disqualification like being a felon, an illegal immigrant or someone deemed ''mentally defective,'' the report found.

In the four months after the formal study ended, the authorities received an additional 14 gun applications from terror suspects, and all but 2 of those were cleared to proceed, the investigation found. In all, officials approved 47 of 58 gun applications from terror suspects over a nine-month period last year, it found.

The gun buyers came up as positive matches on a classified internal F.B.I. watch list that includes thousands of terrorist suspects, many of whom are being monitored, trailed or sought for questioning as part of terrorism investigations into Islamic-based, militia-style and other groups, official said. G.A.O. investigators were not given access to the identities of the gun buyers because of those investigations.

The report is to be released on Tuesday, and an advance copy was provided to The New York Times.

Senator Frank R. Lautenberg, Democrat of New Jersey, who requested the study, plans to introduce legislation to address the problem in part by requiring federal officials to keep records of gun purchases by terror suspects for a minimum of 10 years. Such records must now be destroyed within 24 hours as a result of a change ordered by Congress last year. Mr. Lautenberg maintains that the new policy has hindered terrorism investigations by eliminating the paper trail on gun purchases.

''Destroying these records in 24 hours is senseless and will only help terrorists cover their tracks,'' Mr. Lautenberg said Monday. ''It's an absurd policy.''

He blamed what he called the Bush administration's ''twisted allegiances'' to the National Rifle Association for the situation.

The N.R.A. and gun rights supporters in Congress have fought—successfully, for the most part—to limit the use of the F.B.I.'s national gun-buying database as a tool for law enforcement investigators, saying the database would amount to an illegal registry of gun owners nationwide.

The legal debate over how gun records are used became particularly contentious months after the Sept. 11 attacks, when it was disclosed that the Justice Department and John Ashcroft, then the attorney general, had blocked the F.B.I. from using the 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 gun checks, but Justice Department lawyers who reviewed the issue said they saw no such prohibition.

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 somewhat constrained by gun laws as established by Congress and interpreted by the Justice Department.

''We're in a tough position,'' said an F.B.I. official who spoke on condition 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 terrorist intelligence.

Under the new policy, millions of gun applications are run against the F.B.I.'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 because of a lag time in putting information into the database, the accountability office's report said.

In one instance last year, follow-up information provided by 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 homeland security risks,'' 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. ENSIGN):

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, ENSIGN 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 our children, but its effects on their development are 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 viewing 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 pop-up advertisements begin to appear on children's cell phones that specifically target them for the junk food that they like best at a place where that food is easily obtainable? The answer to the obesity and media question is complex. 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 panel 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, child health care costs that are linked to 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 playing first-person shooter 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 game playing into real-life lethal actions. Investing 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'' experienced by media characters partly explain materialistic attitudes? We're not sure. Recent research using brain-mapping techniques finds that an adult who sees images of desired products demonstrates patterns of brain activation 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 cultivating in our children, and what role does exposure to media content play in the development of those values?

A report linked very early television viewing with later symptoms 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 deficits find 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 exposure does disrupt the 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 so than African American or Latino children have Internet access from their homes. Can our newer interactive media help ensure that no child is 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 complex. Unfortunately, the answers to these questions are in short supply. Such gaps in our knowledge base limit our ability to make informed decisions about media policy.

We know that media are important. Over the 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 helping, 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 exploitation for 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 barely know is taking place, making our ability to protect our children all the more difficult. We worry about our children's inadvertent exposure to online pornography—about how that kind of exposure may undermine their moral values and standards of decency. In these halls of Congress, we acted to protect our children by passing the Communications Decency Act, the Child Online Protection Act, and the Children's Internet Protection Act to shield children from exposure to sexually-explicit online content that is deemed harmful to minors. While we all agree that we need to protect our children from online pornography, we know very little about how to address even the most practical of questions such as how to prevent children from falling prey to adult strangers who approach them online. There are so many areas in which our understanding is preliminary at best, particularly in those areas that involve the effects of our newer digital media.

In order to ensure that we are doing our very best for our children, the behavioral and health recommendations and public policy decisions we make should be based on objective behavioral, social, and scientific research. Yet no Federal research agency has responsibility for overseeing and setting a coherent media research agenda that can guide these policy decisions. Instead, Federal agencies fund media research in a piecemeal fashion, resulting in a patch work quilt of findings. We can do better than that.

The bill we are introducing today would remedy this problem. The

CAMRA Act will provide an overarching view of media effects by establishing a program devoted to Children and Media within the National Institute of Child Health and Human Development. This program of research, to be vetted by the National Academy of Sciences, will fund and energize a coherent program of research that illuminates the role of media in children's cognitive, social, emotional, physical, and behavioral development. The research will cover all forms of electronic media, including television, movies, DVDs, interactive video games, cell phones, and the Internet, and will encourage research involving children of all ages—even babies and toddlers. The bill also calls for a report to Congress about the effectiveness of this research program in filling this void in our knowledge base. In order to accomplish these goals, we are authorizing $90 million dollars to be phased in gradually across the next five years. The cost to our budget is minimal and can well result in significant savings in other budget areas.

Our Nation values the positive, healthy development of our children. Our children live in the information age, and our country has one of the most powerful and sophisticated information technology systems in the world. While this system entertains them, it is not harmless entertainment. Media have the potential to facilitate the healthy growth of our children. They also have the potential to harm. We have a stake in finding out exactly what that role is. We have a responsibility to take action. Access to the knowledge that we need for informed decision-making requires us to make an investment: an investment in research, an investment in and for our children, an investment in our collective future. The benefits to our youth and our nation's families are immeasurable.

By passing the Children and Media Research Advancement Act, we can advance knowledge and enhance the constructive effects of media while minimizing the negative ones. We can make future media policies that are grounded in a solid knowledge base. We can be proactive, rather than reactive. In so doing, we build a better nation for our youth, fostering the kinds of values that are the backbone of this great nation of ours, and we create a better foundation to guide future media policies about the digital experiences that pervade our children's daily lives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 579

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 ''Children and Media Research Advancement Act'' or the ''CAMRA Act''.

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 and adolescent'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 science research to inform the policy deliberations.

(3) There are important gaps in our knowledge about the role of electronic media and in particular, the newer interactive digital media, in children's and adolescent's healthy development. The consequences of very early screen usage by babies and toddlers on children's cognitive growth are not yet understood, nor has a research base been established on the psychological consequences of high definition interactive media and other format differences for child and adolescent viewers.

(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 adolescent's sexual 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 exposure on youth 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, and emotional 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 supported through one primary 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 centralized organization for research minimizes the value of the knowledge produced by individual studies. A more productive approach for generating valuable findings 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 others 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—

(1) examine the role and impact of electronic media in children's and adolescent's cognitive, social, emotional, physical, and behavioral development; and

(2) provide for a report to Congress containing the empirical evidence and other results produced by the research funded through grants under this Act.

SEC. 3. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN AND ADOLESCENTS.

Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following:

''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 arrangements with the National Academy of Science 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 positive and negative roles and impact of electronic media use, including television, motion pictures, DVD's, interactive video games, and the Internet, and exposure to that content and medium on youth 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 tasks or 'multitask'), visual and spatial skills, reading, and other learning abilities.

''(2) PHYSICAL.—The role and impact of media use and exposure on children's and adolescent's physical coordination, diet, exercise, sleeping and eating routines, and other areas of physical development.

''(3) SOCIO-BEHAVIORAL.—The influence of interactive media on children's and adolescent's family activities and peer relationships, including indoor and outdoor play time, interaction with parents, consumption habits, social relationships, aggression, prosocial behavior, and other patterns of development.

''(b) PILOT PROJECTS.—During the first year in which the National Academy of Sciences panel is summarizing the data and creating 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—

''(1) cognitive and social development during infancy and early childhood; and

''(2) the development of childhood and adolescent obesity, particularly as a function of media advertising and sedentary lifestyles that may co-occur with heavy media diets.

''(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 nature 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 establish or implement 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.

''(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 address the same or related topics; and

''(C) discusses the implications of the collective body of scientific evidence and knowledge regarding 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 the healthy 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) $25,000,000 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. I am pleased to join my colleague and friend, 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 for additional lending and investments. Because they contribute to the efficiency and liquidity of the U.S. real estate markets, REMICs help to minimize the costs of residential and commercial real estate borrowing and to spur real estate development and rehabilitation.

REMICs play a critical role in providing capital for residential and commercial mortgages. As of September 30, 2004, the value of single-family, multifamily and commercial-mortgage backed REMICs outstanding was $2.2 trillion. While the current volume of REMIC transactions reflects their important role in this market, certain changes to the tax code will eliminate impediments and unleash even greater potential. Current rules that govern REMICs often prevent many common loan modifications that facilitate loan administration and ensure repayment of investors.

Unfortunately, the legislation that created REMICs has not changed in nearly 20 years. Our legislation will update the REMIC provisions of the tax code. These proposed changes are simple, non-controversial, and will greatly enhance the ability of commercial real estate interests to obtain capital for financing new construction projects.

These changes would ultimately benefit the entire real estate community, including local real estate owners, builders, construction managers as well as engineering, architectural and interior design firms that provide real estate services. Firms that offer services to support real estate sales will also be assisted. The end result is that these changes would accelerate the creation of jobs and economic activity throughout the U.S., and would have a positive effect on federal and state tax revenues. By encouraging property renovations and expansions, these changes would strengthen the local property tax base in towns and cities across America.

We urge our colleagues to work with us to enact this legislation to spur economic and employment growth in real estate, the construction trades, and the building materials industry.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 580

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

SECTION 1. CERTAIN MODIFICATIONS PERMITTED TO QUALIFIED MORTGAGES HELD BY A REMIC OR A GRANTOR TRUST.

(a) QUALIFIED MORTGAGES HELD BY A REMIC.—

(1) IN GENERAL.—Paragraph (3) of section 860G(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) QUALIFIED MODIFICATIONS.—

''(i) IN GENERAL.—An obligation shall not fail to be treated as a qualified mortgage solely because of a qualified modification of such obligation.

''(ii) 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 disposition of such obligation under section 1001 if such amendment, waiver or other modification does not—

''(I) extend the final maturity date of the obligation,

''(II) increase the outstanding principal balance under the obligation (other than the capitalization of accrued, unpaid interest),

''(III) result in a release of an interest in real property securing the obligation such that the obligation is not principally secured by an interest in real property (determined after giving effect to the release), or

''(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 or with respect to which default is reasonably foreseeable may be treated as a qualified modification for purposes of this section.

''(iv) DEFEASANCE WITH GOVERNMENT SECURITIES.—The requirements of clause (ii)(III) shall be treated as satisfied if, after the release described in such clause, the obligation is principally secured by Government securities and the amendment, waiver, or other modification to such obligation satisfies such requirements as the Secretary may prescribe.''.

(2) EXCEPTION FROM PROHIBITED TRANSACTION RULES.—Subparagraph (A) of section 860F(a)(2) of such Code is amended—

(A) by striking ''or'' at the end of clause (iii);

(B) by striking the period at the end of clause (iv) and inserting ''or''; and

(C) by adding at the end the following new clause:

''(v) a qualified modification (as defined in section 860G(a)(3)(C)).''.

(3) CONFORMING AMENDMENTS.—

(A) Section 860G(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:

''(A) IN GENERAL.—The term''; and

(iv) by striking ''For purposes of subparagraph (A)'' and inserting the following:

''(B) TENANT-STOCKHOLDERS OF COOPERATIVE HOUSING CORPORATIONS.—For purposes of subparagraph (A)(i)''.

(B) Section 860G(a)(3)(A)(iv) of such Code (as redesignated by subparagraph (A)) is amended—

(i) by striking ''clauses (i) and (ii) of subparagraph (A)'' and inserting ''subclauses (I) and (II) of clause (i)''; and

(ii) by striking ''subparagraph (A) (without regard to such clauses)'' and inserting ''clause (i) (without regard to such subclauses)''.

(b) QUALIFIED MORTGAGES HELD BY A GRANTOR TRUST.—Section 672 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(g) SPECIAL RULE FOR CERTAIN INVESTMENT TRUSTS.—A grantor shall not fail to be treated as the owner of any portion of a trust under this subpart solely because such portion includes one or more obligations with respect to which a qualified modification (within the meaning of section 860G(a)(3)(C)) has been, or may be, made under the terms of such trust.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amendments, waivers, and other modifications made after the date of enactment of this Act.

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.

Ms. LANDRIEU. Mr. President, tax day is right around the corner; just over a month away. For most Americans, April 15 is rather routine. You spend several days or weeks determining the amount you owe and you pay it. But for Christina and Raymond F., two of my constituents—I will not use their last name to maintain their privacy—of Avondale, LA, this upcoming tax day is going to be anything but routine. Earlier this year, Christina and Raymond received a letter from their parish government informing them that they must add $45,000 to their gross income this year.

You see, Christina and Raymond's home is located in a flood zone. That is not unusual in Louisiana. Twenty percent of the coastal zone of my state lies below sea level, including 80 percent of our largest city New Orleans. In order to protect their home from rising waters, they applied to their local parish to get flood mitigation assistance to raise their home above the base flood elevation in their area. To qualify, they had to raise $20,000, which they did by refinancing their home, and the parish paid the remaining $45,000 through FEMA's National Flood Insurance Program. What Christina and Raymond did not realize was that at the very same time that they were having this work done on their home, the Internal Revenue Service had decided that FEMA disaster mitigation assistance should be taxable. So now, this couple is going to have to pay taxes on $45,000 even though they never saw a dime of this money.

This news hit this family like a Category 4 hurricane. When Christina 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 neighborhood that they describe as working class. Her husband's medical costs are astronomical—$1,400 per month for his medication alone. 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 additional $45,000 would wipe them 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 National 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 communities select properties 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 learned 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 these storms as they 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 unfortunate policy because 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 excludes 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 measure 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 their efforts.

But this is not a regional, special-interest 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 citizens have used a federal disaster mitigation program to help make their properties safer, the tax man will come for them too.

It is essential that the Congress consider 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. 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.

Mr. SALAZAR. Mr. President, I rise today to introduce two pieces of legislation important to my great State of Colorado.

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 nuclear weapons that helped bring the former Soviet Union to its knees. As a result of this patriotic service, many of these nuclear weapons workers contracted cancer and other disabling and fatal diseases.

In 2000, Congress recognized the sacrifices 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 records and bureaucratic red 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

Through five 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 specified 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 bipartisan 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 that 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 and instruct the 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 or renew 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:

S. 584

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 ''Betty Dick Residence Protection Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) before their divorce, Fred and Marilyn Dick, owned as 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, asserting 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 right to 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

(12) 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 1/25 of the amount specified in section 3(B) of the Agreement.

(d) EFFECT.—Nothing in this Act—

(1) allows 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. 585

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 Exposure Cohort 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 health 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 provisions designating employees at certain other locations as members of a special exposure cohort whose claims are subject to a less-detailed administrative process.

(3) The Act also authorizes the President, upon recommendation of the Advisory Board on Radiation and Worker Health, to designate additional classes of employees at Department of Energy facilities as members of the special exposure cohort if the President determines that—

(A) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and

(B) there is a reasonable likelihood that the radiation dose may have endangered the health of members of the class.

(4) It has become evident that it is not feasible to estimate with sufficient accuracy the radiation dose received by employees at the Department of Energy facility in Colorado known as the Rocky Flats site for the following reasons:

(A) Many worker exposures were unmonitored over the lifetime of the plant at the Rocky Flats site. Even in 2004, a former worker from the 1950s was monitored under the former radiation worker program of the Department of Energy and found to have a significant internal deposition that had been undetected and unrecorded for more than 50 years.

(B) No lung counter for detecting and measuring plutonium and americium in the lungs existed at Rocky Flats until the late 1960s. Without this equipment, the very insoluble oxide forms of plutonium cannot be detected, and a large number of workers had inhalation exposures that went undetected and unmeasured.

(C) Exposure to neutron radiation was not monitored until the late 1950s, and most of those measurements through 1970 have been found to be in error. In some areas of the plant the neutron doses were as much as 2 to 10 times as great as the gamma doses received by workers, but only gamma doses were recorded. The old neutron films are being re-read, but those doses have not yet been added to the workers' records or been used in the dose reconstructions for Rocky Flats workers carried out by the National Institute for Occupational Safety and Health.

(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 reasonable scientific debate. Use of erroneous values could substantially underestimate the actual internal doses for claimants.

(5) Some Rocky Flats workers, despite having worked with tons of plutonium and having known exposures leading to serious health effects, have been denied compensation under the Act as a result of potentially flawed calculations based on records that are incomplete or in error as well as the use of potentially flawed models.

(6) Achieving the purposes of the Act with respect to workers at Rocky Flats is more likely to be achieved if claims by those workers are subject to the administrative procedures applicable to members of the special exposure cohort.

(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) The employee was so employed as a Department of Energy employee or a Department of Energy contractor employee for a number of work days aggregating at least 250 work days before January 1, 2006, at the Rocky Flats site in Colorado.''.

(b) REAPPLICATION.—A claim that an individual qualifies, by reason of subparagraph (D) of section 3621(14) of that Act (as added by subsection (a)), for compensation or benefits under that Act shall be considered for compensation or benefits, notwithstanding any denial of any other claim for compensation with respect to that individual.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 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

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 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 in Madrid, 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 from 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) 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 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.

SENATE RESOLUTION 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

Mr. SANTORUM (for himself, Mr. BROWNBACK, Mr. ALLEN, Mr. DEMINT, Mr. BURR, and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

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 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, 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 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 for 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 Scobey, 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) 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 Restoration 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.

SENATE RESOLUTION 78—RECOGNIZING AND HONORING THE LIFE OF ARTHUR MILLER

Mr. HATCH (for himself and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 78

Whereas the late Arthur Miller wrote some of the most revered works in the American dramatic canon including All My Sons, After the Fall, The Crucible, The Price, The American Clock, A View from the Bridge, The Ride Down Mt. Morgan, and Death of A Salesman;

Whereas Arthur Miller received the highest honors for artistic accomplishment and distinguished intellectual achievement in the humanities in this country, the Kennedy Center Honors and the National Endowment for the Humanities' Jefferson Lectureship;

Whereas Arthur Miller received every major award given to playwrights in the United States, including the Pulitzer Prize, the Tony Award, the Drama Desk, and the Drama Critics Circle;

Whereas Arthur Miller, through his service to the Dramatists Guild of America, has fought for the freedom of American playwrights to have their works performed as they intended and given all the protection the law can afford them;

Whereas Arthur Miller, through his service to PEN, the association of Poets, Essayists and Novelists, has fought for the freedom of imprisoned writers all over the world;

Whereas Arthur Miller's plays are taught in virtually every high school and college in the United States, and his new plays have been produced on Broadway for more than half a century;

Whereas Arthur Miller wrote about the lives and longings of American working men and women with a power and clarity unparalleled in modern literature;

Whereas Arthur Miller, in writing about ''little men'' as his heroes were called in the beginning, proved that little men do indeed suffer tragic losses, and that to defend or regain their dignity, they will lay down their lives as nobly as any king ever did;

Whereas Arthur Miller wrote about our indestructible will to achieve our humanity, about our fear of being torn away from what and who we are in this world, and about our fear of being displaced and forgotten;

Whereas Arthur Miller has maintained his vision and claimed his victory as the preeminent man of letters in the American theater; and

Whereas Arthur Miller enjoyed a long and luminous career before he died at the age of 89 on February 10, 2005, 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 literary genius 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 would like to 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 in our country. 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. It is indeed an honor to appear before you 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 speaking on behalf of the up and coming 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 their power to protect their economic 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 introduced by you, Chairman Hatch and Senator Kennedy, is meant to keep the legacy of aspiring playwrights who write for the theater alive. 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 morays, 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 American 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 playwrights. The status of the playwright is difficult to discern as it has fallen under the long shadow of questionable and conflicting legal opinions. The result is that all other entities have the collective power and ability to fight for their rights. As a result, it is the playwright who gets squeezed.

The Playwrights Licensing Antitrust Initiative Act of 2004 would provide a very limited legislative fix that would allow for the standard form contract that was last negotiated in 1982 to be updated to take account of today's market realities and intellectual property protection climate. It does not force producers to hire any playwrights, but it does allow playwrights with a willing producer to protect their economic and artistic interests.

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 says that playwrights should have a seat at the table. Failure to pass the legislation will continue the unfair bargaining situation that the playwrights find themselves in and not only will the playwright and the theater suffer, but society as a whole.

It was Senator Kennedy's brother, President Kennedy, who once said: ''I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. ''

Unfortunately, under today's legal shadows, the up and coming playwrights must offer their wares at a discount.

I understand that antitrust exemptions are not easy to come by. And I believe that amending our laws should not be done at the drop of a hat.

But, where there the national interest demands that change occur, I believe it is appropriate.

Mr. Chairman. Members of the Committee. I urge your prompt approval of this legislation.

STATEMENT OF SENATOR KENNEDY IN SUPPORT OF THE RESOLUTION HONORING ARTHUR MILLER

Mr. KENNEDY. Mr. President, it is my privilege to join my colleague from Utah in sponsoring this resolution to honor one of America's foremost playwrights. Arthur Miller spoke to all of us about the quiet struggles in each life and the dignity in those struggles.

Arthur Miller was a soft-spoken man whose voice was heard around the world. It was a voice of courage, insight, candor, and integrity, and the quality of the arts in America was greatly enriched by his extraordinary plays, as anyone who has had the opportunity to attend a performance of Death of a Salesman well knows. The hero of that play, Willy Loman, became an American icon—the struggling family man in lifelong pursuit of the American dream.

At one point in the first act of the play, a character says of Willy Loman,

I don't say he's a great man. Willy Loman never made a lot of money. His name was never in the paper. He's not the finest character that ever lived. But he's a human being, and a terrible thing is happening to him. So attention must be paid. He's not to be allowed to fall into his grave like an old dog. Attention, attention must be finally paid to such a person.

That sums up much of what we do in public life. We try to help those who need our help the most. We insist that attention must be finally paid to such persons in our society, and we try to make it happen, and Arthur Miller helps us to understand why.

In his long and brilliant career, he earned wide public and critical acclaim for his work. He was honored with the Pulitzer Prize, the Drama Critics' Circle Award, and the Tony Award. He also received the Kennedy Center Honors Award for lifetime achievement as a playwright. The National Endowment for the Humanities selected him to present the prestigious Jefferson Lecture, an honor given to writers and historians of extraordinary achievement.

Arthur Miller was a gifted writer, and he was also a passionate advocate of providing greater encouragement for emerging writers in our society. Last year, he testified before the Judiciary Committee in support of the Playwright Licensing Antitrust Initiative, which would provide important new protections for the artists who actually create the plays and musicals that are such an extraordinary part of the nation's modem life.

It was the third time that Arthur Miller had testified before Congress. He had previously appeared before the infamous House Unamerican Activities Committee, and before the Senate on behalf of literary and journalistic freedoms around the world.

Senator Hatch and I were both impressed by the articulate passion of this unique American artist. I look forward to working with Senator Hatch and many other colleagues in Congress to realize the goals that Arthur Miller so eloquently described in his testimony, and encourage more creative artists in our country to write their stories and have them presented on the stages of America.

American theater is admired and respected throughout the world and we should honor those whose genius and hard work have contributed to that success.

This resolution honoring the life of Arthur Miller is an opportunity for all of us to express our appreciation for the extraordinary and eloquent gift he brought the Nation. His great works have enriched the lives of all Americans, and of theater-lovers around the world. I urge my colleagues to support this resolution.

SENATE CONCURRENT RESOLUTION 16—CONVEYING THE SYMPATHY OF CONGRESS TO THE FAMILIES OF THE YOUNG WOMEN MURDERED IN THE STATE OF CHIHUAHUA, MEXICO, AND ENCOURAGING INCREASED UNITED STATES INVOLVEMENT IN BRINGING AN END TO THESE CRIMES

Mr. BINGAMAN (for himself, Mr. CORNYN, Mr. CORZINE, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mrs. FEINSTEIN, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, and Mrs. MURRAY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 16

Whereas the Mexican cities of Ciudad Juárez and Chihuahua have been plagued with the abduction, sexual assault, and brutal murders of more than 370 young women since 1993;

Whereas there have been at least 30 murders of women in Ciudad Juárez and the city of Chihuahua since 2004;

Whereas at least 137 of the victims were sexually assaulted prior to their murders;

Whereas more than half of the victims are women and girls between the ages of 13 and 22, and many were abducted in broad daylight in well-populated areas;

Whereas these murders have brought pain to the families and friends of the victims on both sides of the border as they struggle to cope with the loss of their loved ones;

Whereas many of the victims have yet to be positively identified;

Whereas the perpetrators of most of these heinous acts remain unknown;

Whereas the Mexican Federal Government has taken steps to prevent these abductions and murders in Ciudad Juárez, including setting up a commission to coordinate Federal and State efforts, establishing a 40-point plan, appointing a special commissioner, and appointing a special prosecutor;

Whereas the Federal special prosecutor, in her ongoing review of the Ciudad Juárez murder investigations, found evidence that over 100 police, prosecutors, forensics experts, and other State of Chihuahua justice officials failed to properly investigate the crimes, and recommended that they be held accountable for their acts of negligence, abuse of authority, and omission;

Whereas in 2003 the El Paso Field Office of the Federal Bureau of Investigation and the El Paso Police Department began providing Mexican Federal, State, and municipal law enforcement authorities with training in investigation techniques and methods;

Whereas the United States Agency for International Development has begun providing assistance to the State of Chihuahua for judicial reform;

Whereas the government of the State of Chihuahua has jurisdiction over these crimes;

Whereas the Governor and Attorney General of the State of Chihuahua have expressed willingness to collaborate with the Mexican Federal Government and United States officials in addressing these crimes;

Whereas the Department of State has provided consular services on behalf of the American citizen and her husband who were tortured into confessing to one of the murders;

Whereas Mexico is a party to the following international treaties and declarations that relate to abductions and murders: the Charter of the Organization of American States, the American Convention on Human Rights,

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 of Belem do Para, the Inter-American Convention to Prevent and Punish Torture, the Inter-American Convention on Forced Disappearance, and the United Nations Declaration on the Protection of All Persons From Enforced Disappearance; and

Whereas continuing impunity for these crimes is a threat to 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 Juárez 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 preventative 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 victims' families to seek justice for the victims, to express concern relating to 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 and concerns of the victims' families, 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 investigation into these crimes;

(8) encourages the Secretary of State to continue to include in the annual Country Report 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 murdered women in which those accused or convicted of murder have credibly alleged they were tortured or forced by a state agent to confess to the crime;

(10) strongly recommends that the United States Ambassador to Mexico visit Ciudad Juárez 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 who are 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 Juárez 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 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.

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; as follows:

On page 500, strike lines 7 through 11, and insert the following:

(1) by redesignating subsection (*l*) as subsection (n); 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 BANKING, 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 Everyone (PRIDE) Act, and to consider favorably reporting the nominations of Harold Damelin, to be Inspector General, Department of the Treasury, Washington, DC, 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 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–430.

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 nomination of Michael Jackson to be Deputy Secretary, Department of Homeland Security.

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

COMMITTEE ON INDIAN AFFAIRS

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.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent Lauryn Douglas of my office be granted the privilege of the floor for the duration of today's proceedings.

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Robert Culbertson, a fellow in Senator LIEBERMAN's office, be granted floor privileges for the introduction of the Children and Media Research Advancement Act.

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.

EXTENSIONS OF REMARKS

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 Paramedics. He was recently honored for his enormous contribution to the health and safety of Laredo when one of the Laredo schools was renamed 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 now 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 filled 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 stonewall 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 Phillipe 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 critiquing President Aristide's effectiveness as a President.

Mr. Speaker, I myself have had many issues with the policies of President Bush. And I have always questioned the flaws of the 2000 elections that brought this Administration to office, but I refuse to believe any AMERICAN who believes in democracy would allow another country to help overthrow our government.

We do not teach people to violently overthrow our U.S. government, and we must not teach other people in the international community, particularly Haiti, to participate in activities that taint the hope for democracy by use of violence.

Mr. Speaker, this is a sad week for Haiti, 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, and call on the Bush Administration, OAS, and the U.N. to fully support democracy, the release of political prisoners like Yvonne Neptune, and disarm the thugs and rebels who continue to stifle democracy and create an environment of fear, intimidation, and anarchy.

We must press the transitional government, the OAS and the international community to respect the regional leadership of CARICOM.

And finally, we must push the United Nations to develop a special court in Haiti to try those who are most responsible for crimes against humanity instead of rewarding them with offices in the new government.

I call on the Bush Administration to do what is right for the Haitian people. I have introduced The TRUTH Act, or H.R. 945, which would commit President Bush and his administration to tell the truth about Haiti, and the Administration's involvement in President Aristide's ousting.

It is TRUE, that the Administration has, in essence, carried out a form of 'regime change,' a different form than 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.

IN HONOR OF TILLIE FOWLER, FORMER MEMBER OF CONGRESS

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 8, 2005

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to the life and legacy of the honorable 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.

Raised in an era when professional women were passed over regardless of qualifications for their male counterparts, Tillie used her sharp intellect to climb to the highest levels of government and public service; and our Nation is the better for it.

Today, as we grapple with how best to defend our Nation against the threats of the 21st Century, each of us in the public arena will have to double our efforts in order to fill the knowledge void created by Tillie's absence. We all relied on her keen insights and the significance of her efforts to rebuild our Nation's military and maintain the world's most elite armed services cannot be understated.

While I could go on and on about Tillie's policy successes as a United States Representative and later as Chairwoman of the Defense Policy Board Advisory Committee, it is her work off this floor that I will miss most. When the day's work was done, Tillie had an amazing ability to cut through the clutter and remind you what matters most; to keep you focused; and, to give you a renewed sense of energy with which to tackle the issues of the day.

Just as she was in life, her memory will continue to serve as an inspiration to all of us who knew her. May God receive and keep her, and hold her family close in their days of mourning.

HONORING THE CONTRIBUTIONS OF LAREDO INDEPENDENT SCHOOL DISTRICT SUPERINTENDENT SYLVIA BRUNI

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 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 herself of the importance of continuing education throughout life. While teaching at the United ISD, she received her Master of Science in Education from Laredo State University. She also completed programs certifying her as a professional reading specialist, professional supervisor, professional mid-management administrator, and superintendent.

Ms. Bruni has held a variety of prestigious posts in Texas education. She was principal at Salinas Elementary School, Director of Curriculum and Instruction at the United ISD, as a faculty member at Laredo Community College, and as Director for the Office of Special Programs at Texas A&M International University. She held the post of Director of Research, Planning, and Development before being named Superintendent of the Laredo Independent School District.

These activities, along with her commitment to community volunteerism, have earned Ms. Bruni a variety of awards, including Laredo Community College Top 50 Distinguished Alumni and Laredo Morning Times "Laredoan of the Year."

Mr. Speaker, I am proud to add my name to the long list of people who have congratulated Sylvia Bruni on her competent and dedicated service, and her enormous contribution to the state of education in Southwest Texas.

COMMEMORATING THE 20TH ANNIVERSARY OF THE WOMEN'S CENTER OF NORTHERN VIRGINIA AND WASHINGTON, DC—ANNUAL LEADERSHIP CONFERENCE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to congratulate The Women's Center of Northern Virginia and Washington, DC on the 20th anniversary of its Annual Leadership Conference.

The Women's Center has been a resource for women in the workplace from its beginnings. The first Conference in 1985 was titled "On the Job Issues for Working Women." Held at the Vienna Community Center, the conference addressed four related areas of professional development: career strategy; development of management skills; networking and mentoring; and work relationships. It was at this event that the Center's hallmark program, The Information and Career Advisory Network (ICAN) was introduced. ICAN makes a customized network of professionals available to each of its participants. As the number of women in management positions grew, so, too, did the scope of the Annual Conference. Recent titles included "The Global Community of Women," "The Economic Equity of Women," "Caregiving in a Time of Change," and "Women Leaders, Changing the Dynamic." With this year's Conference, "Women in Leadership: Your Success Portfolio," the Women's Center continues its legacy of relevance and diversity by addressing the multiple definitions of and opportunities for leadership now available to women.

As the scope and size of the Annual Leadership Conference grew, so did the services of The Women's Center. Founded as a counseling and educational organization in 1974, the Center now offers a wide range of services and programs addressing the psychological, career, financial and legal issues 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

community. On the occasion of this 20th Annual Leadership Conference, I ask my colleagues to join me in acknowledging this outstanding and distinguished organization.

JOB 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, promoting access to a more 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 rollcall 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 (rollcall vote 52).

HONORING THE CONTRIBUTIONS OF UNITED INDEPENDENT SCHOOL DISTRICT BOARD PRESIDENT JOHN M. BRUCE

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 UISD 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—Ausra, 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-Gaslevitz, 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, eyeing and elevating the best in 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 Boat 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

for the Fast Battleship Striking Force, the Divisionary Bombardment on the southern coast of Okinawa prior to the invasion at Naha, and the shore bombardments carried out on the Japanese islands of Hokkaido and Honshu. Tex also established the Pacific Fleet Headquarters at the Yokosuka Naval Base Administration Building, where an impressive flag raising ceremony for Admiral Nimitz took place on August 30, 1945.

On September 30, 1945, Tex was separated from the Navy and subsequently received the citation and award of the Bronze Star Medal from Admiral Halsey. On January 1, 1949, Tex was promoted to the permanent rank of Lieutenant Commander, and he was retired in that rank in 1954.

Tex continued his commitment to service through his role as Judge Advocate and as a Director of the U.S. Navy League, New York Council. Tex currently resides in Manhasset, New York, and although he claims to be semi-retired, he is still an active member of the New York bar and is engaged in the practice of law in New York.

Mr. Speaker, I commend Israel G. ''Tex'' Seeger for his years of dedicated service to this country. Tex's integrity, bravery, and stature have certainly made a significant impression on the great many lives he has touched. In recognition of this, I ask my colleagues in the House of Representatives to please join me in honoring Israel G. ''Tex'' Seeger as he celebrates his 90th birthday.

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. Bufalo 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 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 Agrculture 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 post 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 estimated 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 it is an honor to represent the communities they serve in the U.S. House of Representatives. I urge you to join me in congratulating the Polk County Enterprise on their 100th anniversary.

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 have 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 extraordinary 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 ''cELLAbration: 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 ''Bon Appetit! 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 she was an unquestioned 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 the respect and compassion with which she served. At a time when we talk about civility in the House, it would 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,

CUMMINGS, BARBARA LEE, GUTIERREZ, GEORGE MILLER, WOOLSEY, LOFGREN, GONZALES, SANDERS, and LINDA SÁNCHEZ in introducing the Hate Crimes Statistics Improvement Act.

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. 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 for 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 Government Review 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 and 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 as an auto salesman 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 completes his term 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 Commander 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, NJ.

His next assignment was as the Assistant Brigade S–1, 3d Basic Combat Training Brigade, Fort Dix, NJ. Brigadier General Terpeluk was then assigned to Korea where he functioned as the Executive Officer, HHC, 1st Battalion (M), 31st Infantry and Rifle Platoon Leader, Company B, 1st Battalion (M), 31st Infantry, Camp Casey, as well as Support Platoon Leader, 1st Battalion (M), 31st Infantry, Camp Howze, 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), 3l5th Infantry, l57th 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, l57th Separate Infantry Brigade (M), Horsham, PA.

After a year 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 goals 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, Eliana Paige and Molly Gabrielle. Born February 12, 2005, Eliana and Molly are named in loving memory of their great grandmothers Ita 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 PARLIAMENTARIAN 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 Parliamentarian Jesus J. Guerra for his honorable service to his country, 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. Wisconsin has seen a net loss of more than 71,000 manufacturing jobs over the last five years, which is very troubling for a state with the second highest number of manufacturing employees per capita in the nation. Although the economy has improved significantly since mid-2003, many of our lost manufacturing jobs have not been recovered. Congress must continue to work to help our manufacturers remain competitive in the global marketplace.

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 commitments. She was dainty but determined, small yet sure, 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 Tillie's 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 other people, 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 worshiped 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. Balch 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. Balch, 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 grandson 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 salute such a long-standing institution that has played such an important role in the history of our Nation.

NATIONAL MANUFACTURING WEEK

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of our nation's great manufacturing base. My colleague Rep. GILLMOR introduced important legislation, H. Res. 16, to support National Manufacturing Week, congratulate manufacturers and their employees for their contributions growth and innovation, and recognize the challenges facing the manufacturing sector. I join him in applauding America's manufacturers.

I especially want to highlight aviation manufacturing, the manufacturing sector predominant in my district, where Wichita is known as the Air Capital of the World. Wichita is home to 4 major aircraft manufacturers, numerous suppliers and other support industries. I am very proud of all the men and women today and in years past who have brought that distinction to our great city.

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 manufacturing workers 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 are building our future as I speak. I ask my colleagues to join me in applauding their 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

SPEECH OF

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 abuse 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

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 on this issue 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

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 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

SPEECH 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 international 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 now 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

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

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 Gowan, wife of Dr. W.D. Gowan, 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 Alsup 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 Lannie Burger, Clayton Glenn and Ray LeFevers; 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's needy through its outreach center, which provides clothing and food, and other benevolent 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.

Woodbury is a better place because of the work of the Woodbury Church of Christ and its congregation. I am sure the church will continue to make a positive difference in the community for the next 175 years, and I congratulate the congregation and Minister Herb Alsup for all the good work they have done.

COLLEGE STUDENT CREDIT CARD PROTECTION ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

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, 327, and graduating seniors had 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 more 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 credits 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

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

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

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 effect 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 leave thousands devastated in 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 Professionals 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 nongovernmental 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

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

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

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Dr. Dennis W. Rowe for receiving the Black Engineer of the Year Award for professional achievement.

Dr. Rowe has mentored many children through the Reach For Tomorrow, Inc. (RFT) program. In 2000, Dr. Rowe took initiative to establish the RFT program in Prince William County, Virginia. Since the program's inception, he has worked diligently with county officials in order to obtain necessary funding for their efforts.

Through the RFT program, Dr. Rowe enables students to realize the practical applications of the subjects they are learning as well as the impact of scholastic achievement. Students spend a week in the summer focusing on career exploration, which includes time at college campuses where students are given ''hands on'' experiences in the areas of science and engineering.

Dr. Rowe encourages students to improve in three specific areas: attitude, achievement and attendance. As a result of their RTF experience, most students show a significant shift in their attitudes toward education. Dr. Rowe also encourages students to develop a resume during their high school years which highlights their participation in extracurricular activities. In addition, he encourages students to give back to their surrounding community.

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 with his father for six years. He eventually purchased the business from his father in 1994. 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 ''Spookery'' at Camp Huisache. 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 achieved in part by the bipartisan 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 $163 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 involvement with 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 inconsistent with U.S. laws 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. criminal jurisdiction for serious offenses to 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 Mission personnel involving 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 promulgated 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 by improving trafficking victims' 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 of trafficking.

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 for commercial sexual exploitation, including trafficking, at any given time.

Despite the willingness of most governments today to address international trafficking, few have recognized 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. RAMSTAD, Mr. REYES, and Mr. LANTOS.

Since 1993, over 400 mutilated bodies have been found in the desert 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 Agricuture 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 committees of conference. 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

MARCH 14

2:30 p.m.
Judiciary
Immigration, Border Security and Citizenship Subcommittee
Terrorism, Technology and Homeland Security 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 15

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 of service as Special Envoy for the Six Party Talks, and Howard J. Krongard, of New Jersey, to be Inspector General, Department of State.
SD–419

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

Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine the OPEN Government Act of 2005 relating to openness in government and freedom of information.
SD–226

Aging
To hold hearings to examine exploring the economics of retirement.
SD–562

2:30 p.m.
Judiciary
To hold hearings to examine the SBC/ATT and Verizon/MCI mergers relating to remaking the telecommunications industry.
SD–226

Appropriations
Military Construction Subcommittee
To hold hearings to examine Department of Veterans Affairs budget overview.
SD–138

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 175, to establish the Bleeding Kansas and Enduring Struggle for Freedom National Heritage Area, S. 322, to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, S. 323, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and S. 429, to establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.
SD–366

MARCH 16

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 Health and Human Services.
SD–138

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2 p.m.
Appropriations
Military Construction Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2006 for the Army and Air Force.
SD–138

3 p.m.
Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
To hold hearings to examine obscenity prosecution and the constitution.
SD–226

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

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

CANCELLATIONS

MARCH 16

3:30 p.m.
Foreign Relations
To hold hearings to examine the nomination of Howard J. Krongard, of New Jersey, to be Inspector General, Department of State.
SD–419

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. **Page S2342**

Feingold Amendment No. 98, to modify the disclosure requirements for debt relief agencies providing bankruptcy assistance. **Page S2342**

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. **Page S2342**

Feingold Amendment No. 94, to clarify the application of the term disposable income. **Page S2342**

Feingold Amendment No. 88, to amend the plan filing and confirmation deadlines. **Page S2342**

Dodd (for Kennedy) Amendment No. 119, to amend section 502(b) of title 11, United States Code, to limit usurious claims in bankruptcy. **Page S2342**

Dodd (for Kennedy) Amendment No. 71, to strike the provision relating to the presumption of luxury goods. **Page S2342**

Dodd (for Kennedy) Amendment No. 72, to ensure that families below median income are not subjected to means test requirements. **Page S2342**

Dodd Amendment No. 53, to require prior notice of rate increases. **Page S2342**

Dodd Amendment No. 52, to prohibit extensions of credit to underage consumers. **Page S2342**

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. **Page S2342**

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. **Page S2342**

Pending:

Kennedy (for Leahy/Sarbanes) Amendment No. 83, to modify the definition of disinterested person in the Bankruptcy Code. **Pages S2306, S2328–42**

Dodd (for Kennedy) Amendment No. 69, to amend the definition of current monthly income. **Pages S2306, S2323–25**

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. **Pages S2306, S2322–23**

Akaka Amendment No. 105, to limit claims in bankruptcy by certain unsecured creditors. **Pages S2307, S2312–18**

Feingold Amendment No. 90, to amend the provision relating to fair notice given to creditors. **Pages S2307, S2342**

Feingold Amendment No. 92, to amend the credit counseling provision. **Pages S2307, S2342**

Feingold Amendment No. 93, to modify the disclosure requirements for debt relief agencies providing bankruptcy assistance. **Pages S2307, S2342**

Feingold Amendment No. 95, to amend the provisions relating to the discharge of taxes under chapter 13. **Pages S2307, S2342**

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. **Pages S2307, S2342**

Talent Amendment No. 121, to deter corporate fraud and prevent the abuse of State self-settled trust law. **Pages S2307, S2342**

Schumer Amendment No. 129 (to Amendment No. 121), to limit the exemption for asset protection trusts. **Pages S2307, S2342**

Durbin Amendment No. 112, to protect disabled veterans from means testing in bankruptcy under certain circumstances. **Pages S2307, S2342**

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. **Page S2342**

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 S2382, S2404**

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 effect 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. **Pages H1263–64**

Additional Cosponsors: **Pages H1264–65**

Reports Filed: Reports were filed today as follows:

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). **Page H1263**

Speaker: Read a letter from the Speaker wherein he appointed Representative Miller of Michigan to act as Speaker Pro Tempore for today. **Page H1027**

Chaplain: The prayer was offered today by Rev. Mary E. Moore, Pastor, New Salem Baptist Church in Memphis, Tennessee. **Page H1027**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Sense of the House that a National Tartan Day should be established: 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; and **Pages H1029–31**

Recognizing the contributions of the U.S. Marine Corps and other units of the Armed Forces on the 60th anniversary of the Battle of Iwo Jima: 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. **Pages H11031–34**

Transportation Equity Act—A Legacy for Users: The House began consideration of H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs. Further proceedings will resume tomorrow, March 10. **Pages H1038–H1205**

Agreed that the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the

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); **Pages H1187–88, H1189–90**

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; **Pages H1190–91**

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. **Pages H1192–94**

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

Pages H1191–92, H1202–03

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 H1199, H1202, 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

Pages H1186–87, H1188–89

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). **Pages H1194–99, H1203–04**

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 FMSCA, during their 14 hours on duty, so as not to exceed 16 hours; and **Pages H1184–86**

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. **Page H1187**

H. Res. 140, the rule providing for consideration of the bill was agreed to by voice vote.

Pages H1034–38

Recess: The House recessed at 7:45 p.m. and reconvened at 9:28 p.m. **Page H1225**

Quorum Calls—Votes: Five recorded votes developed during the proceedings of today and appear on pages H1188–89, H1189–90, H1203, H1203–04, 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.

VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

Committee on Education and the Workforce: Ordered reported, as amended, H.R. 366, Vocational 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 Energy and Water, to hold hearings to examine proposed budget estimates for fiscal year 2006 for the Environmental Management and Radioactive Waste Management in the Department of Energy, 10 a.m., SD–116.

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 Projection Forces, hearing on the Fiscal Year 2006 National Defense Authorization budget request—The Navy's Future Fleet: Assessing the Strength of Today's Navy for Tomorrow, 9 a.m., 2212 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.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection and the Subcommittee on Health, joint hearing entitled ''Steroids in Sports: Cheating the System and Gambling Your Health,'' 10 a.m., 2123 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 House Administration, 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 Africa, Global Human Rights and International Operations, to mark up H.R. 972, Trafficking Victims Protection Reauthorization Act of 2005, 1 p.m., 2255 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.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing entitled ''The Interior Budget for FY 2006 in Energy and Mineral Programs,'' 10 a.m., 1324 Longworth.

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.

Committee 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).

Extensions of Remarks, as inserted in this issue

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