be removed as a cosponsor of H.R. 2750, the NASA and JPL 50th Anniversary Commemorative Coin Act.

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

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 2419, FARM, NUTRITION, AND BIOENERGY ACT OF 2007

Mr. PETERSON. Madam Speaker, I ask unanimous consent that the Committee on Agriculture be permitted to have until midnight tonight, July 23, 2007, to file a report on H.R. 2419, the Farm, Nutrition, and Bioenergy Act of 2007.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2720

Mr. ROTHMAN. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2720.

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

There was no objection.

PERSONAL EXPLANATION

Mr. LANGEVIN. Madam Speaker, I was unavoidably detained on the vote on passage of H.R. 404. Had I been present on rollcall vote No. 687, I would have voted ''aye.''

GENERAL LEAVE

Mr. OLVER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3074, and that I may include tabular material on the same.

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

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 3074

Mr. OLVER. Madam Speaker, I ask unanimous consent that, during consideration of H.R. 3074 pursuant to House Resolution 558, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

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

There was no objection.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 558 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. 3074.

□ 1955

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. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Ms. BALDWIN in the chair.

The Clerk read the title of the bill.

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

The gentleman from Massachusetts (Mr. OLVER) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

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

Madam Chairman, I'm pleased to present to the House the fiscal year 2008 Transportation and Housing and Urban Development appropriations bill.

I thank Members for their input and work on this bill. I especially recognize the important contributions of my ranking member Mr. KNOLLENBERG in putting this bill together. As former chairman of this subcommittee, he had numerous valuable insights that make the bill and report stronger, and I have appreciated his advice and counsel during this process.

I also thank the chairman of the Appropriations Committee Mr. OBEY and the ranking member of the full committee Mr. LEWIS for their support.

I must also recognize the hard work of the staff on both the majority and minority side. Kate Hallahan, Cheryle Tucker, David Napoliello, Laura Hogshead, Alex Gillen, Mark Fedor and Bob Letteney with the majority staff, and Dena Baron, David Gibbons and Jeff Goff with the minority have spent many late nights putting this bill together, and we would not be here today without their great dedication.

This is a bipartisan and fiscally responsible bill. Indeed, this bill should not be partisan because a broad consensus affirming the great needs for transportation infrastructure investments and for affordable housing exists countrywide.

The bill provides $50.7 billion in discretionary funding for transportation and housing programs, and is within the subcommittee's 302(b) allocation.

Nonetheless, due to current budgetary constraints, the subcommittee was forced to either flat-fund or reduce numerous programs. Furthermore, there are no major expansions of existing programs and only a handful of new initiatives.

Our first hearings this year sought a broad assessment of the future challenges this country faces in transportation and housing. Not surprisingly, our hearings showed that there's a great and growing need for transportation infrastructure and affordable housing, particularly in metro areas experiencing explosive growth, such as Atlanta, Dallas, Phoenix and Las Vegas; but also in older metropolitan areas such as Boston, New York, Cleveland and Pittsburgh, whose infrastructure is aging and in need of extensive repair; and even in rural communities and counties suffering from a loss of population and disinvestment in both housing and transportation.

To meet these challenges we have restored the President's deepest cuts and have continued important investments in transportation and housing started by my predecessors. In short, we've tried to make our core programs whole and function better, rather than start a lot of new initiatives.

With regard to transportation, our bill fully funds the highway and transit guarantees contained in the current transportation authorization bill known as SAFETEA-LU.

The bill contains $40.2 billion for highways, which is $631 million over the President's request; and $9.7 billion for transit investments, $334 million over the President's request.

Adequate investments in our highways and transit systems are critical to the economic and social future of our country. Vehicle miles traveled on our Nation's roads have doubled since 1980.

While we have fully funded the highway guarantees this year, I must warn my colleagues about the future solvency of the Highway Trust Fund. The Office of Management and Budget recently estimated that by the end of the fiscal year 2009, the Highway Trust Fund will have a $4 billion deficit. This deficit is far greater than any other previous projection and will inhibit our ability to fully fund the highway guarantees in the future without additional transportation revenues which must be provided through the authorization process.

Our bill also continues to make critical investments in aviation. In 1995, our aviation system handled 545 million passengers, but that system must handle 1 billion passengers by 2015. We must provide adequate infrastructure to deal with that growth.

Our bill includes $3.6 billion for the Airport Improvement Program, restoring the President's $765 million cut, and adding $85 million above fiscal year 2007. The bill restores funding for the Essential Air Service Program so that no existing service will be lost.

□ 2000

We have also invested over the President's request for transportation safety. Specifically, an increase of $20 million for critical aviation safety inspectors and engineers; a $2 million increase for additional investigators for the National Transportation Safety Board; a $3 million increase to preserve highway safety staff at the National Highway Traffic Safety Administration; and a $6.2 million increase for staffing and research programs related to pipeline and hazardous materials safety.

Investments in intercity passenger rail, especially in high-density travel corridors, must also be part of a valid transportation system. The bill provides $1.4 billion for Amtrak, plus $50 million for a new intercity passenger rail State matching grant program requested by the administration; thus, the bill leverages a total of $1.5 billion for intercity passenger rail. This funding will help create a faster, safer, and more reliable intercity passenger rail system.

With regard to housing, four major categories of HUD programs provide assistance for very low-income families, the elderly, the disabled, and their communities. First, HUD provides our 3,200 public housing authorities funding for the operation and capital needs of the Nation's public housing stock. Public housing is home to 2.6 million people, more than half of whom are seniors and persons with disabilities.

Second, HUD administers rental assistance programs, largely under the section 8 tenant- and project-based programs. Section 8 tenant-based rental assistance serves about 1.9 million low-income families, seniors, and people with disabilities, while the project-based section 8 assists more than 1.4 million households, two-thirds of which include elderly or disabled persons. Both the tenant- and project-based programs serve very low-income individuals and families, overwhelmingly those whose incomes are below 50 percent of the median household income for their area.

Third, HUD administers housing production programs, including the HOME program; the HOPE VI program, which revitalizes or replaces severely distressed public housing; and construction programs for the elderly and disabled.

Finally, HUD administers a number of community and economic development programs, the largest being Homeless Assistance Grants and Community Development Block Grants.

My colleagues are all very familiar with CDBG, the Community Development Block Grant program. But many of our constituents may be unaware of the importance of CDBG in their communities. CDBG funds are used by communities to rehabilitate and construct affordable housing; to construct public facilities improvements, such as streetscaping and community centers; and to promote local economic development and job creation. About 70 percent of CDBG dollars go directly to communities with populations of about 50,000 or more. The remaining funds go by formula to the States and are distributed to smaller towns and rural communities. Taken together, HUD programs address the large unmet need for affordable housing throughout the country.

The Joint Center for Housing Studies at Howard University has documented that, from 1993 to 2003 alone, we lost 1.2 million affordable housing units. In fact, approximately three-fourths of American households which, by household income, are eligible for HUD assistance receive none.

In the face of this, we have done our best to restore the President's cuts to housing. Some accounts we have only been able to freeze at last year's funding level. In other accounts we have targeted increases where the people served by the HUD program were particularly harmed. Funding is included to renew all current section 8 tenant-based vouchers so that no one who has a voucher will lose it. To that end the bill provides an increase of $330 million above the President's request for tenant-based rental assistance and nearly double that increase for project-based assistance.

Within the section 8 funding provided in the bill, we have $30 million for 4,000 incremental housing vouchers for non-elderly disabled individuals, some of whom will be homeless veterans.

The President's fiscal 2008 budget request cut CDBG by over $700 million from the 2007 enacted level, cut housing for the elderly by $160 million, cut housing for disabled by 50 percent below fiscal year 2007, and for HOPE VI zeroed the program out for 2008 and rescinded 2007 funding.

Our bill rejects all of these cuts for our Nation's most vulnerable citizens. We have funded CDBG at $4.18 billion, which is $400 million over the enacted 2007 budget but still $400 million below the CDBG budget for fiscal year 2001, 6 years ago. We have restored funding to last year's level of $735 million for elderly housing, the 202 program, and $237 million for housing for the disabled, the 811 program, as well as provided $120 million for HOPE VI, a small increase from last year.

With our funding decisions, we have also promoted sustainability by encouraging more environmentally friendly transportation and housing practices. We have restored the President's cuts to transit and to our intercity passenger rail system, which are more fuel efficient than other transportation modes. Thanks to Mr. KNOLLENBERG's leadership, we have increased funding for the clean fuel bus program by $26 million.

In the area of housing, we have included language in urging HUD to incorporate stronger energy efficiency standards into the HOPE VI program as well as other HUD programs.

Madam Chairman, this bill is a compromise, and we have had to balance a number of competing needs. There are areas where I would have liked to provide more dollars. However, we have done our best with limited dollars to invest in our transportation networks and affordable housing. I hope my colleagues will join me in supporting the bill.

Madam Chairman, I reserve the balance of my time.

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

The bill before us, H.R. 3074, the fiscal year 2008 Transportation, Housing, and Related Agencies funding bill is, as the chairman noted, a balanced bill and a bill that I can support.

I am not going to repeat the funding proposals described by the gentleman from Massachusetts, but I will say that the vast majority of the legislation and the principles behind the funding levels are very similar to prior year House-passed bills for housing and transportation.

Crafting this bill is not for the faint of heart. There is no easy formula when you consider the authorizations and expectations of both the housing and the transportation communities. Neither group is shy about vocalizing what it wants, and both communities have needs and issues that need attention. Some of these needs are intertwined, however, and we do have different approaches for the solution. The chairman proposes that these issues need to be handled at a Federal level and has even included funds for a commission between DOT and HUD to coordinate housing and transportation policies.

I am of the school that the Federal Government needs to be aware of these issues and provide guidance on these issues, but we need to recognize that housing and transportation decisions are local decisions made by cities and metropolitan planning organizations, or MPOs. I don't think any of our districts would appreciate the Federal Government's telling our cities where a bus should run or where housing should be located. The majority of these funds in this bill, from highways and transit to Section 8 and the Community Development Block Grant program, even flows to the States and localities without a lot of specific input from the Federal Government on how these funds are spent.

I want to thank the chairman for his wise and steadfast decision to keep new authorizing matters off this bill. There are a number of ideas in both housing and transportation being considered in the various committees of jurisdiction in both houses of Congress, and I agree that we need those committees to do their work and present to the Congress what might be the best proposal. I will work with the chairman and oppose any authorizing amendments to this bill.

In transportation, I thank the chairman for keeping the Amtrak pro-reform language in the bill. I am optimistic that with continued oversight

from the committee, the IG and the GAO, we can find a sensible operating scheme for Amtrak.

In highways, I know SAFETEA–LU and the budget resolution support the inclusion of the highway RABA funds. I don't know of any State that could not use more highway funding; however, as we have discussed in numerous hearings, the highway trust fund is speeding towards bankruptcy, and the mid-season review shows that receipts are down even further than originally anticipated. For the first time ever, the number of vehicle miles traveled declined. Eventually the rubber will hit the road, and this committee does not have jurisdiction over the income and expenditures of the highway trust fund, nor does this committee have the general funds to make up for any shortfall in the trust fund.

I do have some concerns about the size of the highway trust fund rescission. I will not deny that in the past we have used the rescission to ensure that programs in this bill are funded at an acceptable level; however, we did not propose a rescission of this magnitude so early in the game. I am hopeful that as we move through the conference, this number will go down.

In housing, I support the chairman's decision to bring the programs up at least to last year's level where the budget request proposed to make cuts, especially in CDBG, assisted housing, and housing for the elderly and disabled.

I am most appreciative of the chairman's decision to keep the Section 8 program a budget-based program in fiscal year 2008. I firmly believe that we need to see some continuity in the programs after the change is mandated in the fiscal year 2007 CR before we can evaluate what direction the program should go in the future.

In Section 8, the bill proposes adding 4,000 new vouchers, as I think the chairman referenced, of which 1,000 are directed by law to homeless veterans. The remainder of the new vouchers are for nonelderly disabled people, the so-called ''Frelinghuysen vouchers,'' as we used to call them thanks to Mr. FRELINGHUYSEN's work on behalf of this community. We are supportive of the increase, but we cautiously remind the Congress that the cost increase each year to maintain the vouchers is substantial. The program baseline increases by $30 million each year into the future. This is not an increase to sneeze at.

Again, I want to thank the chairman of the subcommittee, my friend Mr. OLVER, and his staff for their willingness to work with us to address my concerns and the concerns of many on my side of the aisle. He and his staff have been very fair and accommodating, holding true to a process that has been in place for years as he has crafted this bill. While we may agree to disagree on some specific policies, we agree on this introduced bill. I appreciate very much his decision to leave authorizing issues with the authorizers, and the directives and funding levels in this proposal are ones that I can support.

I also thank the staff on both sides of the aisle for their continued hard work during this past year. I know this has been a tough year on them, but I think their hard work is demonstrated in this decent and, I think, very thoughtful bill.

Madam Chairman, I reserve the balance of my time.

Mr. OLVER. Madam Chairman, I yield 3 minutes to the distinguished vice chairman of the Appropriations Committee's HUD Subcommittee, Mr. PASTOR.

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

Mr. PASTOR. Madam Chairman, I thank the chairman for yielding time. And since this is his first bill as chairman, I congratulate him on doing an excellent job, and I also thank the ranking member.

Madam Chairman, this bill addresses two of the most basic and very important aspects of every American citizen's life: transportation and housing.

Unfortunately, the President's budget proposed severe funding reductions for transportation which could not be realistically sustained without negative impacts on the Nation's economy.

□ 2015

The budget's proposal in housing would have cuts that harm those most in need, including the disabled and the elderly.

I am proud to say that, based on extensive hearings, this bill rejects those short-sighted proposals in a fair and measured manner and balances national priorities with fiscal realities.

One of the most difficult issues discussed this year involved the long-term health of the Highway Trust Fund. Because the resolution of the Highway Trust Fund requires the cooperation of the administration and the authorizers, the problem could not be solved solely by appropriators. But this bill grants all parties a reasonable starting point for the resolution of this problem.

With regard to aviation, the committee found itself challenged with the Federal Aviation Administration's authorization about to expire at the same time with the severe air traffic congestion which requires an entirely new approach in technology. The committee has responded to this situation in a very deliberate manner geared to ensure an open path to future solutions as we look forward to the passage of the FAA reauthorization bill in the coming months.

On the issue of housing assistance, the committee has rejected the President's proposal to substantially reduce much-needed housing options for the economically disadvantaged, disabled and senior citizens. While we, regretfully, do not have the resources to fully address all the needs of these people, today's bill aims to leverage funding in a way that stretches Federal dollars to the maximum extent possible.

This is a fiscally sound bill. It employs none of the financial gimmicks to distort Federal investment. I am proud of this legislation, and I urge my colleagues to support its passage.

Mr. OLVER. Madam Chairman, I yield 3½ minutes to the gentlewoman from Ohio (Ms. KAPTUR), a valuable member of our subcommittee.

Ms. KAPTUR. I thank our fine chairman from Massachusetts for recognizing this Buckeye. And I thank Chairman OLVER for doing a phenomenal job on this bill. And also Ranking Member KNOLLENBERG of Michigan, my sister State, thank you so very much for your fine work.

To both these gentlemen, let me thank them for their outstanding leadership and for their commitment to investments in America. We see so much money going abroad, indeed billions, hundreds of billions of dollars, and these gentlemen have done something for our country, for our fundamental infrastructure, for transportation, and for housing, the most important investment any American has, their most important form of savings.

In the transportation area, I want to just focus in one area important to Ohio, and that is Amtrak. This bill is funded at a level of $1.4 billion. And the funding in this bill is providing critical capital and operating assistance to maintain our national passenger rail system in a manner that is environmentally friendly and necessary. No major industrial country in the world does not have a modern rail system. We need a ways to go in order to make ours better. This bill takes a step in that direction. Though President Bush and some of his allies in Congress were trying to kill passenger rail service in the country, they cannot succeed, because Amtrak is far too important for the Nation.

In 2006, more than 24 million passengers traveled on Amtrak. More than 67,000 passengers ride on up to 300 Amtrak trains per day. And just in our section of Ohio, 57,000 riders make their way through Toledo, Ohio, as a part of that. I wish we could do more for our high-speed rail corridors and for alternative fuels for the large trains. That is for the future, but at least we make investments in the fundamental system.

Secondly, in the area of housing, I'm really proud of what the committee has done, particularly to meet our Nation's most essential housing community development programs. Mayors around this country will appreciate the increase of nearly $1 billion above the President's request for the Community Development Block Grant program, the most important program for over 1,180 communities to get some of their tax dollars back to do what they must to run their own communities, their own cities.

In addition to that, housing for the elderly is maintained at $735 million, $160 million above the President's request. For every single available unit of affordable housing, there are 10 seniors on the waiting list. So we don't meet the need, but we take a step in the right direction.

Housing for the disabled is funded $236.6 million above the President's request. For U.S. housing markets which are in distress, in some areas literally dead in the water, HOPE VI is funded. The program is not killed to demolish deteriorating public housing, develop mixed-income housing and otherwise help revitalize our distressed neighborhoods. And importantly, the bill provides for proper administration and maintenance of our public housing stock.

I urge all my colleagues to support this very well-balanced bill for investment in the United States of America. Isn't it time?

And again, thank you, Chairman OLVER, for your fantastic work that touches every single corner of our Nation.

Mr. OLVER. Madam Chairman, at this time I yield 2 minutes to the gentleman from Florida (Mr. BOYD), also a member of this subcommittee.

(Mr. BOYD of Florida asked and was given permission to revise and extend his remarks.)

Mr. BOYD of Florida. I thank my friend Chairman OLVER.

Madam Chairman, I rise in support of the FY08 Transportation and Housing and Urban Development Appropriations Act.

This is a bill, Madam Chairman, that the American people can be proud of. This bill's spending levels fall within the fiscally responsible budget resolution passed earlier this year by providing $50.7 billion for the Transportation Department and Housing and Urban Development.

Our tax dollars are well used by investing in our road and airway infrastructures. I'm very supportive of the $1.5 billion this bill provides for Amtrak, and I'm hopeful this money can provide for the reinstatement of the Sunset Limited line that crossed into north Florida and traveled throughout the State.

This bill also invests $4.2 billion in economic development which folks all across our Nation find essential for their communities' well-being. The improvements made with these funds serve all of the American people, whether it be the overnight delivery of important documents to our workplaces, or the timely travel to and from schools, or the arrival of fresh produce at our grocery stores across the country.

Efficient state-of-the-art transportation infrastructure ensures that our economy continues to be the strongest economy in the world, and that our citizens continue to have the highest quality of life throughout the world. The Federal Government is fulfilling the role envisioned by the Founding Fathers by providing these community benefits with our tax dollars.

I want to thank Chairman OLVER, Ranking Member KNOLLENBERG and their staff for their hard work in producing this legislation.

I urge an ''aye'' vote.

Mr. OLVER. Madam Chairman, at this time I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the chairman's courtesy in yielding time.

I see what the subcommittee has done here is not an effort to somehow dictate to local governments what they have to do, but instead, structuring how to get more out of scarce Federal investments.

As has been noted on the floor by people on both sides of the aisle, we are approaching a transportation infrastructure funding crisis in this country. There is not enough money remaining in the trust fund to deal with the existing level of programming, let alone what is going to be required as we move it in the next three authorizations. And countries around the world are spending trillions of dollars in China, in the European Union, in Japan, while we're falling behind.

I appreciate the big-picture approach that the subcommittee has taken in terms of dealing with location efficiencies, with balanced transportation, with initiatives to green the infrastructure. I am hopeful that the instruction that the subcommittee has given to some of the Federal transportation agencies on how to have maximum impact by weighing factors of economic development and trip reduction to stretch more of those scarce dollars.

I applaud funding the $1.4 billion for Amtrak, which hints at efficiencies that we can have in the long run. Because adequate funding of our rail passenger infrastructure is the cheapest, fastest way to increase airport capacity and reduce congestion, it's the cheapest, fastest way to get additional highway capacity while saving energy and reducing greenhouse gases.

This is an unprecedented effort on behalf of the subcommittee to look at the big picture under its jurisdiction in the appropriations process. I think it's going to have a dramatic impact in the years to come. I appreciate what they're doing, and I look forward to working with them in the future.

Mr. OLVER. Madam Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN. The gentleman from Massachusetts controls 8½ minutes. The gentleman from Michigan controls 24½ minutes.

Mr. OLVER. Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Madam Chairman, I want to commend Chairman OLVER, Ranking Member KNOLLENBERG and Chairman OBEY for their hard work in crafting this bill.

One thing I want to specifically focus on here is the provision of $35 million for the Rail Line Relocation and Improvement Program. This was authorized under the SAFETEA–LU transportation bill, but has not been funded up until now.

Under this program grants would be provided to a wide range of rail projects throughout the Nation that would fill various critical needs, including safety improvements, congestion mitigation, quiet zone creation, and the facilitation of local economic development.

For far too long our Nation's rail infrastructure has gone without adequate investment, and the needs continue to mount. By funding this program, we are taking an important step toward modernizing our Nation's antiquated rail system and helping communities who are dependent on rail lines. Any community with a rail line in it knows the good and the not so good with having that line there. This bill will help them to do more with the good that these rail lines can provide for communities.

I would also like to thank Ms. MATSUI, my colleague from California, for her work in moving this provision forward.

I urge my colleagues to support this bill.

Mr. OBERSTAR. Madam Chairman, I rise in support of H.R. 3074, the Department of Transportation, and Housing and Urban Development, and Related Agencies, THUD, Appropriations Act of 2008. First and foremost, I am pleased that the bill fully funds the Federal highway, transit, and highway safety programs at the levels guaranteed by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA–LU.

At the same time, I regret that the bill rescinds $3 billion in highway funds that have been apportioned to the States, but are not available for obligation. However, I understand the significant funding constraints faced by the Committee on Appropriations in crafting the fiscal year 2008 THUD appropriations bill. If the Committee did not rescind this excess contract authority, it would have had to make real cuts in Amtrak funding, Federal Aviation Administration operations, and other critical programs. Given the Committee on Appropriations' limited choices, I have refrained from objecting to this rescission.

I appreciate Chairman OBEY's and Subcommittee Chairman OLIVER's willingness to work with me on this issue. The Committee on Appropriations did agree to my request that this rescission be applied proportionally to all Federal-aid highway programs. I have been very concerned with the way States have been implementing previous rescissions, and language included in H.R. 3074 would ensure that the rescission contained in this legislation will not undermine the priorities established in SAFETEA–LU.

I am particularly concerned with the treatment of the Congestion Mitigation and Air Quality Improvement, CMAQ, program under previous rescissions. The CMAQ program provides funding for projects and programs that reduce transportation-related emissions in

areas that do not meet Clean Air Act air quality standards (i.e., nonattainment and maintenance areas). While representing about 4–5 percent of highway apportionments each year, CMAQ funds have accounted for about 20 percent of total highway funds rescinded in recent years. In FY 2006 alone, States rescinded $881 million in CMAQ funds, an amount that is equal to 55 percent of the total amount apportioned to the States for the CMAQ program that year.

Comparing the treatment of CMAQ to other highway programs further illustrates the disproportionate effects of these rescissions. In FY 2006, looking at rescissions as a percentage of the amounts apportioned for each program, the rescission of 55 percent of CMAQ funds compares to a rescission of only 12 percent of Interstate Maintenance funds and seven percent of National Highway System funds.

The Transportation Enhancements program has also received disproportionate contract authority cuts under the rescissions. The Transportation Enhancements program provides funds for bike paths, pedestrian walkways, historic preservation, and other activities that expand transportation choices and enhance the transportation experience.

In FY 2006, States rescinded $602 million in Transportation Enhancements funds, 15 percent of all rescissions in that year. Texas alone rescinded $223 million of Transportation Enhancements funding and the Texas Department of Transportation stated that it would not fund any transportation enhancement projects in that fiscal year. Texas' actions are directly contrary to our Federal efforts to develop a balanced, multimodal surface transportation system.

The language of H.R. 3074 is consistent with the approach taken in H.R. 2701, the Transportation Energy Security and Climate Change Mitigation Act of 2007, as ordered reported by the Committee on Transportation and Infrastructure, and will ensure that the priorities set by Congress in SAFETEA–LU are implemented as intended. I greatly appreciate the Committee on Appropriations' willingness to address my concerns on this issue.

Throughout the bill, there are a number of other rescissions of highway, motor carrier safety, highway safety, and transit funds that raise concerns for the Committee on Transportation and Infrastructure. In particular, section 124 rescinds $172 million of unobligated balances of contract authority for research programs conducted by the Federal Highway Administration. Earlier this year, the House passed H.R. 1195, the SAFETEA–LU Technical Corrections Act, which provides additional resources to ensure that the highway research program receives the funding necessary to continue essential programs. Unfortunately, section 124 of the bill before us today rescinds some of these necessary research funds.

The final concern I would like to address today is the earmarking of Airport Improvement Program funds. The report accompanying H.R. 3084 includes a listing of 72 airport projects which the Federal Aviation Administration, FAA, is directed to fund. The law governing the Airport Improvement Program requires the FAA to establish a priority system to decide which projects will receive funding. The FAA's National Priority System, which has been in use for many years, gives highest priority to projects that will bring airports into compliance with safety standards. Second priority is given to projects that are necessary to meet security requirements. Third priority is given to reconstruction or rehabilitation projects that are needed to preserve existing airport infrastructure. Fourth priority is given to projects needed to achieve compliance with current FAA standards. Fifth priority is given to capacity enhancement projects.

Aviation projects are not like projects in other modes of transportation. For example, an improvement to a highway project in one city does not necessarily benefit highway users in any other city, but in the national system of integrated airports, an improvement in one airport, particularly a major hub airport, could benefit aviation travelers throughout the system. For this reason, the FAA should have, and does have, discretion to fund improvements as it deems necessary to improve the aviation system as a whole. To limit the FAA's discretion in this regard would only worsen the congestion and delays we are already experiencing today.

I want to make it clear that the language in a report cannot override a priority system established under the governing law. I would like to quote from the decision of the Comptroller General on a similar situation. The Comptroller General wrote: "It is our view that when Congress merely appropriates lump sum amounts without statutorily restricting what can be done with those funds, a clear inference arises that it does not intend to impose legally binding restrictions, and indicia in committee reports and other legislative history as to how the funds should be or are expected to be spent do not establish any legal requirements on Federal agencies."

Throughout my career, I have steadfastly resisted designating airport improvement projects in authorizing legislation and in report language, and will continue to resist such designations. I urge the Committee on Appropriations to do so as well.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 3074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $90,678,000, of which not to exceed $2,305,000 shall be available for the immediate Office of the Secretary; not to exceed $724,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,753,000 shall be available for the Office of the General Counsel; not to exceed $12,100,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,903,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,382,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $23,568,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,984,000 shall be available for the Office of Public Affairs; not to exceed $1,498,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,314,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $2,737,000 for the Office of Intelligence and Security; not to exceed $12,273,000 shall be available for the Office of the Chief Information Officer; and not to exceed $5,137,000 shall be available for the Office of Emergency Transportation: *Provided,* That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further,* That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further,* That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further,* That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further,* That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further,* That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

AMENDMENT OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLUMENAUER:

Page 2, lines 8 and 19, after the first dollar amount insert "(reduced by $6,200,000)".

Page 4, line 6, after the dollar amount insert "(increased by $6,200,000)".

Mr. BLUMENAUER. Madam Chairman, I have earlier indicated my appreciation of what the subcommittee has done, looking at the big picture and trying to squeeze additional efficiencies out of transportation and housing initiatives. And in that regard, I offer this amendment and hope to inquire of the Chair and ranking member to see if there is something we can do to move this forward.

I'm prepared to withdraw the amendment, but I at least would like my 3½ minutes here to put it before the committee and seek their assistance as it moves forward.

□ 2030

My amendment deals specifically with the Conserve by Bike program.

This was unanimously adopted in the Energy Policy Act of 2005 and subsequently signed into law. It was authorized at $6.2 million, a program that would establish 10 pilot projects across the country. These projects would utilize education and marketing tools to encourage people to replace some of their car trips with bicycle trips.

The law also directs the Transportation Research Board of the National Academy of Sciences to conduct a national study to help us understand the benefits from converting cars to bike and how to educate people about these benefits.

Nationally, less than 1 percent of trips are by bicycles currently. But in many bicycle-friendly communities, the percentage is much higher. In my home town of Portland, Oregon, like yours, Madam Chairman, that percentage is 2 or 3 percentage points. In our community of Portland, we have the highest percentage of bicycle commuting in the country, despite the fact that it rains all the time.

Were we to increase bicycle trips by just 2 percent nationally, we would save more than 693 million gallons of gasoline per year, up to $5 billion. Increasing bicycle usage has additional benefits of reducing our dependence on foreign oil and improving public health. When we are concerned about an obesity epidemic among our young people, having bicycles is an opportunity to reduce vehicle emissions; and combating adult and childhood obesity would seem to be a logical step.

For all of these reasons, Congress had the foresight to include the Conserve by Bike program in the 2005 energy policy. Unfortunately, the program has not yet been implemented, because the Department of Transportation does not have the contract authority to fund the program. This appropriation is necessary to get the program off the ground.

Given its modest price tag and innumerable benefits, I was disappointed to see that the program did not receive funds under the Secretary's account for Transportation Planning and Research, especially considering the committee's laudable commitment to other green and efficiency measures.

Many cities and nations, particularly in Europe, have seen how converting car trips to bike trips can have measurable benefits for all its citizens. We have all perhaps been reading about Paris's recent inauguration of their bike-sharing program featuring over 10,000 bikes across the city to demonstrate that people will ride bikes when the infrastructure exists.

Madam Chairman, I would strongly urge that the committee consider working with me to make sure that this important authorized program find funding in the conference report. As I say, I deeply appreciate the work that the committee has done. This is a relatively low-cost, high-impact area. Given the fact that we have come forward with over $5.5 billion in transportation infrastructure for bicycles, for trails, and for pedestrian activities, this would seem to be a relatively modest program to be able to jump-start the Conserve by Bike.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

Mr. OLVER. Madam Chairman, I move to strike the last word.

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

Mr. OLVER. Madam Chairman, I would like to make a comment on the gentleman's amendment since the gentleman has indicated that he is willing to withdraw the amendment. I appreciate that. The gentleman and I have worked for several years now together on biking and rail-trail issues, so I can remember just a few years ago that we actually were closely involved in saving the transportation enhancement program on this very bill.

We both recognize the environmental and public health benefits of bicycling. Even though I have stopped bicycling, I watch the Tour de France rather than bicycling myself these days. So I applaud the gentleman's concern and support for the Conserve by Bike program.

As we move toward conference, I will do my very best to try to accommodate this, and just remind the gentleman that we have language in the bill to make certain that enhancements are not disproportionately cut in the case of rescissions, which is a balancing act in any case. The gentleman may wish to take part in that discussion, which may occur later this evening.

Ms. ROYBAL-ALLARD. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

(Ms. ROYBAL-ALLARD asked and was given permission to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Madam Chairman, I rise in support of H.R. 3074. As a new member of the subcommittee, it has been an honor to work with Chairman JOHN OLVER and Ranking Member JOE KNOLLENBERG. I commend them for crafting a quality, bipartisan bill in the face of serious budgetary constraints. I also commend clerk Kate Hallahan and the committee staff on both sides of the aisle for their professionalism and hard work on this bill.

Madam Chairman, the bill before us is carefully crafted to make important investments to meet our Nation's crucial housing and transportation needs. For the first time in over 5 years, this bill provides new section 8 vouchers to help address our Nation's housing shortage. It also fully funds authorized section 8 housing vouchers, essential to States like California, where there are over 300,000 vouchers in use. This number is more than one-seventh the national total.

While there still remains a great need for additional vouchers, I am pleased that this bill is an important step forward in helping to meet the housing needs of our most vulnerable populations.

I am also pleased that this bill has restored funding for the Public Housing Capital fund. The administration's proposed cut would have had a severe impact on the ability of public housing authorities to renovate our Nation's dilapidated housing facilities, including those in my Thirty-fourth Congressional District. By restoring funding to last year's level, public housing authorities can continue critically needed renovations.

Under the leadership of Chairman OLVER, this bill also funds our Nation's transportation systems in a way that reaffirms the natural link between housing and transportation. The bill directs HUD and the Transportation Department to better coordinate public transportation with housing policies and programs. Improved coordination will help ensure that affordable housing is located closer to public transportation systems and job centers. The bill supports that directive through increased funding for transit.

To enhance the public's use of mass transit and alleviate congestion on our Nation's highways and city cores, the bill provides additional Capital Investment Grants for commuters and light rail transit systems. Funding for these Capital Investment Grants is expected to generate as many as 17,400 new jobs and yield $1.8 billion in economic benefits to State and local communities.

Our highways remain a critical element of our Nation's transportation system. This is especially true in my community of Los Angeles. To improve and maintain our Nation's aging highway infrastructure, the bill includes increased investments designed to ease automobile traffic and improve the flow-of-goods movement from our seaports to communities across the Nation. The investment in highway infrastructure will create over 59,000 additional jobs across all sectors of our economy.

The passage of this bill is essential to maintaining our Nation's transportation infrastructure to keep America moving, our economy strong and our country's most vulnerable sheltered. I urge my colleagues to support this bill.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,140,900.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $8,515,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund,

not to exceed $128,094,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $370,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $523,000

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,970,000, to remain available until September 30, 2009: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $60,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

COMPENSATION FOR AIR CARRIERS

(RESCISSION)

Of the remaining unobligated balances under section 101(a)(2) of Public Law 107–42, $22,000,000 are cancelled.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from ''Office of the Secretary, Salaries and expenses'' to ''Minority Business Outreach''.

SEC. 102. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 103. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $8,716,606,000, of which $6,317,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,958,413,000 shall be available for air traffic organization activities; not to exceed $1,076,103,000 shall be available for aviation safety activities; not to exceed $12,549,000 shall be available for commercial space transportation activities; not to exceed $100,593,000 shall be available for financial services activities; not to exceed $89,101,000 shall be available for human resources program activities; not to exceed $286,848,000 shall be available for region and center operations and regional coordination activities; not to exceed $162,349,000 shall be available for staff offices; and not to exceed $38,650,000 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $8,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,515,000,000, of which $2,055,027,000 shall remain available until September 30, 2010, and of which $459,973,000 shall remain available until September 30, 2008: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2009 through 2013, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $140,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2010: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of

chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $4,399,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,600,000,000 in fiscal year 2008, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than $80,676,000 shall be obligated for administration, not less than $10,000,000 shall be available for the airport cooperative research program, not less than $18,712,000 shall be for Airport Technology Research and $10,000,000, to remain available until expended, shall be available and transferred to ''Office of the Secretary, Salaries and Expenses'' to carry out the Small Community Air Service Development Program.

(RESCISSION)

Of the amounts authorized for the fiscal year ending September 30, 2007, and prior years under sections 48103 and 48112 of title 49, United States Code, $185,500,000 are rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. Notwithstanding any other provision of law, airports may transfer without consideration to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: *Provided*, That the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 111. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2008.

SEC. 112. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 113. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2008, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 114. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 115. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking ''2006,'' each place it appears and inserting ''2008,''.

(b) Section 44303(b) of such title is amended by striking ''2006,'' and inserting ''2008,''.

(c) Section 44310 of such title is amended by striking ''March 30, 2008'' and inserting ''December 31, 2008''.

SEC. 116. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $384,556,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $40,216,051,359 for Federal-aid highways and highway safety construction programs for fiscal year 2008: *Provided*, That within the $40,216,051,359 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2008: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the funds authorized pursuant to section 110 of title 23, United States Code, for the motor carrier safety grant program, and the obligation limitation associated with such funds provided under this heading, shall be transferred to the Federal Motor Carrier Safety Administration: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $40,955,051,359 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $3,000,000,000 are rescinded: *Provided*, That such rescission shall be distributed within each State, as defined in section 101 of such title, among all programs for which funds are apportioned under such chapter for such fiscal year, to the extent sufficient funds remain available for obligation, in the ratio that the amount of funds apportioned for each program under such chapter for such fiscal year, bears to the amount of funds apportioned for all such programs under such chapter for such fiscal year: *Provided further*, That funds set aside under sections 133(d)(2) and 133(d)(3) of such title shall be treated as being apportioned under chapter 1 of such title for the purposes of this provision.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

□ 2045

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICA:

Page 18, beginning on line 9, strike the colon and all that follows through line 21 and insert a period.

Mr. MICA. Madam Chairman and Members of the House, I offer an amendment tonight to try to alleviate some of the pain that I believe will be inflicted on State departments of transportation across the United States, and that pain will be inflicted by a $3 billion rescission in highway contract authority that is included in this bill tonight.

My preference would be to strike this rescission from the bill altogether. I did not have an opportunity to do that the way the rules were crafted. A $3 billion rescission of highway contract authority will have an adverse effect on State highway work across the country and plans all across the country for construction projects. However, I do think we do have the votes to eliminate the rescission provision from this bill in its entirety.

If this bill were being considered pursuant to the rules of the House, we would not have to vote on striking this rescission. This rescission is authorizing in nature and actually under normal circumstances would have been subject to a point of order which I would have offered pursuant to clause 2 of rule XXI, authorizing on an appropriations measure. However, the rule that was adopted earlier this evening governing this debate waived this point of order; therefore, I am forced tonight to offer this amendment.

This amendment is designed to make it easier for our State departments of transportation to handle rescissions of this size and magnitude. This amendment strikes language in the bill that requires the State departments of transportation to apply part of their rescission proportionately across all highway programs.

I know you will hear some others say that this is going to not assist CMAQ and some of the air quality programs and all that. But when you have a rescission of this magnitude in this bill of $3 billion in size, this is going to dramatically affect some of the work projects in many of the districts of many of the Members who are listening tonight.

By striking this provision in the bill, this amendment will restore the flexibility of the State departments of transportation they had in applying rescissions contained in previous appropriations measures.

The current language in the bill will force all State departments of transportation to apply the rescission in the same way. Each State would have to rescind funding from its highway programs in the same ratio that it receives from the Federal Highway Administration.

Unfortunately, this cookie-cutter approach does not work for every State. Some States have very little balances in certain highway programs from which they will be required to apply this mandated rescission. This will have, unfortunately, a really severe impact on a State's highway work plan, many of them, as I said, in progress. Projects in every one of our districts will be impacted.

I have a letter here from the American Association of State and Highway Transportation Officials supporting my amendment. Attached to this letter is a table showing how this rescission will impact every State. I include these documents for the RECORD.

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS,

Washington, DC, July 23, 2007.

Hon. JOHN MICA,
House of Representatives, Rayburn House Office Building,
Washington, DC.

DEAR MR. MICA: I am writing on behalf of the American Association of State Highway and Transportation Officials (AASHTO), which represents the departments of transportation in the 50 states, the District of Columbia and Puerto Rico.

As we indicated to the Committee last month, we are alarmed that the Fiscal Year 2008 spending bill contains a provision that would rescind $3 billion in apportioned contract authority from the unobligated balances of total apportionments. Since 2002, Congress has rescinded a total of $9.822 billion in state apportioned highway contract authority. This most recent proposal would bring the total to almost $13 billion.

These recurring rescissions of already apportioned contract authority are likely to have a severe and immediate effect on some States. How the States will be affected will vary to some degree because the amount of unused contract authority varies widely from State to State and among categories within each State. However, after almost $13 billion in rescissions, all States will be affected.

A provision in the bill that would require the States to distribute the rescission proportionately among all program categories would further interfere with States' ability to manage their highway programs, set priorities and craft long-term financial strategies. Therefore we urge you to adopt an amendment which we believe will be offered by Rep. JOHN MICA to strike this provision.

In the future we would like to work with Congress to identify alternatives which would not be detrimental to continuing the long-term financial stability of the federal-aid highway program.

Sincerely yours,

JOHN HORSLEY,
Executive Director.

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

[Estimated rescission of FY 2007 unobligated balances pursuant to H.R. 2701, section 252]

State	Interstate maintenance	National highway system	Surface transportation program					Bridge	Congestion mitigation improvement	Metropolitan planning	Recreational trails	Equity bonus	Share of rescission
			Transportation enhancements	Areas by population			Available for any area						
				>200K	<200K	<5K							
ALABAMA	$11,765,147	$13,325,688	$1,646,465	$2,477,606	$1,254,493	$5,115,442	$5,311,325	$9,376,464	$1,123,330	$270,095	$147,743	$6,705,165	$58,518,963
ALASKA	4,839,975	5,888,342	630,651	0	0	0	5,306,245	3,171,608	1,768,289	140,070	106,001	5,490,181	27,341,362
ARIZONA	13,846,913	15,812,556	1,573,151	6,256,429	1,015,687	1,576,861	5,312,089	2,001,372	4,706,700	543,773	151,038	7,153,791	59,950,360
ARKANSAS	7,851,869	8,963,213	1,062,060	859,864	1,135,148	3,776,535	3,464,935	5,829,472	1,028,379	140,070	112,522	3,434,529	37,658,596
CALIFORNIA	43,002,378	60,612,413	7,088,017	28,738,341	2,546,925	5,046,502	21,813,142	38,781,177	39,076,416	4,176,863	528,405	14,016,756	265,427,335
COLORADO	8,630,375	11,853,852	1,096,822	3,812,237	1,133,170	1,224,216	3,704,097	2,797,057	3,056,116	447,046	128,383	2,369,324	40,252,695
CONNECTICUT	6,005,429	5,567,549	840,647	2,733,881	423,291	827,447	2,179,754	14,155,980	4,131,526	396,333	87,046	4,110,161	41,459,044
DELAWARE	572,823	4,829,075	330,829	1,092,876	304,344	446,245	1,106,813	1,600,501	892,324	140,070	75,855	504,447	11,896,202
DIST. OF COL	240,956	4,878,277	301,418	1,664,200	0	0	999,254	3,326,364	803,511	140,070	69,155	0	12,423,205
FLORIDA	29,840,702	43,321,856	4,691,123	19,113,924	1,591,674	5,681,972	15,839,948	12,611,715	1,260,673	1,874,199	283,441	21,940,067	158,051,294
GEORGIA	25,784,599	23,544,967	3,196,254	8,892,481	1,645,146	6,721,709	10,360,721	7,710,565	5,433,362	697,096	180,586	13,717,373	107,884,859
HAWAII	906,134	4,833,948	351,993	0	0	0	2,972,372	2,075,371	900,961	140,070	78,648	589,951	12,849,448
IDAHO	4,876,974	6,522,359	521,972	592,375	756,295	1,462,316	1,687,486	2,340,258	1,117,331	140,070	116,292	2,546,833	22,680,561
ILLINOIS	24,040,962	20,621,254	2,618,032	10,642,902	1,734,744	2,348,784	8,841,196	14,500,387	8,613,891	1,354,849	185,051	7,241,932	102,743,984
INDIANA	18,369,239	18,928,485	2,127,377	5,146,842	1,424,392	5,395,263	7,183,465	7,075,373	4,304,971	474,589	120,208	9,946,949	80,497,153
IOWA	6,429,057	9,475,225	906,594	986,519	1,277,015	2,836,057	3,061,908	6,307,632	837,809	155,109	118,924	508,853	32,900,702
KANSAS	6,002,504	8,196,712	1,009,464	1,896,313	1,200,065	2,080,643	3,108,463	5,348,008	822,062	168,055	112,791	308,180	30,253,260
KENTUCKY	10,833,854	12,593,382	1,215,493	2,120,692	1,254,698	3,225,317	3,962,807	6,835,583	1,121,829	217,995	116,957	3,470,914	46,969,521
LOUISIANA	8,243,528	7,614,874	1,100,166	2,207,351	1,016,744	2,369,619	3,358,480	17,245,502	894,422	352,799	145,608	2,017,876	46,566,969
MAINE	2,484,659	2,949,509	326,517	0	529,665	1,204,052	1,040,997	3,231,812	804,554	140,070	104,475	0	12,816,310
MARYLAND	9,457,381	10,616,959	1,170,312	4,535,997	602,983	1,405,302	3,928,949	8,692,461	5,184,640	598,306	105,068	3,446,876	49,745,234
MASSACHUSETTS	8,080,825	8,177,563	1,133,561	4,724,088	631,870	279,149	3,383,435	16,981,797	5,767,012	784,059	116,713	1,258,248	51,318,320
MICHIGAN	16,589,188	20,270,721	2,551,170	7,726,955	1,812,466	4,542,828	8,454,310	13,090,381	7,016,977	915,328	204,762	7,252,195	90,427,281
MINNESOTA	9,798,443	11,931,707	1,527,276	4,171,220	1,496,055	2,923,652	4,711,001	4,142,497	2,658,804	377,307	159,857	3,508,643	47,406,462
MISSISSIPPI	6,944,918	9,167,487	1,012,057	1,105,330	1,108,799	3,358,148	3,345,486	6,205,762	936,422	140,070	128,551	2,061,052	35,514,082
MISSOURI	14,385,613	16,240,862	1,789,707	4,916,131	1,626,068	3,516,718	5,512,445	14,727,219	1,919,154	430,025	140,269	5,561,382	70,765,593
MONTANA	7,215,081	9,711,458	549,580	0	1,115,111	1,968,225	1,850,943	1,784,441	1,159,066	140,070	118,545	3,524,775	29,137,295
NEBRASKA	4,249,488	7,330,986	633,623	1,625,494	950,235	948,543	2,116,027	2,697,071	852,591	140,070	99,215	561,701	22,205,044
NEVADA	5,128,096	5,685,131	522,412	2,379,444	559,126	0	1,764,188	1,217,351	2,146,956	233,238	96,293	1,630,067	21,362,302
NEW HAMPSHIRE	2,095,059	3,815,331	369,451	148,396	304,344	1,455,265	1,145,538	2,650,444	927,698	140,070	90,443	781,553	13,923,592
NEW JERSEY	11,249,797	16,955,778	1,725,170	8,698,642	560,094	445,344	5,825,766	21,639,208	9,555,408	1,078,844	115,304	7,438,901	85,288,256
NEW MEXICO	7,119,338	9,508,149	676,714	1,306,879	1,005,049	1,494,589	2,285,279	1,676,469	989,589	140,070	119,943	2,251,221	28,573,289
NEW YORK	19,440,788	22,137,553	2,751,031	11,059,892	1,845,520	1,182,360	8,458,202	44,548,025	16,481,001	2,157,276	171,897	6,573,402	136,806,947
NORTH CAROLINA	16,625,710	19,668,122	2,250,514	4,134,958	1,901,896	6,622,284	7,599,512	12,674,525	4,641,438	523,279	161,011	9,313,725	86,116,974
NORTH DAKOTA	2,979,202	8,252,505	415,180	0	721,623	1,539,299	1,357,457	1,087,852	887,749	140,070	85,392	734,172	18,200,501
OHIO	22,889,407	22,595,065	2,753,977	8,912,079	1,933,436	4,645,608	9,299,891	16,777,142	8,925,176	1,017,276	165,577	10,424,730	110,339,364
OKLAHOMA	8,636,614	11,438,681	1,380,999	3,048,771	1,198,153	3,311,761	4,537,917	7,644,351	991,081	206,430	125,184	3,671,878	46,191,820
OREGON	5,968,159	8,590,614	856,550	2,366,532	1,042,247	1,271,549	2,810,139	8,665,328	1,428,693	274,953	117,251	934,939	34,326,954
PENNSYLVANIA	20,162,242	21,300,856	2,662,892	7,985,354	2,302,975	3,284,153	8,148,592	45,640,965	9,785,802	1,142,457	170,832	8,328,833	130,915,953
RHODE ISLAND	1,001,136	3,965,331	306,942	1,469,726	190,343	0	909,418	6,494,816	841,767	140,070	75,570	0	15,395,119
SOUTH CAROLINA	11,730,513	11,385,043	1,461,531	2,573,436	979,895	4,667,782	4,935,251	6,696,688	1,126,032	260,719	110,759	5,844,226	51,771,875
SOUTH DAKOTA	3,763,591	7,335,794	497,853	0	786,971	1,930,238	1,488,681	1,528,588	957,691	140,070	87,853	1,351,540	19,868,870
TENNESSEE	14,622,882	15,916,658	1,764,329	3,966,094	1,432,502	4,345,080	5,648,639	6,665,666	3,031,078	412,504	128,964	6,159,258	64,093,654
TEXAS	53,363,790	67,225,761	7,240,656	23,761,651	3,845,557	13,121,484	24,449,666	19,079,799	13,416,341	2,058,662	330,397	30,916,854	258,810,618
UTAH	7,591,648	5,142,238	585,706	2,338,048	672,680	233,774	1,947,918	1,236,926	944,318	243,224	123,984	1,335,408	22,395,872
VERMONT	1,550,310	3,334,214	301,418	0	304,344	1,361,142	1,000,026	3,274,366	804,524	140,070	83,816	0	12,154,230
VIRGINIA	17,800,251	17,391,796	2,150,287	6,839,247	1,370,369	3,885,746	6,633,146	10,528,408	5,015,455	655,798	126,970	8,428,116	80,825,589
WASHINGTON	9,356,868	10,727,524	1,201,406	3,819,675	1,058,758	1,879,479	4,057,525	14,579,704	3,082,792	598,821	160,953	1,341,135	51,864,640

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

[Estimated rescission of FY 2007 unobligated balances pursuant to H.R. 2701, section 252]

State	Interstate maintenance	National highway system	Surface transportation program					Bridge	Congestion mitigation improvement	Metropolitan planning	Recreational trails	Equity bonus	Share of rescission
			Transportation enhancements	Areas by population			Available for any area						
				>200K	<200K	<5K							
WEST VIRGINIA	5,033,122	5,142,248	567,261	0	777,821	2,413,020	1,749,590	5,965,550	1,017,622	140,070	101,286	2,118,597	25,026,187
WISCONSIN	10,864,418	18,006,043	1,759,290	3,059,446	1,390,944	5,445,616	5,940,664	3,428,288	2,341,543	395,498	153,427	7,102,388	59,887,565
WYOMING	5,005,208	8,643,797	341,927	0	732,299	1,159,261	937,243	1,128,600	921,002	140,070	108,552	1,080,736	20,198,695
Total	$575,267,163	$707,945,511	$77,545,827	$225,908,318	$56,504,029	$135,976,379	$256,848,341	$479,472,889	$198,453,878	$28,014,065	$7,053,767	$251,009,833	$3,000,000,00

Madam Chairman, these State departments of transportation have asked us to give them the maximum flexibility in how they will be required to implement this very onerous rescission provision. They would like to eliminate the rescission altogether, as I would, but they are forced to, unfortunately, accept the rescission as offered, and we have no chance to alter that. All they are asking for here is flexibility.

This amendment gives them that flexibility. Your State departments of transportation, fellow Members, support this amendment, and I will ask all of my colleagues to support it as well.

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

Mr. OLVER. Madam Chairman, I move to strike the last word.

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

Mr. OLVER. Madam Chairman, I rise in opposition to the amendment. This amendment strikes the language on page 18 of the bill that delineates how the rescission will be applied. I remind the gentleman from Florida, although I suspect he does already know this, that the rescission in the 2006 bill was $3.8 billion. The rescission in the 2007 bill was $4.2 billion. The first of those was passed by the Republican majority, and the second was in its final form through the CR that came in the Democratic majority.

Mr. MICA. Would the gentleman yield briefly?

Mr. OLVER. Surely.

Mr. MICA. It is my understanding that is the case, but they were allowed the flexibility to decide on how the funds would be expended.

Mr. OLVER. That is correct. The gentleman is correct, the flexibility was there. But what we find out in that process is that the States very disproportionately focused that rescission upon enhancements and took enhancements in some places completely out of the budget, which, under the highway fund, we are supposed to be giving 10 percent of the highway formula moneys to enhancements.

So this language was, in fact, exactly or very similar to language which was passed out of the T&I Committee of which the gentleman is the ranking member a couple of days after we had marked up in committee. So the T&I Committee already has agreed to the idea that enhancements should not be disproportionately targeted for rescissions when they occur when they are required by the legislation.

In fact, we were asked by the T&I Committee to do something very similar to this, if not exactly this, which we have done, in making certain that there would not be disproportionate cuts to enhancements in the process of applying rescissions. And those data do not really affect what has happened to the 2007 or 2006 bills because we don't have the final numbers on those, but the data that I am describing is all through the rescission process in every year that there has been rescissions, that those have in sum total gone heavily against the enhancement parts of the formula funds. So we have striven to correct that in the language that we have put in at this point, and I would ask the membership to oppose this amendment.

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

Mr. KNOLLENBERG. Madam Chairman, I move to strike the last word.

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

Mr. KNOLLENBERG. Madam Chairman, I rise in support of the Mica amendment.

I understand that there is a lot of meat to what you just discussed, Mr. Chairman, but I think the real problem is, if you look at the AASHTO letter, the acronym for the State group, they recognize this as something that should be done.

We need to maintain the rescission to meet the funding requirements of the bill. I do support giving States the greatest flexibility to meet that rescission.

I yield to the gentleman from Florida for his closing comments.

Mr. MICA. I think the gentleman raised some good points on the other side. We had a vote on this, and it is a closely divided question. But I think all Members will hear from their State department of transportation. We have granted flexibility in the past. I am a great supporter of enhancements. I think we need things that some people may consider not asphalt and concrete, but things that enhance the beauty of our highways and transportation system in this country.

But when you take a rescission of $3 billion, and States have obligations, and we have done this in the past to them, we have rescinded money in the past to them, I think we need to give them as much flexibility as possible to make the decisions, to make those cuts and to adjust their budgets.

They get obligated for huge amounts of money and significant projects that are underway. And Members throughout this body will hear from their State department of transportation that they have projects underway that will have to be put on hold, that will be delayed, and that will cause a great disruption in their transportation planning and construction projects. So that's the reason that I think we should give them the same flexibility that they have had in the past. I am not asking for any more or any less.

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

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

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

Mr. OBERSTAR. The amendment offered by the gentleman from Florida (Mr. MICA), the ranking member of the committee, is misguided and an inappropriate amendment.

As the gentleman has already acknowledged, we discussed this in committee on our climate change legislation. We had a voice vote in which the gentleman's amendment failed.

It would strike the provision that is in this appropriation bill to require States to implement their future rescissions on a proportional basis; rescissions, that is cuts of unobligated contract authority, to make those reductions proportional.

States have applied previous rescissions in a disproportional way. They have disproportionately cut funding from the Congestion Mitigation and Air Quality Improvement Program that helps cities clean their air and move people more expeditiously.

They have disproportionately cut funds from the bridge program, from transportation enhancement funds, all of which play critical roles in creating mode choices and options and alternatives for moving people in our major metropolitan areas and in rural areas.

Flexibility, States have an enormous amount of flexibility under the current SAFETEA–LU law. They have the ability to transfer up to 50 percent of their programmatic apportionments to other apportioned programs. The National Highway System, States can transfer 100 percent from NHS funds to surface transportation.

This language will not in any way restrict States' flexibility in implementing the highway programs to meet

their priorities. It will restrict the practice of targeting specific programs for disproportionate cuts to meet their rescission requirements.

Now, the Equity Bonus Program, here is an example of the enormous flexibility States have under the current highway law. Funds under Equity Bonus are distributed to eligible States and apportioned to the interstate maintenance, the National Highway System, to the Bridge Program, to the Surface Transportation Program, Highway Safety Program and to CMAQ. States can use those funds to distribute the Equity Bonus account around to the eligibilities of these programs as they see fit to the needs of their specific State.

In fiscal year 2007, States got $8.327 billion in Equity Bonus accounts. They have a lot of flexibility with that amount of money. States have significant unobligated balances of contract authority available in all categories of the Federal-aid highway program.

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As of May 31 of this year, States had a total of $46.5 billion in unobligated funds. That's $3.16 billion in the CMAQ program, 2 years' worth of apportionments.

They have got plenty of flexibility. They can use this money where they choose. Yet States have consistently chosen to target specific programs for disproportional cuts. Example, congestion mitigation and air quality improvement. That's only 4 or 5 percent of the total SAFETEA–LU program. But CMAQ funds account for 20 percent of the total rescissions in recent years.

States rescinded $881 million in CMAQ funds in 2006. That's $1 out of every $4 out of this one little program that metropolitan areas have to reduce congestion and pollution.

In 2006, rescissions were distributed this way. They cut 55 percent out of CMAQ. They cut 12 percent out of interstate maintenance. They cut 7 percent out of the national highway system.

In 2006, they cut $602 million out of the enhancements program. It was specifically set up to benefit communities that want to provide other transportation opportunities for their people. That's 15 percent of the rescissions just out of enhancements.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

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

Mr. OBERSTAR. Madam Chairman, in Texas, for example, of the $305 million assigned to Texas under the 2006 rescission, a total of $241 million of their cuts came from CMAQ and transportation enhancements. That's 79 percent of the amount that Texas alone cut out of these very small proportion programs.

Now, we should not allow States to just target certain programs. We have created a structure within the Federal-Aid Highway Program of categories of funding. We all voted for it. It's now law, and if they're going to cut, their cuts ought to be proportional across the board.

The Association of Metropolitan Planning Organizations supports our position, National Association of Counties, regional councils, Rails-to-Trails Conservancy, Surface Transportation Policy Partnership. The gentleman's amendment is unnecessary, it should not pass. States have enormous amounts of flexibility. We ought to defeat the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

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

Mr. MICA. Madam 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 Florida will be postponed.

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE

(INCLUDING RESCISSIONS)

SEC. 120. (a) For fiscal year 2008, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways 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 highways 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 limitation for Federal-aid highways, 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 highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) 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)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the 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 that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, 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 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

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

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

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways 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 subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 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 the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (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 the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2008; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a),

the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years 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.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) 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.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) 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.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. Of the unobligated balances made available under sections 1103, 1104, 1105, 1106(a), 1106(b), 1107, and 1108 of Public Law 102–240, $1,292,287.73 are rescinded.

SEC. 123. Of the unobligated balances made available under section 1602 of Public Law 105–178, $6,138,880.54 are rescinded.

SEC. 124. Of the unobligated balances made available under section 188(a)(1) of title 23, United States Code, as in effect on the day before the date of enactment of Public Law 109–59, and under section 608(a)(1) of such title, $162,253,000 are rescinded.

SEC. 125. Of the amounts made available under section 104(a) of title 23, United States Code, $43,358,601 are rescinded.

SEC. 126. Of the unobligated balances made available under title 5 of Public Law 109–59, for the implementation or execution of programs for transportation research, $172,242,964 are rescinded.

SEC. 127. Of the amounts made available for ''Highway Related Safety Grants'' by section 402 of title 23, United States Code, and administered by the Federal Highway Administration, $11,314 in unobligated balances are rescinded.

SEC. 128. Of the unobligated balances made available under Public Law 101–516, Public Law 102–143, Public Law 103–331, Public Law 106–346, Public Law 107–87, and Public Law 108–7, $4,753,687.26 are rescinded.

SEC. 129. Funds authorized under section 110 of title 23, United States Code, for fiscal year 2008 shall be distributed in accordance with the distribution set forth in section 110(b)(4) (A) and (B) of such title, except that before such allocations are made, $219,250,000 shall be set aside for the Transportation, Community, and System Preservation Program under section 1117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. at 1177–1179) and administered in accordance with section 1117(g)(2) of such Act.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred for administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $228,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $228,000,000, for ''Motor Carrier Safety Operations and Programs'', of which $10,296,000, to remain available for obligation until September 30, 2010, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: *Provided further*, That $3,469,553 in unobligated balances are rescinded.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $300,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $300,000,000, for ''Motor Carrier Safety Grants''; of which $202,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: *Provided further*, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers: *Provided further*, That $11,260,214 in unobligated balances are rescinded.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $32,187,720 in unobligated balances are rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this hearing in prior appropriations Act, $5,212,858 in unobligated balances are rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to

traffic and highway safety under subtitle C of title X of Public Law 109–59, chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $125,000,000, of which $26,156,000 shall remain available until September 30, 2010: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $107,750,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $107,750,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $4,000,000 for the National Driver Register authorized under such chapter.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $599,250,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $599,250,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $225,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402; $25,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405; $124,500,000 shall be for ''Safety Belt Performance Grants'' under 23 U.S.C. 406; $34,500,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408; $131,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Incentive Grant Program'' under 23 U.S.C. 410; $18,250,000 shall be for ''Administrative Expenses'' under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for ''High Visibility Enforcement Program'' under section 2009 of Public Law 109–59; $6,000,000 shall be for ''Motorcyclist Safety'' under section 2010 of Public Law 109–59; and $6,000,000 shall be for ''Child Safety and Child Booster Seat Safety Incentive Grants'' under section 2011 of Public Law 109–59: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States: *Provided further*, That not to exceed $750,000 of the funds made available for the ''High Visibility Enforcement Program'' shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. Of the amounts made available under the heading ''Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $12,197,113.60 in unobligated balances are rescinded.

SEC. 142. Of the amounts made available under the heading ''National Driver Register (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $119,914.61 in unobligated balances are rescinded.

SEC. 143. Of the amounts made available under the heading ''Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $10,528,958 in unobligated balances are rescinded.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $148,472,000, of which $12,268,890 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $33,250,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2008.

RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, as authorized by section 9002 of Public Law 109–59, $35,000,000.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for operation of intercity passenger rail, $475,000,000 to remain available until expended: *Provided*, That the Secretary of Transportation shall approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: *Provided further*, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning three months after the date of the enactment of this Act and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the Corporation: *Provided further*, That not later than 120 days after enactment of this Act, the Corporation shall transmit to the House and Senate Committees on Appropriations the status of its plan to improve the financial performance of food and beverage service and its plan to improve the financial performance of first class service (including sleeping car service): *Provided further*, That the Corporation shall report quarterly to the House and Senate Committees on Appropriations on its progress against the milestones and target dates contained in the plan provided in fiscal year 2007 and quantify savings realized to date on a monthly basis compared to those projected in the plan, identify any changes in the plan or delays in implementing these plans, and identify the causes of delay and proposed corrective measures: *Provided further*, That not later than 90 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a comprehensive business plan approved by the Board of Directors for fiscal year 2008 under section 24104(a) of title 49, United States Code: *Provided further*, That the business plan shall include, as applicable, targets for ridership, revenues, and capital and operating expenses: *Provided further*, That the plan shall also include a separate accounting of such targets for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: *Provided further*, That the Corporation shall continue to provide monthly reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: *Provided further*, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following

their submission to the appropriate entities: *Provided further*, That the leases and contracts entered into by the Corporation in any year that the Corporation receives a Federal subsidy after the date of enactment of the Act, regardless of the place the same may be executed, shall be governed by the laws of the District of Columbia: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That none of the funds provided in this Act may be used after March 1, 2006, to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal, peak fare: *Provided further*, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: *Provided further*, That of the amounts made available under this heading not less than $18,500,000 shall be available for the Amtrak Office of Inspector General.

AMENDMENT OFFERED BY MRS. BACHMANN

Mrs. BACHMANN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BACHMANN:

Page 38, line 10, after the dollar amount, insert ''(reduced by $106,000,000)''.

Page 83, line 16, after the dollar amount, insert ''(increased by $106,000,000)''.

Mrs. BACHMANN. Madam Chairman, the proposed amendment that I'm bringing before the body today removes $106 million from Amtrak funding, restoring it back to the fiscal year 2007 level, and it adds that amount to the Homeless Assistance Grants.

Madam Chairman, Amtrak has run a deficit for over $1 billion every year. It is now funded at $1.4 billion for fiscal year 2008 in the Democrats' THUD bill, an increase of $106 million over the fiscal year 2007 levels. It's $600 million over the President's request.

Much of this deficit stems from Amtrak's long-distance routes, which carry only 15 percent of Amtrak's passengers, but that creates 80 percent of its cash operating losses.

Although Congress has made several attempts at getting Amtrak to reform itself, these attempts have resulted in very little improvement, I'm afraid, and tax dollars are continuing to be wasted on a service that is used by only a very small fraction of our American population.

It just seems to me that rather than pouring money into this colossally losing investment, we should stop pouring good money after bad, and Congress ought to be funding programs that are proven to help people that are in need and deliver results. We need to help poor people. We shouldn't help poor programs. I think we should be saying no, Madam Chairman, to poor programs because we should not be saying no to poor, homeless people just to continue to prop up a bloated government bureaucracy.

One such program is the Homeless Assistance Grants program. It has been awarding competitive grants to cities, to counties, to nonprofits, to housing authorities to provide transitional and permanent housing for the homeless.

In Minnesota, we have some great programs. Grants have gone to Lutheran Social Services in Minnesota, the Amherst H. Wilder Foundation, the Tubman Family Alliance, great groups. These have proven themselves to be very successful in housing programs in Minnesota.

The problem with Amtrak is not that rail is bad, but this program again has been running in the red. It's been bleeding, it's been hemorrhaging, and it needs transfusion, a big transfusion of over $1 billion in tax money every year. It's running in the red. We do not want to be owners of a loser of a program. It requires Federal assistance to cover these losses and the losses from their capital investment. Clearly, for all the years it's been in existence, Amtrak would not survive without this Federal funding.

In Minnesota, we have an old Lakota Indian proverb, and it says, if your horse is dead, get off. And the wisdom of our Native American is pretty clear, and I think that we should follow our Lakota elders when they have enough sense to dismount.

This bill would fund Amtrak again at $1.4 billion for fiscal year 2008. That's $106 million more than the 2007 level, $600 million over the President's request. $1 billion is worth a lot. If you fraction it out, it it's $1,000 a day every day, including Sundays, for 2,440 years. Even for government, that's a lot of money, and still after 35 years, Amtrak hasn't been able to get it right, Madam Chairman.

The Federal Government has provided $30 billion to Amtrak. On average, that's a Federal subsidy of over $210 per passenger per thousand miles that are traveled. It seems that the Federal Government can't even get people to ride Amtrak, so we almost pay them to ride the line. In fact, in 2005, the Sunset Limited route connected L.A. with Orlando. That route required a subsidy of $433 per passenger each way. That's on top of the round-trip fare of about $950 that each passenger paid. That's more than enough to buy a plane ticket for each passenger and save them a trip lasting 68 hours, but that's only if the trains run on time, and only 41 percent of the time do the trains run on time.

It gets worse, though, Madam Chairman. The passengers on sleeper cars are the most heavily subsidized. The average passenger in a sleeper car gets an additional $206 subsidy. That reaches an extra $358 per passenger depending on the route. So that means that the highest government subsidies go to passengers sitting in first class. We could be giving this money to homeless people, and that's our priority.

Mr. OLVER. Madam Chairman, I move to strike the last word.

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

Mr. OLVER. Madam Chairman, I rise in opposition to the amendment offered by the gentlewoman from Minnesota.

First of all, I think that the subcommittee and the full committee, this legislation was passed out of full committee unanimously without dissent, by voice vote but without dissent, and we've tried to strike an appropriate balance in funding the transportation and housing problems in the bill.

As in previous bills in previous years, I've opposed amendments that take funding from housing to increase the funding for transportation programs, and similarly, I've opposed amendments which take funding from transportation and transfer those funds to housing programs.

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I think that's entirely appropriate. We have this bill where we cannot have one portion. Each has its important features, and we cannot have one portion of this bill taking sizeable funds from another portion, which has equally important priorities within the bill.

I would point out to my colleagues that in the bill before us, the appropriation for the homeless is $1.56 billion. That's $119 million already above the 2007 enacted sum for the Homeless Grant Program. That's 8 percent already above the level of the 2007 enacted program from just last February.

The amendment that the gentlewoman has proposed would move another $106 million into that, which would then put it far over the President's request, that program. I don't think that that's really necessary here.

What we do have is a situation where year after year the Amtrak program has gone through reform, substantial reform, to try to reduce their cost and to provide greater service, as has been requested by this Congress over the last several years. To take that money away from them at a time when the other body, the Senate, has passed authorization legislation or has reported out of committee authorization legislation, and our own T&I Committee is working on authorizing legislation for Amtrak, which is considerably higher than even the level of the funding that we have in this bill.

For both of those reasons, the balance of the legislation not moving money from housing into transportation or vice versa, which I will oppose at every point that it comes up, because I think we are trying to keep a reasonable balance of the priorities in each of those very important areas, and because the homeless program is already funded at almost $120 million above the 2007 funded amount, that this is not a necessary amendment, not an appropriate amendment. I hope that we will not pass this amendment.

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

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

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

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

Mr. OBERSTAR. Madam Chairman, this same amendment was offered in the last Congress and got 60 votes. It's as misguided now as it was then.

The Committee on Appropriations for the first time in a dozen years has provided a net increase in funding for Amtrak. We are not going to be here tonight or tomorrow when we vote on this and cut those funds and reduce Amtrak to the beggar position that it has been in for the last dozen years.

For the last 12 years, supporters of Amtrak have been reduced to pleading to just restore the funding; not to increase, not to advance the cause of Amtrak, but simply restore to where it was with the inadequate amounts that this administration has proposed. Most of the time they proposed to cut Amtrak.

In fact, when I hear Amtrak reform, I know what it means. It means cut the funds, tie their hands, submit Amtrak to a board that's going to run it into the ground, not run it into the 21st century.

As the gentleman, the chairman of the subcommittee, has said, the committee bill provides nearly $120 million increase in funding for the homeless. That's the first time in 4 years. A 23 percent increase, that's substantial. I'm for it. We don't need to take money out of Amtrak to increase funds for the homeless. Amtrak needs help.

I hear this old saw time and again. Oh, Amtrak is bleeding money, and we are subsidizing it. What do you do for the airlines? What do you do for highways? We provide funds for the highway program. We provide funds for aviation.

Amtrak is the residue of what was left when the railroads abandoned their passenger service in the 1960s and to the eve of 1970 when Amtrak was created. Time and again, they conspired with the Postal Service to take the railway post office off the passenger service so that then they would have a losing proposition, and they could apply for discontinuance to the Interstate Commerce Commission, and they did. They shut down passenger rail service to small towns, and they also lost less-than-carload service, and towns went out of business because they didn't have a small shipping service on freight rail with passengers to move their goods.

So what did Amtrak get? When we created Amtrak in 1970, we got the dregs of what was left of intercity passenger rail service, and the Congress for several years was trying to build up Amtrak to provide funds for improved rail, and railbed and rolling stock. But over the last 12 years, we haven't had the funds to do that with Amtrak.

Every industrialized Nation in the world has high-speed intercity passenger service. In France you can travel on the TGV a distance from International Falls to Minneapolis-Saint Paul, 185 miles an hour, 220-some miles, in 80 minutes, 80 minutes, in France. They can do that in Spain on the Talgo. They can do it in Germany on the ICE. They can do it in Japan on the Shinkansen. We don't have a high-speed, 185-mile-an-hour passenger rail service anywhere in America. The best Amtrak can do is 150 miles in a few segments of its track.

But if we make the investments, if we invest in improving the tracks, if we invest in the catanaries and improve the patographs on the existing locomotives in the Northeast corridor, we can have that high-speed rail service. We should have it. We should have it on the Northern Tier. We should have it from Chicago down to New Orleans. With we ought to have it all through the Southwest and the Southeast.

We need Amtrak rail passenger service in this country. We need a high-speed, modern, intercity rail passenger service in this country. We are a proud industrialized Nation. We have the highest mobility of people in the world.

In the aftermath of September 11, what did people take? They couldn't fly, and the highways were crowded. They took Amtrak.

We need to upgrade Amtrak. We need to invest in Amtrak. We need to invest in its future. This is where America has an opportunity to move from this highway-dependent economy of ours, reduce our dependence on imported oil, move people more efficiently and more effectively with high-speed intercity passenger rail, as every industrialized nation in the world does except the United States.

This is a misguided amendment. I regret that my dear friend, the lovely gentlewoman from central Minnesota, has offered this amendment, one of her first offerings in the House, but I have to say, it is misguided, it is the wrong thing to do. We need to defeat this amendment as we did in the last Congress.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Minnesota (Mrs. BACHMANN).

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

Mrs. BACHMANN. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Minnesota will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 38, strike line 5 and all that follows through page 41, line 18.

Mr. OLVER. Madam Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mr. FLAKE. Madam Chairman, this amendment would eliminate funding for the operating subsidy grants to the National Railroad Passenger Corporation, or Amtrak, and save the taxpayer $475 million.

The FY 2007 funding level was $490 million. The President requested to eliminate funding for this grant program in the FY 2008 budget.

According to the committee report, operating subsidy grants allow the Department of Transportation to make quarterly grants to Amtrak after receiving and reviewing a grant request for each train route. This would be accompanied by a detailed financial analysis, revenue projection and capital expenditure projection. Receipt of these grants also requires Amtrak to achieve savings through operating efficiencies, yet Amtrak has been plagued by inefficiencies and debt since its inception.

Amtrak's model for providing intercity rail service has been a failure since it began in 1971. Historically Amtrak has carried has less than 1 percent of the traveling public. It is it has required annual Federal subsidies to cover operating losses and capital costs in every year since its existence, some $29 billion in taxpayer resources to date.

It lacks adequate cost controls. It has deferred capitalized repair projects, and it confronts increasing debt-service costs.

Now, we were told 30 years ago that Amtrak started from the ruins of what was then passenger rail service. Whatever its origins, the market has simply apparently vanished for passenger rail service of this kind. The Heritage Foundation reported that even if Amtrak increases its passenger load, for every passenger that is increased, the taxpayer pays more in subsidies. So, it's like the retail shop owner saying that I am losing money with every sale, but I am going to make up for it in volume. The taxpayers are making up for it in volume every time.

There has been a slight increase in passenger service in terms of passengers served over the past couple of years, or at least there was from 2001 to 2004, and still it bleeds red ink all over.

Now, contrast this with some cargo service provided by rail. It's largely free of subsidy. It's done by the private sector. There are huge profit margins there. In many routes they do very well. But Amtrak, passenger rail service, simply can't get there. There simply isn't a market for it.

Now, those providing cargo service wouldn't want to provide passenger service, because there is no market. But we continue to let the taxpayer subsidize it. As the last speaker mentioned, some routes the subsidy is between $400 and $500 per ticket. The Federal taxpayer could buy each person on a long-distance Amtrak service on some of the routes a plane ticket for what it costs to subsidize their Amtrak

travel. That's after they have paid a lot more than a plane ticket would cost in the first place.

There simply isn't a market for it. How long will we go on not recognizing it, not recognizing that we need some competition from the private sector to allow it to take it over? If there isn't a market at some point, the taxpayers shouldn't be forced to subsidize it any longer.

Let me just finish. We will hear that we need passenger rail service. We will need to catch up to countries like Germany and Japan who are doing it. Apparently they are doing a better job than we are.

Who among us here thinks that with the current model of government subsidizing a private corporation like this is going to get us where Germany is or Japan is? As has already been noted, people who study this issue note that with every new passenger added, every net increase in passengers, it's actually more subsidies. So under the current model, unless they change or reform somehow, if they increase ridership, we actually have to pay more in subsidies.

That simply doesn't work. It wouldn't work in the private sector. No private businessman would stand it. But the taxpayers are simply on the hook for about $1.2 billion a year. It continues year after year after year. I have been here 6 years. I have heard it every year. I suppose if we go the next 25 years, we will hear it again. It will just be an increase in subsidies, like we are doing this year.

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

□ 2130

The CHAIRMAN. Does the gentleman from Massachusetts continue with his reservation?

Mr. OLVER. I withdraw my reservation.

The CHAIRMAN. The reservation is withdrawn.

Mr. OLVER. Madam Chairman, I move to strike the last word.

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

Mr. OLVER. Madam Chairman, this is an effort to bring Amtrak to a stop, simply. Over the last couple of years, we have had the President recommend no funding for Amtrak. We have refused that and funded them so they could continue service at the level that they were. We have added reform programs to them to require substantial savings out of the first-class service and the meals service and things of that sort, which have been quite substantial, and they have saved each year $80 million to $100 million a year on that program. So we are moving to make the system more efficient, though there is not any passenger rail system anywhere in this world that operates without some operating subsidy.

Where we have public transportation systems, any subway system, the fares never get to as high as 50 percent of the cost of the service, and the remaining service is then part of a subsidy for the operation of that service. In fact, most of our transit programs function at considerably less than a 50-percent fare box amount. So Amtrak is not any different from any other rail program which provides great energy efficiency in the movement of large numbers of people, and it is very important in our very densely populated corridors.

We as a Congress have then added the idea of having a national rail system that covers long-distance rail. And those even require a greater subsidy, but it has been our decision to do that over the years.

We have to have a rail program in this country. We have somehow to get over making Amtrak ultimately, somehow, to morph Amtrak into a system that will provide high-speed passenger rail in corridors of relatively short distance. But in the meantime, we also have to keep Amtrak running, and this amendment would take the operating monies completely away from a system which cannot operate without that operating subsidy.

The rest of the money, the gentleman believes most of the remainder was in there for capital improvements. Well, there isn't any point in having the capital improvements if you are not going to have an operating subsidy unless you can move the monies around, and then you have to cut seriously the total amount of service that is being provided by Amtrak with the amendment that the gentleman has offered. So it is really a killing amendment for Amtrak.

Amtrak cannot function with the amendment that the gentleman from Arizona has offered in this instance. We have gone through this fight time and time again, and each time the end result is that Amtrak is supported because Amtrak service is provided in over 40 of the States. In some cases, it is the only rail passenger service that is available to people in some of those States on some of the very long-distance rail lines that people complain are the ones that carry the highest subsidy. And those are supported the strongest because they are the only rail service, passenger service that is available in a good number of those States.

So I think that this amendment should be defeated, I think it will be defeated, and I hope it will be defeated.

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

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

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

Mr. OBERSTAR. This is, as the chairman of the subcommittee has said, a shutdown amendment. It would totally eliminate operating grants for Amtrak and guarantee a shutdown. I suppose that is what the gentleman wants as he offers the amendment. He knows what he is doing. He is a very astute Member of this body. But I want to widen the perspective here.

The effects would ripple through our economy, through our national transportation system, stranding millions of passengers and force them onto already congested roadways and airways.

People in 106 cities served by Amtrak who are without air service would have to find new means of transportation; 19,000 Amtrak workers would lose their jobs. Their local economies, businesses would suffer. The railroad retirement and unemployment programs that cover employees of freight rail as well as passenger rail would eventually be depleted. We would be scrambling around here trying to restore the railroad retirement fund. It would disrupt commuter operations with whom Amtrak has contractual arrangements, stranding millions more passengers. GAO has reported to our committee that an abrupt cessation of Amtrak would result in major disruptions or shutdowns of commuter rail service throughout the country, stranding and straining regional transportation systems as hundreds of thousands of regular commuter rail passengers would have to look for alternative transportation.

It would increase costs for our freight rails. If Amtrak were to shut down, the freight rail industry would lose some $5.3 billion over the next 6 years. That would also include the loss of $57 million Amtrak pays each year to the four class I railroads for access to their infrastructure and increase tier II taxes to keep the railroad retirement system solvent. It would shut down operations of freight railroads in the northeast corner. Norfolk Southern relies on Amtrak's dispatch and infrastructure systems throughout that corridor to provide rail service to major mid-Atlantic markets. Without Amtrak, cost of the freight rails to maintain operations on those lines would be very substantial.

The real issue with Amtrak is it has been on a starvation diet practically since the time that we created Amtrak in 1970. But little by little, people are seeking alternative operations. They learned in the aftermath, as I said a moment ago, of September 11, that the only option to travel without air was inner-city passenger rail.

Amtrak, in 2006, had 24.3 million passengers. President Alex Kummant of Amtrak told us very recently on the Transportation and Infrastructure Committee that they expect 2007 to far surpass 2006 ridership levels. So far this year, just in the first quarter of this year, Amtrak had 2.17 million passengers. That is nearly a 7 percent increase over the previous year.

So keep funding Amtrak, give it an opportunity to breathe, give it this additional investment that it needs. Soon our committee will come to the floor with a substantial increase in funding for Amtrak to put it on course to be a real world-class competitor in inner-city passenger rail service.

When I was a student just graduating from college in St. Paul, the College of St. Thomas, I won a scholarship to study at the College of Europe in Belgium. I traveled from my home in Chisolm by bus to the Twin Cities, and there I talk the Milwaukee 400: 400 miles to Chicago in 400 minutes. And in Europe, I took the train from Paris to Brussels and then on to Brugge in Belgium for this program. That was a 6-hour trip. Today, that 6-hour trip is 80 minutes traveling at 185 miles an hour on the TGV.

Today you can't get to Chicago in 400 minutes from Minneapolis, not even by air. By the time you travel, drive to the airport, park your car, go through security, wait for the plane, get off the plane, try to get to your destination, you can't do it. We need a restructure, a rebuild, a reinvigorated Amtrak. Don't kill it with this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

Mr. FLAKE. Madam 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 Arizona will be postponed.

Ms. WATERS. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Madam Chairman, I rise today in strong support of H.R. 3074, the fiscal year 2008 Transportation, Housing and Urban Development appropriations bill.

The distinguished chairman, Mr. OBEY, and Chair of the Subcommittee on Housing, Mr. OLVER, had to make many difficult decisions in drafting this bill, and I am pleased that most of our vital housing programs see increases over the President's budget request for funding year 2008. As Chair of the Subcommittee on Housing and Community Opportunity, I believe this bill will preserve many of the housing programs we have fought for over the years.

On July 12, the House passed H.R. 1851, the Section 8 Voucher Reform Act, by an overwhelming bipartisan majority. A central purpose of H.R. 1851 is to provide reliable, adequate funding for the Nation's largest subsidized housing program, buffeted in recent fiscal years.

In light of this, I am troubled that the President once again grossly underfunded section 8 in his budget request, asking for a mere $8 million above last year's funding level for the renewal of section 8 housing vouchers, an amount that won't even cover the cost of inflation. I commend Chairman OLVER for rejecting this abysmal funding level and putting the dollars needed back into the section 8 program.

I also urge my colleagues in the Senate to take up the Section 8 Voucher Reform Act and to pass the companion bill so that we can make needed reforms and bring stability and security to this critical program.

I am honored to be an original cosponsor of the National Affordable Housing Trust Fund Act of 2007, H.R. 2895, which will provide for the preservation and construction of 1.5 million units of affordable housing over the next 10 years. Because preservation begins with funding the units we have now, I am pleased that the bill increases the funding for project-based rental assistance by $667 million over the President's request; however, I am dismayed at the news that the Department has not paid some project-based owners for the month of July. It isn't enough for us to appropriate the dollars; HUD has to get them out of the door. I urge the Department to make these payments on time so that we do not risk losing owners of precious affordable housing units.

For too many years, the Nation's public housing program has been grossly underfunded. In 2007, PHAs will only receive between 82 cents and 85 cents for every dollar it costs to run public housing, impacting their ability to repair and maintain public housing units. By increasing funding for public housing programs to levels above the President's request, this bill maintains our investment in public housing. I am also pleased that the committee has rejected the administration's attempt not only to kill the HOPE VI program, but to take back prior-year funds appropriated by this House. The HOPE VI program needs to be updated, but it is a valuable program. That is why we'll soon introduce a bill to reauthorize and improve HOPE VI providing for, among other things, one-for-one replacement and the right of residents to return to a revitalized public housing unit.

Again, I want to applaud the committee for ensuring that the CDBG program is not severely underfunded. The CDBG program is funded at $3.396 billion, representing a $225 million increase compared to funding year 2006 funding level and $959 million above the President's funding year 2008 request. CDBG is vital to communities all over the country, providing valuable resources for almost every program imaginable from seniors programs to gang violence eradication programs. Without this increased level of funding, one of the Federal Government's only poverty fighting tools would have been stretched to the limit, leaving many communities desperate.

In addition, the bill provides funding for other key programs the administration sought to zero out, including the Brownfields, the Section 108 Loan Guarantee Program, and rural housing and economic development. The bill also maintains critical funding for the HOME program, Native American and Hawaiian housing grants, fair housing enforcement, and housing counseling.

□ 2145

Some of these important programs were scheduled to expire without reauthorization, but reauthorization without funding is the equivalent of killing a program.

Finally, the House today passed a resolution that I was pleased to cosponsor with Congressman SHAYS commemorating the 20th anniversary of the McKinney-Vento Homeless Assistance Act of 1987. While this is not a birthday for any of us we would prefer to be celebrating, these programs remain effective and desperately needed. Therefore, I am pleased that the bill funds the McKinney-Vento Homeless Assistance Grant at $1.561 billion, a full $234 million over funding year 2006.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the maintenance and repair of capital infrastructure owned by the Corporation, including railroad equipment, rolling stock, legal mandates and other services, $925,000,000 to remain available until expended, of which not to exceed $285,000,000 shall be for debt service obligations: *Provided*, That the Secretary may retain up to one-quarter of one percent of the funds under this heading to fund the oversight by the Federal Railroad Administration of the design and implementation of capital projects funded by grants made under this heading: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital grant justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2008 business plan: *Provided further*, That $35,000,000 of amounts made available under this heading shall be available until expended for capital improvements if the Corporation demonstrates to the Secretary's satisfaction that the Corporation has achieved operational savings and met ridership and revenue targets as defined in the Corporation's business plan: *Provided further*, That of the funds provided under this section, not less than $5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: *Provided further*, That within 90 days of enactment, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations upon the strengths and weaknesses of the system being developed by the Corporation and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation: *Provided further*, That not later than 180 days after the enactment of this Act, the Secretary, in consultation with the Corporation and the States on the Northeast Corridor, shall establish a common definition of what is determined to be a ''state of good repair'' on the Northeast Corridor and report its

findings, including definitional areas of disagreement, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 41, line 26, after the dollar amount, insert ''(reduced by $425,000,000)''.

Mr. FLAKE. Madam Chairman, this amendment would reduce funding in the bill by $500 million for capital grants to Amtrak, reducing the funding level to the President's fiscal year 2008 request from $925 million to $500 million.

Here the same arguments really apply that were made in the last amendment debate, so I won't go over them all again, but let me respond a little to what was said before.

It was mentioned that these amendments are just designated to kill Amtrak. If these accounts were funded at the levels that we're talking about here, certainly there would be a restructuring somewhere. There has to be. It is likely that in some of the corridors, some of the corridors there is only a per-passenger subsidy of around $3 per ticket. In some corridors it's up to $466. I suppose that what would happen is that in those corridors, there are a lot of assets sitting with Amtrak now. If it wasn't shielded from private competition, others would come in and be able to run that service effectively and without subsidy in some of the corridors. Perhaps there'd be a smaller subsidy on some of the corridors.

But I can tell you on the corridors where we're having a subsidy of $466, in addition to the per-passenger ticket price of, in some cases, $900, I don't think that that would run at all, nor should it in any reasonable place where you believe in free markets or even limited subsidies.

There is no more call for passenger rail service to some places in this country than there is for stagecoach service. At some point you've got to say, how much can we subsidize? Four hundred sixty-six dollars per ticket probably is above that threshold somewhere.

So, under any reasonable system, yes, this would cause significant restructuring with Amtrak for that system, and that's what we're calling for. That's what we should be calling for. We can't continue to go down this road, because, as mentioned, even if you increase the number of passengers per train, if you increase ridership, it simply means more subsidy.

In any reasonable system that wouldn't be the case, but we have a system here that doesn't respond to market forces. Part of the problem with Amtrak, and we can't just blame the system there, but it's the requirements that we've placed on it. You have politicians in this small town here or this small town here designating routes that Amtrak has to follow, routes that can't even come close to being economical.

As mentioned, not many passenger rail or public transit systems anywhere in the world go unsubsidized. It's one thing to subsidize public transit; it's another to be paying $466 per ticket when the passenger is already paying $900. That simply doesn't pass any test of reasonableness. And unless we come in and really strike funding here and force change, it's simply not going to happen.

Who here in this body or who listening tonight thinks that Amtrak is suddenly going to become better and provide better service, more efficient service, given the numbers that we've given them here?

Some will call it a starvation diet. They've been on a starvation diet, but we've increased funding significantly many times. It hasn't improved. It's because we're shielding them from market forces, in some cases, and subsidizing routes that have no business running in others.

So I would offer this amendment to strike funding, or to actually bring it down to the President's level, what he has requested.

I've heard the chairman of the Appropriations Committee say many times and point out that the administration is wasting money here and there and everywhere. They are. Here's one case where we should say, there's too much money being wasted by the agencies. Let's direct them, let's exercise the oversight that this body is supposed to exercise and actually say, let's pull some funding back, let's force Amtrak to go through the restructuring that they're going to have to go through at some point. We're simply delaying the inevitable and forcing the taxpayer to subsidize at higher levels than they should until that time is reached.

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

Mr. OLVER. Madam Chairman, I move to strike the last word.

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

Mr. OLVER. Madam Chairman, I again oppose this amendment. This is just a continuation of the effort to strangle Amtrak.

In this instance I think that what I'd like to do is to just try to review with the, whoever is still listening at this hour of the night what the President's budgets have looked like over the last several years. I may be slightly wrong, because I maybe have 1 year misplaced as to what happened, but I have been the ranking member for 2 years, the last 2 years, in the 2006 and 2007 budgets. My recollection is that the 2006 budget that the President provided no money, and we had to fill the hole completely to keep whatever was functional functioning in the case of Amtrak.

And then in the 2007 budget, that year we ended up providing between, by the time the conference process was complete, $1.3 billion for a mixture of operating subsidies and capital programs. In the 2007 budget, the administration came up with a number which was much lower than what had been appropriated the previous year, and again we had to, it was around 8- or $900 million in total, and we, again we had to come up with a higher sum of money, back to the $1.3 billion, in order to complete, to keep the level of service where it was, which includes the whole of the Northeast corridor, which carries half of all the passengers and is trackage that is owned by Amtrak, and all the services that go out of Chicago and the other metropolitan areas, and the long-distance services on the west coast and across the country.

So what we have this year is that the President came up with an amount of $500 million for capital, and $300 million for efficiency incentive grants, which is sort of an oxymoron because in the previous year, we had provided some sort of incentive grants which Amtrak, after they had provided the savings and made serious savings in the accounts, they then found that they got exactly nothing in the way of incentive grants that were released to them. So what's the point, really, of trying to save money?

But we've included that language, included the mandate essentially, that they are to continue to look for savings in the system. In the meantime we provided, again, the $1.3-, now up to $1.4- because of inflation, a total of $1.4 billion of which now the amount was put up to $925 million for capital, which the gentleman wishes to reduce to $500 million for capital, which was never adequate in the first place.

On the Northeast corridor, we have done so little upkeep, we are nowhere close to a state of good repair, which is dangerous. It is causing safety problems in the Northeast corridor, where more than half of our total passengers are being handled, so that the gentleman's amendment takes away capital monies now. This is the second hit at it, the capital monies that would be necessary to make progress on dealing with the backlog of capital deficiencies that have been built up over a period of years.

There are tunnels and bridges and trackage and the cantanary lines, the electric lines and so forth that go with it, all of which are in need desperately of capital repair and a steady infusion of money to bring that up to date. These are expensive propositions when nothing has been done or so little has been done over a period of time.

So first the gentleman has made an effort to reduce the operating subsidy, which no rail system anywhere in the world can function without it, and now he's reducing the capital grant program down to a level which leaves us with an ever-worsening state of safety and repair on the part of the system that is actually owned by the Federal Government.

So this should not be done. This is a bad amendment. This is another killer amendment for Amtrak, and I hope that the amendment will be defeated.

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

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

Mr. OBERSTAR. The chairman has said it very well. The gentleman from Arizona first wants to cut the operating account, and then, after Amtrak is unable to operate, then cut their capital and debt service funds, and then, I guess, bury passenger rail service in America. He doesn't provide for a burial service, however, and we're not about to do that.

This would cut the $425 million in capital and debt service grants that would go below the level recommended by Amtrak's Board of Directors, who haven't been known to be generously supportive of their own organization. It would undermine the solvency of Amtrak. The capital needs are critical to operating Amtrak, to bring it to a state of good repair and maintain it in a state of decent and good repair. The capital overhead program on rolling stock is critical to keep aging equipment in safe working order and minimize failures.

You should go out sometime to the Amtrak repair facility in Indianapolis and see the highly skilled technicians who are working to repair and restore locomotives and passenger cars and the dining service cars. They are meticulous workers who are saving Amtrak hundreds of thousands and even millions of dollars a year by restoring old equipment, putting it into a good state of operation. This amendment would cut the guts out from that operation. That doesn't make any sense whatever.

Amtrak has been investing in its deferred capital needs since 2003, incrementally, with not enough money, by far too little to reach the goals that they must attain, but they're doing it nonetheless. And the result is that with those very skilled workers, 70 percent of Amtrak's passenger car fleet and 85 percent of its locomotives will be in a state of good repair by the end of fiscal 2007.

Now, if you cut this money out, they'll never be able to bridge the gap and go on to make the other improvements that are needed.

I heard the gentleman say, well, we need to cut the funding and force change, and subject Amtrak to market forces. Well, in a hospital you don't cut off the blood supply to a patient and say, we're going to push the patient into a state of good health. That idea went out with applying leeches to the body and draining the body's fluids and essential operations. It doesn't make any sense.

And the gentleman, as many others have misguidedly said, we need to subject Amtrak to market forces. That implies that there's some other competitive passenger rail service in this country. There isn't. The railroads abandoned it in the 1960s. They didn't want to operate passenger rail service. It was much easier to carry freight than to carry people in this country. And they ran the passenger rail service into the ground, and then they handed it over to the Federal Government and said, here you take it. You do it. You do something good for the country.

□ 2200

Well, Congress did. I was here on the staff at the time when Amtrak was created. There was great hope for it. There were going to be capital investments made. The rail was going to help out with all the support that was needed for the infrastructure of intercity passenger rail. None of that happened.

Freight rails last year earned $4.5 billion net after-tax profit hauling freight. Amtrak is on a starvation diet made worse over the last 12 years by this previous leadership in Congress refusing to provide funding. But with a few enlightened Members on the other side supporting us over here, we were able to keep Amtrak alive, just keep it moving along, just hand-to-mouth existence.

Well, no more. There's a new leadership in this Congress. The gentleman from Massachusetts has seen the need, seen the opportunity to make investments. He has provided the funding in this bill. We need to move ahead. We should not cut the operating funds nor the capital grants. We ought to be doing far more than we are doing already in this bill. But this is at least a start and moves us in the right direction. We have to defeat this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

Mr. FLAKE. Madam 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 Arizona will be postponed.

Mr. OLVER. Madam Chairman, I ask unanimous consent that the remainder of the bill through page 60, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of that portion of the bill is as follows:

INTERCITY PASSENGER RAIL GRANT PROGRAM

To enable the Secretary to make grants to States in support of intercity passenger rail, $50,000,000 as authorized by section 26101 of title 49, United States Code, to remain available until expended: *Provided*, That States may apply to the Federal Railroad Administration for grants up to 50 percent of the cost of planning and capital investments necessary to support improved intercity passenger rail service that either requires no operating subsidy or for which the State or States agree to provide any needed operating subsidy: *Provided further*, That priority shall be given to planning and infrastructure improvement projects that improve the safety, reliability and schedule of intercity passenger trains, reduce congestion on the host freight railroads, involve a commitment by freight railroads to an enforceable on-time performance of passenger trains of 80 percent or greater, involve a commitment by States of financial resources to improve the safety of highway/rail grade crossings over which the passenger service operates, and that protect and enhance the environment, promote energy conservation, and improve quality of life: *Provided further*, That to be eligible for this assistance, States must include intercity passenger rail service as an integral part of Statewide transportation planning as required under 23 U.S.C. 135: *Provided further*, That the specific project must be on the Statewide Transportation Improvement Plan at the time of the application to qualify.

ADMINISTRATIVE PROVISION—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: *Provided*, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $92,500,000: *Provided*, That of the funds available under this heading, not to exceed $1,504,000 shall be available for travel and not to exceed $20,719,000 shall be available for the central account: *Provided further*, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That upon submission to the Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2009.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $6,855,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $7,872,893,000 in fiscal year

2008: *Provided further*, That $28,660,920 in unobligated balances are rescinded.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $65,500,000, to remain available until expended: *Provided*, That $9,300,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That $44,900,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

(INCLUDING RESCISSION)

For necessary expenses to carry out section 5309 of title 49, United States Code, $1,700,000,000, to remain available until expended of which $200,000,000 is for section 5309(e): *Provided*, That $17,760,000 in unobligated balances are rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' and bus and bus facilities under ''Federal Transit Administration, Formula and bus grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2010, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2007, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading ''Federal Transit Administration, Capital Investment Grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. During fiscal year 2008, each Federal Transit Administration grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 100 percent of the net capital costs of a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system: *Provided*, That the Secretary shall have the discretion to determine, through practicable administrative procedures, the costs attributable to the system and related-equipment.

SEC. 165. In addition to amounts otherwise made available in this Act, to enable the Secretary of Transportation to make grants to carry out 49 U.S.C. 5308 of Public Law 109–59, $26,000,000, to remain available until expended.

SEC. 166. The second sentence of section 321 of the Department of Transportation and Related Agencies Appropriations Act, 1986 (99 Stat. 1287) is repealed.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $17,392,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States, $156,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $118,646,000, of which $24,720,000 shall remain available until September 30, 2008, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $14,139,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $10,500,000 shall remain available until expended for maintenance and repair of schoolships at State Maritime Schools.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $17,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed $3,408,000, which shall be transferred to and merged with the appropriation for ''Operations and Training'', Maritime Administration.

SHIP CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $3,526,000 are rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. No obligations shall be incurred during the current fiscal year from the construction fund established by section 53716 of title 46, United States Code, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, $18,130,000, of which $639,000 shall be derived from the Pipeline Safety Fund.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $28,899,000, of which $1,829,000 shall remain available until September 30, 2010: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $78,875,000, of which $18,810,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2010; of which $60,065,000 shall be derived from the Pipeline Safety Fund, of which $32,683,000 shall remain available until September 30, 2010: *Provided*, That not less than $1,043,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2009: *Provided*, That not more than $28,318,000 shall be made available for obligation in fiscal year 2008 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $12,000,000, of which $6,036,000 shall remain available until September 30, 2010: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978 (5 U.S.C. App. 3), $66,400,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act (5 U.S.C. App. 3),

to investigate allegations of fraud, including false statements to the government under 18 U.S.C. 1001, by any person or entity that is subject to regulation by the Department: *Provided further,* That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $26,495,000: *Provided,* That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further,* That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2008, to result in a final appropriation from the general fund estimated at no more than $25,245,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided,* That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Research and University Research Centers'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 187. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided,* That no notification shall involve funds that are not available for obligation.

SEC. 188. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 189. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided,* That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided,* That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further,* That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 190. Funds provided in Public Law 102–143 in the item relating to ''Highway Bypass Demonstration Project'' shall be available for the improvement of Route 101 in the vicinity of Prunedale, Monterey County, California.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 191. Funds provided under section 378 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (Public Law 106–346, 114 Stat. 1356, 1356A–41), for the reconstruction of School Road East in Marlboro Township, New Jersey, shall be available for the Spring Valley Road Project in Marlboro Township, New Jersey.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey:

At the end of title I, insert the following:

SEC. 192. Out of the funds appropriated or otherwise made available under this Act to the Surface Transportation Board of the Department of Transportation, when considering cases, matters, or declaratory orders before the Board involving a railroad, or an entity claiming or seeking authority to operate as a railroad, and the transportation of solid waste (as defined in section 1004 of 42 U.S.C. 6903), the Board shall consider any activity involving the receipt, delivery, sorting, handling or transfer in-transit outside of a sealed container, storage other than inside a sealed container, or other processing of solid waste to be an activity over which the Board does not have jurisdiction.

Mr. SMITH of New Jersey (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. OLVER. Madam Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. SMITH of New Jersey. Madam Chairman, in 1995 the Congress passed and President Clinton signed the Interstate Commerce Commission Termination Act, Public Law 104–88. As a direct consequence, the Surface Transportation Board created by the law is now in the business of facilitating solid waste transfer stations that are not subject to local or State environmental laws or regulations.

This Federal preemption of local environmental laws is fraught with danger to the public and must be reversed, which would be accomplished if my amendment or a similar amendment that has been proffered by Senator LAUTENBERG and already adopted in committee were to become law.

During the past several years, small rail companies, many apparently formed for the expressed purpose of securing Federal exemption from local and State regulations, have filed numerous verified notices of exemption with the STB for the purpose of establishing solid waste transfer stations along rail lines and spurs. In one case in North Bergen, New Jersey, the New Jersey Department of Environmental Protection fined the New York Susquehanna & Western Railway Corporation $2.5 million for violation only to have this year a Federal judge nullify that important State enforcement. Thus far the STB has not acted on New Jersey's complaints of health, environmental, and fire risk and concerns the State raised concerning high levels of lead, arsenic, mercury, and copper.

Now at the property in my district in Freehold, New Jersey, a small class 3 rail company, Ashland Railroad, has filed a verified notice of exemption with the STB to operate a 1.5 mile track for the establishment of another solid waste transfer station. The proposed site would be situated right next to a wetlands area that poses significant hazards to the health, safety, and well-being of my constituents. This is especially important in light of the fact that the wetlands feed directly into the Manasquan Reservoir, the source of the potable water for hundreds of thousands of people in the Monmouth County area. The proposed site is also adjacent to residential housing, again raising serious concern, especially because there are many prevailing winds and other issues concerning the health and safety of those folks.

A waste transfer station, Madam Chairman, should not be established without significant local input. Preemption voids numerous meaningful State health and safety environmental laws, including those enacted in my State. I believe that people deserve the protection of these laws and the protection that these policies do provide.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, I support the gentleman's effort here. The Surface Transportation Board has attempted to insert itself into a matter that the gentleman has very well and thoroughly described, but it is sadly mistaken in its effort to preempt State rights in this arena. So I strongly support the gentleman's amendment.

Mr. SMITH of New Jersey. Madam Chairman, I thank the distinguished chairman for that support.

Mr. OLVER. Madam Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to my friend.

Mr. OLVER. It has been my understanding that you were going to withdraw the amendment.

Mr. SMITH of New Jersey. I understand. I thought you might be persuaded by Mr. OBERSTAR's very eloquent intervention, but I understand this is legislating on appropriations.

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

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

There was no objection.

Mr. OLVER. Madam Chairman, I move to strike the last word.

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

Mr. OLVER. Madam Chairman, I think we got a little bit confused by the chairman of the authorizing committee's involvement here. But in any case, I very much sympathize with the gentleman from New Jersey's point of view. There is language in our report that deals specifically with businesses using railroad properties as waste transfer handling points and urges the Surface Transportation Board to ensure that these types of operations are subject to local, State, and Federal regulations as other solid waste facilities are.

So, again, I sympathize with the gentleman from New Jersey and Members from other affected States. My subcommittee will work with the STB to close this legal loophole and prevent instances of illegal handling of solid waste on railroad facilities. But it is an authorizing issue, and we have not allowed authorizing issues in the legislation this year. My ranking member has been particularly insistent and I have been insistent about that as we have moved thus far. And so I would have insisted on my point of order, and I appreciate the gentleman's withdrawing the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This title may be cited as the ''Department of Transportation Appropriations Act, 2008''.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (''the Act''), not otherwise provided for, $16,330,000,000, to remain available until expended, of which $12,137,000,000 shall be available on October 1, 2007, and $4,193,000,000 shall be available on October 1, 2008: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $14,744,506,000 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary of Housing and Urban Development for the calendar year 2008 funding cycle shall provide renewal funding for each public housing agency based on the amount public housing agencies received in calendar year 2007, by applying the 2008 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to Family Self-Sufficiency Program escrow accounts or the first-time renewal of tenant protection or HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following proviso, the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above and the Secretary shall notify public housing agencies of their annual budgets not later than 45 days after enactment of this Act: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso: *Provided further*, That up to $75,000,000 shall be available for additional rental subsidy due to unforeseen exigencies as determined by the Secretary and for the one-time funding of housing assistance payments resulting from the portability provisions of the housing choice voucher program: *Provided further*, That none of the funds provided in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract.

(2) $150,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance: *Provided*, That additional section 8 tenant protection rental assistance costs may be funded in 2008 by utilizing unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'', the heading ''Housing Certificate Fund'', and the heading ''Project-Based Rental Assistance'', for fiscal year 2007 and prior years; *Provided further*, That not more than $12,000,000 may be used for section 8 assistance to cover the cost of judgments and settlement agreements.

(3) $48,000,000 for family self-sufficiency coordinators under section 23 of the Act.

(4) $30,000,000 for incremental vouchers under section 8 of the Act for nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act (42 U.S.C. 13618), and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, for other nonelderly disabled families, of which remaining amount such amount as is necessary shall be made available to provide 1,000 vouchers for rental assistance for homeless veterans in accordance with section 8(o)(19)(B)(ii) of the Act: *Provided*, That incremental vouchers made available under this paragraph for nonelderly disabled families or for homeless veterans shall, to the extent practicable, continue to be provided to such families or veterans, respectively, upon turnover.

(5) $6,494,000 shall be transferred to the Working Capital Fund.

(6) $1,351,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $5,000,000 shall be available as an incentive bonus as determined by the Secretary for administrative expenses for public housing agencies that voluntarily consolidate, and of which up to $35,000,000 shall be available to the Secretary to allocate to public housing

agencies that need additional funds to administer their section 8 programs with up to $30,000,000 for fees associated with section 8 tenant protection rental assistance: *Provided,* That not less than $1,351,000,000 of the amount provided in this paragraph shall be allocated for the calendar year 2008 funding cycle to public housing agencies on a basis as provided in section 8(q) of the Act as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further,* That if the amounts made available under this paragraph are insufficient to pay the amounts required by this paragraph, the Secretary may decrease the amounts allocated to agencies by a uniform prorated percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts required under this paragraph, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'', the heading ''Housing Certificate Fund'', and the heading ''Project-Based Rental Assistance'', for fiscal year 2007 and prior years: *Provided further,* That all amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8 of the Act, including related development activities.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHABOT:

Page 61, line 10, after the dollar amount, insert ''(reduced by $330,000,000)''.

Page 61, line 12, after the dollar amount, insert ''(reduced by $330,000,000)''.

Page 61, line 16, after the dollar amount, insert ''(reduced by $330,000,000)''.

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

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

There was no objection.

Mr. CHABOT. Madam Chairman, the section 8 program is a program I believe is in serious need of fundamental reforms, not more money.

Two weeks ago, the House debated H.R. 1851, the so-called Section 8 Voucher Reform Act. But rather than making the program more effective for the individuals who use it and more accountable to the taxpayers who fund it, the bill will create 100,000 more vouchers at a cost of $2.4 billion over the next 5 years.

I offered several amendments to strengthen the bill and bring about some much-needed responsibility to the program, to add, for example, work requirements and time limits and to stop the creation of new vouchers. Unfortunately, those amendments were voted down. And now 2 weeks later, we find ourselves considering a bill that would reward this flawed program by increasing its funding by hundreds of millions of dollars.

When we committed ourselves sometime ago to welfare reform, it was with the understanding that the program should no longer be a tax-funded handout but should instead offer people a way out of poverty, helping them obtain job and education skills they needed to become self-sufficient. Ending welfare cycle of dependencies have cut the welfare rolls in half, promoted individual responsibility, and saved billions of tax dollars in the process. Sadly, current housing programs closely resemble the failed welfare policies of the past.

Like the old welfare programs, the section 8 housing program discourages work and allows people to stay on the program indefinitely. It is also too often mismanaged by local governments or housing authorities.

I represent most of the city of Cincinnati, its western suburbs and few townships in Butler County, Ohio. Too many neighborhoods in my district have had to witness the crime, despair, and hopelessness that are inherent in a government program that asks virtually nothing of the recipients and that encourages dependency rather than responsibility and waste rather than work.

Whether it is the funding provided by the Federal Government or mismanagement of the program by local governments and agencies, section 8 has failed those who use it and those who pay for it: the American taxpayers.

It is also important to point out that the dependency that section 8 has created is so great that there are long waiting lists to get vouchers. Why? Because too many of those who gain access to the program don't leave. They don't really have an incentive to. The average stay is about 7 years.

Madam Chairman, this is a very modest, straightforward amendment. My amendment would simply reduce section 8 vouchers, the funding, by $330 million to bring it in line with the administration's budget request. This bill would spend $16.3 billion on vouchers, asking virtually nothing of its recipients.

On behalf of the American taxpayers, I don't think it is asking too much of this Congress to settle for a smaller increase to a program that spends far too much with too little accountability.

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

Mr. OLVER. Madam Chairman, I move to strike the last word.

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

Mr. OLVER. Madam Chairman, I rise in strong opposition to the gentleman's amendment to cut the $330 million from the Tenant-based Rental Assistance account will not hold the program steady at the fiscal 2007 level. It will actually cut somewhere between 40,000 and 80,000 families that are currently in the program. That means that somewhere between 40,000 and 80,000 families, that is a large margin but that is families, that is real people, that currently have a section 8 voucher will find themselves without a home in fiscal year 2008.

Now, we know that rents increase each year. This is a market-based program, and market-based programs do escalate, are subject to inflation.

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And that's what this $330 million amount was. It was a deficiency in the President's budget, where the President's budget was presented to the Congress before the actions in this continuing resolution in February of this year were acted upon, were taken by the Congress, and the President signed, ultimately, that legislation in the continuing resolution.

So, his original amount of money was for an entirely different set of circumstances because there was a restructuring of the section 8, the tenant-based section 8 program in the continuing resolution. And keeping the people with the number of vouchers, the vouchers that have been out there, we had to come up with the additional money in this bill which only allows the same number of people to have vouchers.

There is one $30 million amount in here for the first incremental vouchers added to the system in about 6 years; $30 million to be used for new vouchers for nonelderly disabled people and homeless veterans. As my ranking member pointed out, while we were affording 4,000 new vouchers, 3,000 of them go to nonelder disabled people, and 1,000 of them go to nonelder disabled people who also happen to be homeless veterans. That's how the 4,000 is structured. It's a very good, one of only a handful of initiatives in this bill for new vouchers for that particular program.

I can't really fathom why anybody would want to deny thousands of people with disabilities and homeless veterans a chance to live in a safe, affordable home.

I strongly oppose this amendment and urge a ''no'' vote.

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

Mr. KNOLLENBERG. Madam Chairman, I move to strike the last word.

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

Mr. KNOLLENBERG. Madam Chairman, the thing that I have a problem with is we seem to be, and I know the gentleman is well-intentioned in terms of what he's doing, but we're losing more and more vouchers, and this is one way we're going to lose a substantial amount. If you reduce it by 330 million in tenant-based vouchers, you would have an adversive impact, a significant impact on the number of families that would receive assistance in 2008. So I must rise in opposition to this amendment.

The program today is administered based on the number of vouchers that are under lease. Currently, 13 percent

of the 2 million vouchers authorized turn over each year. This means that about 240,000 vouchers are relinquished each year and provided to new families or individuals.

The amendment, if adopted, would mean that about 47,000 vouchers could not be renewed upon turnover nationwide. And after years of trying to increase the use of vouchers so more families could receive assistance, this amendment would greatly undermine that effort.

While it is true that in 2007 the appropriations bill provided significantly more funding than was called for or was needed, reducing next year's funding level will offset the overage provided in 2007. Instead, 2007 funds should be recaptured and used by the Congress. So therefore, I must stand in opposition to this amendment.

Mr. OLVER. Will the gentleman yield?

Mr. KNOLLENBERG. I would be happy to yield.

Mr. OLVER. I thank the gentleman for yielding.

I would also like to point out to the gentleman from Ohio that we have available about, under authorization, 2.1 million vouchers of which this bill only funds 1.9 million of them at the level that we have provided the money with the 4,000 additional vouchers.

I would like to remind that the authorizing committee just brought out legislation and has added 20,000 in authorization for each of the next 5 years. Whether we will have the funding next year to actually provide that money, I do not know, but they're asking for us not only to move upward toward filling the vouchers that presently are authorized, but also adding some additional ones.

And the reason for that is that we have 8 million families roughly, 8 million households in this country which are living at incomes below 30 percent of the median income in their areas, and we are only providing somewhere in the range of 2 million, a little bit less even in this funding, of money for rental assistance for those people. So we're not coming anywhere close to dealing with the poorest people who are eligible under the law as it is written for that rental assistance because their income lies below 30 percent of median income in the area involved.

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

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

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

Mr. CHABOT. Madam 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 Ohio will be postponed.

Mr. OLVER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. HIRONO) having assumed the chair, Ms. BALDWIN, 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. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. HIRONO). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California 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 Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE 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 Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO 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 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.)

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 gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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 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 Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Illinois (Mr. DAVIS) is recognized for half the time until midnight as the designee of the majority leader.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks and include any extraneous material.

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

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I want to thank you for the opportunity to address the House.

I want to, first of all, thank Speaker PELOSI for granting to the Congressional Black Caucus this time on this evening.

I also want to thank our chairperson, Representative CAROLYN KILPATRICK, for deciding that each Monday members of the Congressional Black Caucus will come to the floor with a message to address issues, issues that affect not only African Americans, but issues which are pertinent to the quality of life in these United States of America.

This evening we have chosen to take a look at something called Second Chance, and that is we've chosen to take a look at how do we help successfully reintegrate the more than 650,000 people who come home from jail and prison each year back into a normal setting so that they can become contributing members of society, so that