

Rogers (KY)	Shays	Tiberi
Rogers (MI)	Sherman	Toomey
Rohrabacher	Shimkus	Towns
Ros-Lehtinen	Shuster	Turner (OH)
Ross	Simmons	Turner (TX)
Rothman	Simpson	Udall (CO)
Roybal-Allard	Slaughter	Udall (NM)
Royce	Smith (MI)	Upton
Ruppersberger	Smith (NJ)	Van Hollen
Rush	Smith (TX)	Velázquez
Ryan (WI)	Smith (WA)	Vitter
Ryun (KS)	Solis	Walden (OR)
Sánchez, Linda T.	Souder	Wamp
Sánchez, Loretta	Spratt	Waters
Sanders	Stenholm	Watson
Sandlin	Strickland	Watt
Saxton	Sullivan	Weiner
Schakowsky	Sweeney	Weldon (PA)
Schiff	Tancredo	Weller
Schrock	Tauscher	Wexler
Scott (GA)	Taylor (MS)	Whitfield
Sensenbrenner	Taylor (NC)	Wicker
Serrano	Terry	Wilson (NM)
Sessions	Thomas	Wilson (SC)
Shadegg	Thompson (CA)	Woolsey
Shaw	Thompson (MS)	Wynn
	Tiahrt	Young (FL)

## NOES—62

Alexander	Holt	Petri
Andrews	Hostettler	Radanovich
Berry	Inslee	Rahall
Bonilla	Jackson (IL)	Ryan (OH)
Capuano	Johnson, Sam	Sabo
Carter	Kennedy (RI)	Scott (VA)
Case	Kildee	Sherwood
Collins	Kilpatrick	Skelton
Conyers	Klecza	Snyder
Costello	Kucinich	Stark
Crowley	Langevin	Stearns
Davis, Jo Ann	Levin	Stupak
DeFazio	Lipinski	Thornberry
Delahunt	Markey	Tierney
Dicks	McCollum	Visclosky
Dingell	Mollohan	Walsh
Filner	Oberstar	Walden (FL)
Frank (MA)	Obey	Wolf
Gonzalez	Ortiz	Wu
Gutierrez	Owens	Young (AK)
Hastings (FL)	Pallone	

## NOT VOTING—6

DeMint	Hulshof	Tauzin
Gephardt	Tanner	Waxman

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1744

Mr. RANGEL and Mr. RUSH changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. SIMPSON, Chairman pro tempore 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. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, had come to no resolution thereon.

PERMISSION FOR COMMITTEE ON SCIENCE TO HAVE UNTIL 5:00 P.M., WEDNESDAY, APRIL 14, 2004, TO FILE LEGISLATIVE REPORTS ON H.R. 3970 AND H.R. 4030

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Committee on Science have until Wednesday, April 14, 2004, at 5 p.m. to file legislative reports on the following measures:

H.R. 3970, Green Chemistry Research and Development Act of 2004; and

H.R. 4030, Congressional Medal for Outstanding Contributions in Math and Science Education Act of 2004.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 898

Mr. RENZI. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 898.

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

There was no objection.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The SPEAKER pro tempore. Pursuant to House Resolution 593 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3550.

□ 1745

## 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 further consideration of the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with Mr. SIMPSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment numbered 17 printed in part B of House Report 108-456, offered by the gentleman from Alabama (Mr. BACHUS), had been disposed of.

It is now in order to consider amendment No. 20 printed in House Report 108-456.

AMENDMENT NO. 20 OFFERED BY MR. BRADLEY OF NEW HAMPSHIRE

Mr. BRADLEY of New Hampshire. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. BRADLEY of New Hampshire:

Add at the end the following new section:  
**SECTION 1. VEHICLE WEIGHT LIMITATIONS.**

(a) The next to the last sentence of section 127(a) of title 23, United States Code, is

amended by striking "Interstate Route 95" and inserting "Interstate Routes 89, 93, and 95".

(b)(1) IN GENERAL.—In consultation with the Secretary of Transportation, the State of New Hampshire shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by subsection (a), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) \$250,000 for fiscal year 2004 to carry out the study.

(3) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were appropriated under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

The CHAIRMAN pro tempore. Pursuant to House Resolution 593, the gentleman from New Hampshire (Mr. BRADLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I propose this amendment for consideration by the Congress so that it can strictly apply to the State of New Hampshire, raising the weight limits on trucks that travel on Interstate 89 and Interstate 93. Currently, right now, Mr. Chairman, we have trucks avoiding our main highways and driving through some of the most populated towns in our State in order to avoid the weight limit.

Mr. Chairman, when I proposed this amendment to the Committee on Rules, I submitted for the record letters from many public safety people throughout our State, including the Department of Safety, the Department of Transportation, local police chiefs, as well as town councilors, and others supporting this amendment.

The reason people in New Hampshire support this amendment, Mr. Chairman, is that our trucks are riding on roads where there is no weight limit up to 99,000 pounds, presenting significant public safety issues, going by schools and other places of assembly. We need to get these trucks on our highways where they are safer and where they are designed to be operated.

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

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition, and I yield myself 1 minute.

Mr. Chairman, Congress, some years ago, granted New Hampshire limited exemptions from the Federal truck size and weight limits. We required that the State complete the study of the impacts upon the State's infrastructure, and even allocated \$250,000 to undertake the study. The State has not completed its study. DOT, U.S. Federal

DOT says that 80,000-pound six-axle trucks pay only 90 percent of their infrastructure damage through fuel taxes. Six-axle trucks operating 100,000 pounds pay only 40 percent of their costs.

These trucks have a huge adverse impact on our highways and bridges, especially our bridge infrastructure. I will return to that subject later.

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

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume to respond that perhaps my esteemed colleague is not aware of the fact that New Hampshire requested this exact type of study to be done in the last transportation authorization on Route 95, which is the north-south route that goes all through New England. When a study was done by the Maine Department of Transportation, while it has not been published, all indicators are that there have been no safety impacts and negligible costs to the infrastructure from raising the weight limits from 80,000 pounds gross vehicle weight to 99,000 pounds, exactly what we are asking for Route 93 and Route 89.

So, Mr. Chairman, the money has already been appropriated in the last transportation appropriations bill. There is no impact on the budget. We will not permanently raise the weight limit in the absence of this study. We are asking for the authorization to go ahead with the weight limit increase while the study is being performed.

And as I said, all of the public safety officials in my State are supportive of this weight limit increase. Because currently, right now, we have large trucks avoiding the weight limitation station and driving through two of the most populous communities in the State, where there are schools and where there are many kids on bicycles. We need to get these trucks on the highway.

As I said, the study that was done on Route 95 will show no negligible safety or infrastructure effect.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself 15 seconds.

The gentleman referred to a study, but he is referring only to preliminary results. The study results are not final.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I thank the gentleman for yielding me this time, and with all due respect to my colleague from New Hampshire, I rise in opposition to this amendment.

This amendment is about opening the door to allow bigger and bigger trucks on our interstate highway system. And although this amendment is drafted in a form that appears to apply only to the State of New Hampshire, its impact will reach all States, all taxpayers, and all motorists.

Allowing these superheavy trucks on the interstates in New Hampshire

would cause substantial bridge damage, cost the taxpayers money, and threaten the safety of motorists, and not just impacting the people of New Hampshire but people all across this country.

Let me explain. Operating 99,000-pound trucks on New Hampshire's interstates would require replacing and strengthening interstate bridges, at a huge cost to taxpayers all over this country. Heavier single tractor trailer trucks do not pay for all the damage they do to roadways. According to the U.S. Department of Transportation, a 100,000-pound six-axle single tractor-trailer truck pays only 40 percent. Taxpayers pay the rest. Not just taxpayers in New Hampshire, but all across this country.

Heavier singles pose numerous safety risks. As weights go from 65,000 to 80,000 pounds, the risk of an accident involving a fatality goes up 50 percent. In addition, these superheavy trucks will have added braking and steering problems and the risk for rollover will increase.

Now, I believe that 80,000 pounds is enough on the interstate, on urban connectors, and all roads. So there are consequences here that go far beyond what the gentleman has outlined. So while I have great respect for him, and I understand his concern about safety, I think the debate should be about the fact that these trucks get bigger and bigger and bigger. I think that is what poses the safety risks to the people of New Hampshire and people all over the country.

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

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume to respond to the criticisms of my esteemed colleague from Massachusetts, and remind my colleague from Massachusetts that I, from New Hampshire, ask only the same consideration and the same laws with regard to truck weight limit that now apply in his State of Massachusetts, which on all highways, to the best of my knowledge, allow at least 99,000 pounds gross vehicle weight, and in some instances, with a waiver, up to 120,000 pounds.

I would also remind my colleague that when we are talking about public safety with regard to New Hampshire, the commissioner of the Department of Safety, the commissioner of the Department of Transportation, local police chiefs, fire chiefs, town councilors, elected officials from the impacted communities where trucks are leaving the highway and going downtown, where there is traffic, where there are kids, where there are schools and churches, and where there are community centers, et cetera, et cetera, et cetera, we all want to try and get these trucks on our highways where the safety impact to people's lives and well-being will not be hurt.

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

Mr. OBERSTAR. Mr. Chairman, I would like to inquire of the Chair the time remaining on both sides.

The CHAIRMAN pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) has 1¼ minutes remaining, and the gentleman from New Hampshire (Mr. BRADLEY) has 1½ minutes remaining.

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

The CHAIRMAN pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) has the right to close.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume, and in closing I would ask the consideration of the body for this request.

This applies only to the State of New Hampshire. All of the public safety officials in my State are supportive of this change. It is designed to protect the lives of people in the communities where there are, as I have mentioned before, schools, traffic, downtown crossings.

I would ask the consideration of the Congress for this sensible change. There is no impact on the budget, as the money for this study was appropriated in the last transportation authorization bill.

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

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I would say to my colleague from New Hampshire that the difference between Massachusetts and New Hampshire is that the trucks that he is referring to operate on toll roads, and the taxpayers of Massachusetts are paying for the damage that is done by these heavier trucks on these roads, not the taxpayers across the country. That is a major difference.

Again, I oppose this amendment for all the reasons that I stated, and I would simply remind my colleagues that this bill that we have before us today is underfunded. It does not meet all of what DOT says we need to have to be able to maintain the status quo in terms of maintaining our transportation infrastructure.

This, in my opinion, opens the door to bigger trucks, not only in New Hampshire but in other parts of the country as well.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, Route 93 in New Hampshire is indeed a toll road, and we are asking for the same consideration that Massachusetts currently enjoys, which is 99,000 gross vehicle weight limit. And what is good for Massachusetts clearly should be good for New Hampshire.

The CHAIRMAN pro tempore. Time of the gentleman from New Hampshire (Mr. BRADLEY) has expired.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

It simply comes down to this: heavier trucks are more dangerous. They are more costly to the Nation's highways. As truck weights increase, fatal accident rates go up, according to the University of Michigan's transportation research study.

Heavier tractor-trailers raise the center of gravity of the vehicle and its load, increasing rollovers. Heavier vehicles mean increasing speed differentials with other traffic. Increasing truck weights result in greater brake maintenance problems. Brakes are out of adjustment, trucks take longer to stop. It is just that simple.

I have studied this issue for many years. Heavier trucks are worse on the roadway, worse still on bridges, and are involved in a highly disproportionate greater number of accidents.

Vote "no" on the amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Hampshire (Mr. BRADLEY).

The question was taken; and the Chairman pro tempore announced that the yeas appeared to have it.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Hampshire (Mr. BRADLEY) will be postponed.

It is now in order to consider amendment No. 21 printed in House Report 108-456.

AMENDMENT NO. 21 OFFERED BY MR. KIRK

Mr. KIRK. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. KIRK:

Insert the following at the appropriate place:

**SEC. \_\_\_\_ . STATE AUTHORITY.**

Section 20153 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(k) STATE AUTHORITY.—

"(1) IN GENERAL.—Upon application of the Governor of a State, a State may assume responsibility for determining the circumstances under which to require the sounding of a locomotive horn when a train approaches and enters upon public highway-rail grade crossings, and for enforcing such requirements.

"(2) REVIEW.—The Secretary shall review any program established by a State pursuant to paragraph (1) every 5 years, and if the Secretary determines that the State program inadequately protects rail, vehicular, and pedestrian safety the Secretary shall, after providing the State with 24 months notice of such determination, implement regulations issued by the Secretary under this section in lieu of such State program."

The CHAIRMAN pro tempore. Pursuant to House Resolution 593, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. KIRK).

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

Mr. Chairman, in 1994, Congress passed an unfunded mandate on most local communities in America that maintain quiet zones in their communities. When the regulations were first drafted, they would require trains entering the City of Chicago to blow their train horns on entering the city until arriving into the station. This upset the people of Chicago. It upset the Mayor of Chicago.

One university study showed that the original train whistle regulation would trigger so much noise pollution in our communities that it caused property losses to rise to \$1 billion in Chicago lands alone. A redraft of this regulation offered some help, but at first glance the cost of implementing this regulation for Chicago communities rose from \$4 million to at least twice that.

My amendment would not change Federal safety standards, but it would allow a State to implement this regulation.

□ 1800

Half of all quiet zones are in Illinois. This is an important issue to my constituents, to the Speaker's and to Ranking Minority Member LIPINSKI's.

Mr. Chairman, I had intended to offer this amendment today that would give governors the option of enforcing train quiet zone standards at this level. However, I will ask unanimous consent to withdraw my amendment but would ask the chairman of our subcommittee to engage me in a colloquy on this.

Mr. PETRI. If the gentleman will yield, I would be very happy to do so.

Mr. KIRK. Mr. Chairman, many of our communities have quiet zones to protect their environment from needless noise pollution by trains. The Federal Government is poised to put forward a regulation that eliminates our local community quiet zones unless new, expensive, and very complicated rules are met. Mr. Chairman, I hope we can work together to address this issue in conference so that local communities are not overburdened with unfunded Federal mandates and cumbersome Federal regulations.

Mr. PETRI. That is something that we are eager to work with the gentleman on. This is important not only in Illinois, it is important in Wisconsin, in Minnesota, and in a number of other States.

Mr. KIRK. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. LIPINSKI. I thank the gentleman for yielding. I want to say I compliment my colleague from Illinois for putting this amendment forward. It certainly is an issue that has been uppermost in my mind and in Speaker HASTERT's mind for a long period of time.

In speaking to him about this particular amendment, we came to the

conclusion that it would be more prudent and wiser to work this out as we move into the conference. I am sure, based upon many conversations I have had, that we will be able to work this out satisfactorily. I simply want to give him my support.

I thank the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Illinois (Mr. KIRK) for the colloquy that they just had.

Mr. KIRK. Mr. Chairman, I renew my unanimous-consent request to withdraw the amendment.

The CHAIRMAN pro tempore (Mr. SIMPSON). Without objection, the amendment is withdrawn.

There was no objection.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mr. SIMPSON, Chairman pro tempore 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. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, had come to no resolution thereon.

**COMMUNICATION FROM LAW REVISION COUNSEL, HOUSE OF REPRESENTATIVES**

The SPEAKER pro tempore laid before the House the following communication from John R. Miller, Law Revision Counsel, House of Representatives:

OFFICE OF THE LAW REVISION COUNSEL, HOUSE OF REPRESENTATIVES,

Washington, DC, March 29, 2004.

Hon. J. DENNIS HASTERT,  
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Last October, I completed 28 years of service with the Office of the Law Revision Counsel of the U.S. House of Representatives. During that time, I have had the pleasure of serving as Assistant Counsel, Deputy Counsel, and for the past seven years Law Revision Counsel. After almost 33 years of service to the Federal Government, it has been very difficult to make this decision and select a particular date, but with your approval, I will retire as Law Revision Counsel, effective May 3, 2004.

Over the past seven years, the Office has become self-reliant and greatly improved the procedures for preparing and publishing the United States Code. Self-reliance had been the goal of the Office since it was established in 1975. The Office continues to produce the most accurate version of the Code but no longer requires any outside assistance for its production of the Code. This is the result of developing an outstanding staff as well as new procedures for preparing and publishing the Code. The new procedures and computer programs that have been developed and implemented in the past few years will enable the Office to improve its efficiency while maintaining the accuracy of the Code, and eventually will increase the timeliness in which the Code becomes available. While many challenges remain for the Office in our rapidly changing environment, I am confident that the knowledge, experience, and