

having recused ourselves from further participation in the case, that we should write a history of education in St. Louis. Much has been written about education during the slave years, 1820 to 1865. No one has attempted to pull together the rich material written over the period from 1820 to the 1980s.

It is all compiled in this remarkable document of how one court case changed the lives of children, of generations of children, of an entire community, made life better for not only African Americans but all citizens living in St. Louis.

□ 1345

I know that as I have traveled to that city from time to time to meet people, Gerald Heaney is nearly revered. He is enormously respected. His courage and standing and his steadfastness, just as he pursued the German forces across France and Germany, he pursued justice in the name of all of our fellow citizens as a sitting judge.

It is most fitting that we should designate the courthouse where he spent a great deal of his office hours. Although his cases were heard in St. Louis, in the courthouse there, his office hours were in the Federal building and the courthouse and customhouse in Duluth, a venerable facility that was built during the Depression years and, like Judge Heaney's work, will withstand the test of time for generations to come.

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

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

Though many have made light of the schedule we have had for the past few weeks, the grueling schedule of naming a lot of Federal buildings, it doesn't mean that any of these individuals are any less deserving or should not be honored.

Today in committee in the Transportation Committee, we named a courthouse in Missouri, my home State, after Rush Hudson Limbaugh, Sr., who practiced law in the State of Missouri for over 80 years and was highly revered. Today on the floor, we are honoring somebody that, going through his accomplishments and what he has done in life, is somebody that truly should be recognized.

H.R. 187, which was introduced by Representative OBERSTAR of Minnesota, chairman of the Transportation Committee, designates the Federal building and the United States courthouse and customhouse at 515 West First Street in Duluth, Minnesota, as the Gerald W. Heaney Federal Building and United States Courthouse and Customhouse. The building honors Judge Heaney's dedication to public service.

As the gentleman from Minnesota pointed out, he served with great distinction during the Army in World War II and acquired a law degree from the University of Minnesota law school after his time. Judge Gerald W. Heaney engaged in private practice then just after the war, from 1946 to 1966.

Judge Heaney's career as a judge began then in 1966 with an appointment to the U.S. Court of Appeals for the Eighth Circuit by President Lyndon B. Johnson. Judge Heaney had a reputation for championing equal justice for underprivileged and vulnerable citizens. Judge Heaney retired after 40 years of service on August 31, 2006.

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

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

Mr. OBERSTAR. I want to say, once again, what a great privilege this is to author this legislation, bring it from the Committee on Transportation and Infrastructure, which I have the honor to chair, and bring it to the House floor and pay tribute to a truly great heroic American who served his country in war, in peace, on the bench and in the hearts of our fellow citizens.

In addition to my statement on the Floor today, I want to include in the CONGRESSIONAL RECORD this passage from "Unending Struggle: The Long Road to an Equal Education in St. Louis" by Judge Gerald W. Heaney and Dr. Susan Uchitelle:

Unless additional resources are provided to the St. Louis public schools, they will fail, leading to a demand by some parents for alternative educational opportunities. . .

Excellent public schools are essential in a democracy. Experience has demonstrated that urban city schools educate and will continue to educate most school-age children. Moreover, public schools have an obligation to educate all children—rich and poor, black, brown, and white, gifted or special. Unless children are well educated and well trained, they will be unable to take their place as full participants in our vibrant democracy.

Segregated housing, a long history of discrimination in education and employment, and the historic lack of opportunity for African Americans to participate fully and equally in all aspects of life make the task ahead a challenging one.

This is but one simple passage from the works of Judge Heaney. I urge my colleagues to join me in supporting H.R. 187.

H.R. 187 is a bill to designate the federal building and United States Courthouse located at 515 West First St., Duluth, Minnesota as Judge "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse." Gerald Heaney was appointed Judge of the United States Court of Appeals for the Eighth Circuit on November 3, 1966. He took senior status on December 31, 1988, and retired on August 31, 2006, after over 40 years of distinguished service to his country and the citizens of Minnesota. I rise in strong support of this bill.

Judge Heaney was born on January 29, 1918 in Goodhue, a rural community in the southeastern part of Minnesota. As a child growing up in a farming community Judge Heaney learned the value of a close family, honesty, and hard work. These qualities have marked not only his personal life but also his life as a public servant. He was educated at the College of St. Thomas, St. Paul, and received his law degree from the University of Minnesota in 1941.

Gerry Heaney is a decorated World War II veteran. He was a member of the distinguished Army Ranger Battalion and partici-

pated in the historic D-Day landing at Normandy. He was awarded the Silver Star for extraordinary bravery in the battle of La Pointe du Hoc in Normandy. He also received a Bronze Star and five battle stars.

At the end of the war Judge Heaney returned home and entered private practice in Duluth. During that time he was instrumental in improving the state education system, and served on the board of regents for the University of Minnesota. He was instrumental in helping develop for the Duluth school system the same pay scale for both men and women.

In 1966 he was appointed by President Johnson to the Eight Circuit Court of Appeals. In that capacity he has been a champion in protecting the rights of the disadvantaged. He was devoted to making sure that every person had an equal opportunity for an education, a job, and a home. He firmly believes the poor, the less educated, and less advantaged deserve the protection of the Constitution.

As a hard working, well prepared, and fair minded jurist he left his legal imprimatur on school desegregation cases, bankruptcy law, prisoner treatment, and social security law.

His public service is discerned by industry, brilliance, and scholarly excellence. His compassion and dedication to those of us who are the most disadvantaged is unparalleled.

Judge Heaney is most deserving of this honor. I ask my colleagues to join me in supporting this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 187.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent all Members have 5 legislative days within which to revise and extend their remarks on the bill just passed.

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

There was no objection.

REPEALING PROHIBITION ON USE OF CERTAIN FUNDS WITH RESPECT TO LOS ANGELES TO SAN FERNANDO VALLEY METRO RAIL PROJECT, CALIFORNIA

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 238) to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

The Clerk read as follows:

H.R. 238

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

SECTION 1. REPEAL OF PROHIBITION.

The second sentence of section 321 of the Department of Transportation and Related

Agencies Appropriations Act, 1986 (99 Stat. 1287) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

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

This bill will repeal a prohibition on the use of Federal transit funds for tunneling in certain areas for construction of the San Fernando Valley Metro Rail project in Southern California.

Many of us can remember the tragedy over 20 years ago caused by an explosion due to the buildup of methane gas, which ignited after accumulating over a long period of time, on the Third Street Corridor in the Wilshire-Fairfax District of Los Angeles. It just rocked the entire area. The explosion damaged a building structure, injured 22 people. A preliminary investigation pointed to the ignition of underground pockets of pressurized gas.

The incident raised a great many safety concerns related to tunneling in the area to build the Metro Rail system. The Los Angeles City Council created a task force at the time to investigate the explosion to determine the cause of the accident, to make recommendations to avoid further incidents.

The results of the investigation identified two methane risk zones to assure that the safety concerns on construction of that segment of the Metro Rail were fully addressed. A provision was included in the fiscal year 1986 transportation appropriations bill to prohibit the use of Federal funds until safety concerns had been properly addressed.

The gentleman who took that cause to the committee, to the House, the gentleman from California, my colleague, we were elected in the same year, 1974, Mr. WAXMAN, has been vigilant on this issue and vigorous in his pursuit of safety for the people of Los Angeles County.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Thank you very much for yielding to me.

Mr. Speaker, this bill is non-controversial. It relates to a situation in Los Angeles where prohibition was put in place to prevent tunneling in an area that has been designated as a high risk for methane gas explosions. The bill before us would repeal that prohibition about tunneling, because, at the request of Mayor Villaraigosa, we agreed to convene a panel of experts to assure us that it is technically feasible to handle the tunneling in a very safe manner, that the technology is there and that we need not fear the tunneling as we might have, appropriately so, in the mid-1980s.

In 2004, the L.A. City Council passed a motion urging reversal of this 1985

law, and in February of 2005, the LAMTA board renewed discussions of the subway expansion in this area.

I strongly support this legislation. There is no opposition to it. I appreciate the committee having reported out unanimously, and I would urge my colleagues in the House to agree with the proposal coming from the committee.

Mr. Speaker, H.R. 238 is noncontroversial legislation. In the last Congress, it was reported unanimously by the House Transportation Committee and passed the House by voice vote.

H.R. 238 would repeal a law enacted in 1985 that prohibits subway tunneling in a part of Los Angeles I represent. I authored the 1985 legislation after a methane gas explosion demolished a Ross Dress-for-Less store in the Third and Fairfax area of Los Angeles.

After the explosion, serious safety concerns were raised about the city's plans to extend the subway in this area due to underground pockets of methane gas. In recent years, experts have indicated that technologies have been developed that could make tunneling in the area safe.

In 2004, the Los Angeles City Council passed a motion urging a reversal of the 1985 law, and in February 2005 the Los Angeles Metropolitan Transportation Authority's board voted to renew discussions of the subway's expansion in this area.

As a result, I worked with Mayor Antonio Villaraigosa to select a panel of scientific experts to conduct an independent safety review. These experts made a unanimous determination in a November 2005 report that tunneling in the methane gas area can be done safely if proper procedures and appropriate technologies are used.

H.R. 238 simply lifts the Federal tunneling prohibition that has been in place since 1985. I urge my colleagues to support it.

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

Mr. Speaker, H.R. 238 repeals a 21-year-old prohibition on the use of Federal transit funds to tunnel in the San Fernando Valley area west of Los Angeles.

In 1985, an explosion of naturally occurring methane gas blew up a department store in the Wilshire Boulevard Corridor in Los Angeles, injuring 22 people. As the gentleman from Minnesota aptly pointed out, concerned about the safety of tunneling in the area of Los Angeles, the city council created a task force to investigate the explosion. The task force identified methane risk zones along the Wilshire Boulevard Corridor.

The fiscal year 1986 transportation appropriations bill included a legislative provision that prohibits the use of Federal transit funds associated with the Los Angeles project for tunneling in or through an identified methane risk zone. The appropriations provision was written very broadly, binding future funds provided by Congress and affecting all parts of the Metro Rail subway project, including future extensions. The prohibition prevented any transportation planners in the Los Angeles area from considering any trans-

portation improvements that might involve tunneling in the very broadly congested Wilshire Boulevard Corridor.

For me, Mr. Speaker, the need for this bill to be passed simply highlights the dangers of legislating an appropriations bill. H.R. 238 undoes something that should never have been done in the first place. In November 2005, a panel of engineering experts reported that tunneling along the Wilshire Boulevard Corridor can be done safely if proper procedures and appropriate techniques are used.

This bill, H.R. 238, will repeal the current prohibition on tunneling in that corridor. This legislation was first introduced by Congressman WAXMAN in December of 2005 as H.R. 4653 and was passed by the House in September of 2006. However, the Senate failed to act on the legislation, which is the reason we are back here on the floor today.

I do support H.R. 238, and I urge its passage.

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

Mr. OBERSTAR. I want to supplement the remarks of the gentleman from California, my colleague from Missouri, the ranking member on the subcommittee, that we now believe that the city council has resolved the issues. The mayor has put in place the process by which the tunneling can continue in all safety to both those doing the tunneling and those above ground and now advance the urgently needed transit project in Los Angeles into the San Fernando Valley area. So I urge the passage of H.R. 238.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 238.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 365, by the yeas and nays;

H. Res. 120, by the yeas and nays;

H.R. 482, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.