

[Roll No. 523]

## YEAS—228

Abercrombie  
Ackerman  
Allen  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (NY)  
Blumenauer  
Boren  
Boucher  
Boyd (FL)  
Boyd (KS)  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson  
Castor  
Cazayoux  
Chandler  
Childers  
Clarke  
Clay  
Cleave  
Clyburn  
Cohen  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cramer  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis, Lincoln  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Donnelly  
Doyle  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emanuel  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Foster  
Frank (MA)  
Giffords  
Gillibrand

Gonzalez  
Gordon  
Green, Al  
Grijalva  
Gutierrez  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Herseth Sandlin  
Higgins  
Hinchev  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kildee  
Kilpatrick  
Kind  
Klein (FL)  
Kucinich  
Lampson  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lynch  
Mahoney (FL)  
Maloney (NY)  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McNerney  
McNulty  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler  
Napolitano

Neal (MA)  
Oberstar  
Obey  
Oliver  
Pallone  
Pascarell  
Pastor  
Payne  
Perlmutter  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shays  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Space  
Speier  
Spratt  
Stark  
Stupak  
Stutson  
Tanner  
Tauscher  
Taylor  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Tsongas  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch (VT)  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

## NAYS—193

Aderholt  
Akin  
Alexander  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Biggert  
Blibray  
Bilirakis  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman

Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Carter  
Castle  
Chabot

Coble  
Cole (OK)  
Conaway  
Crenshaw  
Cubin  
Culberson  
Davis (KY)  
Davis, David  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Drake  
Dreier  
Duncan  
Emerson

English (PA)  
Everett  
Fallin  
Feeney  
Ferguson  
Flake  
Forbes  
Fortenberry  
Fossella  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey  
Gohmert  
Goode  
Goodlatte  
Granger  
Graves  
Hall (TX)  
Hastings (WA)  
Hayes  
Heller  
Hensarling  
Herger  
Hill  
Hobson  
Hoekstra  
Hunter  
Inglis (SC)  
Issa  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Jordan  
Keller  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Knollenberg  
Kuhl (NY)  
LaHood  
Lamborn  
Latham

LaTourette  
Latta  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy, Tim  
Muggrave  
Myrick  
Neugebauer  
Nunes  
Paul  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Porter  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Ramstad  
Regula  
Rehberg

Reichert  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Sali  
Saxton  
Scalise  
Schmidt  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Tancredo  
Terry  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walberg  
Walden (OR)  
Walsh (NY)  
Wamp  
Weldon (FL)  
Weller  
Westmoreland  
Whitfield (KY)  
Wilson (NM)  
Wilson (SC)  
Wittman (VA)  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—13

Bishop (GA)  
Bishop (UT)  
Boswell  
Brown-Waite,  
Ginny  
Davis, Tom  
Filner  
Gilchrist  
Green, Gene  
Hulshof  
Jones (OH)  
Kennedy  
Ortiz  
Rush

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left on this vote.

□ 1820

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. HARE. Mr. Speaker, I ask unanimous consent for the RECORD to reflect that I was unavoidably detained due to tornado-like conditions in my district in west-central Illinois.

If I had been present for rollcall votes, I would have voted "yea" on rollcall 512, "yea" on rollcall 513, "yea" on rollcall 514, "nay" on rollcall 515, "yea" on rollcall 516, "yea" on rollcall 517, "yea" on rollcall 518, "yea" on rollcall 519, and "yea" on rollcall 520, and finally, Mr. Speaker, "yea" on rollcall 521.

## GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks on the bill, H.R. 3999, and include extraneous material in the RECORD.

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

There was no objection.

## NATIONAL HIGHWAY BRIDGE RECONSTRUCTION AND INSPECTION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1344 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. 3999.

□ 1822

## 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. 3999) to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes, with Mrs. CHRISTENSEN 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 Minnesota (Mr. OBERSTAR) and the gentleman from Tennessee (Mr. DUNCAN) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, on August 1 of last year, I was at this microphone managing the conference report, with our colleague, Mr. MICA from Florida, ranking member on the committee, the conference report on the Water Resources Development Act when my BlackBerry buzzed. I looked to see what message was coming in, and I saw an announcement that a bridge had collapsed and there was an "M" alongside it. I thought, a Third World country? Then I looked closer. That M was Minnesota. That bridge was I-35W. It carries, or had carried, an average of 140,000 vehicles a day. Thirty-seven people were victims, 88 to 100 other people were injured, a dramatic collapse.

Twenty years ago, on December 1, 1987, 20 years ago, I opened hearings as Chair of the Subcommittee on Investigations and Oversight on Bridge Safety. I said, "There are an estimated 376,000 bridges . . . of that number, 217,000 are Federal-aid Interstate, primary, secondary and urban bridges."

"They carry 85 percent of the Nation's traffic, yet 76,000 of these bridges are deficient and that number has been gradually increasing over the last four years."

That was 20 years ago. Today, we have 153,000 structurally and functionally deficient bridges.

"We know there are elements of bridge design of particular concern to bridge inspectors; that is, bridges without redundant members to prevent a tragic collapse if that one critical member should fail."

I-35W was one of those fracture critical bridges. One essential element failed. The whole bridge could collapse and it did. There were multiple causes, and we await the determination of the National Transportation Safety Board.

I said further, "We have to ensure that inspection personnel are keenly aware of the problems involved with bridges whose supporting members are set in the floor of the body of water as compared to those that are set up on pilings driven into the subsoil and deeper."

We're hoping in these hearings "to find out how many of these types of bridges are in the Nation's bridge inventory. Right now that information appears to be scarce and perhaps in many States not maintained at all."

A key witness at that hearing, professor of bridge engineering Dr. Gerald Donaldson, said that in his estimation, "Bridge maintenance was in the Stone Age. We have no good, logical way of selecting the proper bridges to repair, rehabilitate or replace other than our memory and manual review.

"Most States have virtually no bridge maintenance programs with specific, qualified maintenance goals; no documented maintenance processes; no rationally planned aggressive strategies to arrest or slow bridge deterioration. Many States address maintenance deficiencies on an ad hoc basis."

He said, "There are many States out there who are not even using the easily available technology" to assess bridge conditions.

"In terms of more sophisticated technology, many of the States basically are only dimly aware of what that technology is."

Well, I can say that in 20 years, not much has changed. Despite efforts to increase funding for bridge inspection, bridge safety, personnel, train those personnel better, train Federal and State inspectors to higher standards over the last 20 years, we have failed, and a bridge failed.

We bring to the House floor today legislation that will put the Nation on the right track to raising the standards by which we build bridges in the first place, raising the standards by which we determine which bridges are structurally deficient and which among those are the most critical bridges to repair and a categorizing and prioritizing of those bridges to increase the standards by which we train bridge inspectors at the Federal and State level and increase the funding for States and the Federal Government to hire the necessary number of bridge inspectors to raise the standards, make those bridges safer, prevent future loss and future collapse as happened in Minnesota.

□ 1830

This legislation will move us in that direction. There may be some little differences about the structure of this proposal, but we in the committee are agreed on the path, on the direction, on the goal, on the objectives.

The funding issues we will address next year in the surface transportation authorization bill. For now, we need to put in place this structure raising the standards by which we determine structural deficiency of bridges, categorizing them, establishing a yardstick of measurement, having it vetted by the National Academy of Sciences so that we have an absolutely transparent and reliable means of determining the prioritization for investment in and addressing the needs of structurally deficient bridges.

Madam Chairman, I reserve the balance of my time.

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

I rise in support of H.R. 3999 and encourage all of my colleagues to vote for this bill. It has been an honor and privilege for me to serve now 20 years on the Transportation and Infrastructure Committee. In significant part, it has been an honor and privilege because of the opportunity to serve with a man like Chairman OBERSTAR, who certainly is the most knowledgeable person on these issues of anybody in the entire Congress.

I can confirm that he has been speaking out on the need to do bridge maintenance and construction and repairs for all of that time, and not just after the terrible tragedy in his home State of Minnesota.

It's also a privilege to serve with my boss, my ranking member, the gentleman from Florida (Mr. MICA) to whom I owe the privilege of serving as the ranking member of the Highways and Transit Subcommittee.

This bill makes much-needed improvements to the existing Federal highway bridge program and to the regulations pertaining to bridge inspections. The bill incorporates a risk-based priority system for the replacement and rehabilitation of bridges to ensure that States are addressing their most urgent bridge needs in a timely manner. We haven't had this up until now.

The bill also requires more frequent inspections of bridges that are classified as structurally deficient and strengthens the training and certification requirements for bridge inspectors. These changes to the existing Federal highway bridge program are designed to improve the program and should benefit all States.

The bill also provides \$1 billion for States to replace and rehabilitate highway bridges. This is a substantial sum of money, but the Federal Highway Administration estimates that it will cost more than \$65 billion to address existing bridge deficiencies. This \$1 billion is merely a start. It will only provide

an average of about \$20 million to each State to address bridge-related needs, barely making a dent in this problem.

But I do have some concerns with a few aspects of this bill. I am concerned that the formula through which the funding in this bill will be distributed does not reward States for placing a priority on maintaining their bridges. Since funding is distributed based on the number of deficient bridges in each State, States that put an emphasis on maintaining their existing bridge inventory may get less under this formula than a State that has neglected their bridge needs.

My home State of Tennessee has placed a priority on maintaining their bridges and as a result the number of structurally deficient bridges in Tennessee is about half of the national average. But instead of being rewarded for their responsible approach to maintaining their highway infrastructure, the State in a way will be penalized and will receive less than their fair share in funding from this program. I think we should have rewarded the States who have worked harder at this.

I am also concerned that this bill practically eliminates any flexibility a State has to transfer funding from the bridge program to other Federal highway programs when there are urgent needs to do so. We are concerned about that. The flexibility provision in this bill eliminates flexibility for every State except for one, the State of Delaware.

Despite these concerns, I do strongly support this bill, and I encourage my colleagues to do the same.

Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. ELLISON) in whose district I-35W collapsed.

Mr. ELLISON. Madam Chairman, I rise today to strongly urge my colleagues to support H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act. But let me start by thanking my fellow Minnesotan, Chairman OBERSTAR, for his vision. It would be much better if we had listened to him so long ago. We wouldn't be in this critical infrastructure crisis that we have today.

But, unfortunately, we have events that have focused our attention, and we cannot dare to take our eyes off the tragedy before us. I heard Chairman OBERSTAR quote a famous American who said, it's a tragedy to lose the opportunity—

Mr. OBERSTAR. If the gentleman would yield, paraphrasing Benjamin Banneker, a brilliant man, who said, "A mind is a terrible thing to waste." And I said, paraphrasing it, a tragedy is a terrible thing to waste.

Mr. ELLISON. A tragedy is indeed a terrible thing to waste. Whenever a tragedy befalls us, it does not do proper justice and honor to the victims of that tragedy to not learn from it and to do better into the future.

As the world knows, the tragic collapse of the Interstate 35 bridge occurred in the Fifth Congressional District, my home district, less than a year ago on August 1, 2007. During the evening rush hour, the Interstate 35 bridge collapsed, 13 Minnesotans lost their lives and over 100 individuals were injured.

It has been widely reported that the 35W bridge was "structurally deficient." Even more disturbing is that according to the U.S. Department of Transportation, one of every eight bridges across the Nation is structurally deficient.

In my home State of Minnesota, about 10 percent of our 13,000 bridges are rated structurally deficient, so the problem of structurally deficient bridges and deficient bridges is a real issue to me and my constituents. It could and should be yours as well.

Investing in our infrastructure and fixing our Nation's bridges demands our attention today so that our communities across the Nation can be spared the trauma that my district and my State had to bear last August.

I am proud to be a cosponsor of H.R. 3999. This legislation strengthens the inspection requirements and standards on our Nation's bridges. It requires that all Americans involved in bridge inspections receive appropriate training.

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

Mr. OBERSTAR. I yield the gentleman an additional minute.

Mr. ELLISON. The bill also requires bridge inspections every 2 years and even more frequently for structurally deficient bridges. There will be some critics who will say that we cannot afford to meet our infrastructure needs.

In reality, Mr. Chairman, as you understand, we cannot afford to not meet our infrastructure needs.

Mr. DUNCAN. Madam Chairman, I yield for such time as he may consume to the gentleman from Florida (Mr. MICA), the ranking Republican member of the Transportation and Infrastructure Committee.

Mr. MICA. Madam Chairman and my colleagues, I am pleased to be with you tonight to discuss an important piece of legislation that has been brought forth by the Transportation and Infrastructure Committee.

First of all I have to compliment the ranking member of the Highway Subcommittee, Mr. DUNCAN, the gentleman from Tennessee, for his leadership and his efforts in working together with his counterpart, Mr. DEFAZIO, and also my counterpart, Mr. OBERSTAR, to try to bring legislation to the floor that will make our bridges safer, that we have seen problems with our infrastructure in this Nation.

We have a responsibility from the Federal Government. We can't fix every bridge in every county, every city across every road in the country, but we do have an obligation where we have Federal funds, where we have

interstate, where we have bridges and infrastructure that's so important for the commerce of this Nation to make certain that they are sound, that we have adequate protocols and procedures for inspection of those bridges, and that we try to make certain that those bridges are inspected on an appropriate basis and that there is remediation. It's one thing to make demands of local State government from the Federal level, but what we want to do is ask reasonable people to take reasonable actions and take corrective actions where they are needed, rather than dictate from on high.

First of all, let me say my sympathy goes out to everyone and all those who lost their loved ones in the tragedy that struck Minnesota. I was on the floor with Chairman OBERSTAR when we learned of the collapse of the I-35 bridge, and Congress acted immediately to replace that structure. That structure's replacement is actually an example I am going to use in the future for replacement of any infrastructure in this country.

In 437 days that bridge will be replaced, and if we could do that with other projects across the Nation, we would save so much time, money and hassle and red tape, but it shows that we can, if we want to take action, in replacing our infrastructure.

But, again, we had a tragedy. We weren't sure the day that it happened what the cause was, and we are still having information gathered by the National Safety Transportation Board, and they will file a final report. But I might also say that the loss of even one life in the collapse of a bridge is too much, and we have to act again to ensure bridge safety, but we have to also look at some of the conditions.

Even if we take the Minnesota bridge collapse, we do know now, and I have seen pictures of a design flaw of problems with the gusset plate, one of the structural support systems. That flaw was identified over several terms of different administrations in Minnesota. I have seen pictures that transcend, again, the flaw that was found, and not a lot was done about it.

We also have learned that the bridge was underdesigned, really, for the kind of traffic that it has today, and that's another problem we have with larger trucks and vehicles on our bridges, and we also know that bridge was under construction and a contractor had put a significant amount of weight which may have led to the collapse. We don't know that. There were other vehicles too, we know, on the bridge. All of that will give us a final determination of why that bridge went down.

But what we have got to do is not base our policy for the future, and this legislation, on presuming that certain things took place. We have got to deal with facts, and, again, in an appropriate and logical manner in which we proceed to ensure safety of bridges.

One of the things that I learned from all of this is that the trucks and vehi-

cles that we have running over our bridges today, I think anyone who goes down the interstate, or down a major highway, sees a sign, a weight limit for bridges that's usually posted.

The amazing thing I found about today is that while we limit the weight of those vehicles, the violations of people going over those bridges with excessive weights is just mind-popping. It is happening across the country. So, many bridges like the Minnesota bridge that were built to a certain design for a certain era and certain weights, even though that weight limit is posted, one of the problems is that people drive vehicles that weigh far in excess, many times over. In fact, the Department of Transportation even publishes statistics on the estimates and the incidence of some of these violations. So that's something that we have got to address, too.

Again, I have a number of areas in this bill I think we have worked on that are good provisions, the training and certification of bridge inspectors, the requirement that States adopt a risk-based list and prioritization of the bridges that do need attention. There are good provisions in here. I do have a couple of things that give me hiccups, and I have expressed my concern about. I had attempted to go before the Rules Committee and offer an amendment that would have corrected two of the major flaws that I see in the approach we are taking here.

□ 1845

That was, unfortunately, rejected.

People have come and asked me how I'm going to vote on this measure. Quite frankly, I don't know. And I won't know until tomorrow, until I've heard the rest of the debate because, again, there are two flaws in this that concern me. Mr. DUNCAN mentioned them, and again I'll repeat them. One is lack of flexibility that allows our States that have been responsible to move money around. And I will submit for the RECORD a list of some of those States.

But States like California will be impacted here that in the past have asked to transfer funds. I mentioned to a Member from California that, even though I think that California has acted responsibly, California has also been the victim of natural disasters or earthquakes. Sometimes their bridges have collapsed. Sometimes their roads have collapsed. Sometimes they need to move money around. This bill does, unfortunately, set up some inflexibility that I think will harm some States that have had to use that mechanism in the past, but yet have been responsible in the manner in which they have expended their money, both Federal and State money, for bridge projects.

My State of Florida also is a responsible State and will be penalized by the terms of this. I have a very strong statement from our Secretary of Transportation, Stephanie Kopelousos, in opposition to the terms that were provided in this bill.

Now, I know that the chairman has tried to make some accommodations in this. I'm sorry that the Rules Committee did not see fit to take an amendment that would have provided a corrective remedy to help Florida, California, Tennessee—I've got a long list that I will submit in the RECORD of States who may be penalized, and some

of them penalized for doing the right thing.

The other thing, too, is it does penalize States who have done the right thing, and that's unfortunate. I don't think we should put our States that act in good faith at a disadvantage for legislation that we've passed here.

So while there are some good provisions, I have some questions about

what we're doing. This isn't the final say on this bill, it will have to go through the other body. And we want it to be good and thoughtful and productive and effective legislation as it is finalized.

So those are some of the comments that I wanted to provide as we speak here now in general debate. And I appreciate the gentleman yielding.

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, BRIDGE TRANSFERS WITHIN FUNDS (TO/FROM OTHER PROGRAMS), CURRENT YEAR PLUS SEVEN AS OF AUGUST 8, 2007

State	FY 2007	FY 2006	FY 2005	FY 2004
Alabama				58,275,000.00
Alaska		2,301,353.89		53,265,174.92
California		305,586,671.00		
District of Columbia		-76,008.00		
Florida				-644,617.00
Hawaii			2,000,000.00	-553,215.00
Iowa				
Kansas		30,000,000.00	-145.00	
Maryland		32,520,170.00		
Massachusetts				
Minnesota		41,615,022.50	8,955,000.00	
Nevada		1,871,425.00		
Ohio	76,686,875.50	10,000,000.00		
Oklahoma		-168,790.00	-14,396.00	40,434,170.00
Oregon		8,000,000.00		-117,285.00
Pennsylvania	236,000,000.00	185,000,000.00	184,990,000.00	191,800,000.00
Rhode Island	25,000,000.00	15,000,000.00		10,000,000.00
Utah				
Vermont		2,694,983.00	-23,051.00	
Virginia				35,234,226.00
Washington				1.00
Wisconsin				
Grand total	337,686,875.50	634,344,827.39	195,907,408.00	387,693,454.92

(Note: negative numbers reflect transfers of funds to the bridge program; positive numbers represent transfers of funds of the bridge program)  
Source: FHWA-FMIS L11A-dlj.

Mr. OBERSTAR. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from the State of Minnesota (Ms. McCOLLUM), whose district borders on the I-35W Bridge.

Ms. McCOLLUM of Minnesota. Madam Chairman, I rise in support of H.R. 3999, the National Highway Reconstruction and Inspection Act.

Nearly 1 year ago, Minnesota made the national news when the Twin Cities lost a bridge, and so much more. In the wake of heroic rescue efforts in Minneapolis, this Congress responded with an emergency Federal appropriation to rebuild the bridge.

Today, our community is healing and a new bridge is nearly complete. But August 1, 2007 must not be about one bridge in Minnesota. Our State's tragedy was evidence of America's desperate problem.

Today, the Congress is rightly and responsibly turning to the task of repairing and maintaining thousands of deficient bridges across this country. We are making a commitment to remove one unnecessary worry from the everyday lives of American families. This vote will be about investing in the public good. This vote will be about protecting public safety. And this vote is about restoring public trust that remains badly broken.

I commend Chairman OBERSTAR, the Dean of the Minnesota delegation, for bringing this bill to the floor and for his strong leadership on transportation policies. I look forward to continuing to work with the chairman during the reauthorization next year, when we begin to build a 21st century transportation system for America.

Mr. DUNCAN. Madam Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER), a member of the committee.

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

I agree with much of what my colleagues on this side of the aisle have said this evening. I first and foremost commend the chairman for putting forth a bill that is going to increase funding for bridges. Certainly it's a tragedy what happened in Minnesota on I-35, and we have to be concerned in America. But our bridges are in grave danger of those types of incidents occurring. Pennsylvania has thousands of bridges that are in a deficient state, and we need to address that.

This bill, though, in talking to leadership at Penn DOT, Pennsylvania Department of Transportation, today, they have grave concern, as I do, that in this bill—I'm not clear how extensively it reduces the flexibility for our States to be able to move money around where they need to do it. I know Pennsylvania, in the past, has been criticized, saying we don't spend as much as we are authorized and appropriated for bridges. But, in fact, because of the flexibility in the past, Pennsylvania spends almost double on fixing new bridges because they're able to move money around in a common-sense way to rebuild bridges that need attention. So I'm concerned that this bill is going to restrict the flexibility.

I'm not quite sure, as we're reading the language and we're trying to work through this to try to understand it, if this legislation is going to reduce the flexibility in the nearly billion dollars that's out there, or if it's going to

reach back into our highway funds that we have now, it's going to create stringent requirements on them.

The second thing that concerns me is that there appears to be a new certification program for bridge inspectors. And Pennsylvania, I believe, leads the Nation in training and certifying people to go out and inspect bridges. In fact, in Pennsylvania, it's not always an engineer who's an inspector, but it's somebody who has a tremendous amount of experience building bridges, working around bridges that has gone out and certified these bridges.

And in talking to Pennsylvania today, the Penn DOT, they expressed to me that if this certification program moves forward, it's going to hamper their ability to continue to go out and inspect bridges and decide which bridges need to be dealt with.

In addition to that, the certification program, Penn DOT expressed to me today that it could cost as much as \$30 million to recertify bridges under a Federal regime. And as I said, Pennsylvania is a State where we have several thousand bridges that are in desperate need. Pennsylvania is a leader in moving forward, trying to rehab these bridges, making sure they're safe so we don't see tragedies occurring.

And then finally, the risk-based priority regulations in this bill. Pennsylvania doesn't have hurricanes, Pennsylvania doesn't face those kinds of risks. And it's a concern that, with this type of Federal regulation, are we in Pennsylvania going to be hurt by this mandate that's put in place or this type of risk-based priority? Because we do have, as I said, several thousand—I

believe the number is 9,000—bridges that need attention today.

So I have grave reservations about this. I'm trying to work through the bill and trying to understand all that it puts forward, but these are some of the concerns that I've had, not just from me working through the legislation, but in talking to the experts in Pennsylvania. So there are grave concerns here. And again, at this point, I'm going to hold my judgment until I continue to work through the bill and try to understand it.

Mr. OBERSTAR. Does the gentleman have time to yield?

Mr. SHUSTER. I certainly would yield to the gentleman.

Mr. OBERSTAR. Those are valid concerns.

First of all, on the bridge inspection standards, the Federal Highway Administration is directed by the legislation to raise the standards. They will do this in consultation with the States. Pennsylvania is recognized as having very high standards for its bridge inspectors, and the country can benefit from Pennsylvania in that process. So Pennsylvania will be one of the leaders.

Secondly, the matter of transfer of funds, of flexibility, we, for years, when we first established the bridge category, gave States flexibility to transfer funds out of that account up to 50 percent. In the SAFETEA legislation, SAFETEA-LU current law, the language was further refined to distribute funds on a needs basis. If that formula is wrong, if that's the wrong way to do it, then we will correct it in the next legislation. This legislation deals only with current law. And that needs formula is based on the question to be determined by each State, in cooperation with the Federal Highway Administration, on how much it costs to maintain, to replace bridges in a State, and then, under those factors, the allocation is made by the Federal Highway Administration to the States.

Maybe we need to change that altogether in the next legislation. I'm only dealing with current law, again, in this bill. And since we have seen in my State, Minnesota, they transferred 49 percent of their money—just to the limit of the law—out of the bridge account to other purposes, and then said, when the bridge collapsed, that, oh, well, there was so much money spent on bicycle paths, we didn't have money for bridges. They transferred the money out. They made the decision to do that. We're saying in this legislation, fix your bridge, your most critical bridge issues first. Certify you've done that. Then you can transfer those remaining dollars out elsewhere. But I think we want accountability for the States.

Now, the gentleman from Tennessee raised a very important issue—if the gentleman would continue to yield—about this category for bridges. Another issue for consideration next year is whether we should have a bridge category at all. That's something we can

make a determination on. Maybe we shouldn't have this at all. Maybe we should just simply have a bridge inspection program and require States to act on the results of their own bridge inspections made to these new higher standards and verified by the National Academy of Sciences.

And I thank the gentleman for yielding.

Mr. SHUSTER. I appreciate the gentleman's comments. And those are certainly all things we need to consider.

And I raise these issues not because I have a deep understanding of this law, but when I talk to the experts back in Pennsylvania, they raised the concerns that—we have good intentions down here sometimes in the Federal Government in Washington, but when the language comes out, it doesn't exactly meet up to our expectations, and certainly not back to the professionals back in Pennsylvania that are working hard day and night trying to make sure these bridges are taken care of.

But they've expressed to me—and again, I'm going to be in consultation with them tomorrow and hopefully committee staff to make sure that we understand that these aren't putting impediments in place to the State of Pennsylvania, in particular, because we have a tremendous need to fix, repair and replace these bridges that are in very, very bad condition. So I appreciate the gentleman's words and will certainly be talking with the staff.

Mr. OBERSTAR. If the gentleman would yield further, ask them that question about whether we ought to have a category for bridges at all.

Mr. SHUSTER. Absolutely.

Mr. OBERSTAR. And that's something we must consider in the broader policy considerations next year.

Mr. SHUSTER. I thank the gentleman.

Mr. OBERSTAR. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Madam Chairman, I rise to engage in a colloquy with Chairman OBERSTAR.

Mr. Chairman, I wish to congratulate you on your ongoing efforts to improve the safety of our Nation's highway bridges. And I'm pleased that H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act, would provide an additional \$1 billion in fiscal year 2009 for States to address their structurally-deficient national highway system bridges. I'm concerned, however, that this funding would be distributed through the current bridge program formula.

Traditionally, Wisconsin does not fare well under the current bridge formula, which is based on the number and percentage of structurally deficient and functionally obsolete bridges. While I recognize that the funding apportionment for the Highway Bridge Program is needs-based, I am concerned that the current program does not recognize the commitment States

like Wisconsin make toward addressing their deficient bridges. Under the current formula, States such as Wisconsin are penalized because they commit significant resources towards addressing their bridge needs.

This situation is exasperated by the fact that States are permitted to transfer bridge program funds to other Federal highway programs with little or no impact under future apportionment of Highway Bridge Program funds.

Under this current formula, there is little or no incentive to invest in bridge maintenance. More importantly, States that achieve this objective are not rewarded. To address this problem and ensure that bridge program resources are invested in bridge maintenance, I believe that the funding formula should consider a State's level of efforts and performance in addressing its bridge needs.

While I recognize that this legislation does not rewrite the Federal Highway Bridge Program formula, I would greatly appreciate it if the chairman would be willing to assure me as that, as the committee begins to develop the next surface transportation authorization, we will review the formula to accommodate and recognize that States have made these efforts.

And I yield to the chairman.

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Mr. OBERSTAR. I thank the gentleman for yielding and for raising this issue as members of the committee on the other side of the aisle have done. And the needs-based formula I think has served us well. It has been a good principle.

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

Mr. OBERSTAR. I yield the gentleman 30 additional seconds.

We ought to revisit the needs formula in the upcoming legislation for the new authorization and revamp, if necessary, that needs-based formula so that it more equitably reflects the needs of the States and their commitment to and actions taken on maintenance replacement of their bridges on the national highway system.

Mr. KAGEN. I thank you, Mr. Chairman, and look forward to working with you on this important aspect of the bill.

Mr. OBERSTAR. I think we will have lots of help on that next year.

Mr. KAGEN. It looks like it.

Mr. DUNCAN. Madam Chairman, I have no other speakers at this point for our side and so I will reserve our time until Chairman OBERSTAR is ready to close from his side.

Mr. OBERSTAR. I would inquire of the Chair how much time remains on both sides.

The CHAIRMAN. The gentleman from Minnesota has 18 minutes remaining, and the gentleman from Tennessee has 9 minutes remaining.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Maryland, the Chair of the Coast Guard Subcommittee.

Mr. CUMMINGS. I thank Chairman OBERSTAR for yielding. I also thank him for his leadership on the Committee on Transportation and Infrastructure and for his unwavering commitment to the value of investing in our Nation's infrastructure. I also thank Congressman DEFAZIO for his leadership of the Subcommittee on Highways and Transit and for his work on this legislation.

As a senior member of the Transportation Committee, I rise today in strong support of the National Highway Bridge Reconstruction and Inspection Act and the amendment in the nature of a substitute offered by Mr. OBERSTAR.

One out of eight bridges in the richest land in the world is now structurally deficient. In my own State of Maryland, the State Highway Administration maintains 2,578 bridges and overpasses at an annual cost of \$110 million. A total of 129 of these bridges are structurally deficient, while an additional 410 are functionally obsolete. The drivers in this Nation should not have to worry as they cross bridges that the bridge will give way beneath them. But they do now.

To begin to meet our Nation's backlog on bridge maintenance needs, H.R. 3999 authorizes the appropriation from the general fund of \$1 billion. Unfortunately, that is just a down payment. And as we work to bring our infrastructure into a state of good repair, the safety of the traveling public will rest on the effectiveness of our bridge inspection regime.

To strengthen that regime, this bill requires the Secretary of Transportation to develop a reliable national bridge inventory, to develop a risk-based method for assigning repair and replacement priorities, and to develop uniform bridge inspection processes. These are commonsense measures that will enable us to manage the resolution of our bridge maintenance needs effectively and efficiently.

Mr. Chairman, our Nation's highway infrastructure is a pillar of our economic success. And by passing this bill today, we can make a modest investment in the maintenance of that infrastructure to ensure that it can continue to carry our Nation's to new successes.

With that, I urge my colleagues to vote in favor of the bill.

Mr. DUNCAN. I have just a couple of additional comments, Madam Chairman, and I recognize myself for such time as I may consume before Chairman OBERSTAR closes. I do want to, once again, commend him for his work on this important legislation.

I think everyone agrees that to have a vibrant national economy, we have to have an effective, efficient and first-class system of transportation. Certainly our local governments have an important role in that process and our State governments have an important role. But there is a very important and legitimate national role in our transportation system in this country.

People in Minnesota, Pennsylvania, Ohio and Florida use the highways and bridges in Tennessee and vice versa. And now under SAFETEA-LU, we are providing an average of \$4.5 billion a year for our bridge system. But as so often is the case, terrible tragedies sometimes call our attention to shortcomings or to needs that exist in this country. And the tragedy of the bridge collapse in Minnesota certainly did that and called our attention to the fact that we need to do a great deal of work on our bridges.

This is a one-time, 1-year, \$1 billion supplemental authorization for some additional funding for our bridges. As I said earlier, it averages out to about \$20 million a State. It will barely put a dent in our problem, but it's a legitimate thing for this Congress to do.

I urge support for this legislation.

I yield back the balance of my time.

Mr. OBERSTAR. Madam Chairman, I yield myself 6 minutes.

Here is, in the well of the House, a chart listing the status of the structurally deficient bridges eligible for replacement State by State. We also have a smaller document at the committee table that Members can take with them. But this shows 589 bridges on the interstate system and 2,067 bridges overall on the national highway system that are in the structurally deficient category, eligible for replacement, and that is the standard by which we, in this legislation, determine whether a State qualifies for moving money out of its bridge account. We're just saying, once you have determined that you have structurally deficient bridges, fix them first, and we're saying just those that need to be replaced, not those that just need adjustments, but those that need to be replaced, do that first, then transfer money out of your bridge account.

States have transferred the money out of their bridge account, as I said earlier, and the State of Minnesota didn't address their bridge needs, and then the bridge collapsed. And they're looking for a handout. Well, if we're going to continue in the future with a category for bridge maintenance and replacement, then this is the standard we should have. We can make the determination in the next legislation.

I will rely heavily on the gentleman from Tennessee, the gentleman from Florida (Mr. MICA), the gentleman from Oregon (Mr. DEFAZIO), Chair of the Surface Subcommittee, who has one of the most severe bridge problems on Interstate 5 in the State of Oregon, on whether we should continue with the idea of a category for bridge funding. If we do, then we have to have better standards by which bridges are built, maintained and inspected. And this legislation puts us on course toward that goal.

Now I want to show what has happened. The gentleman from Florida (Mr. MICA) cited the speed with which the State of Minnesota has responded in rebuilding the bridge. These two

photographs show the bridge replacement in two phases, the top portion showing where it was just about 3 weeks ago, and the bottom portion with only 2½ feet separating the two segments, the north and south segments of the bridge. I was on that bridge on Sunday afternoon, observed the extraordinary work, the speed with which the bridge was constructed.

This is the way we should build bridges for the future, with sensors embedded in the structure itself, sensors that tell the temperature of the bridge, the coefficient of expansion and contraction. The wind velocity pressures on the bridge will be detected by sensors in that structure. There are also long-in-use rollers on the bridge so they can move north and south, expansion and contraction, but much higher quality than ever before built into those rollers. There is also an ice detection system operated by temperature, so that before freezing conditions are encountered, de-icing may be sprayed onto the bridge structure to prevent icing conditions. These are highly advanced technology systems that have not been built into bridges previously, and as many sensors as are going into this bridge, there are also sensors that detect minute cracks that can develop in a bridge and alert bridge engineers before something serious happens. That is the kind of quality that we need to build into future bridge construction and maintenance and replacement.

Now the questions that have been raised about the transferability, frankly, I am really troubled that in the last 5 years, States have transferred \$5 billion out of their bridge account and then turn around and complain that they don't have flexibility. We give them flexibility to transfer up to 50 percent of their bridge account into other programs. But then they turn around and complain that this legislation will restrain their flexibility. I'm saying, as long as we have this bridge category, as long as there is a definition of structural deficiency, that States should address those structure deficiency issues, those structurally deficient bridges and if they are candidates for replacement, replace them. Use your bridge formula funds to replace those bridges. And then when you have done that and certified to the Federal Highway Administration you have addressed this, then you can transfer those funds elsewhere.

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

Mr. OBERSTAR. How much time do we have on our side?

The CHAIRMAN. The gentleman from Minnesota has 10 minutes remaining.

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

There is no limitation on the flexibility of States to use their bridge formula funds so long as they comply with one issue, and that is, certify that where you have structurally deficient

bridges that are on the national highway system that should be replaced that you have addressed the replacement issue.

The Commonwealth of Pennsylvania has the highest number of structurally deficient bridges in the Nation. Yet they transferred \$2.2 billion of their Federal highway bridge funds out of that program into other needs of the State. Well, over that same period of time, since 2003, they transferred those dollars, and the number of structurally deficient bridges in the Commonwealth of Pennsylvania increased by 500. You can't have it both ways, I'm saying. We have a category for bridge construction, maintenance and replacement, and if you transfer money out of it, then you can't complain that you don't have flexibility. You can't complain that a bridge fell down because there are other needs. Address those needs first.

The highway bridge program represents about 11 percent of the overall funding level of the current law, SAFETEA-LU, but as the Office of Management and Budget has issued rescission orders cutting funds from the overall surface transportation program, \$3.4 billion in rescission of contract authority have come out of the bridge program.

□ 1915

So States are victimizing their bridge formula program when the rescissions come. Now maybe we should make the whole thing a block grant program and not have categories. If we do, then States will have all the authority they need to shift dollars around.

But I think that over the years, successive Congresses in the 50 years of the interstate highway system and the highway trust fund have concurred in the categories of funding. They serve a useful purpose, and we should maintain those categories, and make some adjustments in them. I think we should revisit the needs formula as the gentleman from Tennessee has suggested, and other Members have suggested. We should perhaps rewrite the entire needs formula. But that is a matter for next year, not in this bill.

I thought we should have a down payment of a billion dollars to get States started on addressing their structurally deficient bridge problem and expand that funding next year when we get into the authorization period. For the moment, I think this legislation represents what we can do and should be doing in the short term to set the stage for a longer-haul revision of the bridge program.

Again I compliment the State of Minnesota Department of Transportation for moving ahead so vigorously on I-35W and leaving a great legacy for the future.

I also once again express my great appreciation to the gentleman from Oregon (Mr. DEFAZIO) the chairman of our Surface Subcommittee, and the

gentleman from Tennessee, the ranking member on the subcommittee, and my good friend and partner, the ranking member on the committee, Mr. MICA, for participating and for their thoughtful observations about the legislation before us, for the many suggestions that we have incorporated, and look forward to continuing this work as we move towards the reauthorization next year.

Mr. SIRE. Mr. Speaker, I rise today in support of H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act. Maintaining our infrastructure, especially our bridges, is vital to enhancing our economy, improving our quality of life, and most importantly protecting the safety of our constituents. I thank Chairman OBERSTAR for introducing this important legislation and for his leadership in maintaining our Nation's infrastructure.

My district is highly impacted by the structural integrity of our bridges. They provide the necessary infrastructure to support one of the largest ports in the U.S. with more than 25 million tons of cargo moving through the port each year. Most importantly, these bridges serve millions of people who travel on them to and from New York City each year.

In response to the tragic 1-35-W bridge collapse in Minneapolis, Minnesota, New Jersey undertook an extensive review of bridges and identified the improvements required to bring all of the State's structurally deficient bridges to a state of good repair. This bill will help to further that initiative and increase the safety of our bridges.

I urge my colleagues to support this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I rise today in support of H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act.

Madam Chairman, I believe it goes without saying that not only the State of Texas, but all of America stood in solidarity with Minnesota on August 1, 2007, after the tragic 1-35 bridge collapse.

Since this unfortunate tragedy, our Chairman, Mr. OBERSTAR, has worked tirelessly to aid his State and the Nation to ensure that priority attention is given to the state of our country's aging transportation infrastructure.

Texans are intimately familiar with Interstate 35, as roughly one-third of the overall length of the interstate exists within Texas' borders.

The State of Texas—with roughly fifty-thousand bridges—has roughly forty percent more bridges than any other State in the nation.

To its credit, the State of Texas has one of the most aggressive bridge programs in the country. As a testament to this aggressiveness, only four percent of the State's bridges are categorized as structurally deficient. In spite of this success, Texas is facing enormous and rapidly increasing transportation needs.

Increases in population, trade growth, and travel in state have placed unprecedented demands on an under invested system.

Based on Texas's annual Report on Texas Bridges for 2006, Texas has approximately thirty-three thousand on-system bridges. Twenty-one percent of these were built before 1950 and fifty-four percent have been in service for more than three decades.

The bridges that are, or will be, structurally deficient, functionally obsolete, or sub-standard for load only in the coming years must

also be improved to ensure design standards are current and up to date.

According to my State Department of Transportation, 282 bridges categorized as structurally deficient are currently being rehabilitated or replaced. Another 1,303 bridges classified as structurally deficient are under development as part of the State's ten-year Unified Transportation Plan. The State's remaining 439 bridges classified as structurally deficient are not currently scheduled for rehabilitation or replacement, and no funding has been identified for them.

The need for additional funds and resources for inspections, maintenance, rehabilitation, and replacement of bridges is desperately needed in Texas and it is my hope this bill is able to assist my State in a measurable way.

Recently in my congressional district a 2-foot-by-2-foot hole emerged in an eastern span of the Interstate-30 Bridge in Dallas. According to my State DOT, in addition to the disruption to commuters, the bill just to rectify a 2-foot-by-2-foot hole will cost upwards of \$1.4 million dollars.

As a country we are falling behind other industrialized nations tremendously in upgrading our Nation's infrastructure. It is imperative that government at all levels begin to make transportation investment an urgent priority.

Madam Chairman, I urge my colleagues to support this important piece of legislation and yield back the balance of my time.

Mr. HOLT. Madam Chairman, I rise today in support of H.R. 3999, the National Bridge Construction Act.

When the National Highway System was created in 1955, President Eisenhower said "Our unity as a nation is sustained by the free communication of thought and by the easy transportation of goods . . . [T]ogether the unifying forces of our communication and transportation systems are dynamic elements in the very name we bear—United States."

However, since the creation of the Interstate Highway System in the 1950s, the Federal Government has failed to fulfill its commitment to maintain our Nation's infrastructure. Conditions on America's surface transportation systems—our roads, bridges and highways, our passenger and freight rail facilities, our public transit networks—are deteriorating. The physical infrastructure itself is showing the signs of age. In almost all cases, the operational efficiency of our key transportation assets is slipping.

The catastrophic collapse of the I-35W bridge in Minnesota last year was a reminder that a lack of funding for proper maintenance of our bridges and roadways is more than an inconvenience, it can be deadly. The legislation before us today would provide a short term solution to this problem by increasing funding for bridge construction over the next fiscal year by \$1 billion. H.R. 3999 would also require the Department of Transportation to create a better system for inspecting our bridges so they can ensure their safety. It would also ensure that the bridges most in need of repairs are given the funding necessary for safety retrofits.

In my home State of New Jersey there are over 6,000 bridges, nearly a third of which the Department of Transportation has determined either structurally deficient or functionally obsolete, including 12 in my central New Jersey district. This legislation would provide the State of New Jersey with over \$42 million in



much needed grants for rebuilding these bridges, and I urge my colleagues to support it.

Unfortunately, this funding is little more than a drop in the bucket when considering our long term transportation needs. Our transportation programs are drastically underfunded and require immediate attention in order to be corrected. Today the House of Representatives will consider emergency legislation that would authorize the transfer of \$8 billion to the highway trust fund which is expected to experience a \$14 billion shortfall in Fiscal Year 2009. However, this is still not enough.

When we passed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA-LU) back in 2005, we authorized the National Surface Transportation Policy and Revenue Study Commission to undertake a thorough review of the state of our national transportation system. This study found that we would need to invest \$225 billion annually over the next 50 years in order to ensure that our transportation infrastructure is in a good state of repair. I look forward to working with my colleagues on both sides of the aisle to address our pressing transportation needs.

Mr. COSTELLO. Madam Chairman, I rise today in strong support of H.R. 3999, National Highway Bridge Reconstruction and Inspection Act. This legislation is in response to the bridge collapse that occurred on August 1, 2007, in Minneapolis, MN. That incident was a tragedy and serves as a reminder to all that we must properly invest in our infrastructure.

The United States transportation system is the envy of the world. We have an extensive system of highways, ports, locks and dams, and airports. Yet, we have neglected to upgrade and modernize our infrastructure over the years.

For example, currently, the National Bridge Inventory contains information on 594,101 bridges. Of the bridges in the inventory, 73,784 bridges were structurally deficient and over 80,000 were functionally obsolete. Those numbers are astounding and troublesome.

We should not build our infrastructure and then walk away without maintaining it and modernizing it as it becomes antiquated. HR 3999 authorizes an additional \$1 billion in FY09 for the Highway Bridge Program and requires updates and changes to be made to the inspection program.

Madam Chairman, we must find a way to make the necessary improvements to our roads and bridges to make sure the highest level of safety is maintained and that the U.S. economy remains strong. That is why I support H.R. 3999 and urge my colleagues to do the same.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in part A of House Report 110-760 shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Highway Bridge Reconstruction and Inspection Act of 2008”.

#### SEC. 2. HIGHWAY BRIDGE PROGRAM.

##### (a) BRIDGES ON FEDERAL-AID HIGHWAYS.—

(1) RISK-BASED PRIORITIZATION FOR REPLACEMENT AND REHABILITATION OF DEFICIENT BRIDGES.—Section 144 of title 23, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

“(b) BRIDGES ON FEDERAL-AID HIGHWAYS.—The Secretary, in consultation with the States, shall—

“(1) inventory all bridges on Federal-aid highways that are bridges over waterways, other topographical barriers, other highways, and railroads;

“(2) identify each bridge inventoried under paragraph (1) that is structurally deficient or functionally obsolete;

“(3) assign a risk-based priority for replacement or rehabilitation of each such bridge after consideration of safety, serviceability, and essentiality for public use, including the potential impacts to regional and national freight and passenger mobility if the serviceability of the bridge is restricted or diminished; and

“(4) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

“(c) BRIDGES ON OTHER PUBLIC ROADS.—

“(1) INVENTORY OF BRIDGES.—The Secretary, in consultation with the States, shall—

“(A) inventory all those highway bridges on public roads, other than those on any Federal-aid highway, which are bridges over waterways, other topographical barriers, other highways, and railroads;

“(B) identify each bridge inventoried under subparagraph (A) that is structurally deficient or functionally obsolete;

“(C) assign a risk-based priority for replacement or rehabilitation of each such bridge after consideration of safety, serviceability, and essentiality for public use, including the potential impacts to regional and national freight and passenger mobility if the serviceability of the bridge is restricted or diminished; and

“(D) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

“(2) INVENTORY OF BRIDGES FOR HISTORIC SIGNIFICANCE.—The Secretary may, at the request of a State, inventory bridges, on and off Federal-aid highways, for historic significance.

“(3) INVENTORY OF INDIAN RESERVATION AND PARK BRIDGES.—As part of the activities carried out under paragraph (1), the Secretary, in consultation with the Secretary of the Interior, shall—

“(A) inventory all those highway bridges on Indian reservation roads and park roads which are bridges over waterways, other topographical barriers, other highways, and railroads;

“(B) identify each bridge inventoried under subparagraph (A) that is structurally deficient or functionally obsolete;

“(C) assign a risk-based priority for replacement or rehabilitation of each such bridge after consideration of safety, serviceability, and essentiality for public use, including the potential impacts to regional and national freight and passenger mobility if the serviceability of the bridge is restricted or diminished; and

“(D) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.”.

(2) PROCESS FOR ASSIGNING RISK-BASED PRIORITIES.—

(A) DEADLINE FOR ESTABLISHMENT.—After modifying national bridge inspection standards in accordance with the amendments made by section 3 and not later than 18 months after the date of enactment of this Act, the Secretary shall establish a process for assigning risk-based priorities under sections 144(b)(3), 144(c)(1)(C), and 144(c)(3)(C) of title 23, United States Code, as amended by paragraph (1) of this subsection.

(B) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing a description of the process for assigning risk-based priorities established under subparagraph (A).

(C) INDEPENDENT REVIEW.—

(i) PARTICIPATION OF NATIONAL ACADEMY OF SCIENCES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to permit the Academy to conduct an independent review of the process for assigning risk-based priorities established under subparagraph (A).

(ii) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Academy shall submit a report on the results of the review to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate.

(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph \$2,000,000 for fiscal year 2009. Such sums shall remain available until expended.

(b) APPOINTMENT.—Section 144(e) of such title is amended by adding at the end the following: “In this subsection, the term ‘deficient bridge’ means a bridge that is structurally deficient or functionally obsolete.”.

(c) PARTICIPATION.—Section 144(d) of such title is amended by adding at the end the following:

“(5) REQUIREMENTS FOR STATE PARTICIPATION.—

“(A) IN GENERAL.—As a condition for providing assistance to a State under this section, the Secretary shall require the State to take the following actions:

“(i) INSPECTIONS.—Not later than 24 months after the date of enactment of this paragraph, and at least once every 24 months thereafter (except as otherwise provided by section 151(d)), the State shall inspect all highway bridges described in subsections (b) and (c) that are located in the State in accordance with the standards established under section 151 and provide updated information on such bridges to the Secretary for inclusion in the national bridge inventory.

“(ii) CALCULATION OF LOAD RATINGS.—The State shall—

“(I) not later than 24 months after the date of enactment of this paragraph, calculate the load rating for all highway bridges described in subsections (b) and (c) that are located in the State;

“(II) at least once every 24 months thereafter, reevaluate and, as appropriate, recalculate the load rating for each such bridge; and

“(III) ensure that the safe load-carrying capacities for such bridges are properly posted.

“(iii) PERFORMANCE PLAN.—The State shall develop, not later than 24 months after the date of enactment of this paragraph, update annually, and implement a 5-year performance plan for—



“(I) the inspection of highway bridges described in subsections (b) and (c) that are located in the State; and

“(II) the rehabilitation and replacement of any of such bridges that are structurally deficient or functionally obsolete.

“(iv) BRIDGE MANAGEMENT SYSTEM.—Notwithstanding section 303(c), the State shall develop and implement a bridge management system that meets the requirements of section 303.

“(B) APPROVAL OF PERFORMANCE PLANS.—

“(i) SUBMISSION TO THE SECRETARY.—A State that establishes a 5-year performance plan under subparagraph (A)(iii) shall submit the plan and each update of the plan to the Secretary for approval.

“(ii) CRITERIA FOR APPROVAL.—Not later than one year after the date of enactment of this paragraph, the Secretary shall establish criteria for the approval of performance plans and updates submitted under clause (i).

“(iii) APPROVAL AND DISAPPROVAL.—The Secretary shall approve or disapprove each 5-year performance plan and update submitted by a State under this subparagraph. If the Secretary disapproves a plan or update, the Secretary shall inform the State of the reasons for the disapproval and shall require the State to resubmit the plan or update with such modifications as the Secretary determines necessary.”.

(d) INFORMATION AND REPORTS.—Section 144(h) of such title (as redesignated by subsection (g)(1)(G) of this section) is amended to read as follows:

“(h) INFORMATION AND REPORTS.—

“(1) UPDATES OF INFORMATION.—The Secretary shall annually revise, as necessary, the information required under subsections (b) and (c).

“(2) REPORTS TO CONGRESS.—Concurrently with the President's annual budget submission to Congress under section 1105(a) of title 31, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing—

“(A) a description of projects and activities approved under this section;

“(B) the information updated under paragraph (1), including a description of the priority assigned, on a national basis and by State, for the replacement or rehabilitation of each structurally deficient or functionally obsolete bridge on a Federal-aid highway;

“(C) a description of any project or activity carried out by a State under this section in the preceding fiscal year that is inconsistent with the priorities assigned by the Secretary under subsection (b)(3), (c)(1)(C), and (c)(3)(C); and

“(D) such recommendations as the Secretary may have for improvements of the program authorized by this section.”.

(e) TRANSFERABILITY OF FUNDING.—Section 144 of such title is amended by inserting after subsection (r) (as redesignated by subsection (g)(1)(G) of this section) the following:

“(s) TRANSFERABILITY OF FUNDING.—Notwithstanding section 126 or any other provision of law, a State may transfer funds apportioned to the State under this section for a fiscal year to another apportionment of funds to the State under this title only if the State demonstrates to the satisfaction of the Secretary that there are not any bridges on the National Highway System located in the State that are eligible for replacement.”.

(f) DEFINITIONS.—Section 144 of such title is further amended by adding at the end the following:

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

“(1) FUNCTIONALLY OBSOLETE.—The term ‘functionally obsolete’ as used with respect

to a bridge means a bridge that no longer meets current design standards relating to geometrics, including roadway width, shoulder width, and approach alignment, for the traffic demands on the bridge.

“(2) STRUCTURALLY DEFICIENT.—The term ‘structurally deficient’ as used with respect to a bridge means a bridge that has—

“(A) significant load-carrying elements that are in poor or worse condition due to deterioration or damage, or both;

“(B) a load capacity that is significantly below current truckloads and that requires replacement; or

“(C) a waterway opening causing frequent flooding of the bridge deck and approaches resulting in significant traffic interruptions.

“(3) REHABILITATION.—The term ‘rehabilitation’ means major work necessary to restore the structural integrity of a bridge and work necessary to correct a major safety defect.

“(4) REPLACEMENT.—The term ‘replacement’ as used with respect to a structurally deficient or functionally obsolete bridge means a new facility constructed in the same general traffic corridor that meets the geometric, construction, and structural standards, in effect at the time of such construction, required for the types and volume of projected traffic of the facility over its design life.”.

(g) NATIONAL BRIDGE INVENTORY.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary shall take necessary actions to make information contained in the national bridge inventory established under section 144 of title 23, United States Code, more readily available to the public, including actions to make the information easier to understand.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000 for fiscal year 2009. Such sums shall remain available until expended.

### SEC. 3. NATIONAL BRIDGE INSPECTION PROGRAM.

(a) NATIONAL BRIDGE INSPECTION STANDARDS.—Section 151(a) of title 23, United States Code, is amended by adding at the end the following: “The standards established under this subsection shall be designed to ensure uniformity among the States in the conduct of such inspections and evaluations.”.

(b) MINIMUM REQUIREMENTS OF INSPECTION STANDARDS.—Section 151(b) of title 23, United States Code, is amended—

(1) in paragraph (4) by striking “and” at the end;

(2) in paragraph (5) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) establish procedures for conducting annual compliance reviews of State inspections, quality control and quality assurance procedures, load ratings, and weight limit postings of structurally deficient highway bridges;

“(7) establish procedures for States to follow in reporting to the Secretary—

“(A) critical findings relating to structural or safety-related deficiencies of highway bridges; and

“(B) monitoring activities and corrective actions taken in response to such a finding; and

“(8) provide for testing with a state-of-the-art technology that detects growth activity of fatigue cracks as small as 0.01 inches on steel bridges exhibiting fatigue damage or bridges with fatigue susceptible members.”.

(c) REGULATIONS ON CRITICAL FINDINGS OF BRIDGE DEFICIENCIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the

Secretary of Transportation shall issue regulations establishing procedures to be used by States in reporting critical findings of bridge deficiencies, and subsequent monitoring activities and corrective actions, to the Secretary in accordance with the standards to be established under section 151(b)(7) of title 23, United States Code, as added by subsection (b)(3) of this section.

(2) CONTENTS.—Regulations to be issued under paragraph (1) shall—

(A) establish a uniform definition of the term “critical finding”; and

(B) establish deadlines for State reporting of critical finding determinations to the Secretary;

(C) establish requirements for monitoring and follow-up actions and reporting following a critical finding determination; and

(D) provide for enhanced training of bridge inspectors relating to critical findings.

(d) TRAINING PROGRAM FOR ALL BRIDGE INSPECTORS.—Section 151(c) of such title is amended by adding at the end the following: “The Secretary shall expand the scope of the training program to ensure that all persons conducting highway bridge inspections receive appropriate training and certification under the program.”.

(e) FREQUENCY OF BRIDGE INSPECTIONS.—Section 151 of such title is amended—

(1) in subsection (b)(2) by inserting “in accordance with subsection (d)” before the semicolon;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) FREQUENCY OF BRIDGE INSPECTIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), the standards established under subsection (a), at a minimum, shall provide for—

“(A) annual inspections of structurally deficient highway bridges using the best practicable technologies and methods;

“(B) annual in depth inspections of fracture critical members, as such terms are defined in section 650.305 of title 23, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

“(C) biennial inspections of highway bridges that have not been determined to be structurally deficient.

“(2) EXTENSIONS.—Upon the request of a State, the Secretary may extend, to a maximum period of 48 months, the time between required inspections of a highway bridge that has not been determined to be structurally deficient if the Secretary determines that—

“(A) the extension is appropriate based on the age, design, traffic characteristics, and any known deficiency of the bridge;

“(B) the extension is consistent with the 5-year performance plan of the State approved under section 144(d)(5)(B); and

“(C) granting the extension will increase the overall safety of the State's bridge inventory.”.

(f) QUALIFICATIONS OF PROGRAM MANAGERS AND TEAM LEADERS.—

(1) REVISION OF REGULATIONS.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall revise regulations contained in section 650.309 of title 23, Code of Federal Regulations, relating to the qualifications of highway bridge inspection personnel, to require that, in addition to meeting the qualifications identified in such section (as in effect on the date of enactment of this Act)—

(A) an individual serving as the program manager of a State be a professional engineer licensed under the laws of that State;

(B) an individual serving as a team leader for a State for the inspection of complex bridges or follow-up inspections of bridges

for which there has been a critical finding be a licensed professional engineer; and

(C) an individual serving as a team leader for a State for the inspection of all other bridges be a licensed professional engineer or have at least 10 years of bridge inspection experience.

(2) **APPLICABILITY.**—The additional qualification requirements specified in paragraphs (1)(A), (1)(B), and (1)(C) shall apply only to an individual selected by a State to serve as the program manager or a team leader after the date of issuance of revised regulations under paragraph (1).

(g) **EFFECTIVE DATE.**—Not later than one year after the date of enactment of this Act, the Secretary shall modify national bridge inspection standards and modify the training program for bridge inspectors in accordance with the amendments made by this section.

#### SEC. 4. SURFACE TRANSPORTATION RESEARCH.

Section 502(d) of title 23, United States Code, is amended—

(1) in paragraph (2) in the matter preceding subparagraph (A) by inserting “and enhance the safety” before “of bridge structures”; and

(2) in paragraph (4) by striking “for use with existing infrastructure facilities and with next-generation infrastructure facilities” and inserting “for assessing the structural integrity of existing infrastructure facilities and next-generation infrastructure facilities”.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out section 144 of title 23, United States Code, \$1,000,000,000 for fiscal year 2009.

(b) **APPORTIONMENT AND USE OF FUNDS.**—Funds appropriated pursuant to subsection (a)—

(1) shall be apportioned among the States under paragraphs (1) and (2) of section 144(e) of such title;

(2) shall be used for the replacement and rehabilitation of structurally deficient highway bridges on the National Highway System; and

(3) shall be available for obligation in the same manner as other funds apportioned under chapter 1 of such title, except that such funds shall not be transferable and shall remain available until expended.

(c) **LIMITATION.**—None of the funds appropriated pursuant to subsection (a) may be earmarked by Congress or any Federal department or agency for a specific project or activity.

#### SEC. 6. BRIDGE ADVANCED CONDITION ASSESSMENT PILOT PROGRAM.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish and implement a pilot program to evaluate the effectiveness, accuracy, and reliability of the use of advanced condition assessment inspection processes and technologies (including fiber optic, vibrating wire, acoustical emissions, and peak strain displacement technologies) in monitoring and evaluating the structural health of a highway bridge. Technologies evaluated under the pilot program shall be real-time sensing technologies that record objective data to determine accurate conditions assessments of critical bridge elements.

(b) **GRANTS.**—

(1) **IN GENERAL.**—The Secretary may make grants to States to conduct projects under the pilot program.

(2) **APPLICATIONS.**—A State seeking a grant under the pilot program shall submit an application to the Secretary in such form and containing such information as the Secretary may require by regulation.

(c) **ELIGIBILITY.**—

(1) **SELECTION OF HIGHWAY BRIDGES.**—

(A) **IN GENERAL.**—In awarding grants under the pilot program, the Secretary shall select not more than 15 highway bridges in not more than 5 States for participation in the program.

(B) **BRIDGE REQUIREMENTS.**—The Secretary may select a highway bridge under subparagraph (A) only if the bridge is—

(i) as of the date of enactment of this Act, classified as structurally deficient under section 144 of title 23, United States Code;

(ii) a nonredundant, fractural critical structure; and

(iii) greater than 200 feet in length.

(2) **SELECTION AND USE OF TECHNOLOGIES.**—

(A) **IN GENERAL.**—The Secretary shall select no fewer than 2 types of real-time, in-service, sensor-based, commercially-available, advanced-condition assessment technologies to be used in the pilot program.

(B) **DURATION OF REAL-TIME DATA COLLECTION.**—The duration of real-time data collection from each highway bridge selected for participation in the pilot program shall be not less than one year.

(C) **USE OF CALIBRATED FINITE ELEMENT ANALYSIS MODEL.**—At least one-half of the highway bridges selected for participation in the pilot program shall also be evaluated using a calibrated finite element analysis model of the bridge, based upon data from the advanced condition assessment technologies.

(d) **FEDERAL SHARE.**—The Federal share payable on account of a project carried out under the pilot program shall be 80 percent of the cost of the project.

(e) **DURATION OF THE PILOT PROGRAM.**—The Secretary shall carry out the pilot program for a period of 2 fiscal years.

(f) **FINAL REPORT.**—

(1) **IN GENERAL.**—Not later than 6 months after the last day of the pilot program, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the effectiveness and benefits of the pilot program carried out under this section.

(2) **CONTENTS.**—The report shall describe, at a minimum—

(A) the cost effectiveness of the technologies and processes selected;

(B) the objectivity, reliability, and accuracy of the technologies and processes employed in providing condition assessments of the highway bridge;

(C) the quality of the data collected and measured; and

(D) any recommendations for improving or expanding the pilot program or the use of structural health monitoring technologies or processes, including a suggested plan for wider adoption based on potential highway bridge repair and replacement savings by the Federal Government and State governments.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000.

(h) **AVAILABILITY OF AMOUNTS.**—Amounts appropriated to carry out this section shall be available for obligation in the same manner as funds apportioned under chapter 1 of title 23, United States Code, except that such funds shall not be transferable and shall remain available until expended.

The CHAIRMAN. No amendment to that amendment is in order except those printed in part B of the report. Each amendment shall be considered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the re-

port, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110-760.

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

In section 2(a)(2)(A), after “the Secretary” insert “, in consultation with the States.”.

In section 2(d), strike “(as redesignated by subsection (g)(1)(G) of this section)”.

In section 2(e), strike “(as redesignated by subsection (g)(1)(G) of this section)”.

At the end of section 3(f), add the following:

(3) **COMPLEX BRIDGE DEFINED.**—In this subsection, the term “complex bridge” means a highway bridge with unusual characteristics, including movable, suspension, and cable-stayed highway bridges.

In section 6(c)(1)(B)(ii), strike “fractural” and insert “fracture”.

The CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

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

The amendment makes technical corrections to the bill. It clarifies that the Department of Transportation should consult with States when establishing a process for assigning risk-based priorities for bridge reconstruction and rehabilitation. We want to make sure that the Federal Government is consulting with, taking the best advice and best ideas from all of the States in crafting the risk-based program for evaluation of bridges.

The Federal Government should not be doing this on its own. Our intention from the very outset was that this should be a cooperative program as the Federal aid highway program always has been, and this language makes it very clear that the department must consult with the States. It defines complex bridges for purposes of addressing qualifications for managers and team leaders.

I reserve the balance of my time.

Mr. DUNCAN. Madam Chairman, the minority supports this amendment. We accept this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MICA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110-760.

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MICA:

At the end of the amendment, add the following:

**SEC. 7. EFFECTIVENESS OF BRIDGE RATING SYSTEM.**

(a) **STUDY.**—The Comptroller General shall conduct a study of the effectiveness of the bridge rating system of the Federal Highway Administration, including the use of the terms “structurally deficient” and “functionally obsolete” to describe the condition of highway bridges in the United States.

(b) **EVALUATION OF STATE SYSTEMS.**—In conducting the study, the Comptroller General shall evaluate bridge rating systems used by State departments of transportation and provide recommendations on how successful aspects of such bridge rating systems may be incorporated into the bridge rating system of the Federal Highway Administration.

(c) **REPORT.**—Not later than February 1, 2009, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on the Environment and Public Works of the Senate a report on the results of the study.

The CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Madam Chairman, this amendment is an amendment that deals with what I spoke of during general debate. It is nice that we consider adding additional authorization for money to repair our bridges. It is nice that we institute some corrective measures that will require States to prioritize bridges that are at risk. But I think that we need to go further in trying to look at some of the issues that have brought about the problems we have seen with maintaining some of our bridges, and also pinpointing the bridges that pose a risk that deserve our attention and that warrant action.

So the amendment that I am offering today requires that the Government Accountability Office, GAO, conduct a study on the effectiveness of the bridge-rating system used by the Federal Highway Administration.

Since the collapse of the I-35 bridge in Minneapolis, the terms “structurally deficient” bridge and “functionally obsolete” bridge have been commonly used and intertwined in describing the condition of highway bridges across the country. I think that is one of the problems that we’ve had in the whole bridge inspection system is the basic definition.

However, the general public has little understanding of what the terms actually mean. Most people, even Members of Congress, would assume that if a bridge is classified as structurally deficient or functionally obsolete, that the bridge is immediately in danger of collapsing. That’s not the case, and we need to differentiate, again a definition

that makes sense, on the actual condition of the bridge.

According to the Federal Highway Administration, a rating of structurally deficient means that there are elements of the bridge that need to be monitored and/or repaired. The fact that a bridge is deficient does not imply that it is likely to collapse or that it is in fact unsafe. It means that the bridge must be monitored, inspected, and properly maintained.

In reality, there are structurally deficient bridges at the top end of the current bridge-rating scale that can safely remain in service for 20 years or more if the owner of the bridge, the State or whatever entity, performs the necessary maintenance to keep the bridge structurally sound.

At the same time, there are structurally deficient bridges at the bottom of the rating scale that are closed to all traffic because the bridge may collapse at any moment.

I believe it is a disservice to the American people to have a bridge-rating system that does very little to actually distinguish between the bridges that can stay open and are safe for 20 years or more with a comprehensive maintenance plan, and a 100-year-old bridge that may collapse tomorrow if it remains open to traffic.

So to get to the heart of the issue that we are discussing, to try to approach this on a reasonable basis, if we are going to put money into these programs, repair these bridges and repair bridges that need repair, we need an amendment like this that will require GAO to evaluate the existing bridge-rating system, which is deficient, and it will also evaluate the rating systems used by the State Departments of Transportation and make recommendations on how the existing rating system can be improved to more accurately convey the condition of bridges throughout the United States.

So that’s the purpose of this amendment. It is a simple amendment trying to get to the heart of the problem.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. The gentleman’s amendment is a very good one, and an important outcome to the endeavor to raise the standards to evaluate bridges and maintain bridges and replace bridges. I think it is important for us to adopt this amendment and to direct the Government Accountability Office to provide recommendations on how successful aspects of bridge-rating systems can be incorporated into the bridge-rating program and be a valuable asset for us next year as we go into the authorization process.

Bridge rating is a very complex process. It will be very useful for us to have

GAO’s input on better ways of rating bridges, ensuring that the traveling public has a complete understanding of the condition of the bridges on which they are traveling. This does not mean that we can define away the condition of bridges, but rather that we better understand the condition of bridges.

Under current Federal law, long-standing law, States are required to inspect all bridges longer than 20 feet at least once every 2 years and then to report those findings to the Federal Highway Administration. In the course of the inspection, conditions on various elements of the bridge are rated on a scale of zero, failure, to nine, excellent. “Structurally deficient” bridge means there are elements that need to be monitored or repaired or that the bridge entirely needs to be replaced.

Now this current rating system, as the gentleman from Florida said, when a bridge is rated structurally deficient doesn’t mean it is going to fall down tomorrow or the next day, but that under various conditions it could well be unsafe. And if it is ultimately determined to be unsafe, that structure should be closed. We should have a rating system, but that rating system has not been evaluated in probably 25 years, certainly not since I held those hearings in 1987.

I think the amendment before us will put GAO on the course of doing that evaluation and giving us a better yardstick of measurement for determining various conditions of bridges. I look forward to the work to be done by GAO on both structural and functional deficiency rating systems for our Nation’s bridges.

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

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

In conclusion, the intent of this legislation is excellent to identify bridges that are deficient, that are obsolete, that need repair, that need attention, and provide the resources to do that.

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But, again, the rating system by which we determine whether a bridge is structurally deficient or structurally obsolete, that rating system is out of date. We need the General Accounting Office to come up with a better rating system, one that makes sense in the 21st century, so that we can do a better job in assessing those bridges that do need repair, targeting the money to those bridges, but having a good rating system, and that’s what this simple amendment does.

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

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

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. MARIO DIAZ-BALART OF FLORIDA

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110-760.

Mr. MARIO DIAZ-BALART of Florida. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MARIO DIAZ-BALART of Florida:

In section 2(a)(1), in the matter proposed to be inserted as section 144(b)(3) of title 23, United States Code, after "public use" insert "and public safety" and after "impacts" insert "to emergency evacuation routes and".

In section 2(a)(1), in the matter proposed to be inserted as section 144(c)(1)(C) of title 23, United States Code, after "public use" insert "and public safety" and after "impacts" insert "to emergency evacuation routes and".

In section 2(a)(1), in the matter proposed to be inserted as section 144(c)(3)(C) of title 23, United States Code, after "public use" insert "and public safety" and after "impacts" insert "to emergency evacuation routes and".

The CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Florida (Mr. MARIO DIAZ-BALART) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. Madam Chairman, I yield myself such time as I may consume.

I rise today to offer a very straightforward amendment, but first I would like to thank Chairman OBERSTAR not only for this amendment but for always working with me on issues of importance to my constituents. Also, the Transportation Committee staff has been very easy to work with, especially Jim Tymon, who is here, for working with me and my staff, Lauren Robutaille, to help draft this important amendment. And, of course, I always have to thank Ranking Member MICA. The State of Florida is truly fortunate to have such a passionate champion and such a passionate advocate for issues that are important to our State.

My amendment simply seeks to emphasize the importance of public safety in prioritizing new highway bridge funding as well as place risk-based priority for rehab and repair on deficient or obsolete bridges that serve as emergency evacuation routes.

Transportation infrastructure, especially bridges, obviously, play a vital role during emergency situations, during natural disasters. And we've all seen that from time to time in many coastal areas, and I refer to especially obviously to Southern Florida. Bridges, frankly, sometimes provide the only mainland access for millions of residents and visitors, and during times of emergency, these bridges provide sometimes, again, the only emergency evacuation options, period. And as I said a little while ago, in the 2004 and 2005 hurricane seasons, unfortunately, that emphasized the need for safe emergency evacuation routes when millions of Americans, millions of Americans, faced mandatory evacuations.

Now, Florida bridges—as you all know, we are a peninsula surrounded

by oceans. Florida bridges sustain additional wear and tear to frequent storms and saltwater corrosion.

My amendment, Madam Chairman, simply emphasizes the importance of ensuring public safety as well as ensuring that Americans have access to safe evacuation routes during times of disaster, during times of danger.

I again urge my colleagues to support this straightforward amendment. Once again I want to thank the chairman for his great work and for always allowing me to go to him and his staff and the committee staff on issues that are important to my constituents, my State, and, I think, the country.

With that, Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I ask unanimous consent to claim time in opposition, though I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I want to thank the gentleman for his kind remarks but especially for bringing forth this amendment. In the course of consideration of legislation, we can't think of all the circumstances that legislation should cover; so it's useful and important for us to have Members such as Mr. DIAZ-BALART to bring to the committee's attention unique circumstances in discrete regions of the country.

This amendment will add the consideration of public safety and availability of evacuation routes as further elements in consideration of the prioritization of bridges that are structurally deficient or functionally obsolete. And we need look no further than the television pictures of the evacuation in the aftermath of Hurricane Katrina and Rita and Wilma that flashed across our screen day and night to see the congestion and the confusion and the problems and even the question of whether one or another bridge that was on the screen could hold all those vehicles and all the people on those bridges.

The gentleman from Florida, whose State is in the path of nature's fury so often, brings to us a very valuable contribution and one that must be included. And I am delighted that we are able to accept this amendment, and I thank the gentleman for bringing it forth.

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

Mr. MARIO DIAZ-BALART of Florida. Madam Chairman, I once again want to thank the chairman and the ranking member, and I thank Ranking Member DUNCAN as well.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MARIO DIAZ-BALART).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. WALZ OF MINNESOTA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 110-760.

Mr. WALZ of Minnesota. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. WALZ of Minnesota:

At the end of section 3, add the following:

(h) REPORT TO CONGRESS.—Not later than 15 days after a critical finding determination is made by a State which results in the closure of a bridge, the Secretary of Transportation shall report to the appropriate Committees of Congress regarding the impact, including the economic impact, on regional transportation and transit that will result from the such bridge closure and recommend solutions to mitigate such impact.

The CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ of Minnesota. I thank the ranking member and the chairman of the committee, not just for this very good piece of legislation, which I stand in support of and offer this amendment to, but I would like to thank the chairman for his leadership.

Madam Chairman, August 1 of last year was a tragic day for the country but especially for those of us in Minnesota, as you've heard the chairman talk about the stunning nature that a bridge could fall in Minnesota. And I've heard many people afterwards refer to it as a wake-up call for many people. If that's true, one person has never slept on this issue, and that's the chairman. He has spoken about this. He has talked about the need for infrastructure rehabilitation and improvements for decades. And leadership is not reacting to a situation, it's being proactive and anticipating and doing the things necessary. So I thank the chairman for that.

Madam Chairman, we in Minnesota this year are celebrating our sesquicentennial. One hundred and fifty years ago this year, our great State joined this great union. And of all the beautiful places across the expanses of the Land of 10,000 Lakes, the North Star State, the U.S. Postal Service issued their stamp, their commemorative stamp, and it came out on May 17 of this year. This stamp highlights one of the most beautiful parts and one of the most recognizable icons of this country, the winding Mississippi River near Winona, Minnesota, as it separates the Minnesota side from the Wisconsin side.

This bridge in the foreground is the Highway 43 Bridge. This was issued on May 17. And less than 3 weeks later, on the evening of June 3, the Minnesota Department of Transportation issued

an immediate critical warning on the bridge and closed the bridge to all traffic. Because of the tragedy of August 1 of last year and because of Chairman OBERSTAR and the changes that happened in the Minnesota Department of Transportation, an accelerated inspection, critical inspection, of these bridges happened, and it was found that the gusset plates had eroded on the Minnesota 43 Bridge. This iconic photo that just came out, it was also eroding in the same manner that led to the collapse of the 35-W Bridge.

This bridge closure was done with caution. It was done with professionalism. It was exactly the right decision to make. But when thousands and thousands of commuters woke up on the morning of June 4, they were stuck in a pretty difficult situation. There are 11,000 vehicles a day that cross this bridge. Over 3,000 people depend on their livelihood for jobs that were literally minutes across, and because of the closure now, they had to travel between 25 and 35 miles to the alternative crossing and then back over again, adding between 100 and 140 miles a day and hours to their commute time. It basically shut down all commerce in one of the larger cities in our district and shut down a major corridor between our two great States of Wisconsin and Minnesota. Other problems were emergency vehicles and response times were dependent on this bridge being open that were no longer there.

And while commuters were dealing with high gas prices, the city was dealing with emergency vehicles, commerce was being shut down to a crawl or to nothing, I do commend the City of Winona, the County, the State officials under Commissioner Sorel for responding as quickly as they possibly could.

What they needed to come up with was they needed to figure out a mitigation plan in very short order. They needed to figure out what they were going to do, determine how long they were going to have to set that up, and this was a situation that fell under very little Federal control and very little Federal help could be offered to the people that were there. And we ended up bringing in ferries and barges and different things, buses, and people worked through it and got it done.

What my amendment says is let's be more proactive on this. This is going to happen in the future. There are going to be emergency shutdowns. We hope that we get to the point where we don't end up inspecting a bridge when we almost see it at a point where it can't be driven on. But the case needs to be we need to proactively plan, especially on these federally aided highways.

This amendment asks the Secretary of Transportation to report to Congress within 15 days of the issuance of a critical finding the results of a bridge closure. The report from the Secretary will include an assessment of the economic impact of the closure as well as

the impact on regional transportation and transit patterns. The amendment requires the Secretary to recommend solutions to mitigate these impacts.

The State and the City were able to do this, but it was really a big reach, especially where there were Federal funds involved. It was a Federal aid highway.

So I'm hopeful that we will never use this. I'm hopeful that no other locality will be stuck in this situation. I am pleased to tell you that because within hours of this happening, Chairman OBERSTAR was on the site, standing on the bridge, inspecting it. The community and the State pulled together, and the bridge is now open for limited traffic again and is getting back on. It's scheduled for repair as we speak and should be finished by the end of summer.

But I thank the chairman and the ranking member, and I would ask that the diligence be done to make sure this doesn't happen to another locale.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DUNCAN. Madam Chairman, I rise simply to state that the minority accepts this amendment.

Mr. OBERSTAR. Would the gentleman claim time in opposition?

Mr. DUNCAN. Madam Chairman, I ask unanimous consent to claim the time in opposition to this amendment, but I will not oppose the amendment and will state, once again, that the minority accepts the amendment.

The CHAIRMAN. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. Will the gentleman yield?

Mr. DUNCAN. Yes.

Mr. OBERSTAR. I too concur and I join the gentleman from Minnesota and the local government officials in a review of the Winona Bridge.

As the gentleman pointed out, Madam Chairman, it's such a terrible irony that we're highlighting this bridge on a stamp celebrating Minnesota's sesquicentennial and then the bridge is found to be deficient, so deficient that it had to be closed.

The gentleman's amendment requiring that a report within 15 days of a finding that results in closure of a bridge should also report on the economic impact and the effect on regional transportation, this will benefit all of America, not just Winona or the recent situation at Hastings in Minnesota close by. It will benefit all of America.

I rise in support of the amendment offered by the gentleman from Minnesota (Mr. WALZ).

This amendment requires the Secretary of Transportation to report to Congress, within 15 days of issuing a critical finding that results in the closure of a bridge, on the economic impact and effect on regional transportation that will result from the bridge closure.

This amendment also requires the Secretary to recommend solutions to mitigate such hardships.

The gentleman's district was recently hit with one such closure in the City of Winona. In early June, the Minnesota Department of Transportation ordered the closure of the Highway 43 bridge over the Mississippi River.

The closure was triggered when inspectors raised concerns about steel plates that help to hold the bridge together. One plate was so riddled with corrosion that an inspector's hammer went right through it.

The 2,289-foot-long bridge is the main artery between Winona, Minnesota, a town of about 30,000 people, and the Wisconsin communities of Fountain City and Arcadia. Roughly 11,600 vehicles crossed the bridge daily before it was closed.

Commuters to and from Winona are now burdened with a significant detour on their trip to work. To access the nearest river crossings at Wabasha and La Crosse, they have to drive an additional 60 to 70 miles each way, adding well over an hour to their commutes and forcing them to bear extreme financial burdens given the current skyrocketing price of gas.

To help mitigate this added inconvenience, the City of Winona has been forced to spend almost \$85,000 a week to ferry commuters across the Mississippi River. Once across the river, shuttle buses and vans drive commuters to various points in the city.

Many businesses in Winona have also experienced economic difficulties as a result of the bridge closure and employers worry about their employees' ability to arrive at work on time.

We have seen similar hardships in St. Cloud and Duluth, Minnesota, where bridges were closed because of safety concerns.

The flow of goods and people on our nation's interconnected surface transportation system are greatly inconvenienced by disruption to bridges anywhere on the system.

This amendment ensures that we take the necessary steps to consider, at the Federal level, what can be done to minimize the economic impact of bridge closures on our nation's roadways.

To assist cities and States impacted by bridge closures, I urge my colleagues to join me in supporting this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MRS. MILLER OF MICHIGAN

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110-760.

Mrs. MILLER of Michigan. Madam Chairman, I have an amendment at the desk made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mrs. MILLER of Michigan:

At the end of the amendment, add the following:

**SEC. 7. USE OF CARBON FIBER COMPOSITE MATERIALS IN BRIDGE REPLACEMENT AND REHABILITATION PROJECTS.**

(a) **STUDY.**—The Secretary of Transportation shall conduct a study of the cost benefits of using carbon fiber composite materials in bridge replacement and rehabilitation projects instead of traditional construction materials.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this section.

The CHAIRMAN. Pursuant to House Resolution 1344, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

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Mrs. MILLER of Michigan. Madam Chairman, my amendment is very simple, very straightforward. I will just take a few minutes to explain it. But it deals with the issue of how, as our Nation undertakes critical bridge reconstruction, that we make sure to use the very newest and the best technology available in our construction methods.

Specifically, I am talking about carbon fiber, which is a very, very lightweight material. It is sturdier. It is less susceptible to corrosion, and it actually is more durable than steel.

Right now we use steel rerods in bridge construction, and regular steel rerods can take up to 60,000 pounds per square inch. But carbon fiber rods, like this one that I hold in my hand, can actually take up to 240,000 pounds per square inch. That makes it actually four to five times stronger than steel. As well, it is 8 times lighter than steel, making it very much, much easier to transport and install as well.

Also, steel fatigues from the pressure of repetitive use, and carbon fiber does not. By using carbon fiber, in addition to some of the new strength concretes that are out there, I think we could conceivably build a 100-year sustainable structure.

In my home State of Michigan, we have already built one bridge using carbon fiber technology, and we are planning on building and reconstruction of three more bridges during the next 2 years.

Madam Chairman, my amendment directs the Secretary of Transportation to study the cost benefits of using carbon fiber composite materials and that technology. And then it would require the findings of the study to be returned to the House Transportation and Infrastructure Committee, as well as to the Senate Environment and Public Works Committee within 180 days of the bill that we are discussing tonight, within 180 days of the enactment of this bill. This would give Congress adequate time to review those findings and to determine if it would be appropriate to incorporate any action related to the findings into next year's highway reauthorization bill.

So I would ask my colleagues to support this amendment.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I ask unanimous consent to claim time in opposition to the amendment, though I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. The gentlewoman from Michigan has brought us a very important technical consideration for bridge construction. The idea of carbon fiber use in bridge construction is a novel but a very important one.

Carbon fiber technology has proven itself in the aircraft industry and manufacturing of critical parts of the fuselage or hull of aircraft, tail sections, the ailerons.

We have seen wide use of carbon fiber technology in the bicycle manufacturing. I have several of those carbon fiber bikes that are extraordinarily durable, flexible, but strong.

And the item that the gentlewoman showed the House Chamber a moment ago, I have seen firsthand as she demonstrated it in the committee and at the Rules Committee. I think this is a great suggestion.

Resistance to corrosion, avoiding costly repairs, longevity and strength all are great qualities. I am delighted the gentlewoman has brought this consideration to the bill that is before us.

And I would also point out that the bridge in Southfield, Michigan, Bridge Street Bridge was the first all carbon fiber reinforced bridge in the Nation. We ought to learn from this experience and adopt this amendment and apply the lessons of Michigan and of the gentlewoman from Michigan.

And we accept, of course the amendment. Having said all these good things about it, I must say we accept the amendment and are delighted she has brought it to us.

I yield back the balance of my time.

Mrs. MILLER of Michigan. Madam Chairman, I certainly appreciate the chairman's words.

And in Michigan we like to think we are on the leading edge of all kinds of technology. And carbon fiber is one thing, but as the chairman knows, we also have the first mile of concrete ever laid in the United States, in the city limits of Detroit, about Six Mile Road. So we like to think of ourselves as ahead of the curve.

But I will close by saying that I certainly enjoy serving on the Transportation and Infrastructure Committee. And one of the principal reasons I enjoy the work so much is because of the leadership and the vision of our chairman. He is certainly internationally recognized as a leader on transportation and infrastructure issues, as well as our ranking member. And so I appreciate that.

Mr. LEVIN. Madam Chairman. I rise in strong support of the amendment offered by my colleague from Michigan, Mrs. MILLER.

Carbon fiber, which is a very lightweight material, is sturdier, less susceptible to corrosion, and more durable than steel. The Michigan DOT has constructed a bridge featuring carbon fiber technology in 2001, and is planning to build 3 more bridges in the next two years. The use of carbon fibers and a new ultra high

strength concrete could result in a 100-year sustainable bridge.

The institution pioneering this technology is Lawrence Technological University, which is located in my district, but is very much a regional asset in southeast Michigan.

This amendment requires the Secretary of Transportation to study the costs and benefits of using carbon fiber composite materials in bridge projects and report back to Congress within 180 days of the bill's enactment. This will allow us to review those findings in time for next year's reauthorization of federal transportation programs.

Madam Chairman, using advanced technologies like carbon fiber in bridge construction is a classic investment decision: if we pay a bit more today, we can save money "down the road" on maintenance and repairs.

A cost-benefit analysis of this investment from the Department of Transportation will help us determine how good an investment this will be, and I urge all my colleagues to support the amendment.

Mrs. MILLER of Michigan. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER). The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CONAWAY

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110-760.

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CONAWAY:  
At the end of the bill, add the following:

**SEC. 7. SENSE OF CONGRESS.**

It is the sense of Congress that each State should prepare a corrosion mitigation and prevention plan, for a project for construction, replacement, or rehabilitation of a bridge, that includes the following:

- (1) An estimate of the expected useful life of the bridge.
- (2) An estimate of environmental exposure of the bridge, including marine, deicer application, industrial, rural, rainfall, temperature, freeze-thaw, and other factors that influence corrosion prevention and corrosion mitigation strategies.
- (3) An identification of the functional classification of the bridge.
- (4) Details of corrosion mitigation and prevention methods that will be used with respect to the bridge, taking into account—
  - (A) material selection;
  - (B) coating considerations;
  - (C) cathodic protection considerations;
  - (D) design considerations for corrosion; and
  - (E) concrete requirements.
- (5) Details of a project maintenance program for the life of the bridge.
- (6) A certification that the plan was developed by the State or States and approved by a corrosion expert.
- (7) A certification that each individual conducting inspections of Federal-aid highway bridges in the State or States receives training from a corrosion expert.

The CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.



Mr. CONAWAY. Madam Chairman, I offer a bipartisan amendment in that it is cosponsored by Mr. ARCURI and Ms. SUTTON.

This amendment is an effort to encourage States seeking Federal funding to develop plans that will alleviate or avert corrosion on all new bridge construction, as well as major rehabilitation projects. It is a commonsense approach to dealing with an issue, one of the issues that faces our Nation's infrastructure and that is corrosion on bridges. It is perfectly reasonable to ask States seeking Federal funds that build or rehabilitate a bridge to submit a plan for how that State plans to maintain it, specifically the State's plan for preventing and mitigating corrosion.

Each year corrosion of our Nation's highway bridges hits the U.S. economy with a hefty price tag. According to the U.S. Department of Transportation Highway Administration report, corrosion costs and preventive strategies in the United States presented to Congress in 2002, corrosion of highway bridges cost the U.S. economy about \$8.3 billion annually, with an outlay of repairs of about \$3.8 billion over the next 10 years to replace structurally deficient bridges.

The bill, this sense of Congress amendment, would seek that, in order to get approval, to have an approved bridge corrosion mitigation and prevention plan, that it would include the minimum items, such as the estimated useful life of the bridge, an estimate of the environmental exposure that would influence corrosion and corrosion mitigation strategies for the bridge, such as environmental type, marine, industrial and rural, rainfall, temperature, freeze-thaw cycles, deicer applications, and other factors that influence corrosion prevention and corrosion mitigation strategies. An identification of the functional classification of the bridge, details of corrosion mitigation and prevention methods that will be used to protect the bridge, including material selection, coating, cathodic protection, design considerations for corrosion, and concrete requirements, details of a project maintenance program for the life of the bridge, a certification that the plan was developed by the State and approved by a corrosion expert, and a certification that each individual conducting inspections of a Federal-aid highway bridge in the State receive training from a corrosion expert.

Madam Chairman, this is a sense of Congress in a stand-alone version that a couple of other Members and I have in Congress that will be an actual requirement, and I hope that at some point in the future we can work with the chairman and the committee to look at the idea of whether or not this makes sense; that when you build a bridge, one of the factors ought to be how do you protect it from corrosion, how do we taxpayers get the maximum amount of useful life out of a bridge by protecting it from corrosion, and that

this plan be in place so that the builders of the bridge not only will know what the cost of the front end of the bridge is, but what the maintenance costs and protective costs, corrosion protection costs for this bridge would be over its life so that they can budget for that cost and make sure that we have those plans in place.

Madam Chairman, I encourage adoption of what I believe is a pretty straightforward commonsense approach to an issue that affects every single bridge of the United States. Whether it is a rural bridge, an urban bridge, a bridge on the ocean or a bridge on the inland seas, has corrosion issues.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to claim time in opposition to the amendment, though I do not oppose it.

The Acting CHAIRMAN (Mr. DONNELLY). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I thank the gentleman from Texas for bringing this very, very valuable amendment to our attention and to the floor today. And we will accept this amendment.

Corrosion is the enemy of all structures. We saw that so repeatedly in aviation, where corrosion from condensation, moisture on the internal structure of hull and movable structures on aircraft are fatal.

We see every time we drive across the country, just looking under a bridge, you see the corrosion at work. It is the enemy of stability in our surface transportation system.

I showed a moment ago the work nearing completion on the replacement of the I-35W bridge. And exactly what the gentleman from Texas has said, Mr. Chairman, the State of Minnesota and the contractor are doing. They are, they have embedded in this structure corrosion-resistant materials. They have also embedded in the structure itself detection systems that can determine corrosion, that can determine deterioration of the bridge before it becomes a critical factor.

So the notion that we should have a corrosion management plan is extremely important to the funding of the program, to maintenance of bridges. And had we had, had there been such a farsighted provision, a requirement in Federal and State law, the Silver River Bridge between Ohio and West Virginia in 1967 might not have collapsed. I would say would not have collapsed.

Now, it is the 20th anniversary of that tragedy in which I held hearings which I referred to at the outset of my remarks in general debate. 20 years later, came back to look at what is the status of bridge inspection, maintenance and construction, and a distinguished bridge engineer, professor of bridge engineers said it is in the Stone Age. The gentleman's amendment will left us out of the stone age and address

the issue of stress corrosion cracking. 46 people died, perhaps needlessly. That could have been prevented.

In 1983, the collapse of the Mianus River Bridge in Connecticut. I see the gentleman from Connecticut (Mr. SHAYS) on the floor. Collapse of its bridge bearings rusted internally, pushed a corner of the slab off the support, killing three people.

In the Minnesota, I-35W replacement bridge, those bridge bearings are now enclosed, protected from the elements, and a sensor internally to determine whether there is moisture and whether there might be corrosion. So the gentleman's amendment really is important for the future of sound bridge construction and maintenance, and we are happy to accept it, and thank you for bringing the issue to our attention.

I yield back the balance of my time.

Mr. CONAWAY. Mr. Chairman, I appreciate the Chairman's kind words, and look forward to working with him.

This is a sense of Congress. I hope at some point in time we can actually make it a requirement that the Departments of transportation throughout the United States seriously consider the impact.

Mr. OBERSTAR. If the gentleman would yield, in the authorization next year, I invite the gentleman to the committee to present this concept again as we fashion the long-term legislation, and invite him to make that proposal that we incorporate it in permanent law.

Mr. CONAWAY. Well, I thank the chairman. I appreciate that.

I had the opportunity to be in Ireland in May and drove on some bridges that the Romans built. Bridges can last a long time. Properly maintained and properly cared for, they can last a long time. The taxpayers can get all of the money out of them, all of the benefit out of them that they should have gotten when they were originally built. This corrosion effort, I think, is a good part of that.

Also want to thank my cosponsors, Mr. ARCURI, Ms. SUTTON for their sponsorship of this and look forward to working with the chairman next year. I urge adoption of my amendment.

I yield back.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CONAWAY).

The amendment was agreed to.

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AMENDMENT NO. 7 OFFERED BY MR. SHAYS

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 110-760.

Mr. SHAYS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. SHAYS: Redesignate sections 4 through 6 as sections 5 through 7, respectively.

After section 3, insert the following:

**SEC. 4. GAO STUDY.**

Not later than one year after the date of enactment of this Act, the Comptroller General shall conduct a study and report its findings to the Secretary of Transportation regarding—

(1) the identification of factors that contribute to construction delays of bridge rehabilitation; and

(2) any recommendations the Comptroller General may have to simplify and expedite the construction of bridges that are to be rehabilitated.

The Acting CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I yield myself as much time as I may consume.

The amendment would direct the Government Accountability Office (GAO) to determine factors that contribute to bridge construction and rehabilitation delays and make recommendations about how to reduce or mitigate these delays.

The Federal Highway Administration (FHWA) estimated major highway projects take an average of 13 years to complete. The bottom line is it takes too long for transportation projects to go from concept to reality.

As our infrastructure continues to age and our growing population puts additional strain on our bridges, projects will need to be completed faster to ensure bridge safety and efficiency and to reduce costs.

The study's findings will tell us where we need to encourage better efficiency in bridge rehabilitation and construction.

Information provided by this GAO report will also be useful in the larger context of the Federal transportation spending bill, which is due for reauthorization next year.

I held a transportation forum in Connecticut's Fourth Congressional District on June 16, 2008 where I convened local, State, regional, and national transportation stakeholders to discuss key transportation needs.

At the forum, several stakeholders, including the Connecticut Department of Transportation, the Regional Planning Association and the Fairfield County Business Council, agreed that infrastructure construction often takes an unnecessarily long time to complete, and given the rising cost of construction materials, it often winds up reducing the value of Federal funding for a project.

The American Road and Transportation Builders Association reported the purchasing power of the Federal gas tax has fallen significantly due to the rising cost of materials used in highway and bridge construction.

By 2010, the purchasing power of the 18.4-cent-per-gallon Federal gas tax will be 10.8 cents per gallon. By 2015, this purchasing power is estimated to fall to 9.6 cents per gallon.

Additionally, the cost of highway and street construction materials was up 15 percent in May 2008, compared to May of 2007. Between 2003 and 2008, the price of street and highway construction has increased 70 percent.

Some factors contributing to the high expense of construction projects, besides overly lengthy project planning and implementation, are lengthy environmental impact assessments. Environmental impact assessments of bridge construction and rehabilitation are essential, but do they need to take so long?

The Federal Highway Administration has estimated the average time to complete environmental impact statements varies between 54 and 80 months. In 2007, the Federal Highway Administration set a target of 36 months for the completion of these assessments. I mean, good grief, that's 3 years. I'm interested to see what factors the GAO determines present significant delays for these assessments.

We need to get a hold of this problem now. By identifying barriers to more timely completion of these projects, we will be able to more effectively use Federal money to rehabilitate and maintain current infrastructure and build new to accommodate increased capacity.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to claim time in opposition to the amendment, though I do not intend to oppose it.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. Over half of the bridges of this country were built before 1964, within the first 8 years of the Interstate Highway System and of the establishment of the highway trust fund. Since then, trucks have gotten 20 percent longer and 10,000 pounds heavier. Cars have expanded in size and now have shrunk in size. More pressure is being exerted on the Nation's road and bridge structures and especially on bridges where even the bridge formula has been modified in the manufacture of trucks and engines.

The gentleman's amendment to direct the GAO to study the factors that play a role in delaying the construction of bridge rehabilitation projects or bridge repair projects is very, very important and thoughtful, especially coming from the State with the Mianus bridge collapse that result in fatalities. So I'm happy to accept the amendment.

Mr. SHAYS. Thank you for all of your good work on these issues. We're very grateful that you would accept the amendment.

Mr. OBERSTAR. I yield to the gentleman from Tennessee.

Mr. DUNCAN. I thank the gentleman for yielding.

I will simply say that I, too, urge support for this amendment. We do need to speed up bridge construction

and do everything that Mr. SHAYS has just mentioned.

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

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. LOEBSACK

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in part B of House Report 110-760.

Mr. LOEBSACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. LOEBSACK:  
At the end of the bill, add the following:

**SEC. 7. FLOOD RISKS TO BRIDGES.**

(a) STUDY.—The Secretary of Transportation, in consultation with the States, shall conduct a study of the risks posed by floods to bridges on Federal-aid highways, bridges on other public roads, bridges on Indian reservations, and park bridges that are located in a 500-year floodplain.

(b) CONSIDERATIONS.—In conducting the study, the Secretary shall give consideration to safety, serviceability, essentiality for public use, and public safety, including the potential impacts to regional and national freight and passenger mobility if the serviceability of a bridge is restricted or diminished.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

The Acting CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Iowa (Mr. LOEBSACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LOEBSACK. Mr. Chairman, I yield myself as much time as I may consume.

My amendment to this bill is simple. It requires the Secretary, in consultation with States, to study the risk to bridges posed by a 500-year flood and to report the results to Congress not later than 2 years after the enactment of this legislation.

In this study, consideration is to be given to safety, serviceability, essentiality for public use and for public safety, including the potential impacts to regional and national freight and passenger mobility if the serviceability of the bridge is restricted or diminished.

As the Nation became aware after the tragedy in the State of Minnesota in August of last year, our transportation infrastructure and especially our bridges are deteriorating.

The State of Iowa, among others, has experienced devastating flooding these past 2 months, which in portions of my

district continues even today. Numerous cities in my district experienced flooding well beyond the predicted 500-year flood level, leading to what will be the worst natural disaster in the State's recorded history.

As of Friday of last week, one bridge in my district was still closed, and even today, eastbound traffic on a major bridge in one city remains closed because of a sinkhole. It is likely that these bridges have sustained damage that could endanger individuals and families in my district. These risks are real, and I commend Chairman OBERSTAR and the ranking member for crafting this legislation and also for creating a risk-based prioritization system for the replacement and for the rehabilitation of deficient bridges.

One very real risk to bridges is a major flood event. It is essential that we authorize the study to further examine the danger to bridges from a devastating flood like Midwestern States have experienced in recent months.

It is my hope with this study that the more information we have to identify safety issues which may endanger people's lives the better prepared Federal, State and local governments will be to cope with flood disasters and to make adjustments to transportation policy to further ensure the public's safety.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I rise to ask unanimous consent to claim the time in opposition to this amendment, but I will not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. DUNCAN. I will simply say that this seems to be a commonsense amendment.

My mother was from Iowa City and moved to Tennessee after college, and I still have many relatives in Iowa, so I watched with great interest the troubles and flooding that occurred in that State. I know that the gentleman from Iowa is trying to do what he can about that, and so the minority will accept this amendment.

Mr. OBERSTAR. Before the gentleman yields back, would he yield to me?

Mr. DUNCAN. Yes, I'd be glad to yield.

Mr. OBERSTAR. I thank the distinguished gentleman.

In the hearing I referenced at the outset of my remarks today, 1987 was the time when the gentleman from Pennsylvania (Mr. Clinger) was the ranking member of the Subcommittee on Investigations and Oversight.

Together, we conducted this hearing and long-term investigation of issues, but I observed that there were two bridge designs that raised questions—the pin and hanger design that was used in the Mianus River Bridge that collapsed and the bridge design using spread footings in which the bridge

piers are set on the bottom of a river or of a body of water but not on pilings that go into the subsoil and down to bedrock. That was the structure used in the construction of the Schoharie Creek Bridge in New York State that collapsed in the aftermath or in the course of, I should say, a swirling flood.

Bridges of that nature were not being properly inspected. Bridges that were set in the water were not properly being reviewed by underwater devices or by scuba divers' going down to the base in the aftermath of a flood to inspect the condition of the bridge footing, itself.

So the concern of the gentleman from Iowa of bridges that are located in a 500-year floodplain is supported by the history of bridge collapse in the aftermath of floods. So I think the gentleman's amendment is entirely relevant and appropriate, and I appreciate the remarks of the distinguished ranking member for his support. I support, of course, the amendment.

Mr. DUNCAN. I thank the chairman of the committee, and I will say, once again, that the minority accepts this amendment.

I yield back the balance of my time.

Mr. LOEBSACK. Mr. Chairman, I'd like to yield now to the gentleman from Illinois (Mr. HARE) for 2 minutes.

Mr. HARE. Mr. Chairman, I rise today in strong support of this amendment, and I commend my friend and colleague, Representative Dave Loebsack, for offering it during today's discussion on the National Bridge Reconstruction and Inspection Act.

Mr. LOEBSACK's district in Iowa and my district in Illinois both suffered major flooding in May and June with crests on the Mississippi River of over 500-year levels. As you can imagine, this caused great damage not only to our constituents' homes, farms and schools but also to bridges, roads and to other infrastructure in the flood impacted communities. This is the second 500-year flood to hit our region in the past 15 years.

Something must be done to improve public safety and to ensure minimal devastation from floods in the future. Mr. LOEBSACK's amendment would do just that by requiring the Transportation Secretary, in consultation with the States, to study the risks proposed by a 500-year flood to bridges on Federal-aid highways, on other public roads and on Indian reservations.

I believe the information we gather from this study will result in significant improvement to bridge safety and will help our river communities better prepare for flood disasters in the future. Examining more factors affecting public safety is the role of government, and it's good for our constituents.

I urge my colleagues to support this amendment and the underlying bill. Again, I thank my friend Mr. LOEBSACK for his leadership on this issue.

Mr. LOEBSACK. Mr. Chairman, I want to thank my colleagues for their consideration of this amendment

today, and I want to thank them for their support of this amendment. I urge its passage.

I yield back the balance of my time. The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. LOEBSACK).

The amendment was agreed to.

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AMENDMENT NO. 9 OFFERED BY MS. SHEA-PORTER

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in part B of House Report 110-760.

Ms. SHEA-PORTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. SHEA-PORTER:

In section 2(c), before the closing quotation marks at the end of the matter proposed to be inserted as section 144(d)(5) of title 23, United States Code, insert the following:

“(C) HISTORIC BRIDGES.—

“(i) IN GENERAL.—A 5-year performance plan of a State under subparagraph (A)(iii) may provide for more frequent, in-depth inspection of a historic bridge located in the State in lieu of replacement of the bridge if the Secretary determines that—

“(I) it is appropriate based on the age, design, traffic characteristics, and any known deficiency of the bridge; and

“(II) granting the exception will increase the overall safety of the State's bridge inventory.

“(ii) HISTORIC BRIDGE DEFINED.—In this subparagraph, the term ‘historic bridge’ means any bridge that is listed on the National Register of Historic Places.

The Acting CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from New Hampshire (Ms. SHEA-PORTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Ms. SHEA-PORTER. Mr. Chairman, I yield myself such time as I may consume.

I'd like to thank Chairman OBERSTAR and Subcommittee Chairman DEFAZIO for working with me on this amendment.

Mr. Chairman, it is critical that we take a serious look at our Nation's bridge infrastructure and take the necessary steps to ensure that we invest in the maintenance and modernization of that infrastructure. The underlying legislation accomplishes this, and I applaud the chairman for his work on this and look forward to voting for this bill when the time comes.

However, whenever possible, we must take care to protect our Nation's historic bridges, while ensuring their safety. My amendment accomplishes this by allowing States the option to provide for more frequent and in-depth inspection of historic bridges, in lieu of their replacement under the 5-year performance plan outlined in this underlying legislation.

Under my amendment, the safety of these historic bridges is ensured by requiring that States choosing to take advantage of this exception subject these bridges to more vigorous inspections. At the same time it also makes approval of the exception contingent upon the Secretary's determination that the overall safety of the State's bridge inventory will be increased by granting the exception.

Mr. Chairman, this is by no means a blanket exception for historic bridges, as it rightfully puts safety first. But it does provide the necessary flexibility for those States that wish to preserve their historic bridges.

I urge my colleagues to support my amendment and the underlying legislation.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition to this amendment, but I will say that the minority will not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. DUNCAN. The minority has reviewed this amendment, and we will accept it.

Mr. OBERSTAR. Would the gentleman yield?

Mr. DUNCAN. I'd be glad to yield to the chairman.

Mr. OBERSTAR. I concur with the gentleman's remarks.

The amendment ensures that the 5-year performance plans required under the bill will account for historic bridges located within the State.

The gentlewoman has described the limitation on that approval and the requirements expected of the Department of Transportation of the State, and I include in the RECORD at this point my further evaluation of the amendment, which we do accept on our side.

I rise in support of the amendment offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

This amendment ensures that the five-year performance plans required under this bill account for historic bridges located within the State.

H.R. 3999 ensures that States develop a risk-based prioritization of their bridge inventory, and lay out a strategy for addressing their bridge deficiencies.

This amendment recognizes that there are some States with bridges listed in the National Register of Historic Places, and ensures that the performance plans allow for States to institute more frequent, in-depth inspection of these facilities in lieu of replacement of these facilities.

The amendment requires the exemption to be allowed only if the Secretary determines that increased inspection frequency and intensity is appropriate given the condition and usage of the bridge, and will increase the overall safety of the State's bridge inventory.

This amendment ensures that States with these historically significant facilities are not adversely impacted in developing and implementing their performance plans.

I urge my colleagues to join me in supporting this amendment.

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

Ms. SHEA-PORTER. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. CHILDERS

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in part B of House Report 110-760.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CHILDERS:

At the end of section 5, add the following:  
(d) COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT.—None of the funds appropriated pursuant to subsection (a) may be used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

The Acting CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Mississippi (Mr. CHILDERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. CHILDERS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise today in support of my amendment to H.R. 3999, the National Bridge Reconstruction and Inspection Act of 2008. My amendment is very straightforward, simply stating that "none of funds appropriated to H.R. 3999 may be used to employ workers in violation of section 274A of the Immigration and Nationality Act."

The First Congressional District of Mississippi is currently staggering under the prevailing economic situation. On a daily basis, my constituents express their concerns of keeping their jobs despite the influx of foreign illegal labor into Mississippi. Portions of north Mississippi have unemployment rates that are nearly double the national average, a fact that motivated me personally come to Congress to stand up for the hardworking families of the First Congressional District.

I certainly support and am encouraged by the underlying legislation Chairman OBERSTAR brought to the House today, because north Mississippi desperately needs many of the infrastructure improvements included in H.R. 3999 in order to spur economic and community development. However, I am committed to ensuring that every Federal dollar that is allocated to the National Bridge Reconstruction and Inspection Act for employment purposes will specifically go towards employing hardworking American citizens who desperately need a consistent paycheck.

I urge all of my colleagues to join me in supporting this straightforward amendment.

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

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent that I be granted the time in opposition to this amendment, but I will not oppose this amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. DUNCAN. I rise simply to say that the minority will accept this amendment. No other country in this world has welcomed as many people from other nations as has the United States of America, and we're all proud of that. But certainly, the jobs that will be produced by this bill should go to American workers and certainly, above all, to people who are here legally, and not be given to people who are here illegally.

And so the minority will very enthusiastically support this amendment.

Mr. OBERSTAR. Will the gentleman yield?

Mr. DUNCAN. Yes, I'll be glad to yield.

Mr. OBERSTAR. The gentleman has stated the case very well. I think his recitation of the history of the United States accepting people from many nationalities is well-said, and I also support the amendment.

Mr. DUNCAN. Thank you.

I yield back the balance of my time.

Mr. CHILDERS. Mr. Chairman, I just would like to acknowledge my colleagues who support this, and I appreciate that. And I also would like to commend Chairman OBERSTAR not only for his work on this legislation but for his very dedicated service to this committee and to this body.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. CHILDERS).

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

Mr. CHILDERS. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 11 OFFERED BY MR. OBERSTAR

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in part B of House Report 110-760.

Mr. OBERSTAR. Mr. Chairman, as the designee of Mr. CAPUANO, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. OBERSTAR:

At the end of the bill, add the following:

**SEC. 7. NATIONAL TUNNEL INSPECTION PROGRAM.**

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 149 the following:

**“§ 150. National tunnel inspection program**

“(a) NATIONAL TUNNEL INSPECTION STANDARDS.—The Secretary, in consultation with State transportation departments and interested and knowledgeable private organizations and individuals, shall establish national tunnel inspection standards for the proper safety inspection and evaluation of all highway tunnels. The standards established under this subsection shall be designed to ensure uniformity among the States in the conduct of such inspections and evaluations.

“(b) MINIMUM REQUIREMENTS FOR INSPECTION STANDARDS.—The standards established under subsection (a) shall, at a minimum—

“(1) specify, in detail, the method by which highway tunnel inspections shall be carried out by the States;

“(2) establish the maximum time period between the inspections based on a risk-management approach;

“(3) establish the qualifications for those charged with carrying out the inspections;

“(4) require each State to maintain and make available to the Secretary upon request—

“(A) written reports on the results of the inspections together with notations of any action taken pursuant to the findings of the inspections; and

“(B) current inventory data for all highway tunnels located in the State reflecting the findings of the most recent highway tunnel inspections conducted;

“(5) establish procedures for national certification of highway tunnel inspectors;

“(6) establish procedures for conducting annual compliance reviews of State inspections and State implementation of quality control and quality assurance procedures; and

“(7) establish standards for State tunnel management systems to improve the tunnel inspection process and the quality of data collected and reported by the States to the Secretary for inclusion in the national tunnel inventory to be established under this section.

“(c) TRAINING AND CERTIFICATION PROGRAM FOR TUNNEL INSPECTORS.—The Secretary, in cooperation with State transportation departments, shall establish a program designed to ensure that all individuals carrying out highway tunnel inspections receive appropriate training and certification. Such program shall be revised from time to time to take into account new and improved techniques.

“(d) NATIONAL TUNNEL INVENTORY.—The Secretary shall establish a national inventory of highway tunnels reflecting the findings of the most recent highway tunnel inspections conducted by States under this section.

“(e) AVAILABILITY OF FUNDS.—To carry out this section, the Secretary may use funds made available pursuant to the provisions of sections 104(a) and 502.”

(b) SURFACE TRANSPORTATION PROGRAM.—Section 133(b)(1) of such title is amended by inserting “, tunnels that are eligible for assistance under this title (including safety inspection of such tunnels),” after “highways”).

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 149 the following:

“150. National tunnel inspection program.”

The Acting CHAIRMAN. Pursuant to House Resolution 1344, the gentleman

from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

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

The gentleman from Massachusetts (Mr. CAPUANO) raised this issue of a National Tunnel Inspection Program, of course, from very firsthand experience in the City of Boston, with the collapse of the roof and several sections that collapsed resulting in at least one fatality and many injuries.

At the time, the gentleman offered the amendment on a previous piece of legislation. It was not the appropriate vehicle, and I counseled the gentleman to wait until we would have an appropriate bill from the committee with which we could consider his proposal. This was way last year. I didn't know at the time that we were going to have a bridge collapse in Minnesota and that we might have this very appropriate vehicle.

The amendment creates a National Tunnel Inspection Program at the Federal Highway Administration to develop national inspection standards for proper safety inspection and evaluation of highway tunnels. National standards would be designed to ensure uniformity throughout the States in inspection and evaluation of highway tunnels.

And the tragedy of the tunnel in the Boston harbor tunnel in that city is adequate reminder that we need to raise the standards, do a more vigorous and effective job of inspecting tunnels throughout the United States, and I ask for adoption of the amendment.

I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

This amendment creates a National Tunnel Inspection Program that would establish national tunnel inspection standards and ensure uniformity among the States in the conduct of such inspections.

The substance of this amendment was approved by the House in January by a voice vote.

While the need for these improvements to our surface transportation program has long existed, the tragic tunnel collapse in Boston, Massachusetts, two years ago brought about the catalyst for its implementation.

On Monday, July 10, 2006, at approximately 11:00 p.m., a section of the suspended concrete ceiling above the eastbound lanes of the Interstate 90 connector tunnel in Boston, Massachusetts, fell onto a vehicle traveling to Logan International Airport. A passenger, riding in the right front seat of the vehicle, was killed, while the driver escaped with minor injuries.

The National Transportation Safety Board (“NTSB”) immediately launched an investigation into the cause of the ceiling panel collapse.

The NTSB report observed that had the Massachusetts Turnpike Authority inspected the area above the suspended ceilings at regular intervals, the anchor creep that led to this accident would likely have been detected, and this tragedy could have been prevented.

While we cannot undo the damage caused by this accident, we can, and we must, take the necessary actions to prevent future tunnel collapses.

The NTSB report also found that the Federal Highway Administration (“FHWA”) lacked the regulatory authority to conduct tunnel inspections, and recommended that the FHWA seek legislation authorizing the agency to establish a mandatory tunnel inspection program similar to the National Bridge Inspection Program.

That is exactly what this amendment will do—establish a national program to inspect highway tunnels.

The Secretary of Transportation, in consultation with State Departments of Transportation, private organizations and individuals, will establish national tunnel inspection standards for safety inspections and evaluations of all public highway tunnels.

The program also establishes criteria for certification and training of tunnel inspectors, and requires States to prepare and maintain an inventory of public highway tunnels.

The NTSB report made clear that the death that occurred on that July evening could have been prevented had this tunnel been inspected at regular intervals. This legislation will establish a framework to address this serious safety concern, and ensure that tragedies like that of July 10, 2006, will not occur again.

To address the absence of comprehensive inspections standards for our nation's highway tunnels, I urge my colleagues to join me in supporting this amendment.

I yield back the balance of my time.

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent to be given the time in opposition to this amendment; however, I will not oppose this amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. DUNCAN. I will say simply this, Mr. Chairman, that I was present in committee when Mr. CAPUANO first brought up his concerns and his desire to bring this type of legislation to the floor of the House, and the minority has no objection to this, and we support this.

And I would be glad to, at this time, yield back the balance of our time.

The Acting CHAIRMAN (Mr. CHILDERS). The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

Mr. OBERSTAR. 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. DONNELLY) having assumed the chair, Mr. CHILDERS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3999) to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other

purposes, had come to no resolution thereon.

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# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

## RECOGNIZING AND CELEBRATING THE 20TH ANNIVERSARY OF THE NATIONAL BLACK ARTS FESTIVAL

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1286) recognizing and celebrating the 20th anniversary of the National Black Arts Festival.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 1286

Whereas the National Black Arts Festival (NBAF) is a nonprofit cultural institution based in Atlanta, Georgia, that celebrates the artistic contributions of people of African descent and their impact on world cultures;

Whereas the mission of the NBAF is to engage, cultivate, and educate diverse audiences about the arts and cultures of the African Diaspora and provide opportunities for artistic and creative expression;

Whereas the NBAF was founded in 1987 after a study commissioned by the Fulton County Arts Council found an unmet need for a festival celebrating and advancing the work of black artists;

Whereas the study provided compelling reasons why the Atlanta community was the right place for such a festival, which led local government and civic leaders to help establish the NBAF and present the first summer festival in 1988;

Whereas, in July 1988, the 10-day event served as the country's first-ever summer festival featuring hundreds of artists of African descent, where 500,000 attendees took part in a triumphant celebration of African art, music, and culture;

Whereas, over the last 20 years, the NBAF has connected with people of all ages and races and celebrated diversity while striking a common chord that resonated with all Americans like no other festival or presenting arts organization;

Whereas the organization has evolved into a year-round cultural institution dedicated to serving artists, audiences, teachers, and students by providing opportunities for artistic and creative expression and sponsoring educational and humanities programs to deepen historical and cultural understanding;

Whereas the NBAF has a global perspective, celebrating the contributions of people of African descent and their impact on world cultures, as well as recognizing the great diversity of the African diaspora throughout the world;

Whereas festival programming is carefully chosen to ensure that "three generations are at the table", recognizing the need to appeal to a broad range of ages;

Whereas the mission of the NBAF has given the organization a clear focus and understanding of its niche, which has allowed the NBAF to succeed locally and nationally;

Whereas dedicated volunteers, consistently high quality work, and continued support from the funding community has enabled the NBAF to stand above its peers;

Whereas the NBAF adds a unique and necessary dimension to Atlanta's cultural landscape as one of the city's leading art institutions;

Whereas the NBAF has touched more than 5,000,000 people through music, dance, theater, film, visual arts, literary arts, and family events over the past 2 decades;

Whereas the NBAF has become the premier festival of its kind in the United States; and

Whereas the 20th anniversary of the first summer festival provides an occasion to honor the importance of the NBAF in its cultural fabric of greater Atlanta and all of America: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the important role that arts and arts education plays in the lives of millions of Americans;

(2) recognizes the continuing contributions and influence of African-American art work to America's cultural life;

(3) urges all citizens to support efforts to strengthen artistic training and appreciation in schools; and

(4) recognizes the 20th anniversary of the National Black Arts Festival.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

### GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 1286 into the RECORD.

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

There was no objection.

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

I rise today in support of H. Res. 1286, which recognizes the contributions of African American artwork to the United States. African Americans use dance, music, visual arts, theater and variations of these art forms to express their cultural heritage and personal identity. The annual National Black Arts Festival based in Atlanta, Georgia, celebrates the artistic contributions of people of African descent to the rest of the world.

After a study in 1987 commissioned by the Fulton County Arts Council, the local agency unveiled a need to commemorate the artistic accomplishments of the African diaspora. In 1988, the first National Black Arts Festival took place in Atlanta, Georgia.

Today the festival lasts 10 days and includes major events like the Pan African Film Festival, which is the Na-

tion's largest event dedicated to showing black films. It will also include a dance tribute to Judith Jamison, Oprah Winfrey's presentation of "The Color Purple," creative conversations with Cornell West and Alice Walker and a jubilant musical evening with Gladys Knight. The festival is full of performances, speaker series, visual arts and a number of student and family programs.

NBAF has evolved into a year-round cultural institution dedicated to serving artists, audiences, teachers and students by providing opportunities for artistic and creative expression and sponsoring an educational and humanities program. Every year there is a summer institute, an African American history elementary quiz bowl, and a children's education village for the youth to learn about African American history.

Black artists have influenced history, education and culture, and African Americans continue to make instrumental contributions to all facets of art. Within their organization, NBAF organizes pieces of black art to educate and entertain fans of African American talent. NBAF helps educate the Nation about components of black culture by hosting such an extensive program in Atlanta. We therefore recognize the contribution of the organization as well as acknowledge the number of black artists affecting our Nation.

Once again I express my support for the National Black Arts Festival and urge all of my colleagues to support this resolution.

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

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

I rise today in support of House Resolution 1286, recognizing and celebrating the 20th anniversary of the National Black Arts Festival.

The National Black Arts Festival was founded in 1987 after the Fulton County Arts Council commissioned a study to explore the feasibility of creating a festival dedicated to celebrating and advancing the work of artists of African descent. The study provided compelling reasons why the Atlanta community was the right place for such a festival, and with Fulton County government as the major sponsor, joined by additional corporate and foundation sponsors, the Festival's first biannual summer festival was held in 1988.

The 10-day event served as the country's first-ever summer festival featuring hundreds of artists of African descent. Half a million attendees took part in a triumphant celebration of African art, music and culture.

Over the last 20 years, artist and attendees alike have come to expect emerging and renowned artists to grace the stages and exhibit spaces of the city; collectors look eagerly to the artists' market for the next opportunity to buy from some of the best artists in