



# BUDGET COMMITTEE



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**Senator Judd Gregg's Senate Floor Remarks  
On New York City Train Earmark in FAA Authorization Bill  
May 1, 2008  
(unofficial transcript)**

Mr. President, I wanted to rise to respond to an attack relative to my integrity which was run today in the *New York Daily News*, which I presume was organized by the staff of the office of the senior senator from New York. The editorial could not have had the fact pattern had it not been fed by the senator's staff.

So I think it is appropriate to respond to it. It implies I am inconsistent in my views as to how I approach spending in this Congress. My record in trying to control spending and having some resistance to spending is fairly strong. As Chairman of the Senate Budget Committee, I've tried to discipline spending, tried to make our government more affordable for our children, tried not to pass on to our children debts which they shouldn't have to bear, so our children can have an opportunity to have as high a quality of life as we have had.

Now, there is in this bill a proposal to spend \$1.6 billion on a train to Kennedy Airport. Now, that's not an aircraft issue. It's clearly an add-on. And it's ironically done using the tax code in a very ingenious way. It gives a credit to the state of New York, or the city, for taxes which they don't pay over a period of time which is fairly extensive. I think it will run into the period 2020. And that credit totals about \$1.6 billion, \$1.7 billion. It is under any scenario -- I didn't use this term when I spoke about it at first, but I'll use it now -- it is under any scenario an earmark and not a very good earmark, to say the least.

Now the representation is that my opposition to this is an attack on the efforts of this country to address the very serious and legitimate and appropriate concerns of the city of New York that resulted from 9/11. The people of New Hampshire and the people of this nation, after 9/11, were committed and remain committed to making sure that the city of New York was made whole, to the extent it could be.

Obviously it could never be after such a horrific event. And we in our state were happy to take our tax dollars and put them towards the city to try to redress those problems. And I voted for that. And we in our state were happy to support efforts to rebuild, and continue

to be happy to support efforts to rebuild, Ground Zero, because that is a place that has taken on sacred meaning to our nation.

But we're not interested, in New Hampshire and I suspect most American citizens are not interested, in using dollars which were supposed to be used for 9/11 to help out some other, maybe legitimate, need, I don't know whether it is or not, in the city of New York. Building a train, I called it the 'train to nowhere,' it was an exaggeration, but since I was trying to put it in the context of an earmark which was of questionable purpose, that seemed like a reasonable phrase to use. That has become sort of like the term 'Xerox,' when you talk about an earmark that has serious question to them.

But building this air train to Kennedy airport, which, by the way, I understand there is significant disagreement within the city about whether it should even be built. But certainly it should not be on this bill as an attempt to basically get around an authorizing process or a process which would say whether or not this earmark is appropriate. It should also not use a brand-new exercise in tax policy which is totally inappropriate -- basically using the tax laws in a way that creates an earmark by saying that you get a credit for a tax you don't even have to pay.

That is very bad precedent. Horrific precedent, quite honestly. This earmark shouldn't see the light of day, and I don't think it can be defended on the grounds of 9/11. And in fact, I think that really does serious damage to the historic and very human perspective of 9/11, to try to defend building an air train to Kennedy Airport and stand behind 9/11 as your reasoning and then claim in a way that is most inappropriate, in my opinion, if somebody opposes that proposal they are attacking the memory and the purpose and the sacredness of the 9/11 event and the Ground Zero's reconstruction. Even by New York standards of exaggerated politics, that's carrying it a step too far. More than a step too far, in my opinion.

But that's what was done here. An earmark was created for something which has only marginal relationship to even downtown Manhattan. I guess you've got to get there from Manhattan, so I guess it's got relationship. But certainly no nexus here with Ground Zero from the standpoint of air train construction to Kennedy.

Using the tax laws in an abusive way to generate this earmark and then claiming when anybody raises the question of the legitimacy of it that they are somehow acting in a way that is inconsistent with a commitment to the rebuilding of New York after 9/11 and that they are degrading the name of the 9/11 event is just, well, it's beyond the pale in my humble opinion, but that appears to be the goal, the style and the approach of at least the people who fed the information to the paper, which I presume was the staff of the senior senator from New York.

I'd like him to come down here and deny if it wasn't. I would like him to deny that he didn't give this information and set the tone of this position. Because very clearly, in my opinion, he has.

And so let's return to the fact pattern as it exists. I'll stop using the term 'train to nowhere,' because I can understand how that might irritate people and I'll accept that that the term was probably inappropriately applied. I'll just call it an earmark. A very questionable earmark for a lot of money which does not flow from the original commitment in my opinion, to the rebuilding of New York, which the citizens of America made and which we were happy to stand behind.

Ironically, the plans for this train, this elevated train, were begun in 1998. And the actual commitments that this train would go forward, as I understand, were discussed as early as 1988. So to claim that this is tied to Ground Zero is to extend credibility quite a bit, in my opinion, and to hide behind that and use it in such a personal way, which basically questions another member's integrity, is obviously inappropriate.

So I think the senator -- you know, he may have the votes to get this proposal, to raise taxes by \$1.6 billion. Maybe he's got the votes to do that. But it shouldn't be on this bill. It's not an airplane issue. And I can tell you right now that if I have anything to say about it, this bill isn't going to move forward as long as it is on this bill.

It had not been my intention to engage at this level. But, hey, people from New Hampshire know how to play politics as well as people from New York. We may be from the country, but we know how to engage and it appears that the engagement has been called upon.

And so let us go forward and see who is right. See who has the equities on their side and determine whether the American people feel that building a train which was designed in 1988, was committed to, I believe, in 1998, which says that there is considerable discussion about whether it should be going forward in which it is an elevated train to an airport in, I believe Queens, is an appropriate use of \$1.7 billion, \$1.6 billion of their hard-earned income. Let's see what happens on that issue.

Mr. President, I yield the floor.