bill, H.R. 2002, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. MCINNIS). Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 194 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of bill, H.R. 2002.

□ 1349

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, July 24, 1995, title III was open for amendment at any point.

Are there further amendments to title III?

AMENDMENT OFFERED BY MR. WOLF

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

The Clerk read as follows:

Amendment offered by Mr. WOLF: On page 53, after line 13, insert the following:

(c) The repeal made by this section shall not abrogate any rights of mass transit employees to bargain collectively or otherwise negotiate or discuss terms and conditions of employment, as those rights exist under State or Federal law, other than 49 U.S.C. section 5333(b), on the date of enactment of this act.

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

The CHAIRMAN. The gentleman from Texas [Mr. COLEMAN] reserves a point of order.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes and the time be equally divided.

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

Mr. COLEMAN. Reserving the right to object, Mr. Chairman, the legislative language in the bill was accorded 40 minutes. It seems appropriate to me that we could indeed limit this to about 15 minutes. I object, if we cannot limit it to 7½ minutes on each side.

The CHAIRMAN. Objection is heard.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, 10 minutes on each side.

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

There was no objection.

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

If Members could just listen, because we are changing something that people have raised an issue on. Many Members are concerned about the reduction in transit funding, and I am concerned. We have tried to assist transit authorities faced with increased operating costs who have said that without some change in section 13(c), they will have no choice but to reduce service or increase fares. This perfecting amendment to anyone who has raised this issue is being offered to help address the concerns of some Members about the effect of repeal of 13(c) on transit workers' bargaining rights.

I want to make clear that this perfecting amendment, under this amendment no rights existing under any Federal or existing State law will be affected. I urge Members to read the amendment.

Let me read it. It says:

The repeal made by this Section shall not abrogate any rights of mass transit employees to bargain collectively or otherwise negotiate or discuss terms and conditions of employment, as those rights exist under State or Federal law.

It makes clear that collective bargaining rights are not repealed by the committee's action on 13(c). They are not repealed.

Why is this amendment important? We have all heard from our local transit operators in support of 13(c) repeal. Who will be helped by our vote for this amendment? We will be helping senior citizens on fixed incomes use mass transit to visit the doctor. We will be helping school children in the inner city to take the subway or bus to school. We will be helping the working poor who own no care and whose only means of transportation is mass transit.

This amendment will protect transit service for the single mom with two children on a limited income who relies on transit to get to work to provide for her family. By giving transit operators some flexibility to meet the cost of operating their systems, this amendment will also be helping to protect the jobs of transit workers because, without this amendment, more transit workers will lose their jobs.

Without changes to 13(c), all of these people, our constituents, could be faced with paying higher fares or waiting longer for the bus because service has been reduced.

Let me provide a real-life example. Over the last several years, the Committee on Appropriations has funded a demonstration program called Joblinks. The Joblinks Program provides transit services to welfare mothers to get to their jobs in hopes of getting them off welfare. The recipient in this case, Triangle Transit in North Carolina, after 6 months of delay and mounting cost of litigation caused by 13(c), withdrew the request for Federal funds.

That means welfare parents in North Carolina will not be able to participate and get jobs, as Members in this body say they want them to. The results of 13(c) in this case actually harm the poor. Defeat the attempt to get the welfare mothers into the work force and off welfare.

But the impacts of reductions in transit operator assistance can be lessened with repeal of 13(c). Nothing could be further from the truth that this amendment will help everyone. The amendment I send to the desk this afternoon is in large measure an amendment to clarify an issue that has become clouded in the 13(c) debate.

Time and again, opponents of 13(c) have suggested section 343 of this bill will abrogate all existing rights, and it does not.

I urge every Member who came here last night to talk about their concerns about 13(c) and about their transits and want more transits operating to vote for this. Before you vote, come over and look at all the transits in the country that support repealing 13(c). From Alabama, California, Connecticut, the District of Columbia, Florida, Illinois, the Regional Transportation Authority, Indiana, Iowa, Missouri, Nevada, New Jersey, and New York, the New York City Department of Transportation, the New York City Metropolitan Transportation Authority, the Buffalo-Niagara Frontier Transportation Authority. It goes on and on and on.

Frankly, frankly, if we do not repeal 13(c), then all of you who come and run around and talk about, I want more operating subsidy for my transit, you frankly will have been talking out of both sides.

This is the way to help the transit people. This is the way to help the poor people in the inner city. This is the way to keep fares down whereby people can continue to ride.

Repeal of 13(c) will not impact on existing employee bargaining rights. It would not impact on existing bargaining rights. Some people in North Carolina have spoken to me. It would not repeal the Taylor law in New York. It would not abrogate anything in Wisconsin. It would not change anything in Texas. The vast majority of the State have provided for public employees and transit workers to deal in collecting bargaining.

Mr. Chairman, I close with this: As I made the comment last night, I opposed the amendment of the gentleman from Pennsylvania [Mr. FOGLIETTA] because he wanted to take the money out of the FAA. Last night as we were debating that issue, the computer in Chicago shut down. So we made the right decision there. But I have told them that they should go to the Senate and get the Senate to increase operating subsidies, and I will fight for more operating subsidies to help you in the inner city.

But, my goodness, you want to go over to the Senate and fight for more

operating subsidies and then here is the chance to give your transit the greatest opportunity going. To increase the operating subsidies over there will be like putting money, bad money after bad money.

I urge Members, if they really care about mass transit, support this perfecting amendment which protects the bargaining rights but will also protect the people that drive and ride mass transit.

The CHAIRMAN. Does the gentleman from Texas [Mr. COLEMAN] insist on his point of order?

Mr. COLEMAN. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from Texas [Mr. COLEMAN] is recognized for 10 minutes.

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

I guess the problem I am having with the argument of the gentleman from Virginia is that, first of all, he claims great savings as a result of the rewrite of the labor law in the bill. He claims it. We had no testimony whatsoever about how much money this would save.

□ 1400

This is a totally phenomenal argument being made by the gentleman from Virginia. Let me tell the Members what the Department of Labor said. It said that repeal would open the door to elimination of bargaining rights in 23 States, where bargaining for public transit employees is not protected nor provided for.

In those cases where continuation of collective bargaining rights has been achieved by contracting with a private management company, bargaining could be eliminated by transferring these private employees to public employment.

In other situations where public transit employee bargaining is provided for, in 28 States, the repeal of section 13(c) could cause transit employees not only to lose their collective bargaining rights, but also their jobs, Mr. Chairman, as transit systems use Federal funds to contract out, with no obligation to the established work force. I think it is inappropriate for the chairman to have offered this amendment to his own bill when he does not answer some questions, so I am going to ask him to answer some.

What happens to collective bargaining rights when existing employee collective agreements are deemed terminated?

What about job protections and the application of collective bargaining rights to employees affected by future transit grants?

Is it not true that the gentleman's amendment still calls for repeal of 13(c) and the termination of all existing labor protection agreements?

This amendment, therefore, would change nothing if the gentleman answers that in the affirmative; it still repeals a major labor policy and protection program.

Is it not true that by repealing 13(c), States would no longer be required to protect transit workers' collective bargaining rights as a condition for receipt of Federal transit grants?

I think everyone here recognizes that this amendment is an idea dreamed up by the majority in order to see to it that we can automatically affect State law. The repeal provision still exposes thousands of transit workers to the loss of collective bargaining rights and future protection against job losses caused by the Federal transit grants.

I am most concerned, Mr. Chairman, that once again here on the House floor, we are attempting to rewrite labor laws. In the Committee on Appropriations we should not have done it in the first place. A number of us opposed this provision in the subcommittee and in the full committee, when given the opportunity.

Ultimately, now, we are confronted once again, because I offered an amendment to strike out that labor law provision, with that rewrite of labor law by the committee. Now we have an amendment that is called a perfecting amendment, that I know the Chair would have ruled in order so that we could collectively, in the House, do the drafting of the legislation on labor law, one that I consider to be a very serious mistake.

Mr. Chairman, because of that, and because I think that I know the answers to all of the questions I asked of the chairman of the committee, I will offer an amendment.

AMENDMENT OFFERED BY MR. COLEMAN TO THE AMENDMENT OFFERED BY MR. WOLF

Mr. COLEMAN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN to the amendment offered by Mr. WOLF: At the end of the Amendment by Mr. WOLF, insert (d) The repeal made by this Section shall not abrogate any rights of mass transit employees to bargain collectively or otherwise negotiate or discuss terms and conditions of employment, as those rights exist under State or Federal law, notwithstanding any other provisions in this Act.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment. We need to take a look at the amendment.

Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Chairman, I will take less than that time. I do want to mention that on the next amendment, Coleman-Ney, of course I am supporting this amendment. For those of us who are supporting that amendment, I just wanted to urge, although I duly respect the point of view of my colleague, I want to urge a ''no'' vote on that, on the basis that in fact this would create a hodge-podge set of laws across the United States. I think that has to be of grave concern to us.

Also, the amendment currently before us does nothing but clarify the fact that in States that do not currently protect the bargaining rights of men and women, transit workers will lose rights under H.R. 2002. Therefore, again, for those supporting on a bipartisan basis the Coleman-Ney amendment, I would urge a ''no'' vote on this amendment.

The CHAIRMAN. Does the gentleman from Virginia [Mr. WOLF] insist on his point of order?

Mr. WOLF. Continuing to reserve my point of order, Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, if Members want to know how to save money, read the letter from all the transits. Nobody in this body ought to vote until they read all of the transit letters. They have made it clear. This was not dreamed up in the minds of the majority, it was dreamed up in the minds of the transit.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we have heard it alleged that nobody knows if this will save any money. I can report to the Members, as chairman of the Committee on Transportation and Infrastructure, that the head of L.A. Transit came in and told us if we eliminated 13(c) they could save $100 million a year, and a week later, the mayor of Los Angeles came to town, and I challenged him on this point. He said, ''Congressman, that is a conservative estimate.'' Across America, the transit authorities are telling us that they can save money by giving them the flexibility that they would have if 13(c) is eliminated.

I do not like to do this. In fact, I do not like to do it in the way we are doing it on an appropriations bill, but we play the cards we are dealt. We are faced with a very tough situation in funding transit. Less money is going to be made available. If less money is made available, then that means there have to be cuts in service or we have to finds ways to cut costs. One of the ways to cut costs is to give flexibility to the transit operators across America, so we can continue to provide service to the American people.

For all of those reasons, Mr. Chairman, given the budgetary climate we find ourselves in, this is something that we should be supporting; that is, the elimination of 13(c).

Finally, Mr. Chairman, I would make the point, this is one more reason to be supporting taking transportation trust funds off-budget, because if we remove transportation trust funds off-budget, that means the transit account in the highway fund then is available without restriction to be spent, and those surplus balances in there can be dedicated to transit, so one way in these tight budgetary times to get more money for transit is to support trust funds off-budget, and also to eliminate 13(c).

The CHAIRMAN. Does the gentleman from Virginia insist on this point of order?

Mr. WOLF. No, Mr. Chairman; I withdraw my point of order.

Mr. COLEMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the gentleman from Texas [Mr. COLEMAN], the distinguished subcommittee ranking member, for yielding time to me.

Mr. Chairman, we are looking here at perfecting amendments and perfecting amendments to the perfecting amendments. We are dealing with points of order. I submit to my colleagues, Mr. Chairman, that this is not the proper way to address such an important issue as this 13(c) section is. This is an important amendment as regards labor and management relations in our country and in the transit industry. It is an important amendment in regard to a contract that we have with the American worker entered into in 1964, when we passed the Urban Mass Transit Act.

This is not the proper way to be dealing with such an important issue on an appropriation bill. The proper manner, whether we are for repeal or for reform of 13(c), is in the authorizing committee. That is where we should be discussing and having hearings and taking into consideration reforms that may be necessary in the 13(c) section.

I would hope, no matter what we do on these perfecting amendments, what points of order are granted or not granted, that we keep in mind the bottom line here, and that is support for the Coleman-Ney effort, which is to strike the total repeal of 13(c) which is in the current bill. I hope we support Coleman-Ney, despite what happens on all these perfecting amendments.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just wanted to get one or two points straightened out here. It has been mentioned a number of times that the Regional Transportation Authority of Illinois supports the elimination of 13(c). That may very well be correct, but that is simply the administrative agency. There are four operating agencies under the RTA: The CTA; the Chicago Transit Authority; Metro Suburban Railroads; and Pace Suburban Buses. Those three entities all oppose the elimination of 13(c).

Mr. Chairman, I would also like to state that it has been mentioned on this floor that the mayor of the city of Chicago supports the elimination of 13(c). I have checked with him as recently as this morning, and he tells me that it is absolutely not correct, so I wanted to set the record straight on those issues. I ask Members to support Coleman. Oppose Wolf and support Coleman.

Mr. COLEMAN. Mr. Chairman, I ask unanimous consent that I be permitted to withdraw my amendment to the amendment.

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

There was no objection.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I stand here in surprise when I hear my colleague and friend, the gentleman from Virginia [Mr. WOLF], the chairman of our committee, as well as the gentleman from Pennsylvania lamenting the sad state of affairs for mass transit in this country, and what we could do to replenish the coffers of mass transit. What they suggest we do is to repeal 13(c), and ask the working people of this Nation to pay for it.

That is not the way to go. We have over 200,000 transit employees throughout this Nation who have collective bargaining rights which would be eliminated by eliminating and repealing 13(c). What we should be doing is being more equitable in the distribution of our funds.

In the budget we are increasing funding for highways by almost $1 billion, and we are cutting funds for mass transit by $400 million, 44 percent. If we want to be fair, let us not put the burden of the solution of the transit problem on the backs of the working people, but rather let us be equitable in the distribution of funds for transportation.

PARLIAMENTARY INQUIRY

Mr. COLEMAN. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. COLEMAN. Mr. Chairman, if I would now offer as a substitute my amendment which is at the desk that strikes section 343, would we still be required to operate under the pending time left on the Wolf amendment, and would the unanimous-consent agreement that we made last night with respect to section 343 be abrogated because we would not be under that parliamentary situation?

The CHAIRMAN. The Chair would say this is not a proper substitute. After we have disposed of this amendment, the gentleman could offer his substitute.

Mr. COLEMAN. I thank the Chairman for that information.

The CHAIRMAN. The Chair would supplement it to say that would be under a separate time limit.

Mr. COLEMAN. That was in the unanimous-consent agreement from last night, Mr. Chairman?

The CHAIRMAN. That is correct.

Mr. COLEMAN. Mr. Chairman, I yield myself the remaining time.

The CHAIRMAN. The gentleman from Texas [Mr. COLEMAN] is recognized for 1½ minutes.

Mr. COLEMAN. Mr. Chairman, let me say to my colleagues in the House, regardless of which side they are on with respect to 13(c), all of them know that for my part, I have worked very hard to reform section 13(c). I offered amendments in the subcommittee and in the committee. I offered them to the Committee on Rules. I have never yet been able to effect a reform, simply because of the procedures that were put upon us here in the House by the Republican-controlled Committee on Rules.

Let me say, Mr. Chairman, that we will have an opportunity at reform if we vote against the Wolf amendment and for my subsequent amendment that I will offer that takes away section 343. By doing that, we permit the Secretary of Labor to move forward with rules they have already begun to promulgate that require a 60-day maximum, for which 13(c) will have to be dealt with by the Department of Labor. No more long delays. That is where they claim all the savings come from. If that is really the case, why go through the machinations of all of these amendments?

□ 1415

The Secretary of Labor agrees with them. But that is not good enough for them.

I will tell you what it is. There are a bunch of people over here that do not think that workers ought to have collective bargaining rights. I understand that theory and that kind of thinking. I come from a right-to-work State. But even in right-to-work States, we protect workers and give them a right to sit around and discuss unions. We do not say that is against the law in a free country. We let workers decide whether or not they want to have collective bargaining to maintain their jobs, a fair wage, and a standard of living so that they can educate their kids and provide for their families. There is nothing wrong in America with us continuing to do that.

I urge a ''no'' vote on the Wolf amendment.

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

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 1 minute.

Mr. WOLF. Mr. Chairman, I urge strong support for the substitute. Your reform is basically worthless. Before you vote on it, read the letter from APTA. It says the Coleman reform is basically worthless.

Third, I support collective bargaining rights and they would all come back into play.

Fourth, everyone knows what is going on here. Basically on this vote we are going to vote on whether or not we want to lift a little bit of the burden on the working poor and the people that live in the inner city and ride mass transit.

Just read the letters. Read the letters from the transits. Just read them and look at the list. This is the last chance frankly if this thing does not go for Members to come back to the floor and say, ''I want to help mass transit,

can you get us more subsidy?'' This is the best opportunity to help mass transit.

I strongly urge Members, we have perfected it, we have dealt with the collective bargaining issue, we have made it clear that it will stay in effect. This is a good amendment for your constituents and for the country, and I urge an ''aye'' vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. WOLF].

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

Mr. WOLF. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Virginia [Mr. WOLF] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. COLEMAN

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

The Clerk read as follows:

Amendment offered by Mr. COLEMAN: On Page 53, strike section 343.

Redesignate subsequent sections of Title III of the bill accordingly.

The CHAIRMAN. Pursuant to the order of the Committee on Monday, July 24, 1995, the gentleman from Texas [Mr. COLEMAN] and a Member opposed will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. COLEMAN].

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

Mr. COLEMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, my amendment would strike section 343 of the bill which repeals section 13(c) of the Federal Transit Act. I am pleased to be joined in a bipartisan effort that we have here today by the gentleman from Ohio [Mr. NEY].

In discussing this issue with many of our colleagues on both sides of the aisle, I found many of them to be unfamiliar with the section 13(c) program. This could be because our committee never held a hearing specifically on the significant provision of labor law or the ramifications of repealing it.

I am limiting my time, and I want others to be able to speak on this issue because if affects Federal transit employees all over America. What I found in section 13(c) is to understand that it was designed and intended to protect the bargaining rights of our Nation's 200,000 bus drivers and other transit workers. It assures that the distribution of Federal grants to local transit systems does not harm transit workers and that employee issues arising out of the provisions of Federal assistance are properly addressed through collective bargaining.

It arose from the public takeover of private transit companies. That is what happened. There is usually a reason why laws come about. This is what happened. In its 30-year history, section 13(c) has provided a remarkable measure of labor-management stability in an industry that has experienced unprecedented growth and change. In urban, suburban and rural communities alike, section 13(c) has provided an effective system for transit systems to manage significant changes without harming employees. The last thing we all need are these constant problems in terms of transit. Because as we have said over and over again, as everyone in here realizes and recognizes, these are workers that have a lot to do about whether or not other Americans get to work, whether or not someone can shop, whether their children can go to school. A lot of times these issues need to be addressed very clearly.

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

The CHAIRMAN. Does the gentleman from Virginia [Mr. WOLF] rise in opposition?

Mr. WOLF. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 20 minutes.

Mr. WOLF. Mr. Chairman, I yield myself 3 minutes.

I rise in strong opposition to the Coleman amendment. Members ought to know that the 13(c) statute provides protection for transit workers for up to 6 years for full compensation and benefits.

Everybody out there listening, do you get 6 years? That is what happens there. That is why the single parent is paying so much when she has to ride the transit. No other segment of the economy gets that.

As a result of 13(c), transit districts cannot privatize their service. In fact, the cost to comply with section 13(c) is substantial.

Let me give Members a few examples. Chicago Regional Transit Authority stated that it would privatize its operation but for 13(c). It estimates its savings could be as high as 25 to 40 percent. In fact, according to an independent study, privatization would save the Chicago Regional Transit Authority $96.1 million in 1996. That is a lot of money even for this Congress where we talk in terms of millions and billions.

The Utah Transit Authority cannot use van pools in an area where there is already bus service, even though it would be more efficient.

Indianapolis Public Transit Corporation estimates without the burdens of 13(c) it could save 25 to 35 percent in operating costs. If we could save 25 to 35 percent in operating costs around here to operate this place, we would do it.

Opponents of section 13(c) suggest it is not necessary. They talk about this mythical reform. Here is what APTA says about this reform. It says, ''The proposal does not address APTA's concerns. The proposal would permit the issuing of conditional certifications, in apparent contravention of Federal case law. The proposal appears to institute a schedule for Department of Labor action but provides no meaningful relief to transit systems if the schedule is not met.''

In short, APTA says the ''proposed procedural changes have such significant loopholes as to render them meaningless.''

We have received letters from over 40 transit districts. I thank the transit districts because they are fighting for their riders as they should. While they fight for their riders, we have no obligation to fight here for them. The largest transit districts in the country, New York, Chicago, Philadelphia, Pittsburgh, all support repeal. Citizens Against Government Waste supports repeal.

Mr. Chairman, I strongly urge a ''no'' vote on the Coleman amendment. It does absolutely nothing and would just make fares go up even more.

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

Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Chairman, I thank my colleague for yielding me the time.

In a blatant attempt to end-run the authorizing committee, Mr. Chairman, H.R. 2002 contains an outright repeal of 13(c) protections for transit employees. There are 100 reasons why transit costs can go up to people across the country. I do not think we need to lay that blame upon the worker.

Section 13(c) of the Urban Mass Transportation Act of 1964 states that if the Federal Government is going to provide moneys to be used to acquire private transit companies and operate transit services that are in financial trouble, such actions should in no way worsen the transit employees' position. This is what 13(c) is all about.

Do I believe there needs to be reform? We want to talk about prices, and we hear from the urban centers and the mayors about we need reform. That is what we wanted to do. We wanted to strike and replace and put some true reform in there, that the unions also agreed that there should be reform. Of course I believe in reform, but the process of the House did not allow me or anyone else to offer a reform amendment, even though rule XXI was waived to allow for the 13(c) repeal.

There is another body, I urge those supporting us to remember. This bill is not leaving here and going on to the President of the United States, Mr. Chairman. This bill is going on to the U.S. Senate where some reform could be addressed, as we would have had we the opportunity.

In closing and urging the support of the Coleman-Ney amendment I would stress—even if you are philosophically against collective bargaining, I am not, but even if you are, for our Americans—I urge all my colleagues to vote in favor of this amendment which will afford the authorizing committee, the

appropriate committee, to take such actions.

If you do not support collective bargaining, Mr. Chairman, I still believe that this is not the appropriate way to make changes, because it is going through the back door and trying to undo collective bargaining piece by piece. You put it out front and do it that way. I urge support for this amendment.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. PACKARD], a member of the committee.

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

Mr. PACKARD. Mr. Chairman, the bill language does not change collective bargaining or labor rights. It simply prevents labor from vetoing the funding of operating capital for transit districts.

That is what we are trying to do, is to remove that veto power so that the transit districts can get their operating capital in a normal, standard, and timely manner. That is all we want to do. Section 13(c) must be repealed to allow that to happen.

One transit district in my congressional district, the North County Transit District of San Diego County, had funds held up for more than 2 years by the Department of Labor. These were funds that were approved by both the Congress and the Department of Transportation. The Department of Labor, however, had other plans.

During the 2-year delay, the transit district had to acquire outside legal assistance which cost them an additional $111,000. Because the particular grants that had been held up were grants for operating assistance, fares simply had to be raided in order to accommodate that lack of funds.

If you really look at this thing clearly, what the amendment does is, in effect, pass a tax increase on to the workers of America. Those that are the lowest income, that rely on transit ridership, those are the ones that are going to pay the ticket.

That is a tax increase on the poorest of the working people of America. I cannot believe that that is what the Democrats would like to do, yet that is what this amendment does.

I urge support of the repeal of 13(c). Keep the bill in its current form. Vote ''no'' on this amendment and do not pass a tax increase on to the riders of our transit systems across America.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I rise in strong support for the Coleman-Ney amendment. As a member of the Committee on Transportation and Infrastructure, I strongly object to the methods being undertaken by the Committee on Appropriations to amend existing law by slipping it into the bill.

If collective bargaining rights need to be repealed or reformed, then it should be the task of the authorizing committee to undertake this assignment. But no matter what your position is on this issue, I believe we can all agree that it should be up to the appropriate committee to weigh in and take whatever action is necessary to address the concerns raised in regards to section 13(c).

I urge all my colleagues to look before they leap. Vote ''yes'' on the Coleman amendment to strike this provision in the bill.

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the authorizing committee.

Mr. SHUSTER. I thank my good friend for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment to strike the provision that would repeal 13(c) of the Federal Transit Act. In a perfect world, I would prefer to have done this in our authorizing committee, but we must play the hand we are dealt. Overall, I think we have worked out some excellent compromises with the Committee on Appropriations, this being one of them.

□ 1430

The fundamental point here is that in this budgetary climate we have our head in the sand if we think we are going to be able to provide the funds that are necessary to support our transit properties across America. We have got to find ways for them to either raise fares, nobody wants to do that; cut service, nobody wants to do that, or cut costs, and one of the ways to cut costs is to eliminate 13(c).

Now, there have been many charges made that this really is not going to save any money. Yet, the chairman of the appropriations subcommittee has pointed out, Chicago says they can save $96 million a year; Los Angeles tells me they can save 1 million a year and the mayor of Los Angeles tells me that is a conservative estimate.

So you take those examples and extrapolate across America. We are talking about giving transit properties the opportunity to cut their costs by very, very substantial margins.

What does that mean? It means that they will not have to cut service. It means that they will not have to raise prices. It means that instead they will be able to provide the public the service it needs and, yes, provide the jobs that are required to provide that service.

Now, there have been many, many examples of 13(c) being used simply as a way to block efficiencies, operating efficiencies, or investment efficiencies, that the transit properties across America had hoped to achieve. There are numerous examples.

Transit authorities in Las Vegas, for example, had to spend $400,000 in legal fees simply to obtain grants that were being blocked by 13(c). In Boise, ID, the transit authority had to spend a million dollars, little Boise, ID, in legal costs and legal fees to obtain a grant and was forced to litigate the matter in court. And, yes, what did the Department of Labor do? It ultimately imposed 13(c) terms on the Boise Transit Authority that were more burdensome, more burdensome than those required by the union.

Triangle Transit in North Carolina had to spend $500,000 extra to purchase buses after delay. Central Arkansas Transit Authority almost went out of business because of the delays. Example after example points up the cost of 13(c) and points up the importance of defeating this amendment so that the transit authorities have the capability to function properly.

And get this, the New York dock provision, labor provision, applies to transit employees getting Federal money. What that means is a transit employee can get up to 6 years' protective benefits, 6 years' pay, if they were laid off as a result of a Federal grant.

Now, this benefit is unequal in any other employment sector. I know most of the people I represent in central Pennsylvania would dearly love to be able to get 6 years' pay if they were laid off as a result of a Federal grant. This is just one part of the overall problem and one of the many reasons why we should defeat this amendment and give the transit properties the opportunity to manage their properties.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, we know where the money is coming from. We know where the money is coming from that the Republicans are talking about in this proposal. The money is coming out of the paychecks of the hard-working transit workers.

Make no mistake about it. By eliminating 13(c), in essence what my colleagues are doing is eliminating the workers' right to collective bargain. So while they are talking all about how they are standing up for hard-working people by eliminating the hard-working people's ability to collective bargain and their ability to stand up for themselves and earn a living wage, that is where they are getting their money and it is not right.

Mr. Chairman, I urge a ''no'' vote on Wolf and a ''yes'' vote on the Coleman and Ney amendment.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. DELAY], a member of the committee.

Mr. DELAY. Mr. Chairman, the gentleman from Rhode Island may not be aware that the gentleman from Virginia amended his own amendment by making sure that nothing in the repeal of 13(c) abrogates any rights of mass transit employees to bargain collectively or renegotiate or discuss terms and conditions of employment.

This is a perfect exampled of a labor protection that has run amok. We have, for over 30 years built a system that has cost the taxpayers, that has

cost low-income riders, that has driven up the cost of mass transit to outrageous sums, and it is because of things like 13(c) that has pushed the envelope. We have got to bring it back to some sort of reasonableness.

This repeal of 13(c) only gives transit authorities the necessary flexibility to reduce operating expenses. It was intended at the beginning to protect the rights of transit workers employed by private transit authorities that were acquired by public agencies in States that prohibited collective bargaining. Now, 30 years later, ironically the same jobs that 13(c) seeks to protect may be those same jobs that are lost because of it.

Mr. Chairman, 13(c) has become a means to pursue broader labor objectives and will ultimately mean the loss, not the protection, of jobs in the transit industry. The certification process itself is used by labor to pursue their agenda and has led to inexcusable delays in receipt of transit funding.

The GAO found that not only does the Department of Labor take an average of 81 days to certify a grant application, but a lot of time its takes 25 weeks before it can be processed and the negotiation of new 13(c) protections could take as long as 30 weeks. You know what that does? It drives up the cost of transit facilities, facilities that are going to help the poor.

Mr. Chairman, I would just ask my Members to take a look at this sheet that is out here on the desk of the number of transit authorities that support the repeal of 13(c), not exactly Republican strongholds, like Chicago; Washington, DC; Los Angeles; New York City; Trenton, New Jersey; Newark; in Ohio, the entire Department of Transportation and Cincinnati and Cleveland, in Pennsylvania, Philadelphia.

So, Mr. Chairman, I just ask Members to do what is right. Bring reasonableness to labor protection and vote against this amendment.

Mr. COLEMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. MINETA].

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

Mr. MINETA. Mr. Chairman, I rise in strong support of the Coleman amendment to strike the provisions in this bill which repeal the labor protection rights of transit employees.

As the ranking Democratic member of the committee with jurisdiction over this issue, I am particularly opposed to the use of an appropriations bill to make such sweeping legislative changes affecting so many transit employees and their families in so many cities. An issue of this magnitude should move through the normal legislative process with hearings, markup, and floor action spearheaded by the authorizing committee—not by the appropriations committee.

In fact, the Committee on Transportation and Infrastructure held hearings earlier this year on the 13(c) program. If changes to this program are needed, they can and should be made as part of our committee's upcoming National Highway System [NHS] bill. What is our rush to legislate major changes in an appropriations bill when our committee will soon approve its own transportation bill?

Mr. Chairman, I testified with my chairman and good friend, BUD SHUSTER, at the Rules Committee and urged them not to protect the provisions in this bill repealing 13(c) from points of order.

The committee chose to do otherwise.

I also asked the Rules Committee to protect from points of order the 13(c) reform amendment offered in committee by Mr. COLEMAN, if they protected the 13(c) repeal provisions contained in the bill. The Committee chose to do otherwise.

The Rules Committee denied Members of the House—unfairly I believe—the right to vote on an amendment reforming 13(c), rather than repeal it outright. But being denied reform does not mean that we should throw out the baby with the bathwater by eliminating the entire program, as this bill does.

Let me quote from a letter from Mr. Peter Cipolla, the General Manager of the Transportation Agency in my district, ''although administrative reform is necessary in certain areas, I personally do not believe that an outright repeal of 13(c) is justified.'' How can anyone be clearer than that.

Once again, I urge my colleagues to support the Coleman amendment to strike the hastily conceived 13(c) repeal provision contained in this bill.

Mr. COLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

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

Mr. POSHARD. Mr. Chairman, I rise in strong support of the Coleman amendment.

Mr. Chairman, I rise in opposition to the provision contained in the 1996 Transportation appropriations bill that would repeal certain labor laws known as 13(c). Because of my opposition to the repeal of this measure, I strongly support the Coleman amendment that would have the effect of restoring this provision of the bill.

Eliminating section 13(c) is not about government reform, as some argue here on the House floor today. It is about taking away the right for the men and women in every one of our districts to earn a competitive and fair wage. Without this important provision, many workers, especially those in rural areas, would be unable to afford to take these jobs created through federally-funded projects.

In my congressional district, prevailing wages are providing 15 years of work and good jobs to those working on the Olmstead Lock and Dam project. Without the guarantee of prevailing wages, these jobs would not have existed for those worked on this project even though most of the workers are not from my district. Prevailing wages mean the difference between providing for our families and being on food stamps.

As we debate section 13(c) let us not forget what repealing this measure will mean to our hard working men and women and their families. Section 13(c) is about fairness and opportunity for our workers, not about government reform and downsizing.

Because I believe in the American worker, I must oppose the repeal of section 13(c) and ask my colleagues to support efforts to restore the provision.

Mr. COLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. BORSKI].

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

Mr. BORSKI. Mr. Chairman, I rise in support of the Coleman amendment.

Mr. Chairman, I support the amendment offered by the gentleman from Texas to protect the rights of the working people of America.

Section 13(c) of the Federal Transit Act has worked for 30 years to help America's transit workers and it should not be changed through the appropriations process.

There have been no hearings and there has been no consideration whatsoever by the authorizing committee of this repeal.

In fact, the chairman of the Transportation and Infrastructure Committee, as well as the chairman of the Surface Transportation Committee, both objected to protecting this provision from points of order.

Although the Republican leadership has promised to respect the wishes of the authorizing committees, their zeal for this campaign against the working people of America overrode the need for following the rules of the House.

If changes are going to be made to this important labor protection provision, they should be done through the authorizing committee after hearings and committee markup.

This repeal is clearly outside the jurisdiction of the Appropriations Committee.

This proposed repeal takes no account of the changes that have been implemented by the Labor Department to streamline the 13(c) approval process.

Under the new procedures, proposed on June 29, the Department of Labor will issue 13(c) certifications within 60 days of receiving an application from the Federal Transit Administration.

In some cases, involving replacement equipment, there will be no referral to the labor unions and no need for the review period. Approval will be nearly automatic.

According to the Department of Labor,

> The guidelines include a strict time frame that both the unions and transit authorities must follow which will expedite the release of the grant funds.

Even before these streamlining changes were proposed, 13(c) was not the villain it has been made out to be.

Only a small percentage of grant applications have suffered through delays.

The vast number of 13(c) applications are approved by the Labor Department within 90 days of being received.

The costs of the 13(c) program to protect worker rights has not been huge.

In the 30 years since the Federal Transit Act was passed, more than $90 billion in Federal grants have been issued. Individual employee claims under 13(c) have totalled less than $10 million—a small part of the program.

Mr. Chairman, section 13(c) is an important labor protection provision that helps protect the rights of experienced and capable transit workers in an industry that is undergoing massive changes.

While 13(c) may need reforms, the Department of Labor has already begun that process.

It is possible that even more reform may be necessary but that process should take place in the authorizing committee as provided by the House rules.

Section 13(c) should not be repealed and it should not be done in this manner. I urge support for the amendment.

Mr. COLEMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I rise in very strong opposition to the Wolf amendment and in support of the Coleman-Ney amendment.

Mr. Chairman, it is a sad reflection on the House of Representatives that such a major change to a long-standing provision of Federal transit law is taking place as part of an appropriations bill in a willy nilly, last minute type of amendment process that does not do justice to the processes of the House of Representatives.

In fact, this bill not only repeals 13(c), but it goes so far as to abrogate existing labor management agreements that were negotiated under the provision. The effect of this scheme will be to subject the hard-working men and women in the transit industry to the whims, fancies, and caprices of federally subsidized transit authorities.

Stripped of their ability to bargain collectively, these workers and their families are truly being sold into slavery by this body. It is ironic that while the House expresses concern over human rights violations in China, at the very same time it appears willing to violate the rights of U.S. citizens employed in the transit industry. This must not be allowed to happen.

Mr. Chairman, I do urge support for the Coleman-Ney amendment and also urge my colleagues that the first order of votes will be to defeat the Wolf amendment pending thereto. That will be necessary in order to provide a clear message to the working men and women of this country that we will not renege on their contract.

Mr. COLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KLECZKA].

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

Mr. KLECZKA. Mr. Chairman, I stand in strong support of the Coleman amendment to protect workers' rights in this country.

Mr. Chairman, I support the Coleman amendment because I believe we should stand by American workers and protect the principle of collective bargaining.

The Coleman amendment would reverse the bill's repeal of section 13(c) of the Federal Transit Act. This section represents one of the only collective bargaining rights that 200,000 transitworkers across the country have.

Section 13(c) requires that transit systems, as a condition for receiving Federal transit aid, make fair and equitable arrangements for affected transit workers. It thereby ensures that conflicts on these systems between workers and management are resolved through collective bargaining.

That is not too much to ask of these entities, yet it is an essential protection for these Americans. It must be maintained.

Over the last century, we have gradually, but progressively improved the rights of American labor. Collective bargaining is one of the fundamental principles of our evolution into a society that allows workers to organize in order to improve their lots in life and their opportunities to gain fair treatment for themselves and their families. Repealing 13(c) will turn back the clock. And, as my colleague Representative MARTIN SABO has said, "This is another fundamental attack on the income of working people in this country."

Hundreds of transit workers from my district in Wisconsin have contacted me to voice their opposition to this repeal. They, like many across the country, see their lifestyles in jeopardy if section 13(c) is repealed. We cannot allow that to happen. We have to allow them access to this established and effective process to raise their grievances so they can get a fair deal.

My colleagues, a vote against the Coleman amendment is a vote against American workers. They have been under assault in this body, but they are still the most productive, most resilient, and finest in the world. We should preserve this tool for them. Vote for the Coleman amendment and maintain collective bargaining for transit workers.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, the cornerstone of this debate over 13(c) is the argument that repeal will somehow cut operating costs. Why do these cost cutters always want to take it out of the hide of labor?

□ 1445

Why do they not look elsewhere than workers' paychecks? No, it seems to me that the Republican side always is consistent. Whenever there are sacrifices to be made, they want to take it out of the hide of labor. Let labor take the hit. They do not go to capital to take cuts. They do not go to management to give up benefits. They go to workers. You give up pay and benefits, you shoulder the burden. This is wrong. This is the wrong approach.

We ought to have this whole issue hammered out in the Committee on Transportation and Infrastructure, make some changes to put a 60-day limit on the time for DOT certification of 13-c compliance in transit grants, but let us not gut the rights of the working people of this country with this amendment.

Vote for Coleman.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I rise in strong support of Mr. COLEMAN's amendment and wish to express my strongest possible opposition to repealing the section 13(c) program. Repealing 13(c) would mean threatening the rights of hundreds of thousands of transitworker across this Nation.

I welcome the opportunity to reform the section 13(c) program. But the rule for this bill does not permit an amendment to reform 13(c), only to eliminate it. We have no choice but to strike this repeal from the bill. In doing so, we give the Transportation and Infrastructure Committee the chance to make the necessary reforms in this program without trampling on the rights of working American men and women.

Mr. Chairman, I cannot more strongly urge my colleagues to support this amendment. The repeal should not be in this bill. It should not have been protected from a point of order. But more than anything else, section 13(c) should not be repealed.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

(Mr. FRELINGHUYSEN asked and was given permission to extend his remarks.]

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the Coleman amendment and in support of ending the outdated provision known as 13C.

Mr. Chairman, the time has come to end this provision, which has been an albatross around the neck of all public transit authorities.

Proponents of keeping 13C argue that it was developed as part of the collective bargaining process. 13C was not a result of collective bargaining, it resulted from a legislative provision that was passed in the 1960's.

As most of us know, 13C has simply outlived its useful life. The current application of this law extends way beyond the original intent. It has become the key obstacle that prohibits public transit agencies from even considering the economic benefit of competitive contracting.

Supporters of this amendment argue that this bill will impede labor's collective bargaining rights. Well, this is simply not true. In fact, 13C intrudes into local decisionmaking and the collective bargaining process. Repealing 13C does not in any way remove labor's collective bargaining power.

Based on labor protection law of the 19th century, if a protected employee is adversely impacted, that employee is entitled to 6 year's full salary.

This antiquated protection violates fair and equitable collective bargaining and insures that public transit authorities, greatly dependent upon Federal assistance, will rarely risk such an expense. Thus—innovation and competition are stifled.

Repealing 13C is supported by every transit authority across the Nation, including New Jersey Transit. Under 13C, every Federal transit grant is reviewed by the national office of the labor unions. If the national union does not like a particular grant proposal, the union simply refuses to sign off on the grant and therefore holds the funding hostage, adding to the cost of operating mass transit.

This practice has to stop and sanity must be restored.

In these times of reduced Federal operating assistance, public transit authorities must have as much flexibility as possible to build projects on time and on budget. Without this flexibility, New Jersey and other States will not be able to provide the quality service that the public expects and deserves.

We need to end the veto power that labor holds over transit projects. 13C has been a gift to organized labor for far too long. 13C needs to be repealed. Let the local transit authorities manage the systems that they are in charge of and reject the Coleman amendment.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, you have heard all of the news here today. You have heard the Committee on Transportation and Infrastructure, and the committee of substance say they want to get a look at this 13(c) so they can reform it, not repeal it. That is why we should not support the Wolf amendment. We should support the Coleman amendment, which seeks rights and justice for transit workers.

I have heard a lot from the opposition about transportation authorities. They have a big list here. But no one has shown you and talked to you about transportation workers.

I have over a thousand signatures from transportation workers right here who are saying that they do not seek repeal of this. They know that reform is necessary, but they are solid working people in this country. Therefore, they need a chance.

But our opposition today would like not to hear their voices and would not want them to get a chance to come to the table to have a chance to talk.

There have been some delays. It will be corrected if it goes back to the Committee on Transportation and Infrastructure.

Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Chairman, let us be clear what this debate over section 13 (c) is all about.

This debate today is one more attack in the ongoing war the Gingrich Republicans have declared against working people.

Last week, in the middle of the night, the Labor Appropriations Committee launched the first missiles. In the middle of the night last Tuesday:

They voted to cut health and safety regulations.

They voted to cut OSHA enforcement.

They voted to cut dislocated worker assistance.

They voted to cut the school-to-work program.

And today, they're trying to take collective bargaining rights and job protection rights away from over 200,000 transit employees.

Mr. Speaker, in America today, the average CEO makes 150 times more than the average worker;

While corporate profits have gone up 80 percent—wages for most Americans have gone down 20 percent. And yet, supporters of this bill are trying to convince us that the problem in America today is that bus drivers are making too much money.

Mr. Chairman, I'm sick and tired of getting lectures from people who complain about transit workers trying to make a living wage—but don't bat an eye when CEOs and corporate moguls make millions.

Until we value every single hand that shapes this Nation—until we value bus drivers and steelworkers as much as we value Wall Street bankers and CEOs—this Nation is not going to get where it needs to go.

I urge my colleagues: Support the Coleman-Ney amendment. And keep section 13 (c) alive.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, as a member of the authorizing committee, I rise in strong opposition to the Coleman amendment.

Section 13(c) protective arrangements provide transit workers, depending on their length of employment, up to 6 years of their full compensation and benefits. That is outrageous.

If we want to talk about workers, we want to talk about the rights of those who are employed and laboring in this country, let us think about those who are riding the transit, those who are paying the fares, and let us think about their higher costs because of the waste and the inefficiency caused by 13(c).

Section 13(c) labor protection is a costly, antiquated and burdensome component of the Federal transit program that has impeded innovation, it has impeded efficiency and growth in the provision of our transit services. Increasingly, expensive labor protection requirements imposed by administrative fiat and often without legal basis has imposed significant costs and unnecessary restrictive conditions on transit services.

The complete absence of any procedures with definitive time limitations governing 13(c) negotiations by the department has led to inexcusable delays in the receipt of transit funding. For instance, the American Public Transit Association found the average delay in the 13(c) certification process was 25 weeks, and a negotiation of new 13(c) protection typically consumed 30 weeks' time.

The Department of Labor acknowledged at one point in 1994 that almost $300 million in grant funds had been delayed for over 6 months due to 13(c) processing.

The central Arkansas Transit Authority in my State, its very future was jeopardized because of 13(c). 13(c) also affords labor interests a second bite at the apple by providing opportunity to achieve rights and benefits unions are unable to achieve at the collective bargaining table.

Cost savings inherent in contracting out services, using part-time workers, are lost because of 13(c).

Vote to ensure lower costs for workers by rejecting the Coleman amendment.

Mr. COLEMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding this time to me.

I rise in strong support of the Coleman amendment and of the contract rights of the bus drivers in my district. Nobody has a right to take those away.

Mr. Chairman, I rise in strong support of the Coleman amendment. No one in this body has the right to cancel a contract, privately negotiated, between workers and their employers. Section 13(c) has served as the basis for stable and productive collective bargaining in the transit industry. Its repeal would undermine a system of labor relations that works and replace it with labor strife. No one in this body has the right to cancel private contracts in Toledo, OH.

Across our Nation, over 200,000 bus drivers and mass transit employees are protected by the collective bargaining agreements covered by section 13(c). The purpose of section 13(c) is to assure transit workers that their collective bargaining contracts will not be jeopardized by Federal transit aid programs. It provides a fair mechanism for the continuation of collective bargaining agreements in the face of service or structural changes. This makes perfect sense. It would be unproductive, even silly, if every shift in Federal transit policy resulted in reopening union contracts and risked labor conflicts. Section 13(c) helps avoid strikes and lockouts. Do the advocates of its repeal want strikes and lockouts?

In part because of 13(c), the transit industry's growth and expansion in urban, suburban and rural areas has been accomplished without needlessly harming transit workers and with the substantial support of transit labor rather than its opposition.

Some argue that 13(c) should be repealed because it slows the Federal transit grant process. I agree that some reforms are in order, but repeal is an amputation where a course of antibiotics would suffice. The Transportation Committee is already considering appropriate changes to section 13(c) which would assure the timely release of grants. Reforms such as a guarantee of certification

within 60 days, the application of model labor agreements, and expedited decisions make steps in the right direction without throwing out a labor relations mechanism that works.

Mr. Chairman, I urge my colleagues to support the Coleman amendment. Let's let the authorization process work and avoid even more slash-and-burn legislation in this appropriations bill.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I rise today to voice my strong support for the Coleman-Ney amendment to H.R. 2002. Obviously the amendment would restore section 13(c) of the Federal Transit Act. Section 13(c) is an important collective bargaining tool for over 200,000 transit workers nationwide. While there may be some agreement on both sides of the aisle that reform of this section may be needed, this appropriations bill seeks to strike out the provision entirely. If my colleagues here on the floor did not hear me I will reiterate, I said this appropriations bill would repeal section 13(c) of the Federal Transit Act. We are talking about making a major policy change through an appropriations bill and that's not right, we should be having full, fair, and open debate on this issue, in the authorizing committee of jurisdiction. Mr. Chairman, regardless of whether you support or oppose section 13(c), I urge you and the rest of my colleagues to vote yes on this amendment so we can give the working men and women, people who help keep this Nation moving, a fair shake and address this important labor protection in the right legislative vehicle, we cannot and should not steamroll this important labor right by repealing 13(c) through an inappropriate appropriations provision.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, I rise in the strongest support for striking the bill rider that destroys collective bargaining rights unilaterally and does so outside the normal legislative process. If we do not adopt this amendment, we will drive down wages and bust unions. The premise of the 13c repealer ingenuously represents that without it—transit systems will be forced to cut services and routes. Make no mistake about this, the cuts in this bill will force the reductions, not the working people struggling to make a decent living wage and support their families. The cuts in this bill will cut the throats of the transit agencies, while making 13c repeal the flimsy gauze to staunch the financial hemorrhaging of mass transit programs. This ruse will not fool the workers of this Nation who depend on mass transit for their jobs and for getting to their jobs.

If there are legitimate problems with 13c fix them in the sunshine of an open legislative process. Mend not end. The legislating on this appropriations bill cannot withstand the scrutiny of the normal legislative process, let us not resort to stunts to pass hidden agendas. Strike this assault on honest working people. Reform, do not wreck 13c. Make no mistake, if you are for working men and women you will vote for the Coleman-Ney amendment. Vote ''no'' on Wolf.

Mr. WOLF. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I thank the gentleman for yielding me this time.

Section 13(c) might have originally had a purpose back in 1964, but today it is used simply as a means to pursue broader labor objectives using transit grants as the hostage.

Section 13(c) guarantees benefits for displaced workers for up to 6 years after they have lost their jobs, 6 years. Local governments and transit authorities cannot afford that kind of featherbedding. It does not make sense in today's environment.

We hear about attacks on the working people of this country by repealing that. If you care about the working people of this country, what about the working person who has to take mass transit to work each day? It is coming out of their transit fares. They are going up and up and up, nibbling at their paychecks.

It just does not make sense in today's environment.

When I was chairman of the county board in Fairfax and tried to privatize some of our functions in order to save transit dollars, we found that 13(c) was not used to protect workers. It was used to halt privatization and other innovative ways that we could bring more inexpensive transportation means to provide for the average citizen, not those rich people in limousines who drive to work, but people who could not afford to get to work any other way. This is a working man's amendment to repeal section 13(c). Section 13(c) today holds transit agencies hostage to innumerable delay tactics which costs financially strapped agencies millions of dollars and for absolutely no benefit.

Its time is outdated. It is time to go. It is time to be repealed.

I urge the defeat of the gentleman's amendment.

Mr. COLEMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in strong support of the Coleman amendment and am proud to rise in support of working men and women in my district that are serving in the transit employment jobs.

The fact is you can talk about the specific provisions of those contracts. Name a single transit worker who has 6 years of support without working. In other words, we are getting the details of the contract, but not the practical impact. This provision is there to ensure people are not going to be arbitrarily let go, that they are not going to be fired without any recourse.

You know what; it works. That is apparently what the opponents of section 13(c) do not favor. You did not like working people having the opportunity to bargain and have decent wages and benefits, stability in our transit system, people that are licensed and qualified to do the job they are being asked to do, and they do it damn well in Minnesota. Mr. Chairman, we don't need to move to the lowest common denominator—we can be fair to workers without bankrupting the transit systems. Protecting and treating workers fair isn't the problem. The problem is budgets that cut workers' benefits and pay and break workers' contracts in the name of the GOP contract which extends lavish tax breaks to the affluent. Support the Coleman amendment and reject the Wolf amendment. Don't trade workers' rights and wages for political expediency.

□ 1500

Mr. COLEMAN. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, this is a very unfortunate piece of legislation. In 1935 we made a basic decision in this country that we believed in the right of collective bargaining for working men and women, and now we see a whole series of measures to eliminate that right. Repeal of 13(c) simply eliminates the right to collective bargaining for mass transit employees.

Mr. Chairman, I spent almost 16 years in the State legislature trying to get funds from mass transit and to make sure they spent the funds rationally, and I still support that goal, and we have to have decent projects, but eliminating collective bargaining is not the way to go.

Mr. COLEMAN. Mr. Chairman, I yield myself 2 minutes, the balance of my time.

Mr. Chairman, first of all I want to say to my colleagues we have heard a lot of speeches down here about the letters that the chairman of the subcommittee has received from transit properties. These are the letters from transit workers.

My colleagues, let me tell you something. These are people with families. These are people who are trying to earn a living by working every day in the transit arena all across America.

These letters are not from transit properties who say, ''Save us money by cutting the wages, by not bargaining with workers that do the job every day to keep these transit properties functioning.'' There is absolutely nothing wrong with us reading these kinds of letters.

Let me tell my colleagues what they say. They say we understand the needs oftentimes to do things more rapidly. Some of the frustration about 13(c) is cited in these letters.

Let me tell my colleagues these are American citizens. They pay taxes, thank goodness. They have got jobs. But I want to clarify some of the myth

that has been circulated in the Dear Colleagues around here about 13(c).

First of all, striking this provision that was poorly added in the Committee on Appropriations that should not have been there in the first place should have come through the Committee on Labor. What they did was, of course, say, ''No, no, you can't repeal this because this way you won't get to change 13(c).'' False. Both the majority whip and the chairman of the Committee on Commerce, Science, and Transportation have been down here saying what are they doing? Nothing. Incorrect also.

Mr. Chairman, on June 29 the Department of Labor proposed changes in the rules so that in effect the revised guidelines mean that certification by the Department of Labor will occur within 60 days, within 60 days. Now that is reform. That is what the workers talk about. That is what the transit property owners talk about.

I say to my colleagues, ''You don't have to crush the workers in order to get reform of 13(c).'' I urge a ''no'' vote on the Wolf amendment, an ''aye'' vote on the Coleman amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for the remaining 3 minutes.

Mr. WOLF. Mr. Chairman, I was not going to say much, but I heard some of the stuff, and I just have to.

I come from a blue-collar family background. My dad was a policeman in the city of Philadelphia, helped start the Fraternal Order of Police; my mom worked in a cafeteria; and if my colleagues wanted to match blue-collar pedigrees, I will do it with just about any of them.

When I hear about people who are working with their hands, Jesus worked with his hands. He was a carpenter. I mean my colleagues are inferring that we do not care about people who work with their hands. That is not right, and my colleagues know it is not right.

There are a lot of people though who come and can afford the transit. There are neighborhoods whereby, if the transit stops after 10 o'clock at night, they cannot get home when they are working a 4-to-12 shift. That is what we are trying to do, to allow the transit to have the burden.

A young person in my district that lives out in the western end that comes into the Vienna stop pays $3.25 to take the ride in from Vienna, $3.25 back out, and $2 to park. A single parent with kids has a hard time doing that. That is what we are trying to get control of.

I heard the gentleman from Michigan [Mr. BONIOR] speak, and I have great respect for the gentleman. Frankly, if there was a 13(c) for rich CEO's, I will repeal it with the gentleman. If he wanted to offer it, I will get down there and repeal it. I agree they have too-high salaries, but I also agree the transit fares are too high because many working people cannot afford it.

In closing the debate it is really this: 13(c) was put in years ago, and it was a good law. It has now been abused. I do not know if we are going to be successful or not, but I tell my colleagues we have at least generated debate. If we are successful, that is going to be good for transit riders. If we are unsuccessful, I believe the committee and all of my colleagues who have spoken so eloquently, who I all respect and personally like, now have a obligation, an obligation not to be a phony, but to be real, and take this up, and reform it, and pass it whereby we can do these things, and I know many of my colleagues spoke eloquently and many of them or most are my friends, and I believe that we will do that.

The issue is vote ''no'' on Coleman, which really does not want to do anything because the act says his reform is meaningless. Vote ''yes'' on Wolf. Help keep the fares down, and help make it so working men and women can get to work without being driven out of business.

Ms. PELOSI. Mr. Chairman, repealing section 13(c) in the Transportation appropriations legislation is the wrong policy.

Section 13(c) ensures the collective bargaining rights of more than 200,000 transit workers across the country. What does this mean?

It means that when taxpayers make a Federal transit investment, employee-employer issues will be handled through collective bargaining where employees have voluntarily organized for that purpose.

It means that when Federal dollars are used, collective bargaining rights are there to protect the jobs, the pay, and the benefits of your hard-working, middle-class, neighbors who are transit employees.

Repealing section 13(c) continues the extreme Republican assault on working families. Transit workers, who play by the rules, are going to have their job protections stripped away.

Reform of section 13(c) is needed, is recognized by everyone that it should be done, including the Metropolitan Transportation Commission of the San Francisco Bay area. Indeed, the Department of Labor has proposed needed reforms which are under review by the Transportation and Infrastructure Committee.

Mr. Chairman, I strongly oppose repealing the worker protection provisions section 13(c) contains. It makes sure that when we spend taxpayer money, real, hardworking people get decent pay and job protections. Reject this extreme Republican assault on American families.

Ms. BROWN of Florida. Mr. Chairman, here we go again, another Republican attack against the working people. That's why I rise in support of the Coleman amendment to maintain workers' bargaining rights under section 13(c). Current language in the bill threatens the collective bargaining rights of more than 200,000 transit workers across the country.

Many Members on both sides of the aisle support sensible reforms of this program, but do not support repeal. They recognize that efforts to address the legitimate concerns by industry and by Members are ongoing.

The Transportation and Infrastructure Committee, of which I am a member, has jurisdiction over section 13(c). Our committee is reviewing the 13(c) program as well as the Department of Labor's recently released reform proposals.

DOL's proposed regulations would significantly reform the mechanism used for the administration of 13(c), thereby directly addressing the principal concern of the industry: the timely release of Federal transit grants. In short, the DOL regulations would ensure the certification of all transit grants in 60 days or less while preserving collective bargaining rights and longstanding protective provisions agreed upon by labor and management.

Efforts by the authorizing committee as well as the Labor Department to reform section 13(c) are far more sensible than using an appropriations bill to gut major labor legislation that for much of its history has enjoyed bipartisan support. This bipartisan support is best illustrated by a recent letter sent to the Speaker by 25 of our Republican colleagues opposing repeal of section 13(c).

I urge my colleagues to support the Coleman amendment and give the authorizing committee an opportunity to reform the 13(c) program. Let's preserve the collective bargaining rights of thousands of hard-working transit workers nationwide.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. COLEMAN].

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

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

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Texas [Mr. COLEMAN] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The unprinted amendment offered by the gentleman from Virginia [Mr. WOLF], and the amendment offered by the gentleman from Texas [Mr. COLEMAN].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WOLF

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. WOLF] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The clerk will designate the amendment.

The clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 224, not voting 9, as follows:

[Roll No. 566]

AYES—201

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Leach
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
White
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOES—224

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frisa
Frost
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Mollohan
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Richardson
Riggs
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith (NJ)
Solomon
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tate
Tejeda
Thompson
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Watt (NC)
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—9

Bateman
Collins (MI)
Forbes
Harman
Hilliard
Jefferson
Moakley
Reynolds
Waters

□ 1527

Messrs. PETERSON of Florida, MINGE, and TIAHRT, and Mrs. COLLINS of Illinois changed their vote from ''aye'' to ''no.''

Messrs. DICKEY, BILBRAY, GOODLATTE, SMITH of Texas, SAXTON, SALMON, and SHADEGG, Mrs. CHENOWETH, and Mrs. LINCOLN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MICA. Mr. Chairman, on rollcall vote number 566 I am recorded as voting ''no.'' It was my intention to vote ''yes''.

AMENDMENT OFFERED BY MR. COLEMAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas [Mr. COLEMAN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 186, not voting 15, as follows:

[Roll No. 567]

AYES—233

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Fox
Frank (MA)
Franks (NJ)
Frisa
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hayes
Hefner
Hinchey
Hoke
Holden
Houghton
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Richardson
Riggs
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Solomon
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Watt (NC)
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOES—186

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble

Coburn	Hobson	Paxon
Collins (GA)	Hoekstra	Petri
Combest	Horn	Pombo
Cooley	Hostettler	Porter
Cox	Hunter	Portman
Crane	Hutchinson	Radanovich
Crapo	Hyde	Ramstad
Cubin	Inglis	Regula
Davis	Istook	Roberts
Deal	Johnson (CT)	Rogers
DeLay	Johnson, Sam	Rohrabacher
Dickey	Jones	Roth
Doolittle	Kasich	Royce
Dornan	Kim	Salmon
Dreier	Kingston	Sanford
Duncan	Klug	Saxton
Dunn	Knollenberg	Scarborough
Ehlers	Kolbe	Seastrand
Emerson	LaHood	Sensenbrenner
Ensign	Largent	Shadegg
Everett	Latham	Shaw
Ewing	Laughlin	Shays
Fawell	Leach	Shuster
Fields (TX)	Lewis (KY)	Skeen
Foley	Lightfoot	Smith (MI)
Fowler	Linder	Smith (TX)
Franks (CT)	Livingston	Smith (WA)
Frelinghuysen	Lucas	Souder
Funderburk	Manzullo	Spence
Gallegly	McCollum	Stockman
Ganske	McCrery	Stump
Gekas	McInnis	Talent
Gilchrest	McIntosh	Taylor (MS)
Gillmor	McKeon	Taylor (NC)
Goodlatte	Meyers	Thomas
Goodling	Mica	Thornberry
Goss	Miller (FL)	Tiahrt
Graham	Molinari	Upton
Greenwood	Montgomery	Vucanovich
Gutknecht	Moorhead	Waldholtz
Hall (TX)	Moran	Walker
Hancock	Morella	Wamp
Hansen	Myers	Watts (OK)
Hastert	Myrick	Weldon (FL)
Hastings (WA)	Nethercutt	White
Hayworth	Norwood	Wicker
Hefley	Nussle	Wolf
Heineman	Oxley	Young (FL)
Herger	Packard	Zeliff
Hilleary	Parker	Zimmer

NOT VOTING—15

Abercrombie	Forbes	Pryce
Bateman	Harman	Reynolds
Becerra	Hilliard	Schaefer
Collins (MI)	Jefferson	Stearns
Cunningham	Moakley	Waters

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, I was unable to make a rollcall vote on the Transportation appropriations bill today, No. 567, the Coleman amendment. Had I been present, I would have voted ''yes.'' I ask that that vote be reflected at the end of the rollcall vote for that particular amendment in the RECORD.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, rollcall No. 566, had I been present, I would have voted ''no.'' Rollcall No. 567, had I been present, I would have voted ''yes.'' I would like the RECORD to reflect, due to unavoidable delay, I was unable to be present.

PERSONAL EXPLANATION

Mr. CUNNINGHAM. Mr. Chairman, I did not realize this was a 5-minute vote. I was sitting in the cloakroom and missed the last vote.

I asked that the RECORD reflect that I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. STEARNS. Mr. Chairman, on the last vote, I did not participate. I ask that the RECORD reflect that had I been present, I would have voted ''no.''

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—PROVIDING FOR THE ADOPTION OF MANDATORY STANDARDS AND PROCEDURES GOVERNING THE ACTIONS OF ARBITRATORS IN THE ARBITRATION OF LABOR DISPUTES INVOLVING TRANSIT AGENCIES OPERATING IN THE NATIONAL CAPITAL AREA

SECTION 401. SHORT TITLE.

This title may be cited as the ''National Capital Area Interest Arbitration Standards Act of 1995''.

SEC. 402. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) affordable public transportation is essential to the economic vitality of the national capital area and is an essential component of regional efforts to improve air quality to meet environmental requirements and to improve the health of both residents of and visitors to the national capital area as well as to preserve the beauty and dignity of the Nation's capital;

(2) use of mass transit by both residents of and visitors to the national capital area is substantially affected by the prices charged for such mass transit services, prices that are substantially affected by labor costs, since more than ⅔ of operating costs are attributable to labor costs;

(3) labor costs incurred in providing mass transit in the national capital area have increased at an alarming rate and wages and benefits of operators and mechanics currently are among the highest in the Nation;

(4) higher operating costs incurred for public transit in the national capital area cannot be offset by increasing costs to patrons, since this often discourages ridership and thus undermines the public interest in promoting the use of public transit;

(5) spiraling labor costs cannot be offset by the governmental entities that are responsible for subsidy payments for public transit services since local governments generally, and the District of Columbia government in particular, are operating under severe fiscal constraints;

(6) imposition of mandatory standards applicable to arbitrators resolving arbitration disputes involving interstate compact agencies operating in the national capital area will ensure that wage increases are justified and do not exceed the ability of transit patrons and taxpayers to fund the increase; and

(7) Federal legislation is necessary under Article I of section 8 of the United States Constitution to balance the need to moderate and lower labor costs while maintaining industrial peace.

(b) PURPOSE.—It is therefore the purpose of this Act to adopt standards governing arbitration which must be applied by arbitrators resolving disputes involving interstate compact agencies operating in the national capital area in order to lower operating costs for public transportation in the Washington metropolitan area.

SEC. 403. DEFINITIONS.

As used in this Title—

(1) the term ''arbitration'' means—

(A) the arbitration of disputes, regarding the terms and conditions of employment, that is required under an interstate compact governing an interstate compact agency operating in the national capital area; and

(B) does not include the interpretation and application of rights arising from an existing collective bargaining agreement;

(2) the term ''arbitrator'' refers to either a single arbitrator, or a board of arbitrators, chosen under applicable procedures;

(3) an interstate compact agency's ''funding ability'' is the ability of the interstate compact agency, or of any governmental jurisdiction which provides subsidy payments or budgetary assistance to the interstate compact agency, to obtain the necessary financial resources to pay for wage and benefit increases for employees of the interstate compact agency;

(4) the term ''interstate compact agency operating in the national capital area'' means any interstate compact agency which provides public transit services;

(5) the term ''interstate compact agency'' means any agency established by an interstate compact to which the District of Columbia is a signatory; and

(6) the term ''public welfare'' includes, with respect to arbitration under an interstate compact—

(A) the financial ability of the individual jurisdictions participating in the compact to pay for the costs of providing public transit services; and

(B) the average per capita tax burden, during the term of the collective bargaining agreement to which the arbitration relates, of the residents of the Washington, D.C. metropolitan area, and the effect of an arbitration award rendered pursuant to such arbitration on the respective income or property tax rates of the jurisdictions which provide subsidy payments to the interstate compact agency established under the compact.

SEC. 404. STANDARDS FOR ARBITRATORS.

(a) FACTORS IN MAKING ARBITRATION AWARD.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not make a finding or a decision for inclusion in a collective bargaining agreement governing conditions of employment without considering the following factors:

(1) The existing terms and conditions of employment of the employees in the bargaining unit.

(2) All available financial resources of the interstate compact agency.

(3) The annual increase or decrease in consumer prices for goods and services as reflected in the most recent consumer price index for the Washington, D.C. metropolitan area, published by the Bureau of Labor Statistics of the United States Department of Labor.

(4) The wages, benefits, and terms and conditions of the employment of other employees who perform, in other jurisdictions in the Washington, D.C. standard metropolitan statistical area, services similar to those in the bargaining unit.

(5) The special nature of the work performed by the employees in the bargaining unit, including any hazards or the relative ease of employment, physical requirements, educational qualifications, job training and skills, shift assignments, and the demands placed upon the employees as compared to other employees of the interstate compact agency.

(6) The interests and welfare of the employees in the bargaining unit, including—

(A) the overall compensation presently received by the employees, having regard not only for wage rates but also for wages for time not worked, including vacations, holidays, and other excused absences;

(B) all benefits received by the employees, including previous bonuses, insurance, and pensions; and

(C) the continuity and stability of employment.

(7) The public welfare.

(b) COMPACT AGENCY'S FUNDING ABILITY.—An arbitrator rendering an arbitration award involving the employees of an interstate

compact agency operating in the national capital area may not, with respect to a collective bargaining agreement governing conditions of employment, provide for salaries and other benefits that exceed the interstate compact agency's funding ability.

(c) REQUIREMENTS FOR FINAL AWARD.—In resolving a dispute submitted to arbitration involving the employees of an interstate compact agency operating in the national capital area, the arbitrator shall issue a written award that demonstrates that all the factors set forth in subsections (a) and (b) have been considered and applied. An award may grant an increase in pay rates or benefits (including insurance and pension benefits), or reduce hours of work, only if the arbitrator concludes that any costs to the agency do not adversely affect the public welfare. The arbitrator's conclusion regarding the public welfare must be supported by substantial evidence.

SEC. 405. PROCEDURES FOR ENFORCEMENT OF AWARDS.

(a) MODIFICATIONS AND FINALITY OF AWARD.—In the case of an arbitration award to which section 404 applies, the interstate compact agency and the employees in the bargaining unit, through their representative, may agree in writing upon any modifications to the award with in 10 days after the award is received by the parties. After the end of that 10-day period, the award, with any such modifications, shall become binding upon the interstate compact agency, the employees in the bargaining unit, and the employees' representative.

(b) IMPLEMENTATION.—Each party to an award that becomes binding under subsection (a) shall take all actions necessary to implement the award.

(c) JUDICIAL REVIEW.—Within 60 days after an award becomes binding under subsection (a), the interstate compact agency or the exclusive representative of the employees concerned may file a civil action in a court which has jurisdiction over the interstate compact agency for review of the award. The court shall review the award on the record, and shall vacate the award or any part of the award, after notice and a hearing, if—

(1) the award is in violation of applicable law;

(2) the arbitrator exceeded the arbitrator's powers;

(3) the decision by the arbitrator is arbitrary or capricious;

(4) the arbitrator conducted the hearing contrary to the provisions of this title or other statutes or rules that apply to the arbitration so as to substantially prejudice the rights of a party;

(5) there was partiality or misconduct by the arbitrator prejudicing the rights of a party;

(6) the award was procured by corruption, fraud, or bias on the part of the arbitrator; or

(7) the arbitrator did not comply with the provisions of section 404.

The CHAIRMAN. Are there amendments to title IV?

If not, the Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 1996''.

AMENDMENT OFFERED BY MR. NADLER

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

The Clerk read as follows:

Amendment offered by Mr. NADLER: At the end of the bill, add the following new title:

TITLE V

ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used for improvements to the Miller Highway in New York City, New York.

Mr. NADLER. Mr. Chairman, I, along with the gentleman from California [Mr. ROYCE], the gentleman from Minnesota [Mr. MINGE], the gentleman from Wisconsin [Mr. NEUMANN] and with strong support from the Porkbusters Coalition, the Council for Citizens Against Government Waste, and the National Taxpayers Union, offer this amendment to keep valuable taxpayers' dollars from being wasted on an outrageous boondoggle in my district in New York City.

The issue is simple. In my district, there is an elevated highway, 13 blocks long, about three-fifths of a mile. This elevated highway, we have just finished repairing it just last December for about $92 million of the taxpayers' money.

Now Donald Trump wants the taxpayers to shell out another $350 million to tear down this brand-new highway and move it a few hundred feet so that it will not interfere with the site lines of the prospective purchasers of the apartments in a new high rise luxury development he plans to build adjacent to it.

Mr. Chairman, no one even claims that there is any transportation purpose for this project, no transportation purpose whatsoever. The only purpose of this boondoggle is to enable potential buyers of the luxury apartments in Donald Trump's project to have an unobstructed view of the Hudson River, thereby increasing the potential sales price of these units and the potential profits gained by the investors in Mr. Trump's project.

I would like to point out that the local State Senator, the local assembly member, the local city council member, the two local community planning boards in New York City, the Coalition for a Livable West Side, and 4,000 New Yorkers whose signatures are on petitions I hold here, strongly oppose this project.

I want to thank the gentleman from California [Mr. ROYCE], the gentleman from Minnesota [Mr. MINGE], and the gentleman from Wisconsin [Mr. NEWMANN], the Porkbusters Coalition, the Council and Citizens Against Government Waste, and the National Taxpayers Union for the strong support they have given this amendment and the work they have done to put the brakes on this boondoggle.

Much has been said in this Chamber in recent months about balancing our budget, stopping waste and putting an end to taxpayers subsidies for millionaires and billionaires. Today we have an opportunity to buttress these statements with action.

Donald Trump has been quoted as saying, ''I discovered for the first time but not the last that politicians do not care too much what things cost; it is not their money.''

Well, it is our constituents' money. This bipartisan coalition is answering Mr. Trump's cynicism by saying no.

I urge my colleagues to vote for the Nadler-Royce-Minge-Neumann amendment to send a clear message that the days when a little influence peddling could get the Federal Government to take the taxpayers for a ride by spending $350 million to tear down a brand-new, perfectly good highway and move it just to increase someone's profits are over.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

The gentleman from New York proposes a limitation on funds to proceed with construction of the Miller Highway in New York City. As I understand it, he claims that Donald Trump is seeking to use taxpayer funds to tear down and move a newly refurbished highway to enable him to build luxury housing on the west side of Manhattan. I think the amendment, as I understand it, represents good government and I support it.

Mr. ROYCE. Mr. Chairman, I move to strike the requisite number of words.

I rise, Mr. Chairman, in support as well of the Nadler amendment. I wanted to praise my colleague for spearheading this effort to eliminate pork from his own district.

The Miller Highway in Manhattan has just been renovated at a cost to taxpayers of $92 million. It was completed, this renovation, in December, just 8 months ago. So now we are looking at a highway that has a life of 35 to 40 years. The intent of this amendment is to disallow this newly refurbished, taxpayer funded, multimillion dollar highway from being demolished and moved at an additional cost of $350 million.

Why would that be done? It is not because the highway is unsafe or because advances have made the highway unnecessary, but because this brand-new highway does not guarantee a spectacular river view of a projected housing development nearby. I have heard the view lots are expensive, but $350 million, frankly, colleagues, is too much.

Not only does our colleague from Manhattan oppose this boondoggle; it is also opposed by many local officials, including, I am told, the mayor of New York, Rudolph Giuliani, so I defer to their wisdom as to what is not good for their district. I strongly support the Nadler amendment. I urge my colleagues to do the same.

□ 1545

Mr. COLEMAN. Mr. Chairman, I rise in support of the amendment. This side of the aisle supports the amendment offered by the gentleman from New York [Mr. NADLER].

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ANDREWS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ANDREWS: At the end of the bill, add the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used for planning or execution of the military airport program.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, and that the time be equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from New Jersey [Mr. ANDREWS] is recognized for 10 minutes.

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

Mr. Chairman, in 1990 the Members of this body came up with a piece of legislation that embodied a good idea. That good idea was that if we are going to be closing military airports that had the potential for civilian use, that we ought to apply some of the funds that we use for airport improvement toward those airports, so they could serve two objectives: first, so they could serve the objecteive of making potentially successful civilian airports occur; and the second objective was so we could lighten the load on our traffic problem in major metropolitan areas. Therefore, we set up this program which said that when we had a military airport that was either closed or due for closure, that we could convert it as long as it served the twin purposes of being viable at some point and served the purpose of lightening the traffic problem in major metropolitan areas of the country. Thus was born the Military Airport Program.

Mr. Chairman, in the 1996 appropriations bill which is in front of us, $37 million has been set aside for this program, which is an increase of about $6 million over last year's appropriation. Mr. Chairman, I would submit that this is a good idea which is not being carried out and executed the way the program is being presently run.

Since 1990, 12 airports have received funding under this particular proposal. In 1994, the GAO issued a report analyzing the extent to which the FAA had complied with the conditions of the 1990 law which set up this program. Here is what the GAO had to say: ''Nine of the 12 airprots in the Military Airport Program do not meet the level established program goals. Five of the airports are not located in congested air traffic areas and are unlikely to increase capacity, and nine of the airports selected had already been operating as joint or civilian airports for 10 or more years.''

Mr. Chairman, this is the legislative equivalent of us saying that we have a traffic problem in certain areas of the country, and setting aside highway funds to alleviate the traffic problem, whether it be in Washington, DC or Philadelphia or New York or Los Angeles or some highly traveled area, and then spending the money in isolated areas that do not have a traffic problem.

This was a good idea. It said that military airports that could be successfully converted for civilian use ought to, if that conversion would ease the air traffic control problem and flight problems that we have in the country. The problem is that the good ideals and good ideas behind this legislation have in fact never been carried out.

I would suggest that the solution, Mr. Chairman, is not to abolish this program, because it is a fundamentally good idea. The solution embodied in my amendment is for a timeout. It is to say that for the present fiscal year, let us not throw good money after bad. Let us take a deep breath, let us go back to the authorizing committee, so it can analyze the results of this GAO report and other criticisms of the program, and make it work better.

It says, again to use the analogy of the highway program I talked about earlier, if we are setting aside taxpayers' money to alleviate traffic, let us alleviate traffic. Let us not put the money into road projects in parts of the country that do not need it.

Mr. Chairman, I have no doubt that we will hear in the minutes ahead, and I have no doubt of the accuracy, that many of these projects are worthy, they are beneficial to the areas that they serve, and are justifiable on any of a number of host of criteria. The problem is that those criteria meet the conditions of the General Airport Improvement Program, for which any airport in America can apply and compete fairly for the funds. They typically do not meet the criteria set forth by the Congress when it enacted this law in 1990.

Put simply, my amendment says, ''Let us take a time out. Let us not throw good money after bad. Let us take the $37 million out of this amendment that is in for 1996, let us go back to the authorizing drawing board, and let us not throw good money after bad.''

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

The CHAIRMAN. Is the gentleman from Virginia [Mr. WOLF] in opposition to the amendment?

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 10 minutes in opposition.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the Military Airport Program is designed to convert for civilian use airfields on military bases which are closing, and to allow civilian use of current military airfields. The program is intended to focus on military airfields in congested areas, thereby opening up and adding needed capacity to the national aviation system, which it clearly needs.

Mr. Chairman, I am aware of the GAO report that the gentleman mentions, but under the new management the FAA is working to resolve the issue, and frankly, if they do not, then I will be inclined next year when the gentleman offers the amendment to, frankly, accept the amendment or to do something. However, until they are given that time, I think the amendment is wrong. Certainly with the Base Closure Commission continuing to close these facilities that are no longer needed, we should take advantage of the airfields that were built at Federal expense which could relieve airway congestion at the busier, larger airports.

Mr. Chairman, I urge a ''no'' vote.

Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. COLEMAN] and ask unanimous consent that he be permitted to allocate the time.

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

There was no objection.

Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. OBERSTAR. Mr. Chairman, I was chairman of the Subcommittee on Aviation of the Committee on Public Works and Transportation when this program was initiated. At the time we included a provision in the AIP program to convert military airfields to civilian use or to joint use, we were experiencing enormous delays costing over $7 billion to air travelers in the late 1980's and early 1990's.

In fact, last year there were 248,000 delays of 15 minutes or more at America's major airports. That is down 20 percent since we initiated this language providing for conversion of military airfields and since we initiated expansion of our airport capacity.

There are 500 million passengers traveling by air in the United States. Ninety-four percent of all paid intercity travel in America is by air. We have half of all the world's air transportation in the United States. We cannot expand infinitely all existing airports. We need to make use of the available resource of military airfields that are being closed down and convert them to either all civilian use or joint use with military facilities, and we are doing that.

Our committee last year held hearings on the GAO report that the gentleman from New Jersey has referenced, and we made corrections, we made adjustments as GAO recommended, and we included those

changes in the legislation. There is no need for further delay, stop now, take another look, do not proceed with this program.

It is extremely important that we proceed to use the capacity of existing military airfields, so we do not have to spend the billions of dollars that it will take to build new airports, or billions of dollars to expand existing airports, but use those facilities that are already in place for a very modest percentage of what it costs to build a new airport. Defeat the amendment. It is ill timed and ill advised.

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

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the authorizing committee.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to this amendment. My good friend, the gentleman from New Jersey, [Mr. ANDREWS], is absolutely correct when he says this was a good idea, but it was an idea that had problems with it. GAO was correct when they identified these problems. The key point here, however, is that as a result of identifying these problems, we took action to correct these problems, and in the AIP bill we rewrote the law.

For example, we required that the fund could be used for these military airports only if they reduced delays at airports with 20,000 hours of annual delays or more, so we have already acted, based on the GAO report, to correct these problems. Therefore, there is no reason for further delay.

Mr. Chairman, I would add that the FAA has also acted to tighten up their approvals and their oversight on this particular provision, so there is no reason to delay. The need exists and we should proceed. I assure the gentleman from New Jersey, if we uncover other problems, we will deal with those problems in the AIP program, the Airport Improvement Program, when it next comes before this House.

Finally, Mr. Chairman, I would point out that this amendment will not save a penny. It would merely reallocate the money to other portions of the program. Mr. Chairman, that would be a good idea if the problem still existed, and if there were better places to spend the money. The fact is, this is a very worthy program. Indeed, with the base closings, with the increase in air traffic, with the increase in passenger travel, and indeed, in the past 8 or 9 years, we have had more than a doubling of passenger travel.

For all those reasons we should reject this amendment, this well-intentioned amendment, because a year ago it would have made a lot of sense, but the problems have been corrected, so I would urge that we defeat this amendment.

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

Mr. COLEMAN. Mr. Chairman, I am happy to yield the balance of my time to the gentleman from Illinois [Mr. COSTELLO].

Mr. COSTELLO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New Jersey [Mr. ANDREWS]. I will not go into the merits of the program. I think that has been discussed by both the former chairman of the Subcommittee on Aviation and the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER].

Let me say to my friend from New Jersey that he cites a couple of problems within the program that the GAO has indicated in their study, and he indicates that he agrees with the GAO report. Let me just cite for a second a case in point as a model example under this program.

Scott Air Force Base, in my congressional district in southwestern Illinois, was one of the first military airports funded under this program. In the last 3 years, Scott Air Force Base has received over $20 million in order to move forward with a civilian airport at Scott. Let me also say that this $20 million has been used as leverage by the State of Illinois and local officials, and the State now has committed a substantial amount of money from the State of Illinois and the county of St. Clair.

In addition, Mr. Chairman, the FAA has made substantial commitments to the civilian airport at Scott. Let me tell the Members that without the MAP program, Scott Air Force Base and Mid-America Airport at Scott would not be under construction today. Because of the MAP program, we will have a new civilian airport at Scott Air Force Base. Mid-America Airport is due to open in November of 1997, which will provide relief to St. Louis International Airport and create thousands of jobs in the St. Louis metropolitan area. I assure my colleagues that we would not have seen the progress that we have seen so far in Mid-America Airport had it not been for this program.

Mr. Chairman, let me finally conclude by saying that we have, through the Subcommittee on Aviation of the Committee on Transportation and Infrastructure, acted on the 1994 GAO report. As my colleague, the distinguished chairman of the committee, has indicated, they have acted upon the report.

I would ask my colleagues to join the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Virginia [Mr. WOLF], the gentleman from Texas [Mr. COLEMAN], the gentleman from Minnesota [Mr. OBERSTAR], and others to oppose the amendment.

The CHAIRMAN. The Chair would inform the Members that the gentleman from New Jersey [Mr. ANDREWS] has 5 minutes remaining, the gentleman from Virginia [Mr. WOLF] has 7 minutes remaining, and the gentleman from Virginia [Mr. WOLF], has the right to close.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. COLEMAN].

□ 1600

Mr. COLEMAN. I thank my colleague the gentleman form New Jersey for yielding me the time.

Mr. Chairman, first of all I respect very much what the gentleman from New Jersey perceives to be a significant problem in terms of dealing overall in a budget-tightened environment.

I think that we should not hasten to say that the idea of this amendment was all wrong. I think the problem that the chairman and I have in the subcommittee and others who have spoken out against this amendment is that we need to think about what the effect of an amendment is if and when it is passed. In this instance, I believe, I may be incorrect and maybe the gentleman could correct me, but my understanding of the situation will be that funding for 12 airports that are currently in the program located in New York, Texas, Illinois, New Mexico, South Carolina, New Hampshire, Nebraska, Tennessee, California, and Guam would be cut out of the bill were this amendment to prevail. I do not like changing the rules in the middle of the stream. I think that what we need to do is work with the gentleman and others who have problems with this program and tighten down the parameters of it so that we do not do the things that the gentleman from New Jersey may indeed be correctly concerned and worried about.

I would just say to the gentleman from New Jersey, I certainly understand his amendment. He has my commitment to work with him in the future should this amendment not prevail.

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

The CHAIRMAN. The gentleman from New Jersey [Mr. ANDREWS] is recognized for 4 minutes.

Mr. ANDREWS. I appreciate the questions, Mr. Chairman, that have been raised during this debate. I would like to attempt to answer them. Does it not make sense to help military facilities that were on the base closure list convert to civilian use? Yes. But only 2 of the 12 facilities we are talking about were on the base closure list. The other 10 were used for either mixed or strictly civilian use for dates going all the way back to 1952. This is really not something that is being done in the context of the base closure list.

Should we not be doing something to deal with the very serious problem of the overflow of air traffic in the country? Absolutely. But here is what the GAO said in 1994 about this program:

> The FAA has made no efforts to better define such needs or to develop a mechanism for allocating funds. Also, the FAA has not analyzed the impact of the program on enhancing capacity in major metropolitan areas or system-wide.

I think the burden of proof for changes that have occurred since that report a year ago should be on those who want more taxpayer money for the program. My suggestion would be, let them prove it is working first, then let's give some more money perhaps in the 1997 appropriations bill, after we see the changes that I accept have attempted to be made.

The question is, What would happen to the 12 projects that are under consideration, that are more than under consideration, that are under way? The answer is there would be a 12-month interruption in their funding. I realize that would be difficult and undesirable. During that time, the authorizing committee could reexamine this situation, analyze what works, what does not work and bring legislation to the floor which could go forward and expedite solutions to these problems. Again, I think you fix it first, and the input more money into it.

Finally, the distinguished chairman of the authorizing committee, the Committee on Transportation and Infrastructure, says, ''Well, if the amendment were to pass, it would just go right back into the bill, anyway. It would not really save any money.'' I take at face value, Mr. Chairman, representations by the chairman of the Committee on Rules and others on the majority side that we are going to have a lock box amendment at some point in this Congress that will probably work retroactively. As I understand the commitments that have been made on the majority side, when the Brewster-Harman lock box amendment finally reaches its way to the floor and is enacted as I believe it will be, it will go back and capture any savings that were taken out of these bills over the last weeks.

I would just suggest to this: We are being asked in this Congress to make some very difficult and controversial decisions—about less money for reading teachers to teach children how to read, less money for Medicare, abolition of programs that help senior citizens pay their heating and air conditioning bills, questions about funding for research about some of our more serious diseases, an appropriations bill coming here later this week that cuts funding for Head Start.

I am not saying this program is a bad idea. I am not saying everything that has gone on under it has been all bad. That is certainly not true. But I am saying in that environment, in this context, should the burden of proof not be on those who claim the program ought to be fixed to show it has been fixed? I do not think they have met the burden of proof. I think the right thing to do is to prove this amendment, cut out funding in 1996, fix the program by 1997 and then refund it when it makes sense and is working the way it is supposed to.

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

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN], chairman of the Subcommittee on Aviation.

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

Mr. DUNCAN. I thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, I oppose the amendment being offered by Mr. ANDREWS.

This amendment would eliminate funding for the military airport program. This program sets aside only 2.5 percent of airport improvement program funds for military airports.

Converting military bases to civilian use saves the taxpayers money. The $37 million we would spend next year to help convert military bases to civilian airports would increase airport capacity and help reduce congestion and delays.

It is much cheaper than building new airports such as the one at Denver that cost more than $4 billion.

I am aware that GAO criticized the management of the military airport program in a report last year.

However, as chairman of the Aviation Subcommittee, I am prepared to eliminate the military airport program as part of the AIP reauthorization if necessary. But the subcommittee needs an opportunity to examine this worthy program in light of the GAO report, legislative changes made in response to that report, and recent developments. Eliminating the program now in this bill would be premature.

Therefore, I urge the defeat of this amendment.

Mr. Chairman, I include the following letter for the RECORD:

AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES, KING STREET, ALEXANDRIA, VA

July 24, 1995.

Hon. JOHN J. DUNCAN JR.,
Chairman, House Aviation Subcommittee,
Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the thousands of men and women who manage and operate our nation's airports, I am writing to express our opposition to amendments to H.R. 2002 to be offered by Representative Andrews (D–NJ) to lower the funding level for the Airport Improvement Program (AIP) and limit funding for the Military Airport Program.

The Airport Improvement Program has suffered dramatic funding reductions over the past several years. This amendment would cut yet another $37 million from the program and would represent a step backward. Any proposed changes to the Military Airport Program are more properly considered in the context of next year's reauthorization of the Airport Improvement Program, not in H.R. 2002.

Please oppose the Andrews amendments to lower the AIP and/or Military Airport Program funding levels currently contained in H.R. 2002.

Thank you for your leadership on this important issue.

Sincerely,

CHARLES M. BARCLAY,
President.

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

The CHAIRMAN. The gentleman from Virginia is recognized for 1 minute.

Mr. WOLF. Mr. Chairman, I rise again in opposition to the amendment. The point that it does not save any money has been made. Also, a number of these communities have been fairly hard hit by base closings.

I have a community in my own district, and we do not have an airport so it is not involved in this. But I know how hard hit the community was. To do this to them would be inappropriate. I would ask that there be a ''no'' vote on the amendment.

Mr. BEREUTER. Mr. Chairman, this Member rises in opposition to the amendment offered by the distinguished gentleman from New Jersey [Mr. ANDREWS]. This amendment would eliminate an important and successful aviation program.

The Military Airport Program encourages a more efficient use of existing airports by facilitating the conversion and joint use of military airports for civilian purposes. In addition to avoiding unnecessary duplication, the Military Airport Program helps relieve congestion and enhances safety.

This Member believes it would be a serious mistake to eliminate a program which has provided significant benefits since its creation and offers tremendous potential in the coming years. As additional military bases are closed, there will be an increased need to facilitate their conversion to civilian uses. The Military Airport Programs will help meet this need.

This Member urges a ''no'' vote on this harmful amendment.

Mr. MINETA. Mr. Chairman, I strongly oppose the amendment which would abolish the important program which develops military airports for civilian use.

The Department of Defense has closed a number of military airfields in the past few years. If these airports can be converted to civil use they can make a substantial contribution to our aviation system.

The Military Airport Program is particularly important because it funds types of development which are not eligible under the basic AIP program. The eligible development includes development of terminal buildings, gates, parking lots and utility systems. These are the types of development most needed to convert military airports to civil use.

Since the military program was authorized in 1990, it has funded development at 12 airports. The program has made a substantial contribution to developing out civil airport system. It can make an even greater contribution in the future.

In support of his amendment, my colleague cites a 1993 GAO report which criticized the military program. GAO's report was fully considered when we reauthorized the airport program last year. We found much of the criticism to be misdirected, reflecting GAO's theories of what priorities should be followed in the program. These priorities were exclusively GAO's; they were not part of the governing law which we had passed.

The bottom line is that the conference committee decided, on a virtually unanimous and bipartisan basis, to renew the military program, notwithstanding the GAO criticisms.

There is no reason to reverse our decision at this time. I urge a ''no'' vote on the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ANDREWS].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 5, noes 416, not voting 13, as follows:

[Roll No. 568]

AYES—5

Andrews
Klug
Lincoln
Stupak
Torkildsen

NOES—416

Abercrombie
Ackerman
Allard
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
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Hall (TX)
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Hastings (WA)
Hayes
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Hoekstra
Hoke
Holden
Horn
Hostettler
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Hoyer
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Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
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Kildee
Kim
King
Kingston
Kleczka
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Knollenberg
Kolbe
LaFalce
LaHood
Lantos
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Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
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Miller (CA)
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Montgomery
Moorhead
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Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
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Pickett
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Pomeroy
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Portman
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Quinn
Radanovich
Rahall
Ramstad
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Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
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Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
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Tanner
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Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
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Ward
Waters
Watt (NC)
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Waxman
Weldon (FL)
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Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Bachus
Bateman
Collins (IL)
Collins (MI)
Forbes
Gillmor
Hall (OH)
Harman
Hilliard
Jefferson
Moakley
Reynolds
Rose

□ 1628

Mr. REED changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, during rollcall No. 568, the Andrews amendment on H.R. 2002, the Transportation appropriations bill, I was unavoidably delayed. Had I been present, I would have voted ''no.'' I ask that my statement appear in the RECORD immediately following rollcall No. 568.

□ 1630

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the staff of the transportation appropriations subcommittee for their yeoman work over the past 7 months in putting this bill together. Starting early this year with the dozens of hearings we held, working long days and nights drafting the bill for the subcommittee markup, moving the legislation through the full committee and bringing the bill to the floor today, I salute John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, and Deborah Frazier of the subcommittee staff as well as my associate staff member, Lori-Beth Feld Hua. In my first year as chairman of the subcommittee, these men and women have provided invaluable help as we have worked to develop a bill which is responsive to the transportation needs of America and the American taxpayers, and I am proud to be associated with them.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I wanted to, if I might, to the chairman, the gentleman from Virginia, add my thanks and congratulations to the staff that he named, and I wanted to add, if I might, the minority staff, Cheryl Smith, Christy Cockburn, my associate staff, Bob Bonner, Terry Peel, and I wanted to thank all of them collectively together. Without all of their work, we could not have brought the bill out.

Mr. MARTINI. Mr. Chairman, I rise today with regard to my support for the Transportation appropriations bill for fiscal year 1996. I must commend Congressman FRANK WOLF, the chairman of the Subcommittee on Transportation of the Appropriations Committee, for taking the necessary steps to produce a balanced bill which weighs the needs to our Nation's infrastructure against the need to organize our fiscal house.

The state of our Nation's infrastructure is one of the most vital issues facing this Congress and our country. The free flow of commerce over the Nation's highways, railways, rivers, oceans, and air provides the basis for our national economic stability. There would be no commerce absent of the means to transport goods over the miles of infrastructure found throughout this great country. Furthermore, the ability to defend this country in a time of need will become exponentially more difficult if we neglect transportation issues.

Funding for the New Jersey Urban Core project, currently appropriated in the bill, is vital to the residents of my State. It is critical in terms of jobs and essential in regards to our mass transit system. The Urban Core project seeks to link several existing New Jersey transit rail lines and modernize the equipment and facilities in order to make travel on the rail network quicker, safer, and more convenient to all current and future patrons. Innovative programs of this nature are a developmental imperative. They will propel our country into the 21st century.

Today, guaranteeing safe and efficient transportation is of the utmost importance. Planes, trains, and automobiles are the chosen modes of transportation. In a world increasingly characterized and reliant upon the clock, dependable mechanisms of transportation are crucial. In the race to provide efficient transportation, we must remember that a strong emphasis on safety is our duty.

Mr. Chairman, I ask my colleagues to support this measure because it will move our country forward to meet the future transportation and infrastructure needs of American citizens.

Mr. STOKES. Mr. Chairman, I rise today in strong opposition to H.R. 2002, the fiscal year 1996 Transportation Appropriations bill. Though this bill possesses many provisions that are flawed, I am particularly concerned by the bill's repeal of section 13(c) of the Federal Transit Act that protects transit employees' collective bargaining rights.

Contrary to the representations of the proponents of this bill, the record of section 13(c) has been a success. The program is designed to protect the rights of America's transit workers by requiring the secretary of labor to certify that local transit authorities have met certain criteria for preserving transit workers' existing collective bargaining rights, and protects workers from losses caused by transportation grants made by the Federal Government. The Department of Labor has effectively and efficiently administered this program for over 30 years.

Unfortunately, the repeal of section 13(c) represents a clear and unrestrained attack on the working men and women of this country. It is no coincidence that this attack has been included in this appropriations bill. Contrary to the claims of the new Republican majority that the repeal of section 13(c) will result in cost savings and increased efficiency, the majority's real objective is to take away from the American worker the rights and privileges they have worked so hard and so long to achieve.

The impressive performance of section 13(c) is reflected in more than 1,000 grants, totaling more than $4 billion, that are distributed every year while protecting the rights of transit workers. This successful partnership with the Federal Government has helped ensure that an infusion of Federal funds is not used to diminish the living standards of other workers in local communities. Since 1964, the bipartisan support of section 13(c) has been reaffirmed in legislation enacted in 1968, 1974, 1982, 1987 and most recently in 1991 in the Intermodal Surface Transportation Efficiency Act.

For over 30 years, the transit employees collective bargaining and job protection program have served to help ensure collective bargaining rights for over 200,000 public and private sector transit workers throughout this Nation. There is no doubt that this program now under attack has made tremendous progress in the areas of job security, fair wages, and working conditions for thousands of Americans in the transportation industry.

Not only has the section 13(c) program improved the lives of transit workers and their families, it has also brought remarkable labor relations stability to a transit industry that has undergone dramatic changes. Further, the program has served to ensure the structured introduction of technological and service improvements for all Americans. This added stability has decreased the cost of transportation to industry, local governments and private citizens.

Mr. Chairman, beyond the fact that the section 13(c) program has been good for America, it has also proven to be the right thing to do. The rights of workers to organize and use collective bargaining as a means of protecting work rights is essential to the American labor movement. The rights of transit employees to choose their representatives and engage in collective bargaining is just as fundamental. Without the collective bargaining provisions of section 13(c), the scales would be unfairly weighted in favor of management and against the working men and women of America.

I would also like to add that the attempt by the majority to curtail worker rights is also inappropriate because it circumvents the appropriate authorizing committee that should consider the proposed repeal of this important law. With limited opportunity for debate and hearings this repeal of the section 13(c) legislation in an appropriations bill is clearly an unjustifiable circumvention of the procedures of the United States House of Representatives. This attempt to short circuit the process can only have one result, the compromise of not only the rights of American transit workers but also the right of the American public.

Mr. Chairman, in closing, H.R. 2002 reflects my colleagues' desire to sacrifice the interests and obligations of this country to the working men and women of America in exchange for short term gain and inequality. I urge my colleagues to vote against this bill.

Mr. DELAY. Mr. Chairman, section 330 of the bill relates to the Corporate Average Fuel Economy Program which is administered by the National Highway Traffic Safety Administration. The section imposes a 1-year freeze on the ability of NHTSA to increase the CAFE standards for passenger cars and light trucks and vans.

This provision has strong bipartisan support as evidenced by a Dear Colleague letter circulated last week which includes the signatures of the minority leader and the minority whip, as well as several of my Republican colleagues.

Mr. Chairman, NHTSA is in the process of rulemaking activity on CAFE, which could result in a sharp increase in the standards for light trucks and vans. Because of the light truck market now represents over 40 percent of total vehicle sales and it is a segment which is dominated by domestic manufacturers this action would be devastating to the Nation's economy.

The purpose of Section 330 is to establish a pause in this rulemaking process, to give the Congress an opportunity to review the CAFE program, to determine if the underlying statute, written more than 20 years ago, is still adequate in light of current circumstances. In fact, the authorizing committee has already begun that process, with a hearing which was held last Monday in the Commerce Committee's Energy and Power Subcommittee.

In offering this provision in subcommittee, it was my intent that NHTSA would withhold any further action directed toward increasing CAFE standards, and that the CAFE standards for light trucks and vans for the 1998 model year, which must be issued during fiscal year 1996 to meet industry's lead-time requirements, should be identical to the standard that is currently in effect for those vehicles for the 1997 model year. This intent is clearly stated in the committee report which accompanies the legislation.

Mr. Chairman, I also want to clarify that it was the committee's intent that although this provision would not take effect until the fiscal year which begins on October 1, we fully expect that the agency will follow its regular rulemaking process, and will not rush to action on any increase in CAFE standards, in order to try and beat this deadline. Such an action would clearly be counter to the intent of the House, and would not be viewed favorably by this member of the Transportation Appropriations Subcommittee.

Ms. FURSE. Mr. Chairman, I rise today in support of H.R. 2002. I commend Chairman WOLF and Ranking Member COLEMAN, and all the members of the subcommittee, for their hard work on this legislation.

I am pleased that the bill before House today includes $85.5 million for the Westside Light Rail Project in my district. Westside Light Rail is the Oregon's top transportation priority, and an integral part of our State's planning for the 21st century. Combined with Oregon's land-use planning laws, Westside Light Rail will serve as the heart of efforts to manage the massive growth our region expects over the next 20 years.

Earlier this year, I was pleased to help organize a remarkable panel which testified in favor of Westside Light Rail before the fiscal year 1996 Transportation Appropriations Subcommittee. It included both Democratic and Republican members of Congress, State and local officials, as well as representatives from the private sector business, all of whom strongly support the project. All these groups know that Westside Light Rail is a integral link with virtually every facet of our community in Oregon, and is key to our future. Oregon is so supportive that in 1990, voters approved a bond for $125 million by 74 percent. In fact, the project to Hillsboro is an overmatch—we are providing 33 percent in local funds rather than the required 20 percent.

This year, I was proud to meet with every member of the Transportation Appropriation Subcommittee and bring them up to date on Westside's progress. Westside Light Rail is one of my top priorities in Congress, and I am pleased that this legislation recognizes its importance to Oregon's future.

I urge my colleagues to pass H.R. 2002.

Mr. ORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, since my election to this House in November 1990, I have been an ardent supporter of the line-item veto. For the most part, our effort has been bipartisan. Not only have Republicans worked for this concept, but many Democrats, including President Clinton, have labored in this effort. In the last Congress, I helped to forge the agreement which brought similar legislation to the House under Democratic leadership. That legislation passed this House, not once but twice, with bipartisan support only to die in the other House.

Recognizing the bipartisan support and the overwhelming public support for the concept of a line-item veto, the Republicans included it in their Contract for America. It was called a ''cornerstone'' of the contract and was filed

as H.R. 2, the second piece of legislation filed this Congress.

During debate on H.R. 2, Mr. SOLOMON, chairman of the Rules Committee stated:

> We got a Democrat President and here is Solomon up here fighting for the same line-item veto for that Democrat President.

In the same debate, Speaker GINGRICH stated:

> We have a bipartisan majority that is going to vote for the line-item veto. For those who think that this city has to always break down into partisanship, you have a Republican majority giving to a Democratic President this year without any gimmicks an increased power over spending, which we think is an important step for America, and therefore it is an important step on a bipartisan basis to do it for the President of the United State [sic] without regard to party or ideology.

With great fanfare, on February 6, President Reagan's birthday, the House passed H.R. 2, line-item veto by a vote of 294 to 134. The other body has also passed its own version of line-item veto.

But then what happened? Nothing. Since the House and Senate versions of the line-item veto differ, the normal course of legislative action would be to appoint members of a conference committee to work out those differences and report back the legislation to both Houses for final passage. It could take a few days or even a few weeks to resolve the differences. But much more complex legislation has been conferenced in much less time.

If the line-item veto were truly a priority, you would think that conferees would have been appointed immediately and the conference would have moved forward rapidly toward final enactment. However, to date no conferees have even been appointed.

I have been extremely disturbed by the news coming from the Republican leadership.

On June 7, the headline of the Washington Times read: ''GOP Puts Line Item on Slow Track.''

In that article, Chairman SOLOMON is quoted:

> Perhaps the best thing is to wait until fall when the Budget is finished. There is no sense in going through with it now.

On July 13, the headline of the Washington Times read: ''Line Item Veto * * * Bites the Dust.''

In that article, Speaker GINGRICH is quoted: ''My sense is that we won't get to it this year.''

Last week the headline of the New York Times read: ''Push for Line Item Veto Runs Out of Steam.''

The article stated:

> No Republican in Congress could be found who would concede that he or she is less eager for a line-item veto now that Republicans are in control, but many, like Mr. McCain and Mr. Solomon, ascribe those feelings to unidentified colleagues.

Mr. Chairman, the people of the United States and Members of this House overwhelmingly support line-item veto. It is unacceptable for the leadership to tell them we will pass it, and then sit and do nothing.

Therefore, last week I went to Rules Committee and asked for a rule to allow me to offer an amendment to add line-item veto to the transportation appropriations bill.

The committee apparently thought it was such a great idea, that they made it in order for Chairman SOLOMON or Chairman CLINGER to offer such an amendment, stating that it was their idea.

Pride of authorship is not important here; passage of the line-item veto is. Therefore, I support the Solomon amendment and urge the gentleman from New York to offer it now.

However, it appears that this amendment will not be offered if the Speaker promises to appoint conferees. If that is the case, the appointment of conferees at this late date, and only after being forced to do so by this amendment, will appear to be a hollow and transparent act calculated to once again remove the line-item veto from public attention and further delay any significant action to keep our promises and enact the line-item veto.

I ask the chairman of the Rules Committee to offer his amendment. If he does not wish to do so, I ask him to appoint me his designee to offer the amendment so that line-item veto will be taken off the slow track, will not run out of steam, will not bite the dust, but will be placed where it belongs on the fast track toward bipartisan enactment.

Mr. Chairman, if he is not here to do so, I send an amendment to the desk.

AMENDMENT OFFERED BY MR. ORTON

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

The Clerk read as follows;

Amendment offered by Mr. ORTON:

At the end of the bill, add the following new title:

TITLE V—LINE ITEM VETO

LINE ITEM VETO AUTHORITY

SEC. 501. (a) IN GENERAL.—Not withstanding the provisions of part B of title X of the Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of the dollar amount of any discretionary budget authority specified in this Act, or the conference report or joint explanatory statement accompanying the conference report on this Act, if the President—

(1) determines that such rescission—

(A) would help reduce the Federal budget deficit;

(B) will not impair any essential Government functions; and

(C) will not harm the national interest; and

(2) notifies the Congress of such rescission by a special message not later than 10 calendar days (not including Sundays) after the date of the enactment of this Act.

(b) DEFICIT REDUCTION.—If the President submits a special message under subsection (a), the President may also propose to reduce the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974 by an amount that does not exceed the total amount of discretionary budget authority rescinded by the special message.

(c) LIMITATION.—A special message submitted by the President under subsection (a) may not change any prohibition or limitation of discretionary budget authority set forth in this Act.

LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED

SEC. 502. (a) IN GENERAL.—Any amount of budget authority rescinded under this title as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a rescission disapproval bill making available all of the amount rescinded is enacted into law.

(b) CONGRESSIONAL REVIEW PERIOD.—The period referred to in subsection (a) is—

(1) a congressional review period of 20 calendar days of session, beginning on the 1st calendar day of session after the date of submission of the special message, during which the Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional 10 days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and

(3) if the President vetoes the rescission disapproval bill during the period provided in paragraph (2), an additional 5 calendar days of session after the date of the veto.

(c) SPECIAL RULE.—If a special message is transmitted by the President under this title and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission shall not take effect. The message shall be deemed to have been retransmitted on the 1st Monday in February of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such 1st day.

CONGRESSIONAL CONSIDERATION OF LINE ITEM VETO

SEC. 503. (a) PRESIDENTIAL SPECIAL MESSAGE.—If the President rescinds any budget authority as provided in this title, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority pursuant to this title;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

(5) all actions, circumstances, and considerations relating to or bearing upon the rescission and the decision to effect the rescission, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGE TO HOUSE AND SENATE.—

(1) A special message transmitted under this title shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. A special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Such message shall be printed as a document of each House.

(2) A special message transmitted under this title shall be printed in the first issue of

the Federal Register published after such transmittal.

(c) INTRODUCTION OF RESCISSION DISAPPROVAL BILLS.—The procedures set forth in subsection (d) shall apply to any rescission disapproval bill introduced in the House of Representatives not later than the 3d calendar day of session beginning on the day after the date of submission of a special message by the President under this title.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) The committee of the House of Representatives to which a rescission disapproval bill is referred shall report it without amendment, and with or without recommendation, not later than the 8th calendar day of session after the date of its introduction. If the committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge may be made only by an individual favoring the bill (but only after the legislative day on which a Member announces to the House the Member's intention to do so). The motion is highly privileged. Debate thereon shall be limited to not more than 1 hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(2) After a rescission disapproval bill is reported or the committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. All points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. The previous question shall be considered as ordered on that motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed without intervening motion, shall be confined to the bill, and shall not exceed 2 hours equally divided and controlled by a proponent and an opponent of the bill. No amendment to the bill is in order, except any Member may move to strike the disapproval of any rescission or rescissions of budget authority, if supported by 49 other Members. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a bill described in subsection (a) shall be decided without debate.

(4) It shall not be in order to consider more than 1 bill described in subsection (c) or more than 1 motion to discharge described in paragraph (1) with respect to a particular special message.

(5) Consideration of any rescission disapproval bill under this subsection is governed by the rules of the House of Representatives except to the extent specifically provided by the provisions of this title.

(e) CONSIDERATION IN THE SENATE.—

(1) Any rescission disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this title.

(2) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to 1 hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed 1, not counting any day on which the Senate is not in session) is not in order.

(f) POINTS OF ORDER.—

(1) It shall not be in order in the Senate to consider any rescission disapproval bill that relates to any matter other than the rescission of budget authority transmitted by the President under this title.

(2) It shall not be in order in the Senate to consider any amendment to a rescission disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

DEFINITIONS

SEC. 504. As used in this title:

(1) The term ''rescission disapproval bill'' means a bill that only disapproves, in whole, rescissions of discretionary budget authority in a special message transmitted by the President under this title and—

(A) the matter after the enacting clause of which is as follows: ''That the Congress disapproves each rescission of discretionary budget authority of the President as submitted by the President in a special message on _____.'', the blank space being filled in with the appropriate date and the public law to which the message relates; and

(B) the title of which is as follows: ''A bill to disapprove the recommendations submitted by the President on _____.'', the blank space being filled in with the date of submission of the special message and the public law to which the message relates.

(2) The term ''calendar days of session'' shall mean only those days on which both Houses of Congress are in session.

JUDICIAL REVIEW

SEC. 505. (a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this title violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

(4) Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia that is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

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

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

There was no objection.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2, rule XXI.

The rule states, in pertinent part, no amendment to a general appropriation bill shall be in order if changing existing law. The amendment imposes additional duties and modifies existing powers and duties.

I ask for a ruling from the Chair.

The amendment is clearly legislative in nature. The amendment amends the Budget Act of 1974 and creates a new mechanism for line-item veto not currently in existing law, provides a congressional procedure for expedited consideration of bills disapproving recommendations of the President, creates auditing reports by the GAO, and provides for special standing in the courts for judicial review.

The CHAIRMAN. The gentleman from Virginia raises a point of order against the amendment offered by the gentleman from Utah [Mr. ORTON].

Since the gentleman from Utah [Mr. ORTON] is not the designee of the gentleman from New York [Mr. SOLOMON], the Chair asks the gentleman from Utah, does he wish to be heard on the point of order?

Mr. ORTON. I do, Mr. Chairman.

However, the amendment which I submitted to the desk is not the Solomon amendment. It is slightly different. It is the amendment which I submitted to the Committee on Rules asking to be made in order.

The Committee on Rules did not make my amendment in order but changed it slightly and made it in order for the gentleman from New

York [Mr. SOLOMON] to present or the gentleman from Pennsylvania [Mr. CLINGER]. They have chosen not to do so.

I believe that line-item veto is so critical that we cannot simply sit back and do nothing.

The CHAIRMAN. Will the gentleman address the point of order?

Mr. ORTON. Not yet.

The CHAIRMAN. The gentleman must address the point of order.

Mr. ORTON. I am addressing the point of order. I believe that the line-item veto is appropriate to place on the transportation appropriations bill. The Committee on Rules felt so also by making it in order for the chairman of the committee to submit.

It is my intention, I believe that each of us must go on the record as to whether or not we feel it is important to continue pushing line-item veto, and I will announce that if the Chair rules against me on the point of order, that I will appeal the ruling of the Chair and ask for a recorded vote.

The CHAIRMAN. The Chair is prepared to rule.

The amendment offered by the gentleman from Utah [Mr. ORTON] is altogether legislative in character, and, as such, is not in order on a general appropriation bill under clause 2, rule XXI.

The point of order is sustained.

Mr. ORTON. Mr. Chairman, I move to appeal the ruling of the Chair.

The CHAIRMAN. The question is: Shall the decision of the Chair stand as the judgment of the committee?

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 139, not voting 14, as follows:

[Roll No. 569]

AYES—281

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clinger
Coble
Coburn
Collins (GA)
Collins (IL)
Combest
Conyers
Cooley
Cox
Coyne
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foglietta
Foley
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stokes
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—139

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bevill
Bonior
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Condit
Costello
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Filner
Flake
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gordon
Green
Gutierrez
Hamilton
Hayes
Hefner
Hinchey
Holden
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kleczka
Klink
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Martinez
Mascara
Matsui
McCarthy
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Nadler
Neal
Neumann
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rangel
Reed
Richardson
Rivers
Roemer
Rush
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Sisisky
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Thornton
Thurman
Torres
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—14

Bachus
Bateman
Collins (MI)
Emerson
Forbes
Harman
Hilliard
Jefferson
Lantos
Markey
Moakley
Reynolds
Rose
Smith (NJ)

☐ 1659

Mr. RUSH and Mr. PETERSON of Florida changed their vote from ''aye'' to ''no.''

Messrs. BERMAN, MCDERMOTT, FIELDS of Louisiana, and MOLLOHAN changed their vote from ''no'' to ''aye.''

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

☐ 1700

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. BEREUTER, 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. 2002), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 194, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The speaker pro tempore. Under the rule, the previous question is ordered.

The amendment printed in section 2 of House Resolution 194 is adopted.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 361, nays 61, not voting 12, as follows:

[Roll No. 570]

YEAS—361

Abercrombie
Ackerman
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)

Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foley
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanford
Sawyer
Saxton
Schiff
Schumer
Scott
Seastrand
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Tucker
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—61

Allard
Andrews
Barrett (WI)
Becerra
Beilenson
Borski
Brown (CA)
Brown (OH)
Clay
Collins (IL)
Conyers
Cooley
Dellums
Dingell
Engel
Evans
Fattah
Filner
Flake
Foglietta
Frank (MA)
Graham
Gutierrez
Hancock
Hefley
Hinchey
Kaptur
Lofgren
Maloney
Manton
Markey
McDermott
Meehan
Menendez
Mfume
Mineta
Nadler
Neal
Olver
Owens
Payne (NJ)
Pickett
Rangel
Roth
Rush
Sanders
Scarborough
Schaefer
Schroeder
Sensenbrenner
Serrano
Stark
Stokes
Studds
Stump
Towns
Velazquez
Volkmer
Watt (NC)
Waxman
Yates

NOT VOTING—12

Bachus
Bateman
Collins (MI)
Forbes
Greenwood
Harman
Hilliard
Jefferson
Moakley
Reynolds
Rose
Williams

□ 1718

The Clerk announced the following pair:

On this vote:

Mr. Bachus for, with Mr. Moakley against.

Mr. ROTH changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WILLIAMS. Mr. Speaker, the House voting device did not record my vote on final passage of the Transportation appropriation bill.

I intended to vote ''no'' on final passage.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, I was unavoidably absent earlier this afternoon for several votes. Had I been present, I would have voted ''no'' on rollcall 566, the Wolf amendment.

I would have voted ''yea'' on rollcall 567, the Coleman amendment.

I would have voted ''no'' on rollcall 568, the Andrews amendment.

I would have voted ''no'' on rollcall 569, sustaining the ruling of the Chair.

And, I would have voted ''no'' on rollcall 570, final passage of the Transportation appropriations bill.

I ask unanimous consent that my statement appear immediately after the votes.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, on Friday, July 21, I missed roll call vote 546. Had I been present I would have voted ''nay.'' On Monday, July 24, I missed five rollcall votes during consideration of H.R. 2002, the Transportation appropriations of fiscal year 1996. On rollcall vote Nos. 558, 559, 560, 561, 562, I would have voted ''nay.''

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, on yesterday, July 24, during rollcall No. 556, the Miller of California amendment to the Young of Alaska substitute, and 557, passage of H.R. 70, Alaska oil bill, I was unavoidably delayed. Had I been present, I would have voted ''yes'' on 556 and ''no'' on 557.

PROVIDING FOR CONSIDERATION OF H.R. 2076, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 198 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 198

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by paragraph. Each title shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.