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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GILLMOR].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 30, 1995.

I hereby designate the Honorable PAUL E. GILLMOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Your word, O God, commends us to seek justice and mercy and in this our petition we ask that our words will be translated into actions that promote justice and the blessed gifts of mercy. Increase our understanding how we may be good stewards of righteousness so that all people are treated fairly and enjoy the liberties and freedoms that we cherish. May we use our abilities and resources so we are good custodians of the riches of the land so that in all things, we are faithful to Your word and walk in Your way. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan [Mr. KNOLLENBERG] come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2519. An act to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, and for other purposes; and

H.R. 2525. An act to modify the operation of the antitrust laws, and of State laws similar to the antitrust laws, with respect to charitable gift annuities.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2539. An act to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1341. An act to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 956) ''An Act to establish legal standards and procedures for product liability litigation, and for other purposes'', disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PRESSLER, Mr. GORTON, Mr. LOTT, Mr. STEVENS, Ms. SNOWE, Mr. ASHCROFT, Mr. HOLLINGS, Mr. INOUYE, Mr. FORD, Mr. EXON, and Mr. ROCKEFELLER to be the conferees on the part of the Senate.

LEAD, FOLLOW, OR GET OUT OF THE WAY

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, Americans are asking Congress and the President to balance the budget. Allow me to share excerpts of a letter to the President sent to me by one of my constituents, Carol Ault, of Ellicott City, MD.

The Democrats have spent 40 years getting this country in the financial mess it is in. The Republicans have started cleaning up the mess. And one of the first steps is to produce a balanced budget as soon as possible.

And Mr. President, your statement on TV recently that your job is to ''take care of the American people'' is totally wrong. We do not want you and the U.S. government to take care of us. We want you to leave us alone to pursue our own economic interests. You do not know what is best for us. We know what is best for us. You do not know how best to spend our tax money. We know best how to spend our tax money.

I am not sure if the following statement originated with Iococca, but I heard him say it: ''Either lead, follow, or get out of the way.''

Sir, you are not leading.

IS IT ANY WONDER THAT SPEAKER GINGRICH REFUSES TO ACT PROMPTLY ON MEANINGFUL CAMPAIGN FINANCE REFORM?

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, new revelations about the intrigues at

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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GOPAC have just been brought to light in documents filed in Federal court here in Washington. While now-Speaker GINGRICH chaired GOPAC, apparently the go in GOPAC meant go beyond the law. GOPAC was little more than a slush fund to subvert the Federal election law.

Quoting from those documents:

GOPAC routinely and continuously provided what was described as Newt support, expenditures for projects especially for Newt. GOPAC paid political consultants to help Newt think. Helping Newt was described as probably the single highest priority we've got in dollars. The expenditures total for Newt's support a quarter of a million dollars, not one dime of which was reported in accordance with Federal law.

Is it any wonder that Speaker GINGRICH refuses to act promptly on meaningful reform of our campaign finance laws when he would not even comply with the laws that we have on the books today? The GOPAC scandal is not going to go away. It is a serious violation of our laws. The Ethics Committee cannot duck it and this House cannot dodge it.

THE AMERICAN PEOPLE WANT A BALANCED BUDGET NOW

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, on November 20, 1995 President Clinton signed the following statement in a continuing resolution: ''The President and the Congress shall enact legislation in the first session of the 104th Congress to achieve a balanced budget not later than fiscal year 2002.'' Yet, just a couple of days ago when asked whether the White House would prefer to put off the larger budget debate until next year's elections, the White House press secretary, Mike McCurry, responded in saying, ''Debate next year during the national election, campaign when we should, as Americans have that kind of debate.''

They are trying to avoid balancing the budget this year, but we know what the American public want. They proved it in 1992 when Mr. Clinton told them that he could balance the budget in 35 years. They proved it in 1994 when they elected a Republican Congress. They proved it in 1995 when the people and the Congress wanted a balanced budget again. Now, against the will of the American public and against the will of the American people, the President is trying to avoid balancing the budget.

Again, Mr. Speaker, we know what the American people want. It is a balanced budget. Let us give it to them now.

WE MUST REDUCE THE AMOUNT OF TAX BREAKS TO THE WEALTHY IF MEDICARE AND MEDICAID ARE TO SURVIVE

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, it is crucial in the budget negotiations that are now taking place that the amount of the tax breaks for wealthy Americans be reduced in order to provide sufficient funds for Medicare and Medicaid. Otherwise, seniors and low-income Americans will not have quality health care, or in many cases will not have any health care at all.

As we see from this scale that we have shown before, the amount of tax breaks almost equals the amount of Medicare cuts for seniors. if we do not reduce this, there is no way we are going to have sufficient funding for both Medicare and Medicaid.

The Treasury Department recently came out with some statistics that showed conclusively that the Republican tax cut is heavily weighted toward the rich. they estimated that the richest 1 percent would rake in almost twice as much, or 17 percent of the tax cut.

Mr. Speaker, the message has to go to these budget negotiators that they have to reduce these tax breaks for wealthy Americans if Medicare is going to survive, if Medicaid is going to survive, and if we are going to continue to provide quality health care under those two Federal programs.

DEMOCRATS AND FEARMONGERING

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, I wonder if, since the gentleman who just spoke is concerned about the cuts that the Republican plan is going to make in Medicare, if he would prefer then that we have a freeze. Would that satisfy the gentleman since, if he is concerned that we are cutting all of these programs, perhaps he would feel better about having a freeze in the programs? Would that work?

Of course it would not work, and the reason it would not work is that we are not cutting anything. in fact, if you see these numbers, you can see that the budget for 1995, the Federal budget, is $1.5 trillion. It goes up to $1.85 trillion in 2002.

What is unfortunate is that the minority wants to obscure the truth and obscure the facts and confuse the public about what is really happening, because by resorting to demagoguery and fearmongering and scare tactics, they believe that they can maintain a kind of tenuous political edge in the most disingenuous and exploitive way.

CONGRESS MUST VOTE ON SENDING TROOPS TO BOSNIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, when our Founders drafted the Constitution, the hottest debate centered around the power to declare war. Legislative history, legislative debate, legislative intent is absolutely clear. The Founders painstakingly articulated what they felt ensured, that in America no one person, no one person could place America at war or place Americans in harm's way.

Now after all of the political rhetoric, after all of the opinions by the military experts, after all of the analysis, after all of the newspaper writings and all the speeches, the fact remains that one person, one man, has decided to place troops in harm's way.

I believe that the Congress of the United States, who has abdicated the power in America where the people govern and turned it over to the White House, must vote on this issue. In America, no one man is deigned by the Constitution to have that power to place troops in harm's way. I think it is time to literally take our Government back.

NO MORE EXCUSES

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, for years politicians in Washington have paid lip service to the idea of balancing the budget. But when it came time to get the job done, special interests and weak backbones have always carried the day.

The new Republican majority made a commitment to end business as usual in Washington. We promised the American people that we would balance the budget so they could have more jobs, lower interest rates, and more take-home pay.

We have kept our word. After months of hard work and several tough votes, we put America's families and America's children above the politics of the past and passed the first balanced budget in 26 years.

Mr. Speaker, we have provided President Clinton with the opportunity to do the right thing. I sincerely hope that he seizes the day. The American people cannot afford to have the same old excuses and Washington gimmicks kill the Balanced Budget Act of 1995.

ELISA IZQUIERDO

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, last week, when we were all giving thanks, 6-year-old Elisa Izquierdo was beaten to death. Her death has been added to the brutal slaying of Debra Evans as the latest ploy for attacking assistance to the needy. This type of outrageous opportunism that takes tragedies and twists them for political gain is shameful and immoral.

Many have claimed that the welfare system is to blame for these deaths. Instead of getting to the heart of the

problem we have engaged in mindless fingerpointing that blames adversity on the system.

This rhetoric of blaming the victim and the poor must stop. Death's like these have occurred because of the systematic destruction of America's social safety net.

We must invest in our fellow human beings instead of turning our backs on them. If we fail to do this, there will be thousands more like Elisa and Debra.

It should not take these heinous crimes to serve as a wakeup call that we must change our course. Stop making excuses and start funding change.

SHOW US WHERE CHANGES SHOULD BE MADE IN THE REPUBLICAN BUDGET PLAN, AND BE SPECIFIC

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, shortly after Bill Clinton took over as President, he presented his 1993 budget plan. He was, of course, criticized by Members of Congress on his spending and taxing priorities. He responded to his critics by demanding specifics on how they would do things differently.

In fact, here is a quote from February 18, 1993. In St. Louis, MO, the President said, ''My answer is: Show me where, but be specific. No hot air. Show me where, and be specific.''

Well, today Bill Clinton criticizes Congress' balanced budget proposal. In fact, he was willing to shut down the Government to prove his point.

He criticizes, but he provides no specifics. He trashes our budget, but he does not say how he would do things differently.

Mr. Speaker, the President should end the hot air campaign and show us exactly where he would do things differently. Show us where, and be specific.

DEMANDING AN ETHICS COMMITTEE REPORT ON ACTIVITIES OF SPEAKER GINGRICH

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, it is becoming clearer and clearer now why Speaker GINGRICH is pressuring Members of the Republican majority not to support the privileged resolution for the Ethics Committee to give the Members of this House and the American public a progress report on their 14-month-old investigation into the speaker's activities.

Today on the front page of nearly every major newspaper in America we are treated to the fact that the Speaker mixed campaign fundraising and his activities as a legislator. We see now tens of thousands of dollars contributed to the Speaker by those individuals that sought his legislative favors before the Congress of the United States, people who sought his favors dealing with asbestos regulation, with cement trade problems with Mexico, where the Speaker, in exchange for those $10,000 contributions, wrote back to those individuals telling them he was terribly interested in their problems, he will look into it, or that he thanks them for their counsel on capital gains.

Mr. Speaker, the House rules are clear on the ethics. You cannot engage in that kind of activity when you are raising money from individuals, and then engage in favors for those individuals later on. The Ethics Committee ought to report to this House and to the American people.

□ 1015

AMERICAN PEOPLE DO NOT WANT TROOPS IN BOSNIA

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, we have no business sending troops to Bosnia—plain and simple. That is the message I am hearing from the people I represent, Mr. Speaker, and one the President would do well to heed. I pray he's listening.

The President proposes to send troops trained for combat to somehow enforce an uneasy peace among antagonists who have been at each other's throats for five centuries. He's sending heavy armor in an area totally unsuited for modern armored warfare. He is placing Americans in contact with radical factions that have no love for the United States. Remember, not all of the combatants on the ground have embraced the peace agreement, adding further to a long list of factors which add up to a potential disaster.

In the final analysis, Mr. Speaker, we should never deploy combat troops abroad unless a national security interest is at stake. This deployment does not meet that simple test. Congress has spoken on this matter. The American people are speaking loud and clear. Listen to them, Mr. President. Stay out of Bosnia.

TRIBUTE TO PATRICIA SCHROEDER

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, I take the floor this morning to offer words of tribute to the gentlewoman from Colorado, PATRICIA SCHROEDER, my colleague. The gentlewoman took us all by surprise yesterday with her announcement. She deserves the thanks not only of thousands of grateful Coloradans but from an entire Nation.

Mr. Speaker, whether on issues of military reform or women's rights or the interests of the kids of America, she has been known to rock the boat when that was needed and to set a courageous course for America so many, many times. Her intelligence, her irreverence, her integrity has set the standard, but in no area more than in her wit and turn of phrase has she been an inspiration to so many of us over so many years.

The House of Representatives and the United States have been the richer for PAT SCHROEDER's selfless service.

ROOT OUT MEDIA BIAS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, in order to form opinions and reach conclusions, the American people trust the media to present the facts objectively. Unfortunately, all too often this is not done.

Editorials, in the guise of news stories, regularly appear on the front pages of newspapers. Some reporters don't wait beyond the first paragraph to reveal their bias.

In the age of 15-second sound bites, positions on complex issues are reduced to ''for'' or ''against,'' with no explanations.

The lack of the public's trust in the media is glaringly revealed by two 1995 public opinion surveys.

A CNN/USA Today/Gallup Poll found that 60 percent of those surveyed think the media is out of touch with average Americans. In a Wall Street Journal/NBC News Poll, only 21 percent said the media are very or mostly honest.

Publishers, editors, producers, and reporters can better protect our democracy if they will initiate efforts to root out bias and present the facts objectively to a public yearning for the truth.

ALLOWING DEBATE ON PRIVILEGED RESOLUTION

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, in my new quasi-emeritus status, let me talk to the Members of the other side of the aisle. We are going to have a very important privileged resolution come in front of this House today, and that resolution we should be allowed to debate. If they vote to table it, we cannot even debate it. That resolution is about what is the status of the Committee on Standards of Official Conduct's report on all the many, many charges against the Speaker.

Please, I say to my colleagues on the other side of the aisle, get your voting cards back, get your spines out of the Cloakroom. We ought to have that kind of a report, especially on a day when the newspapers in America are filled with articles talking about how the Federal Election Commission has

said the appearance of corruption is spread all over GOPAC and the Speaker's fundraising. If he cannot abide by the laws that are in force, if there is not an appearance of corruption, we must get a report from the Ethics Committee, or we are part of the coverup. If you vote to table, you are covering up. Do not do it.

MORE COMPASSION FOR WORKING FAMILIES

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. The Gingrich Republicans just do not understand the problems facing working families, but do not take my word for it. Take the word of the Consumers Union. I hope you are familiar with this organization. They publish Consumers Report. They are noncommercial, nonpolitical.

Yesterday, they analyzed the Gingrich Republican budget and its impact on working families, particularly when it comes to Medicaid, the program that pays for over half the cost of nursing homes across America.

Mr. Speaker, if you have a member of your family in a nursing home or if you anticipate that possibility, it is a troubling challenge to every family. It costs on average $38,000 a year to keep a person in a nursing home, and the Federal Government picks up the lion's share of that cost so that families will not be decimated and bankrupted by this experience. The Gingrich Republican budget, according to Consumers Union, will force 395,000 long-term care patients off these Medicaid payments for nursing homes.

Now, what will happen to these working families? I wish they had the same sensitivity for working families as they have when they give tax breaks to the wealthy.

JOIN WITH US TO GOVERN

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to my colleague from Illinois, and I dare say to find some of the most stunning fiction in this Nation one no longer needs to visit bookstores, one no longer need go to the library. Simply listen to the rhetoric chanted almost as a mindless mantra from those disciples of big Government who fail to understand one basic principle. You work hard for the money you earn, you ought to hang on to more of it and send less of it here to Washington.

The fact is, and we will repeat it again, we are not making these draconian cuts the other side attributes. We are restraining the rate of growth to save the very programs they purport to champion. Sooner or later, my friends on the other side of the aisle, the liberals in this Chamber and at the other end of Pennsylvania Avenue will have to step forward with us and govern.

Once again, Mr. Speaker, we extend our hand. Join with us and govern. The American people deserve no less.

IMPOVERISHING FAMILIES IS NO WAY TO BALANCE BUDGET

Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. DELAURO. Mr. Speaker, no, we will not join in an effort that, as the report issued on Wednesday by the Consumers Union says, and these are the folks, my friends, when you go to buy your car, you look at the Consumer Reports to find out if you are getting a bum deal or if you are going to get a good deal.

Let me tell you what kind of a bum deal that the folks in this country are going to get. The Republican plans for the transformation of Medicaid may force thousands of American families into financial ruin.

Mr. Speaker, Medicaid pays the bills of 60 percent of nursing home residents in this country. Under the Republican plan, 395,000 of our Nation's long-term care patients are likely to lose Medicaid payment for their care.

Most appalling is that the Republican plan would repeal current regulations that protect the assets of the families of nursing home patients.

In fact, this bill would actually allow a State to place a lein on your home if your mother or father is in a nursing home and cannot pay the bill. Mr. Speaker, families should not have to hawk their homes to pay for the medical care of loved ones. Impoverishing American families is no way to balance the budget.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). The Chair would remind the Members that we are in 1 minutes, and the Chair would appreciate it if Members would stay within 1 minute.

VOTING CARD WORLD'S MOST EXPENSIVE CREDIT CARD

(Mr. WELLER asked and was given permission to address the House for 1 minute.)

Mr. WELLER. Mr. Speaker, as one of those who came to Washington to change how Washington works, I found the last year so very interesting.

Mr. Speaker, all of us in the House use this plastic card. It is a card that we carry, and the interesting thing is, our friends on the left, the Democrats, for the last 26 years have used this card, their voting card, as the world's most expensive credit card, running up a $4.9 trillion national debt.

What does that mean to the people in the land of Lincoln, my home State of Illinois? Well, everybody's share is $19,000 if we wanted to pay off that national debt. We have been operating under deficit spending for 26 years. Not since Neil Armstrong has Congress balanced the budget.

Just like every American family, Republicans are committed to living within our means. We have a plan which balances the budget over 7 years. We increase spending for Medicare by $724 billion over 7 years. We increase Medicaid funding for the State of Illinois by 55 percent. We have a plan to balance the budget. We reform welfare.

Where is the Democrat leadership plan? Where is the President's plan?

CONGRESS OF BUSINESS, BY BUSINESS, AND FOR BUSINESS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, a year ago Speaker GINGRICH signed what he called a solemn Contract With America to end Congress' cycle of scandal and disgrace. Yet all we see today is government as usual, even worse than usual.

Record levels of campaign contributions. The Washington Post reports that the majority whip is known as the hammer because he hammers people for contributions. Yesterday, we saw again more of this as we read in the Wall Street Journal how contributions are becoming more and more closely linked to legislative favors. While business should certainly be at the table, this has become a Congress of business, by business, and for business.

Then, finally, today we read, according to the FEC, that GOPAC, the Speaker's fat-cat PAC, gave him a quarter of a million dollars in hidden Newt support. Yes, we said yesterday disclosure for lobbyists but, of course, no disclosure for the Speaker. This bill came 5 years too late.

BALANCED BUDGET BONUS FOR CURRENT AND FUTURE GENERATIONS

(Mr. CHRYSLER asked and was given permission to address the House for 1 minute.)

Mr. CHRYSLER. Mr. Speaker, a balanced budget by 2002 means a bonus for current and future generations. Lower interest rates, for example, will mean that people from Michigan will save $3,914 per year on an average fixed-rate mortgage. Students at Michigan State University would save, on average, $584 on a 10-year student loan.

Republicans have passed a budget that balances by 2002, paving the way for American families to reap the benefits it will bring for our economy.

The President has produced no specific plan to balance the budget. His refusal to offer his own details not only risks missing this opportunity to have a balanced budget, lower mortgages,

cheaper student loans, and a more secure future. It would deny the people of Michigan, and all Americans, a brighter future.

TRUTH IS STRANGER THAN FICTION

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO of California. Mr. Speaker, truth really is stranger than fiction.

These budget negotiations are beginning to remind me of a movie that come out a few years ago.

You might remember it. A television weatherman wakes up in the twilight zone. He finds himself living the same day over and over and over again.

It was an amusing premise for a movie.

But, for the last month, the American people have been waking up every morning to the same budget nightmare. Only it is not a nightmare, it is inescapable reality.

It is a budget crafted by Speaker GINGRICH. Everyday the American people wake to confront the same Republican budget, the same deep cuts in education, in Medicare, and environmental programs.

Its a monument to misplaced priorities. They have put tax breaks for the wealthy first, and the interests of working families last.

Fortunately, a group of Democrats have put forward a sensible, 7-year budget—a budget that offers a path out of the twilight zone of posturing and positioning that now consumes Washington.

We owe it to the American people to take a look at this budget—a Democratic budget that protects our priorities and achieves real, concrete deficit reduction.

□ 1030

MISSING INGREDIENTS IN BUDGET PLAN

(Mr. TATE asked and was given permission to address the House for 1 minute.)

Mr. TATE. Mr. Speaker, when I talk to people at home, their biggest fear is that their children will not have the same future as they have had. One way to change that is to balance the budget so their children can have more jobs and more opportunities.

The Republicans have come out with a plan. The President says, ''Well, I am for a balanced budget plan.'' Well, where is his plan?

We have come out with a reasonable plan that increases education and job training and student loan programs by $25.7 billion over the next 7 years; Medicare spending by $724 billion over what we spent over the last 7 years; a $40.6 billion increase for veterans and welfare programs. All the important programs are increasing, but yet my friends across the aisle keep saying these are cuts.

That is incredible. Not only is the truth missing, Mr. Speaker, but also the President's plan to balance the budget.

CALL FOR ETHICS COMMITTEE REPORT ON SPEAKER OF THE HOUSE

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, yesterday the House quite properly voted unanimously for lobby reform. Last week it voted for Speaker GINGRICH's amendment, which I supported, to ban trips and dinners and even T-shirts. Why? To restore public credibility in this Congress.

But now the front pages of today's newspapers say that the Federal Elections Commission is filing a civil suit against GOPAC, the political action committee set up and run by Speaker GINGRICH. One concern: A $10,000 check and a letter objecting to a regulatory problem.

Let me get this straight. No trips, no T-shirts, no ball caps, and yet the same person who voted against requiring the Ethics Committee to give a status report after many months of investigation of other charges against the Speaker will say that they stand up for reform. If ball caps are bad, how about $10,000 checks in the mail? Or can you accept a T-shirt if it is wrapped around a check to GOPAC?

If you voted yesterday saying you were cleaning up Government, you must vote today to have the Ethics Committee give a status report on what cleaning up it is doing.

REPUBLICANS PROMISE BALANCED BUDGET

(Mr. BASS asked and was given permission to address the House for 1 minute.)

Mr. BASS. Mr. Speaker, we hear all this Chicken Little talk about how the end of the world is coming because of what the Republicans are doing to save this country for our children and our children's children. We hear that we are increasing spending on defense and we are making draconian cuts in social programs.

Let me just advise you that under the Republicans' plan defense spending will go down $146.8 billion less than spending over the last 7 years, welfare up $386 billion over spending in the last 7 years. The total increase for the Republican budget is $2.5 trillion over the next 7 years.

When I was running for election last year people said to me, ''Let's freeze Federal spending. Isn't freezing Federal spending a good way to balance the budget?'' Well, we are not freezing Federal spending, we are increasing Federal spending substantially.

I think it is time that we laid the facts on the line here. We have a plan that will save this country for the next generation and the generation after that.

AGAINST REPUBLICAN BUDGET PLAN

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, the Republican budget plan cuts to ribbons programs that are crucial to the development of our Nation's youth and the security of our Nation's seniors. Head Start, the summer youth employment program, and student loan programs are shredded. Medicare and Medicaid are bled by $450 billion, doubling Medicare premiums and shredding the level of medical care, and forcing millions of families to choose whether to mortgage or sell their homes to pay for their parents' stays in nursing homes.

Yet while the sledgehammer falls on the heads of millions of middle- and low-income Americans and all our seniors and children, the Republicans want to eliminate all Federal income taxes on profitable multinational corporations, and they want to give people earning $350,000 a year a $10,000 tax break.

I do not support balancing our Nation's budget in this manner, on the backs of our seniors, the middle class, our children, and the poor. I commend the President for insisting on the wellness of seniors, children, and the environment, and I urge the President to continue to stand firm against the Republican budget agenda.

THE PRESIDENT'S FOREIGN POLICY

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, in order to judge Bill Clinton's policy in Bosnia, remember this President's track record.

First, he has opposed every legitimate use of American power for the last 30 years. When we deployed American troops to protect our national security interests, one thing was certain, Bill Clinton opposed it. He opposed it in Grenada, Panama, and the Persian Gulf.

Second, he turned over direction of our foreign affairs to the whims of the United Nations high command. He turned a humanitarian mission in Somalia into a $2 billion nightmare and wasted the lives of our finest soldiers in pursuit of something called nation building.

He then turned his attention to Haiti and used American troops to restore Aristide to power. Well, Aristide says he wants to stay in power and we have spent about $3 billion making Haiti a

virtual province of the United States. And the White House calls that a foreign policy triumph.

So, Mr. Speaker, the next time you are asked about Bosnia, take a look at where Bill Clinton has been and if that does not frighten you I do not know what will.

TRIBUTE TO THE HONORABLE PATRICIA SCHROEDER

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, today I rise to pay tribute to one of the most principled and courageous Members of Congress—I speak of none other than my dear friend, colleague, and mentor, PAT SCHROEDER.

PAT is not only an inspiration and role model for me, she is also a shining example of what all women and people of conscience should strive to be. Over the years, PAT has stood by her beliefs and the beliefs of our party, even when it was unpopular to do so. She is more than just a leader, she is the moral compass of our generation.

Mr. Speaker, PAT SCHROEDER came to Congress as a defender of those in our society with no voices and no lobbies. I am proud to say that she will be leaving Congress still untainted by the system, true to her beliefs.

Thank you, PAT, for your service to our country, and thank you for making the women of America proud. Things just will not be the same without you.

POLITICS AS USUAL

(Mr. EDWARDS asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS. Mr. Speaker, for months my Republican colleagues have come to the well of this House and said their top priority is to balance the budget. That is good rhetoric but most Americans would be surprised to find out if you look at it, the Republican budget increases the deficit in each of the next 2 years.

Let me repeat that for you. The Republican budget increases the deficit in each of the next 2 years. What they do is they give tax breaks for wealthy Americans this year and say, ''Trust us, 3, 4, 5 years from now, we will make those tough spending cuts.'' That is politics as usual, and it is irresponsible.

I call the Republican budget plan the dessert budget. It is like a person saying, ''I care so much about going on a diet that I am going to start out with a dessert on the first day of my diet and have a hot fudge sundae.'' That does not work in diets and it is not going to work in deficits.

My friends, Republicans must decide if they care more about pushing their rhetoric of balancing the budget or whether they care more about giving tax breaks for the wealthiest Americans.

GOP CUTS AFFECT CHRISTMAS

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, only 25 more shopping days until Christmas.

All around the country, children wonder what goodies they will unwrap.

Now, kids, what do you think you will get?

Well, I hope you do not have your heart set on a college education. The Republicans cut student loans, so a diploma is going to be pretty hard to come by this year.

How about a clean environment? Well, I hope that is not too high on your list either.

Even if you do not find a lump of coal in your stocking, you will find more coal—and soot and ash—in the air you breathe and the water you drink.

Why? Because the GOP had to give a present to their big business buddies. After all—those lobbyists gave them some very nice campaign checks.

And, sorry, we cannot go ''over the river and through the woods to Grandma's house.'' You see, when the Republicans scrapped Medicare and Medicaid, Grandma had to get rid of her house.

So kids, load up on all the candy canes you can find—it is not too nutritious, but if the GOP takes away your school lunch, that might be the only thing to eat this season.

REPUBLICANS COMMITTED TO BALANCED BUDGET

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, in 1952 the Federal Government taxed the American family 4 percent of its income. In 1995, the Federal Government taxes the average American family 24 percent.

In 1950, the Federal Government spent a little over 10 percent of the gross national product. Today the government spends about 25 percent of the gross national product.

In 1950, the Federal deficit was about $3 billion. This year it is around $200 billion.

Mr. Speaker, is there a trend here?

Bigger Government, more and more debt, and less take home pay for the American family. Well, the time has come to turn these trends around. This Republican-led Congress is committed to balancing the budget. We recognize that Government is too big and taxes too much. The Balanced Budget Act of 1995 represents an end to the tax and spend policies that have produced a huge Government and $5 trillion debt. It also says to America's families: you earned it, you keep it, it is yours in the first place.

RELEASE CHINESE POLITICAL PRISONER

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, this House of Representatives has for a long time now been a bulwark of support for pro-Democratic reform in China. So it is very sad for me today to rise and call upon my colleagues to join in calling upon the Chinese Government to immediately release Wei Jing Shing.

As many Members know, Wei Jing Shing is the father of the prodemocracy movement in China. He was arrested at the time of the prodemocracy wall activities and served mostly in solitary confinement for about 15 years. He was released when China wanted to get the Olympics.

He was rearrested 6 months later for giving interviews to the press as well as meeting with the Assistant Secretary of State for Human Rights John Shattuck. After 20 months he was held incommunicado. Last week he was charged with trying to overthrow the government, a capital offense punishable by death.

It is very important that the United States of America, the Clinton administration, and this Congress speak out loudly and clearly to the Chinese Government and join with the 15 dissidents who risked their own personal safety to call for Wei's release, a commutation of the charges brought against him and, if he goes to trial, a fair and open trial for Wei Jing Shing.

PRIORITIES

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, Republicans passed a balanced budget with specific plans that reflect the priorities of the American people. However, the President has said we did not increase spending as much as he would like. So we asked him to tell us exactly how much more he wants to spend and where exactly he is going to get the money from: Higher taxes or other cuts. So far he has refused to tell us.

Once the President comes forward with his priorities and how much more he wants to spend, I am confident negotiations will move quickly toward a balanced budget.

NOTHING COULD BE MORE CLEAR

(Mr. LEWIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the cat is out of the bag. According to articles in papers across the country, Speaker GINGRICH's personal political slush fund—GOPAC—was illegally providing funds and resources to Federal candidates in 1990. And lo and behold, who appears to have been the primary recipient of such funds, Speaker GINGRICH himself.

All of this has come to light in a lawsuit brought against GOPAC by the Federal Election Commission. Among

the documents filed yesterday were internal memos and minutes from GOPAC planning meetings. According to one, an unidentified GOPAC source said ''we're supplying, my guess would be a quarter of a million dollars in NEWT support per year.'' A quarter of a million dollars in an election he won by just 974 votes.

Mr. Speaker, the Ethics Committee has now been stonewalling the appointment of an independent counsel for more than 14 months. The committee must act, they must act. We need an outside counsel to investigate NEWT GINGRICH. Stop the stonewalling.

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ETHICS COMMITTEE SHOULD GIVE A FULL REPORT

(Mr. WARD asked and was given permission to address the House for 1 minute.)

Mr. WARD. Mr. Speaker, I planned to rise today to sing the praises of my friend, the gentlewoman from Colorado [Mrs. SCHROEDER], who is retiring, and to honor her dedicated service. You know, when I mentioned to PAT that that is what I was going to do, she said, ''No, don't do that. Please, get up and tell the American people about the ethics problems that Speaker GINGRICH is facing.''

She told me that I should make sure that in a time when the Wall Street Journal, the New York Times, even the Washington Times, are talking about the illegal contributions made by GOPAC to Speaker GINGRICH's reelection, that at that same time the Committee on Standards of Official Conduct is refusing to give us a simple report, and the Republican majority has voted down our attempts to give that report.

Today they will have a chance again. Today we will be asking the Republican majority to have the Committee on Standards of Official Conduct just come up and tell us what they found, come up and give us a report, tell us if there is something going on there that we need to know about. Please, today follow our lead, have the Committee on Standards of Official Conduct give us a full report.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. FUNDERBURK. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule.

Committee on Commerce, Committee on House Oversight, Committee on International Relations, Committee on National Security, Committee on Resources, Committee on Science, and Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from North Carolina?

Mr. WISE. Mr. Speaker, reserving the right to object, the gentleman is correct. The minority has been consulted and has no objections.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

AMTRAK REFORM AND PRIVATIZATION ACT OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 284 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 284

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. 1788) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. 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 Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered by title rather than by section. The first section and each title shall be considered as read. All points of order against the committee amendment in the nature of a substitute, as modified, are waived. Before consideration of any other amendment, it shall be in order without intervention of any point of order to consider the amendment printed in part 2 of the report of the Committee on Rules. That amendment may be offered only by the chairman of the Committee on Transportation and Infrastructure or his designee, shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. During further 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. 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. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished ranking member of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. QUILLEN asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. QUILLEN. Mr. Speaker, House Resolution 284 is an open rule providing for the consideration of H.R. 1788, the Amtrak Reform and Revitalization Act of 1995. The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule makes in order an amendment in the nature of a substitute now printed in the bill, as modified by the amendment printed in part 1 of the report of the Committee on Rules.

All points of order are waived against consideration of the bill and against the amendment in the nature of a substitute, as modified.

The rule allows for the consideration of the manager's amendment printed in part 2 of the report which is not subject to amendment or division of the question and is debatable for 10 minutes equally divided between the proponent and an opponent.

All points of order are waived against the amendment and, if adopted, the amendment is considered as part of the base text for further amendment purpose.

The Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to consideration may be given priority in recognition, and the rules provides one motion to recommit with or without instructions.

Mr. Speaker, Amtrak is an integral part of this country's intermodal transportation system, providing safe, efficient, affordable travel to millions of Americans to many places across the country.

However, according to the GAO, Amtrak's financial and operating condition have declined in recent years,

which threatens Amtrak's future ability to continue to provide its current services and will seriously impede any plans for expansion.

This is of particular concern to me. Back in the early seventies, when Amtrak was created, I pursued the implementation of the Amtrak route from Washington, DC, to Roanoke, VA, continuing to Bristol, Knoxville, and Chattanooga and on to Atlanta. At that time, Amtrak told me they planned to get started on such a route in a year. They did not say which year. But I hope that year is just around the corner.

You know, it was pointed out in the Committee on Rules in my colloquy there that this extension of the Amtrak to Bristol, TN, and on to Knoxville would be through my district. But I want to inform the House Members that the railroad was in existence through that area before I was born. So it is not a personal request. It is for the benefit of the people.

The reforms provided in this bill will allow Amtrak to become financially secure as a private corporation by removing Federal requirements which have interfered with its ability to act as a private entity. Hopefully, these reforms will enable Amtrak to expand its services to include a route through Tennessee, along with other needed routes across the country.

Mr. Speaker, this is an open rule. It will allow all Members to offer any relevant amendments, and I urge my colleagues to support the rule and the bill.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of November 29, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	55	65
Modified Closed [3]	49	47	20	24
Closed [4]	9	9	9	11
Total	104	100	84	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of November 29, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of November 29, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

Mr. Speaker, I thank my colleague from Tennessee for yielding me the customary half hour.

Mr. Speaker, hundreds of thousands of people in the Commonwealth of Massachusetts rely on Amtrak. It is the foundation of our transportation system.

The Northeast corridor which travels from Washington to Boston, carries over 100 million passengers a year. It is the most traveled route in the country.

But, despite our heritage, despite our Federal commitment to passenger rail service. We still have one of the most outdated rail systems in the world.

I believe we have a long way to go before our railroads are where they should be. But this bill is a start.

As my colleague from Tennessee said. The rule we are considering today is open. It will allow Members to offer any germane amendments for as long as they like.

The bill is also a good start.

It will allow rail employees their collective bargaining rights, and enable us to make long overdue improvements to our national passenger rail system.

I urge my colleagues to support this open rule.

Mr. Speaker, I yield 30 seconds to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of the rule for H.R. 1788, the Amtrak Reform and Privatization Act of 1995. The open rule is appropriate for the compromise legislation that will be considered today.

I plan to support the rule and urge its adoption.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. WOLF], chairman of the Subcommittee on Transportation of the Committee on Appropriations.

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

Mr. WOLF. Mr. Speaker, the rule is a fine rule, and I am not speaking on the rule but I want to speak about an issue that is in the bill.

It is with regard to Pennsylvania Station redevelopment project. Let me quote from prior years of the Committee on Appropriations reports: In fiscal year 1994 we stated the committee is concerned over the reports of architectural extravagance in this project, including a sweeping parabolic arch rising 120 feet into the air. Given the austere budget situation facing this country, it is extremely doubtful that taxpayers should contribute to such a project.

In fiscal year 1995 the House recommended no funding, because we were in a tight budgetary process. The New York Times has recently quoted State and city officials as saying because of the fiscal problems being experienced by the State and city there is a big question whether or not they will be able to contribute their share of the renovation. So we know the commitment is soft.

This year, in the appropriations bill, 1996, the House did not provide any funds for this project. The decision was agreed to by the conference committee. That decision was agreed to by this body only a few weeks ago.

However, to address some of the concerns of the project, the conferees provided Amtrak the option to use up to $20 million of its limited Federal dollars to support emergency lifesaving repairs at the existing Penn Station. Now, this thing is beginning to spread out in other ways, and maybe there is an end run to put more money in this project than anyone thought was going to be in the project.

I think, and there may be a Hefley amendment offered today, and if it is, I will talk more about it, I think if the Hefley amendment is offered, it ought to be adopted, but I am concerned that everything that the proponents of Penn Station wanted for safety we said we would address and take care of the problems because I did not want anyone to go to Penn Station and be involved in a fire and die or something like that.

There now seems to be a method to go around and get additional money and different money. I am asking the inspector general of the Department of Transportation to investigate this, to look into it. I am also looking today, with a letter to the GAO, asking the GAO to investigate and look into it.

□ 1100

After we get the information, we can make a decision. But based on where I am today and what I have seen is taking place, and I think this is one of the frustrations that the American people are beginning to have with this whole process, authorizing, appropriation, what you are doing, slipping these things in, going around. I personally am of the opinion, based on the information that I now know, that the Hefley amendment, if it is offered today, should be adopted.

Second, I, for one, would not put one red cent, one penny, one nickel, one dime, one more dollar, into this project. I do not want to say specifically, but I think maybe Amtrak has been involved in some activity up here on Capitol Hill, lobbying and doing some things of which we are not quite sure.

Let me tell the Members, we are going to scrutinize this. I think the Members ought to be worried. This may be, I am not sure, but it may be kind of the bait and switch and move things around, and Penn Station has been limited whereby we have given money for all the safety projects. Now we see things coming that I think maybe this Congress, if it really knew all the facts, may not be doing what it is in the process of doing. I will speak on this issue if the Hefley amendment comes up.

Since fiscal year 1994, the House Appropriations Committee has strongly opposed the Pennsylvania Station redevelopment project and recommended not to provide funds for this project. Let me quote from prior years' Appropriations Committee reports:

In fiscal year 1994, we stated ''the Committee is concerned over reports of architectural extravagance in this project, including a sweeping parabolic arch rising 120 feet into the air. Given the austere budget situation facing this country, it is extremely doubtful that taxpayers should contribute to such a project.''

In fiscal year 1995, the House recommended no funding for this project because ''in such tight budgetary times, a project of this uncertainty and magnitude is not justified.'' Furthermore, although the administration intends to fence the Federal funds until a binding commitment is signed for the non-Federal funds, at present the only commitment is a memorandum of agreement which does not legally bind any of the non-Federal parties.

The New York Times has recently quoted State and city officials as saying that because of the fiscal problems being experienced by the State and city of New York, there is a big question of whether or not they will even be able to contribute their share of the renovation funds. So we know the commitment is soft.

This year, in the appropriations bill for fiscal year 1996, the House did not provide funds for this project, a decision agreed to by the conference committee. That decision was agreed to by this body only a few weeks ago. However, to address some of the concerns of the project's supporters, the conferees provided Amtrak the option to use up to $20 million of its limited Federal dollars to support emergency life safety repairs at the existing Penn Station.

However, now the National Highway System Act authorizes both the Pennsylvania Station redevelopment project and the engineering, design, and construction of a major renovation to the James A. Farley Post Office Building to enable its use as an Amtrak station and retail shopping center. In addition, the same bill provides $26,200,000 in direct funding for this project.

Not only is this project controversial and unnecessary, its 11th-hour inclusion in an unrelated bill violates the normal protocol for conference reports. Because of time constraints and the desire to free up billions in highway funds to States, there was very little time for Members to review the conference report.

In fact, in the rush this conference report was passed in this body on a Saturday without even a vote. This project was not included in the original version of either Chamber's bill. The addition of this project was improper, I believe, because this bill was for the Federal Highway System. It should not have included authorization or funding for the renovation of a train station and development of retail shops at Federal expense.

Let me mention one other concern I have about the Farley Building project. The funding in the NHS bill for this project and the Amtrak reauthorization bill even allows the Federal Government to provide more than our share of the project's cost. Even project supporters say the Federal Government should provide no more than $100 million for this project. The NHS bill brings the total amount up to $77,700,000, and the Amtrak bill authorizes an additional $30,000,000 over the next 3 years, which would bring the Federal share to $107,700,000.

As chairman of the Transportation Appropriations Subcommittee, I was extremely upset to see these provisions. I had worked long and hard to strike a deal with the Senate, and particular with Senator MOYNIHAN, to limit how taxpayer dollars could be spent on the Pennsylvania Station redevelopment project. The sections in the National Highway System bill obliterate congressional intent for this project and does an end-run around the appropriations process.

Today, I am sending letters to the General Accounting Office and the Department of Transportation inspector general requesting each of them to analyze the need for such a project, and the existing financial arrangements. If these reports come back next year and support the project, we will certainly look at it again. We owe the project that much, and I will continue to work with the Transportation and Infrastructure Committee, the New York delegation, Amtrak, and others to address the legitimate transportation needs of passengers in New York City. But from what we know now, this is the wrong approach at the wrong time, and too expensive for the Federal Government to bear.

In summary, what the National Highway System bill has done is authorized and provided direct funding for the building of what its supporters advertise as an architectural wonder and a new retail shopping area in New York City. Slipped in an unrelated bill in the dead of night, and going around the appropriations process. This was little more than a Thanksgiving gift to the city of New York, and it is a real turkey—with all the trimmings. The gentleman from Colorado's amendment would assure that, in these tight budgetary times, taxpayers all across the country do not see their gasoline taxes going to pay for a new train station and to build new shopping spaces in New York City.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT], defender of the American work force.

Mr. TRAFICANT. I appreciate the gentleman's comments, Mr. Speaker.

Mr. Speaker, I have a little amendment on this bill. One of the problems we have that it seems to work out, it seems that Amtrak buys an awful lot of manufactured track line, and that it seems to end up buying its track line, most of it, from overseas in Europe. The reason for it is we make excellent track line, it is even of superior quality; but the U.S. manufacturers say the limited specifications under Amtrak have almost prohibited them from becoming a part of this procurement process.

So my amendment does not compel anybody to do anything, it is not protectionist, it does not shackle anybody. What it does is it creates an outreach program that says that Amtrak shall sit down with American manufacturers of track work to discuss the specification process and to see how that specification process in all fairness can be tailored to give American track work manufacturers a better opportunity of getting some of these contracts.

I find it highly unusual where we are really almost bankrupt in this country, but we would have a procurement specification in a situation like Amtrak that would force most of the sales and purchases of track coming from Europe. That does not make good sense. It is a modest amendment. It makes a lot of sense.

In addition to that, my amendment would also require Amtrak to report back to Congress within 2 years of enactment on the progress it is making in awarding such contracts to American firms, so with that it is not a protectionist amendment. From what I understand, the chairman is going to accept it. I appreciate the time from the distinguished chairman. It is great to have him back here, full time, working on behalf of us and all of us.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I urge adoption of the rule. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 284 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1788.

□ 1104

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1788) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, with Mr. ALLARD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 30 minutes, and the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

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

Mr. Chairman, I rise in strong support of this legislation to make fundamental changes to Amtrak. This legislation represents months of hard work by our chairman of the Subcommittee on Railroads, the gentlewoman from New York, SUSAN MOLINARI. It has also benefited from constructive bipartisan contributions on both our subcommittee and full committee level from the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from West Virginia [Mr. WISE], and the gentleman from Illinois [Mr. LIPINSKI].

Amtrak has been sick and is sick, and much of the illness has been Government inflicted. The GAO has confirmed that Amtrak cannot survive, even with indefinite funding, if it remains subject to all the legal mandates that Congress has piled onto Amtrak over the years. One good indicator is the average age of the fleet, which is now 22 years.

Right now Amtrak is a patient on artificial life support. Through some painful one-time austerity measures, it has managed to get through this past

fiscal year, but its future is very doubtful unless it can be fundamentally restructured in the way it does business. Normally, a corporation can turn itself around by simply getting labor and management together to implement a sound strategy, but in Amtrak's case, this decision has been effectively taken out of the company's hands because of the incredible array of Federal laws that hamstring Amtrak at every turn.

Mr. Chairman, I want to emphasize, I have confidence, great confidence, in Amtrak's management. I think Tom Downs, the president, is doing an outstanding job, and I think the management team that he has assembled is very competent and capable. However, they are bound to failure unless we give them the flexibility that is provided in this legislation that is before us today to give them the opportunity to streamline and modernize and reform Amtrak.

For example, Amtrak is presently forbidden by law from utilizing maintenance and service centers from other railroads and other suppliers no matter how much money they can save. I know, for example, the freight rail industry has many modern maintenance facilities that are not operated at full capacity, operated by very capable labor people, union rail labor people. If Amtrak were freed of legal restrictions and could negotiate for the best price on maintenance, both sides would win. Amtrak would save the cost of replacing its decrepit maintenance facilities and with the private sector dollars, private sector railroads would bring in additional business for themselves. This is exactly the kind of mutual benefits these reforms can bring. This is exactly the kind of footing that we should put Amtrak on today.

Any kind of fundamental change is uncomfortable for a company and its workers. It is true of any company, including Amtrak. But this bill makes collective bargaining the central feature of changes in matters affecting Amtrak employees, something the current law did not do. The bill provides for an accelerated bargaining process of about 6 months, during which labor and management would fashion new contracts dealing with severance matters and with procedures for contracting out work. This is the proper approach to take so that we do not micromanage Amtrak from the Congress.

Mr. Chairman, I am very proud of the work that the committee has done on a bipartisan basis. I strongly urge Members to support the passage of this bill. I do not agree with everything that is in this bill, but it is a compromise. It is a legitimate compromise. We need to maintain the delicate balance that is in this bill. For that reason, I strongly support the passage of this bill.

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

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that it be in order for me to offer the Traficant amendment to title I at any point during consideration of this bill under the 5-minute rule.

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

There was no objection.

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

Mr. Chairman, I rise in support of H.R. 1788, the Amtrak Reform and Privatization Act of 1995, which our chairman has already so ably described, despite his obvious hoarseness of voice, and unusual hoarseness of voice. I hope he recovers soon.

I want to thank our chairman, the gentleman from Pennsylvania [Mr. SHUSTER], for the splendid job of managing this legislation through a very rocky time of overcoming some very complex questions, and the gentlewoman from New York, the chairman of the subcommittee, along with the gentleman from Illinois [Mr. LIPINSKI], our ranking Democrat on the Subcommittee on Railroads for most of this year, and our current ranking member, the gentleman from West Virginia [Mr. WISE]. Clearly it was the gentleman from Illinois who bore the burden of the day throughout these many months of negotiation to bring this legislation to its present point.

I really compliment the gentleman from Illinois for his persistence for bringing all the parties together, plumbing the depths of these issues, and ultimately bringing us to a point where we could have this bill under consideration on the floor today with these issues largely resolved, because America does need a comprehensive passenger transportation system, one that is truly intermodal, that respects the contributions that each mode of transportation brings to our national picture: highways that give us universal access to anywhere in America; airlines that offer rapid service to any part of this country where surface transportation might take many hours or even days or weeks; water ferries that play a crucial role in areas like Puget Sound and Alaska where people live on islands, and places that are difficult to access except by water.

We rely mostly on these modes for our passenger transportation, but they are not without their limitations. For example, virtually every other mode of transportation uses enormous amounts of energy. That consumption of energy has adverse environmental impact. Or, for many people, owning a car or taking a plane is too expensive. In some transportation corridors we already have five highway lanes in each direction, and those lanes are seriously congested. I was astonished myself to be visiting my brother in San Diego and driving up toward Los Angeles with an endless wall-to-wall, as far as the eye could see and as wide as the eye can look in either direction, headlights on one side and red lights on the other side, jammed with people traveling, congested, late at night. It is impractical in those areas to build more highways.

Our air service in many parts of this country moves through air corridors that equally are congested. It is extremely difficult to overcome the environmental objections or to raise the money necessary to build new airports or even, in some cases, to build new runways at existing airports.

Enter Amtrak. Enter passenger rail, a crucial role where other modes face their greatest limitations, especially in our high density transportation corridors, like New York to Washington, Chicago to Detroit, San Diego to Los Angeles. That is where Amtrak provides the relief and serves as a pressure relief valve for pressures that otherwise would jam our highways and our Airways unconscionably.

Think of Logan Airport in Boston, seriously congested. Forty percent of the traffic in and out of Logan is trips to New York City. It would be extremely difficult to find the land, clear the environmental hurdles to build a new airport in the Boston metropolitan area, certainly at least until tilt rotor technology is perfected and commercialized, and we can build vertiports that take up land about the size of this Chamber. We are not there yet, and we are not there for another 20 years.

Think of Denver, CO. Denver was thought at the time to be a relatively simple case, build a new airport on an empty prairie space, and yet cost overruns, delays, complications, difficulties, and then the resulting increased cost to airlines in landing fees for this new $5-plus billion airport. How much more difficult would it be in the congested suburbs of the District which my friend, the gentleman from Chicago, represents, to build a new airport? Unthinkable.

So for much smaller amounts of money and with a much smaller environmental impact, we can have passenger rail service. We can, in fact, on existing lines with some improvements improve those lines to accommodate high-speed rail travel that would allow people now crowding our highways and our airways to move quickly and comfortably by rail, as they do in France. I would just like to take the example.

During my years as a student at the College of Europe in Belgium, I traveled in 1957 from Paris to southeastern France, Lyons, the second largest city, in 4½ hours on an old steam-powered locomotive.

□ 1115

Fifteen years later, I traveled the same route, same rail route, now with a diesel locomotive, 4½ hours.

In 1989, as chair of the Subcommittee on Aviation, with a bipartisan delegation, we traveled that same route on a high-speed train in 2 hours and 1 minute; 2 hours and 1 minute, traveling 186 miles an hour.

Now, in 1980, 2 million people took the train from Paris to Lyons; a million flew. Now, 5 million people take the train from Paris to Lyons, and only 5,000 fly that same route. That is dramatic. The French, of course, have expanded high-speed rail service, so now they have 225-mile-an-hour speed trains traveling in many routes throughout France and in Spain and from Spain to France.

We ought to be able to do the same thing in America. We ought to keep Amtrak alive, and we ought to keep it competitive and public, and we ought to support rail transportation, our passenger rail transportation system now so that, in the future, we can at least do as much as our European allies have done, at least as much as the Japanese have done in their country with high-speed trains.

Mr. Chairman, if you live in towns like Staples, MN, in the western part of my State, or in Meridian, MI, Amtrak is the only public transportation available. For people that do not drive and who do not own a car, as my father never owned a car, and he said, if you cannot walk there or take a train or take a bus, you do not deserve to go there. That was the way of transportation.

We ought to recognize the savings in economics, we ought to recognize the savings to our environment and support Amtrak, maintain this base so that we have something to build on as the need for a modern, high-speed rail transportation system becomes more evident or as such a system is thrust upon us by some future energy crisis, when we will find ourselves all on the Nation's highways, sitting there behind our wheels, run out of gas, grasping our steering wheels and wondering how are we going to get where we want to go. Then we will say, why did somebody not have the wisdom to protect passenger rail service?

The enterprise we are about today in this legislation will preserve that base, maintain our passenger rail system network and allow us to build upon it for the future.

Mr. Chairman, I now ask unanimous consent to yield the balance of my time to the distinguished gentleman from Illinois [Mr. LIPINSKI] for him to control for our side.

The CHAIRMAN (Mr. ALLARD). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentlewoman from New York [Ms. MOLINARI], the distinguished chairwoman of the subcommittee, and for her to control that time.

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

There was no objection.

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

Mr. Chairman, I rise in strong support of this carefully crafted bipartisan legislation to reform Amtrak. I want to commend our committee chairman, Mr. SHUSTER, our ranking member, Mr. OBERSTAR, and the current and prior subcommittee ranking members, Mr. WISE and Mr. LIPINSKI, for their hard work on this bill.

H.R. 1788 reflects the first top-to-bottom reexamination of Amtrak since it began operating in 1971. When our committee began considering Amtrak reform early this year, we heard from the General Accounting Office on Amtrak's current condition and its prospects. The bottom line of the GAO report was that, even with status quo funding levels, Amtrak could not maintain its current operations.

This state of affairs reflects Amtrak's shortage of capital and its high costs, which are aggravated by restrictions imposed at almost every turn by Federal law. Numerous details of Amtrak's operations are dictated by statute—which routes to operate and where, what kinds of services may be contracted out, formulas for reimbursement of expenses, and even where Amtrak must locate its corporate headquarters. This kind of micromanagement has virtually eliminated the value of the congressional decision in 1970 to make Amtrak a corporation—not a government agency. Amtrak has been prevented from running its operations on a business-like basis. Instead of making operational decisions based on market opportunities and cost savings, Amtrak has been forced to perform various tasks the hard way—because the law required Amtrak to do it just that way.

Let me give just one example. GAO reported that Amtrak's principal maintenance facilities are totally outdated and in bad repair: the main one was built in the 1890's. The cost of replacing these facilities on an in-house basis is almost $300 million. Yet Amtrak is presently forbidden by Federal law to have any work other than food service performed by outside contractors. This means that Amtrak is arbitrarily prevented from utilizing other railroads and suppliers to avoid this $300 million capital requirement.

This bill gives Amtrak a fresh start. The company is placed in full control of its own assets, and is allowed to deploy its resources where the opportunities are the most promising. The restrictive Federal laws that dictated Amtrak's labor benefits and practices are replaced through an accelerated collective-bargaining process between labor and management. New opportunities for Amtrak to engage in individual or multistate cooperative arrangements through interstate compacts are encouraged. Most important Amtrak is given the benefit of private sector business expertise in two ways—first, through the appointment of a reform board of directors, and second, through a Temporary Rail Advisory Council of business experts who will help Amtrak develop its strategy for the future.

These far-reaching reforms are absolutely essential if Amtrak is to survive in an era of limited Federal resources. The funding provisions of this bill conform exactly to the budget resolution recently approved by the Congress. We recognize that Amtrak must reduce its dependence on Federal funding, and the best way to accomplish that is to free Amtrak to operate on the basis of sound business principles—not Government mandates. This bill is not only the best way to maintain intercity rail passenger service, but it also is the best way to get maximum value for the taxpayer's dollar. I urge all Members to support its passage.

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

Mr. LIPINSKI. Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia [Mr. WISE], the present ranking member of the Subcommittee on Railroads.

Mr. WISE. Mr. Chairman, I thank the gentleman for yielding time to me, and I appreciate all that he has done.

Mr. Chairman, I rise in support of H.R. 1788, the Amtrak Reform and Privatization Act of 1995. I commend Chairman SHUSTER, Chairwoman MOLINARI, and ranking Democratic member JIM OBERSTAR and thank them and our former ranking Democratic member on the Subcommittee on Railroads, BILL LIPINSKI, for their leadership on this issue.

Mr. Chairman, I would like to emphasize the crucial role that Amtrak plays in the Nation's intermodal transportation system. My State, like many other rural States, has many communities that do not have access to good air service but that do have access to Amtrak service. Amtrak provides a lifeline for many small towns in America.

Moreover, Amtrak provides relatively low-cost, fuel-efficient service to our Nation's most crowded and congested highways and airport corridors, providing travel options to our Nation's youth, elderly, and others who cannot drive or fly. It also provides a stress-free way to see many scenic parts of our beautiful country.

Although this bill had a rocky start, including two aborted markups, since then there has been a good deal of hard work and many difficult compromises on various issues, which now enables me to support this final product.

This bill will allow Amtrak to reduce its costs of operation and get by on a smaller Federal subsidy, thus placing less of a burden on the American taxpayer. While I am concerned about some of the increased burdens the bill places on the States by ending the basic system concept—a fixed network of routes that Amtrak is required to serve—and encouraging Amtrak to negotiate with the States on subsidies that will maintain rail service through those States, I am satisfied that the bill is a reasonable compromise and that it is needed to keep Amtrak moving ahead.

Also, I was initially concerned that the Amtrak employees might not be treated equitably in the bill. However, after some changes were made to the bill, a reasonable compromise was reached which ends both statutory 6-years labor protection and prohibitions on contracting out and turns these issues over to Amtrak and the unions to negotiate under an accelerated 254-day Railway Labor Act process.

Additionally, the bill limits Amtrak's liability for punitive and non-economic damages, and allows Amtrak to indemnify freight railroads for their liability, so that Amtrak can operate on the freight railroads' right-of-way at a lower cost.

Again, the bill will enable Amtrak to downsize and control its costs, while ensuring the fair treatment of Amtrak's employees if there is a loss of jobs. Mr. Chairman, H.R. 1788 will help preserve Amtrak for years to come. I support this bill and urge an ''aye'' vote.

Mr. LIPINSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. CLEMENT], successor of Davey Crockett, Andrew Jackson, and Sam Houston.

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

Mr. CLEMENT. Mr. Chairman, I thank the gentleman for those wonderful comments.

Mr. Chairman, I rise in strong support of H.R. 1788, the Amtrak Reform and Privatization Act of 1995. I want to first commend Chairman BUD SHUSTER and ranking member, JIM OBERSTAR, for crafting a bill that will ensure the future of Amtrak into the 21st century.

The future of passenger rail service in this country—a service used by 22 million travelers nationwide—depends on our ability to force powerful partnerships between Amtrak and States, cities, and its passengers. H.R. 1788 strengthens those partnerships while phasing out the Federal operating subsidy for Amtrak. At the same time, H.R. 1788 gives Amtrak the opportunity to operate like any other private business.

Significant reforms are embodied in H.R. 1788 that remove longstanding mandates from the law. For example, the bill will allow Amtrak to run routes where they make economic, rather than political sense. Current law hamper's Amtrak's ability to shape its route structure and schedules. H.R. 1788 provides Amtrak with the flexibility to respond quickly to consumer demand and to make timely service adjustments.

H.R. 1788 also includes carefully crafted language to allow Amtrak and its employees to collectively bargain over key issues involving contracting out and worker protections. This provision, which is supported by the labor unions, will provide greater flexibility to management to improve Amtrak's economic performance.

The bill includes my amendment adopted by the Subcommittee on Railroads which ensures that Amtrak audits its book by a certified public accountant. We are all concerned about Amtrak's financial situation.

We in Congress cannot do our job of overseeing Amtrak unless we have some assurance that the financial numbers coming out of Amtrak have been audited and are reliable. The amendment ensures that these financial numbers have been audited and fairly reflect Amtrak's financial condition.

In closing I just want to say this is an excellent bill which deserves unanimous support on both sides of the aisle.

□ 1130

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

Mr. Chairman, I rise in support of H.R. 1788, the Amtrak reform bill.

Mr. Chairman, during my tenure as the ranking Democrat on the Railroads Subcommittee in the first 10 months of the 104th Congress, I worked with the members of the subcommittee to assure a future for passenger railroads in this Nation. As we worked toward this goal, we have been all too aware of the importance of the railroad in the history of this country and the role of the U.S. Government in the development of the railroad.

The transcontinental railroad, with its golden spike driven into the ground in 1869, was a product of Government involvement and Government financing. As the transcontinental railroad was conceptualized in the 19th century, the costs were tremendous, and the prospects for recovery of those costs were far into the future. With populations in Missouri, California, and nowhere in between, no private sector business would have dared attempt such a project. It was up to the Federal Government to make the investment for the future.

The same thinking led to the birth of the National Railroad Passenger Corporation—Amtrak—a century later. Saddled with a common carrier obligation to provide intercity passenger rail services the freight railroads were struggling. Eliminating the significant losses on passenger service was viewed as essential to keeping the freight railroad system financially sound. Today, the freight railroad industry in the United States is stronger than ever. While Amtrak will never see the kinds of profits the freights have, I continue to believe there is a place for Amtrak in our national transportation system.

The mandate of Amtrak is to provide modern, cost-efficient, and energy-efficient intercity rail transportation between crowded urban areas and other areas of the United States. In creating Amtrak, Congress recognized the significance of passenger rail service as a component of an efficient, integrated national transportation system. It is in our national interest to have efficient, accessible passenger rail transportation in the United States.

During 1994, a total of 55 million passengers depended on Amtrak to provide reliable rail passenger service. Twenty-two million of these passengers traveled on Amtrak nationwide. Amtrak connects many urban areas in the United States, serving 68 of the 75 largest metropolitan areas. In addition, Amtrak provides a vital link to the 62 million Americans who live in small towns and rural areas. Amtrak serves 33 communities which have no air service, 18 communities which have no bus service, and 9 communities which have neither.

As congestion increases on our Nation's roadways and airport runways, we should look to rail to alleviate the problem. Amtrak provides an invaluable alternative in heavily urbanized regions that have crowded highways and airports.

The benefits of passenger rail transportation—congestion alleviation, safety, energy-efficiency, environmental soundness and the other benefits—make a strong case for inclusion of passenger rail in our national transportation system and as a funding priority. Some argue that if Amtrak cannot be self-supporting, it should not be continued. For the long term, this may indeed be true. However, we must consider the historical Federal role in the development of other modes of transportation. Investment in passenger rail now will provide a substantial return in the future.

Mr. Chairman, this compromise legislation removes Amtrak from much of the congressional micromanagement that it has faced since its establishment, and makes it more like every other business in America. Passenger rail service can have a future in the United States if the American people support it. Since Amtrak restructured and announced route eliminations and adjustments late last year, Governors across the country have come forward with funding to continue the service that is needed in their States.

We are working toward an Amtrak which operates without a Federal operating subsidy, which provides quality service, and which is financially stable. Yet we also know that no intercity rail passenger service anywhere in the world operates without some degree of public sector financial support. As its operating subsidy decreases in the next few years, we have encouraged Amtrak to look for innovative approaches to financing in partnership with States and localities that rely on passenger rail service.

When Congress passed ISTEA in 1991, we moved toward a multimodal transportation system in which each mode complemented the other. Railroads do not serve every area and may not be the best form of transportation for every American. Yet in our national transportation system, every mode, including rail, highway and air, should be well represented. Used together, the various modes assure a transportation system which will exceed our needs into the 21st century.

As a child in Chicago, I used to watch as the Burlington Zephyr passed by my

house en route to California. That was the way people traveled years ago, and it is the way many continue to travel today. Amtrak will never be the answer for every American traveler. However, it can be one of America's travel options for many years to come.

Mr. Chairman, if I were to design my dream Amtrak legislation, this would not be it. But this bill is a real compromise that comes as a result of very hard work by individuals on both sides. I want to commend Chairman SHUSTER and Chairwoman MOLINARI for the manner in which they have worked with us to build legislation we can all support. Although this bill is not what any of us would have predicted or desired when we began hearings on Amtrak in February, it is a true compromise product which protects the interests of Amtrak management and labor. I also want to thank the new ranking member of the full committee, my good friend JIM OBERSTAR, and the new ranking member of the Railroads Subcommittee, BOB WISE, for their involvement on this bill.

Mr. Chairman, as a result of blood, sweat, tears, and the willingness of all parties to compromise, this is a bill we can all support. I urge its adoption.

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

Ms. MOLINARI. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I congratulate the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the full committee, and the gentlewoman from New York [Ms. MOLINARI], the chairman of the subcommittee, for the excellent work they have done in crafting this legislation.

Mr. Chairman, the Amtrak Reform and Privatization Act is truly a bipartisan compromise, and it will enable Amtrak to be a sustainable and hopefully profitable private enterprise. Tough decisions were made to ensure that Amtrak will have the needed tools to succeed on a declining Federal subsidy while continuing to reduce its operating loss each year. Compromise between labor and management was essential and it was achieved. This legislation goes a long way toward treating Amtrak as a business by changing the necessary provisions in Federal law to accomplish this aim.

An amendment may be offered today which seeks to accelerate the reduction in Amtrak's Federal subsidy. The House should oppose any attempts to weaken the structure which has been carefully laid out in the bill before us. Amtrak is still burdened with many federally mandated expenditures which greatly affect its operating budget. These Federal mandates inhibit Amtrak's ability to transition to a private enterprise. To accelerate the reduction in its Federal subsidy without taking into account these federally mandated obligations would be a major mistake.

Mr. Chairman, let us pass the Amtrak Reform and Privatization Act without further delay. The result will be significant reform to Amtrak, while ensuring the people in the towns and cities across America a strong and viable passenger train service.

Ms. MOLINARI. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, again, as every other Speaker has done today, let me congratulate Chairman SHUSTER and Chairman MOLINARI for the fine work they have done. The legislation in front of us today takes an important step forward in trying to allow Amtrak to stand on its feet and begins to integrate some of the privatization principles I so strongly believe in.

But let me also say that I had some narrow political interest in this case, as someone who represents the State of Wisconsin. Last year, as my colleagues know, Amtrak decided to cut about 24 percent of its budget in order to deal with a severe financial crisis, and as part of that decisionmaking process they made the informed decision to close down the line between Milwaukee and Chicago.

I think, given Amtrak's financial constraints, they should have the ability in the future to make other decisions, especially about cross-country routes which frankly cannot be justified by anybody, except for political expediency for Members who want to make sure they continue to get train service to their districts even if Amtrak takes a financial bath on it.

When Amtrak decided to pull out of the Milwaukee and Chicago route, we found, much to our delight, that a half dozen firms stepped forward, private firms, to say, ''We would be delighted to run this, because we think we could make money on doing it and also provide passenger service between the largest cities in Wisconsin and Illinois,'' and there are six trains a day that go back and forth.

But we were astonished, as the Governor's office was astonished, to learn that under the current Amtrak laws Amtrak does not have the ability to allow private companies to use those tracks. In fact, the State of Wisconsin did not have the opportunity and legally was forbidden to contract out with the private train service to provide that passenger transfer every day between Milwaukee and Chicago.

Today, we find ourselves in a situation were we have been able to keep Amtrak service in place until next July, but it has been done with chewing gum sticking together money from the State and from the Federal Government and from passenger service.

This provision today will allow, we think, one of those private companies to step forward and work out an arrangement between the State of Wisconsin and the State of Illinois to provide private passenger service between Chicago and Milwaukee. It will allow similar innovative experiments to take place, for example in Missouri, where the Kansas City to St. Louis route has been abandoned with nobody to step forward and run train service there, as well.

There is also frankly tucked into this bill another important provision which will allow Amtrak, currently prohibited from contracting out work outside of food and beverage service, to begin to look at private sector vendors to do that. If they can provide service on airplanes and they can provide service at stadiums, they clearly can provide service to Amtrak and the passengers on trains as well.

It is interesting to go back and look. That is from one of those private Wisconsin firms interested in providing service between Milwaukee and Chicago who said, ''In our efforts to privatize the Hiawatha service between Milwaukee and Chicago, we have viewed the subcontracting provision as an obstacle that could eventually be overcome with protracted legal expenses and time. Removing the restrictions by statute ends this debate and saves potential private passenger rail providers, in Wisconsin and elsewhere, considerable time and money.''

Again, I want to thank the gentleman from Pennsylvania [Mr. SHUSTER] and the gentlewoman from New York [Ms. MOLINARI] for the fine work they have done on this legislation, and urge my colleagues to vote ''yes'' as we begin to track Amtrak into the next century and begin to crack the door to allow the eventual privatization of Amtrak, which I and many of my colleagues completely agree with.

Mr. CASTLE. Mr. Chairman, I rise in strong support of H.R. 1788, the Amtrak Reform and Privatization Act. I would like to commend Representative MOLINARI and Chairman SHUSTER, who have worked hard on this legislation and who have made a commitment to supporting and protecting the future of Amtrak. Amtrak is important to our national infrastructure and transportation needs. The people of Delaware and their neighbors on the east coast depend on Amtrak for business and personal transportation.

The Amtrak Reform and Privatization Act makes much needed reforms to Amtrak. Amtrak's current problems are due to the fact that Amtrak has been operating like a Government agency, not like a private business. H.R. 1788 allows Amtrak to eliminate unprofitable routes and focus on the profitable ones. Moreover, this legislation ends the practice of awarding 6 years of severance pay to employees who lose their jobs because a route is discontinued, and allows Amtrak to contract out work, like other private entities. These provisions will give Amtrak's management the much needed flexibility it desires to operate more successfully. Further, the bill authorizes the necessary funds for the next 3 years to aid Amtrak in the transition from a publicly funded entity to a privately controlled business.

I am most familiar with the Northeast corridor and Amtrak facilities in Delaware. The Northeast corridor, which includes my commute from Delaware to D.C., is the most heavily traveled Amtrak route, and is the key mode of transportation for thousands of people on the east coast. The line extends from Washington to Boston with the heaviest service

density from Washington to New York. The Amtrak Reform and Privatization Act replaces the current method of cost-sharing agreements between Amtrak and other operators on the Northeast corridor with one which allows Amtrak to negotiate terms with these operators. This will allow Amtrak to recoup shared capital costs that are not addressed under the current system.

I believe this Nation needs passenger rail service. The Northeast part of our country certainly needs it. I believe the Amtrak Reform and Privatization Act will help provide cost-effective rail service to Americans without placing an undue burden on the Federal Government and, more importantly, the taxpayers.

Again, I applaud the leadership of Representative MOLINARI and Chairman SHUSTER, and urge my colleagues to support the bill.

Mr. BEREUTER. Mr. Chairman, this Member rises in opposition to H.R. 1788. Amtrak provides an especially important long-distance transportation alternative for sparsely settled States such as Nebraska and others in the northern Great Plains and Rocky Mountain West. This Member supports the continuation of Amtrak and believes that long-distance train service should maintain its role in the Nation's overall transportation strategy. Unfortunately, this bill facilitates the elimination of routes and increases the likelihood that long-distance rail service will be impaired or eliminated in many areas, especially sparsely settled States.

This Member does not want to see passenger train service confined only to high-density corridors. If Federal subsidies are provided to Amtrak, then it should continue to serve as a truly national system. Federal subsidies from taxpayers from throughout the Nation for a limited, regional system would not be justified.

Although H.R. 1788 contains some positive reforms, this member is concerned that it will hasten the demise of long-distance routes. Mr. Chairman, for that reason this Member must oppose the legislation.

Mr. SMITH of Michigan. Mr. Chairman, as a chairman of the Budget Committee working group on physical capital, I rise to support H.R. 1788. Our Budget Committee recommended we make major cuts in transportation subsidies. Our inefficient rail programs have been losing money hand over fist for dozens of years. It is time to stop throwing good money after bad. Ultimately, we will phase out operating subsidies for mass transit.

Amtrak railroad has been losing tons of tax dollars—so we need to phase out operating and capital subsidies. And to give Amtrak a chance to make it on its own, we get rid of the thicket of regulations that keep Amtrak from being more competitive.

BACKGROUND

In 1970, the Congress created Amtrak as a for-profit corporation to provide nationwide intercity passenger rail service. Amtrak was expected to help alleviate the overcrowding of airports and highways, and to offer the public a convenient and efficient transportation alternative.

Like all major national intercity rail services in the world, Amtrak operates at a loss, and it has always needed Government funding. In 1995, Amtrak received nearly $1 billion in operating subsidies from the Federal Government. Amtrak's financial and operating conditions have declined steadily since 1990.

FINANCIAL CONDITION

From 1991 to 1994, revenues were $600 million lower than expected, while expenses were higher than planned. In the same time period, passenger, revenues have fallen 14 percent in real terms. Amtrak's revenues and subsidies did not cover operating expenses, and Amtrak also deferred maintenance on train equipment. It also reduced staffing levels and some services.

Even with the proposed route downsizing and other savings initiatives, Amtrak expects that operating expenses will exceed the sum of operating revenues and the Federal subsidy by $1.3 billion from 1996 through 2000. Plus, Amtrak will still need over $4 billion for capital investments. Unmet capital needs in the Northeast Corridor alone now total $2.5 billion.

To cope with funding shortages, in the late 1980's Amtrak started reducing train car maintenance. By the end of 1993, costly heavy overhauls where overdue for 40 percent of its nearly 1,900 cars. Amtrak also deferred renovating and modernizing its outdated maintenance facilities, contributing to its spiralling costs of inefficiency.

In the immediate future, Amtrak will face new negotiations with its labor force, the costs of which presently represents 52 percent of Amtrak's operating costs. Also, Amtrak faces certain cost increases for track leases, which will be renegotiated in 1996 for the first time since their agreement in 1971. H.R. 1788 helps Amtrak to survive.

PRIVATIZATION

None of Amtrak's routes—even those in the Northeast Corridor—are profitable when capital costs are taken into account. Revenue in the Northeast Corridor cover 65 percent of the costs on the routes, compared to about 50 percent for routes elsewhere.

Amtrak's fastest growing sources of revenues is contracts to operate local commuter rail systems. These contracts generated over $270 million in 1994. Over the long term, Amtrak believes that high-speed rail service will increase ridership and revenues. High-speed service is now limited to track between DC and NYC, with extension to Boston underway. Amtrak has a 45 percent market share between DC and NYC. Private sector efforts to sponsor high-speed rail without substantial Government funding have been unsuccessful.

Mr. Chairman, the American people have had enough of big bureaucracies and increased taxes for handouts. By saving billions of dollars out of the physicial capital budget, we help put our Nation on the path to a balanced budget. H.R. 1788 is a modest but necessary beginning.

Mr. DELAY. Mr. Chairman, my good friend and noted railroad expert Ray Chambers put it correctly. It is entirely possible to have healthy passenger rail service again in America. Congress would like it, and the American public would like it. But Amtrak today is fatally dependent on Federal operating subsidies.

This bill is the big first step toward allowing Amtrak to be self-sufficient. It makes many concessions that allow passenger rail service to flourish.

For years, passenger rail transportation has been weighted down with rules, regulations, and politics. Amtrak's board is controlled by the Federal Government. Many of the routes Amtrak travels have been designated right here by Members of Congress. Because of the long-distance trains that are politically designated, schedules to connect to these long-distance trains are driven by necessity rather than passenger demand. Under the legislation, Amtrak would decide the merits of various routes according to commercial potential, not arbitrary statutory preference. What a novel idea. Supply and demand.

This legislation allows Amtrak to climb out of another hole. The tremendous weight of Labor restrictions. Although I would have like to have seen the committee go much further, there are several provisions in the legislation that enable Amtrak to crawl out from under the Labor rock and begin to function competitively and efficiently.

A Seattle-based think tank, Discovery Institute, has taken a close look at Amtrak and its problems. They have devised a six-step approach that takes a reasonable approach toward creating self-sufficient, private, and competitive Amtrak. Their plan is forward thinking and deserves a close look.

There is already strong congressional support for a plan such as the Discovery Institute and other plans that offer privatization, self-sufficiency, and competition. With public support, these ideas could be instituted in a matter of a few years. Until the 1950's, the American train system was the best in the world. The airplane did not kill passenger rail service, Government and Labor's rules, regulations, and demands did. We in Congress have the ability to make passenger rail in the United States a success.

This bill is the necessary first step toward that goal.

Mr. KIM. Mr. Chairman, I rise in opposition to the amendment and in strong support of H.R. 1788 as it was reported from committee.

As a member of the Railroad Subcommittee and the full Committee on Transportation and Infrastructure, I can assure you that the authorization levels included in our bill are necessary for Amtrak reform.

Let me be clear, our bill puts Amtrak on a glide path to zero Federal subsidies.

Our bill conforms to the House budget resolution which eliminates Federal spending on Amtrak by the year 2002.

Our committee made substantial reforms to Amtrak that will make it operate like a private company and survive without Government subsidies.

Our bill makes some tough changes to Amtrak, and it will require major sacrifices by Amtrak and its employees.

These reforms will be difficult, but they are essential if Amtrak is going to survive into the next century.

For example, our bill eliminates Amtrak's mandated route system.

Amtrak will now be able to open routes that are profitable and close routes that lose money.

Under current law, Amtrak can't eliminate some routes without congressional approval. That's ridiculous.

Our bill also eliminates several labor provisions in law and transfers them to a collective bargaining process.

The labor unions strongly support these reforms and agree that Amtrak will save millions of dollars as a result.

But make no mistake. Amtrak will not experience significant savings for a few years.

It will take time for Amtrak to shut down money losing routes and contract out unprofitable operations.

As a result, Amtrak will need Federal subsidies for the next few years.

The Hefley amendment cuts Amtrak's budget immediately. Each year Amtrak's budget would be cut an additional 20 percent.

Now this may sound like a good idea, but the result will be the death of Amtrak.

Amtrak cannot survive the proposed cuts in the gentleman's amendment.

If Amtrak's subsidies are cut before the reforms are made, Amtrak will be forced to cut service on all of its routes.

Amtrak simply cannot afford to cut its revenue operations. This would only exacerbate Amtrak's financial problems and lead it to bankruptcy.

This amendment would devastate Amtrak.

You do not have to vote for this amendment to cut Federal subsidies for Amtrak.

Our bill already does that. Our bill makes the reforms needed to get Amtrak off Federal subsidies entirely.

If you want to save Federal dollars and save Amtrak, vote against this amendment.

Again, I urge my colleagues to vote against this amendment and support H.R. 1788. Thank you.

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Mr. LIPINSKI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Ms. MOLINARI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part 1 of House Report 104–370, shall be considered by title as an original bill for the purpose of amendment. The first section and each title are considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in part 2 of the report, if offered by the gentleman from Pennsylvania [Mr. SHUSTER] or his designee. That amendment shall be considered read, may amend portions of the bill not yet read for amendment, is not subject to amendment, and is not subject to a demand for division of the question. Debate on the amendment is limited to 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

If that amendment is adopted, the bill as then perfected will be considered as an original bill for the purpose of further amendment.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Amtrak Reform and Privatization Act of 1995''.

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. 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. SHUSTER: Page 33, line 14, insert '', and with respect only to the facilities it jointly uses with Amtrak, a commuter authority,'' before ''shall not be''.

Page 33, line 18, insert ''For stations jointly used by Amtrak and a commuter authority, this subsection shall not affect the allocation of costs between Amtrak and the commuter authority relating to accessibility improvements.'' after ''January 1, 1998.''.

Page 36, after line 21, insert the following new section:

SEC. 617. MAGNETIC LEVITATION TRACK MATERIALS.

The Secretary of Transportation shall transfer to the State of Florida, pursuant to a grant or cooperative agreement, title to aluminum reaction rail, power rail base, and other related materials (originally used in connection with the Prototype Air Cushion Vehicle Program between 1973 and 1976) located at the Transportation Technology Center near Pueblo, Colorado, for use by the State of Florida to construct a magnetic levitation track in connection with a project or projects being undertaken by American Maglev Technology, Inc., to demonstrate magnetic levitation technology in the United States. If the materials are not used for such construction within 3 years after the date of the enactment of this Act, title to such materials shall revert to the United States.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

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

This is a bipartisan amendment which has the support of both sides of the aisle. The first part of the amendment gives Amtrak 1 additional year to comply with the station modification deadlines imposed by the Americans With Disabilities Act.

Amtrak has an ongoing program to make stations accessible, but is not able to meet the 1997 deadline. This provision covers both Amtrak-only stations and stations which Amtrak shares with commuter rail operators.

The second part of the amendment directs the Department of Transportation to transfer title to the State of Florida for some leftover aluminum materials used in magnetic levitation research in the 1970's. The materials are now stored in Pueblo, CO. This provision merely confirms what the Department of Transportation was directed to do in the House report on the National Highway System. It involves no expense to the Department of Transportation.

I would ask for its support.

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

Mr. OBERSTAR. Mr. Chairman, I claim the 5 minutes on our side.

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

There was no objection.

Mr. OBERSTAR. Mr. Chairman, I rise in support of the manager's amendment which simply clarifies, first, that where a commuter railroad shares a facility with Amtrak, the two railroads are subject to the same compliance date under the Americans With Disabilities Act, and the second deals with the request by the gentleman from Florida [Mr. MICA] to transfer property that the Federal Railroad Administration has at its test center in Pueblo, CO, to the State of Florida for use by the State.

The Federal Railroad Administration does not need this test equipment any further. The State of Florida wishes to do so. There is a reversion clause that if the State does not use this equipment, it can be returned to the Federal Railroad Administration.

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

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

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

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman for yielding.

I simply want to say that I stand in support of the manager's amendment.

Mr. Chairman, I support the manager's amendment. It has two components.

Section 610 of H.R. 1788 allows Amtrak to delay compliance with certain provisions of the Americans With Disabilities Act, but does not afford the same benefit to commuter railroads which share stations with Amtrak. Without this provision, commuter rail authorities could bear the entire cost of making stations accessible to people with disabilities when the stations are renovated. The amendment assures that commuter railroads are given the same treatment as Amtrak and are not penalized in any way.

The second element of the manager's amendment requires the Federal Railroad Administration to transfer some unused magnetic levitation test track equipment to the State of Florida. Since Florida needs the equipment and the FRA doesn't this move makes sense. In the event Florida is unable to use the equipment, it will be returned to the FRA.

Mr. Chairman, I support this amendment and urge its adoption.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendment was agreed to.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the remainder of the amendment in the nature of a substitute, as modified, as amended, be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the remainder of the amendment in the nature of a substitute, as modified, as amended, is as follows:

TITLE I—PROCUREMENT REFORMS

SEC. 101. CONTRACTING OUT.

(a) AMENDMENT.—Section 24312(b) of title 49, United States Code, is amended to read as follows:

''(b) CONTRACTING OUT.—(1) When Amtrak contracts out work normally performed by an employee in a bargaining unit covered by a contract between a labor organization and Amtrak, Amtrak is encouraged to use other rail carriers for performing such work.

''(2)(A) Amtrak may not enter into a contract for the operation of trains with any entity other than a State or State authority.

''(B) If Amtrak enters into a contract as described in subparagraph (A)—

''(i) such contract shall not relieve Amtrak of any obligation in connection with the use of facilities of another entity for the operation covered by such contract; and

''(ii) such operation shall be subject to any operating or safety restrictions and conditions required by the agreement providing for the use of such facilities.

''(C) This paragraph shall not restrict Amtrak's authority to enter into contracts for access to or use of tracks or facilities for the operation of trains.''.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 254 days after the date of the enactment of this Act.

SEC. 102. CONTRACTING PRACTICES.

(a) BELOW-COST COMPETITION.—Section 24305(b) of title 49, United States Code, is amended to read as follows:

''(b) BELOW-COST COMPETITION.—(1) Amtrak shall not submit any bid for the performance of services under a contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, commuter rail passenger transportation, or mail or express transportation. For purposes of this subsection, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting.

''(2) Any aggrieved individual may commence a civil action for violation of paragraph (1). The United States district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce paragraph (1). The court, in issuing any final order in any action brought pursuant to this paragraph, may award bid preparation costs, anticipated profits, and litigation costs, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

''(3) This subsection shall cease to be effective on the expiration of a fiscal year during which no Federal operating assistance is provided to Amtrak.''.

(b) THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.—(1) Section 24305(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

''(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 10922(d)(1)(F)(i) of this title, other than a recipient of funds under section 18 of the Federal Transit Act;

''(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

''(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

''(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.''.

(2) Section 24305(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in section 11342(a) of this title for the purpose of providing improved service to the public and economy of operation.''.

SEC. 103. FREEDOM OF INFORMATION ACT.

Section 24301(e) of title 49, United States Code, is amended by striking ''Section 552 of title 5, this part,'' and inserting in lieu thereof ''This part''.

TITLE II—OPERATIONAL REFORMS

SEC. 201. BASIC SYSTEM.

(a) OPERATION OF BASIC SYSTEM.—Section 24701 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(b) IMPROVING RAIL PASSENGER TRANSPORTATION.—Section 24702 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(c) DISCONTINUANCE.—Section 24706 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''90 days'' and inserting in lieu thereof ''180 days'';

(B) by striking ''a discontinuance under section 24704 or 24707(a) or (b) of this title'' and inserting in lieu thereof ''discontinuing service over a route''; and

(C) by inserting ''or assume'' after ''agree to share'';

(2) in subsection (a)(2), by striking ''section 24704 or 24707(a) or (b) of this title'' and inserting in lieu thereof ''paragraph (1)''; and

(3) by striking subsection (b).

(d) COST AND PERFORMANCE REVIEW.—Section 24707 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking '', 24701(a),''.

SEC. 202. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

(a) REPEAL.—Section 24306 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24301 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(o) NONAPPLICATION OF CERTAIN OTHER LAWS.—State and local laws and regulations that impair the provision of mail, express, and auto-ferry transportation do not apply to Amtrak or a rail carrier providing mail, express, or auto-ferry transportation.''.

SEC. 203. ROUTE AND SERVICE CRITERIA.

Section 24703 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 204. ADDITIONAL QUALIFYING ROUTES.

Section 24705 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 205. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

(a) REPEAL.—Section 24704 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(b) EXISTING AGREEMENTS.—Amtrak shall not, after the date of the enactment of this Act, be required to provide transportation services pursuant to an agreement entered into before such date of enactment under the section repealed by subsection (a) of this section.

(c) STATE, REGIONAL, AND LOCAL COOPERATION.—Section 24101(c)(2) of title 49, United States Code, is amended by inserting '', separately or in combination,'' after ''and the private sector''.

(d) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking ''or 24704(b)(2)''.

SEC. 206. AMTRAK COMMUTER.

(a) REPEAL OF CHAPTER 245.—Chapter 245 of title 49, United States Code, and the item relating thereto in the table of chapters of subtitle V of such title, are repealed.

(b) CONFORMING AMENDMENTS.—(1) Section 24301(f) of title 49, United States Code, is amended to read as follows:

''(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.''.

(2) Subsection (a) of this section shall not affect any trackage rights held by Amtrak or the Consolidated Rail Corporation.

SEC. 207. COMMUTER COST SHARING ON THE NORTHEAST CORRIDOR.

(a) DETERMINATION OF COMPENSATION.—Section 24904 of title 49, United States Code, is amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (b);

(3) in subsection (b), as so redesignated by paragraph (2) of this subsection—

(A) by striking ''TRANSPORTATION OVER CERTAIN RIGHTS OF WAY AND FACILITIES'' in the subsection head and inserting in lieu thereof ''FREIGHT TRANSPORTATION'';

(B) by inserting ''relating to rail freight transportation'' after ''subsection (a)(6) of this section'' in paragraph (1); and

(C) by inserting ''to an agreement described in paragraph (1)'' after ''If the parties'' in paragraph (2); and

(4) by inserting after subsection (b), as so redesignated by paragraph (2) of this subsection, the following new subsection:

''(c) BINDING ARBITRATION FOR COMMUTER DISPUTES.—(1) If the parties to an agreement described in subsection (a)(6) relating to commuter rail passenger transportation cannot agree to the terms of such agreement, such parties shall submit the issues in dispute to binding arbitration.

''(2) The parties to a dispute described in paragraph (1) may agree to use the Interstate Commerce Commission to arbitrate such dispute, and if requested the Interstate Commerce Commission shall perform such function.''.

(b) PRIVATIZATION.—Section 24101(d) of title 49, United States Code, is amended to read as follows:

''(d) MINIMIZING GOVERNMENT SUBSIDIES.—To carry out this part, Amtrak is encouraged to make agreements with the private sector and undertake initiatives that are consistent with good business judgment, that produce income to minimize Government subsidies, and that promote the potential privatization of Amtrak's operations.''.

SEC. 208. ACCESS TO RECORDS AND ACCOUNTS.

Section 24315 of title 49, United States Code, is amended—

(1) in subsection (e), by inserting ''financial or'' after ''Comptroller General may conduct''; and

(2) by adding at the end the following new subsection:

''(h) ACCESS TO RECORDS AND ACCOUNTS.—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State.''.

TITLE III—COLLECTIVE BARGAINING REFORMS

SEC. 301. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—(1) Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to—

(A) employee protective arrangements and severance benefits, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; and

(B) contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees,

applicable to employees of Amtrak shall be deemed served and effective on the date which is 90 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice. This subsection shall not apply to issues relating to provisions defining the scope or classification of work performed by an Amtrak employee.

(2) In the case of provisions of a collective bargaining agreement with respect to which a moratorium is in effect 90 days after the date of the enactment of this Act, paragraph (1) shall take effect on the expiration of such moratorium. For purposes of the application of paragraph (1) to such provisions, notices shall be deemed served and effective on the date of such expiration.

(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to each dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 180 days after the date of the enactment of this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to any dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 180 days after the date of the enactment of this Act.

(d) DISPUTE RESOLUTION.—(1) With respect to any dispute described in subsection (a) which—

(A) is unresolved as of the date which is 180 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (c),

Amtrak and the labor organization parties to such dispute shall, within 187 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 194 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad. Nothing in this subsection shall preclude an individual from being selected for more than 1 dispute described in subsection (a).

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 224 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

SEC. 302. SERVICE DISCONTINUANCE.

(a) REPEAL.—(1) Section 24706(c) of title 49, United States Code, is repealed.

(2)(A) Any provision of a contract, entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees, relating to—

(i) employee protective arrangements and severance benefits, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; or

(ii) contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees,

applicable to employees of Amtrak is extinguished. This paragraph shall not apply to provisions defining the scope or classification of work performed by an Amtrak employee.

(B) In the case of provisions of a collective bargaining agreement with respect to which a moratorium is in effect 90 days after the date of the enactment of this Act, subparagraph (A) shall take effect 164 days after the date of the expiration of such moratorium.

(3) Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

(4) Paragraphs (1) and (2) of this subsection shall take effect 254 days after the date of the enactment of this Act.

(b) INTERCITY PASSENGER SERVICE EMPLOYEES.—Section 1165(a) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1113(a)) is amended—

(1) by inserting ''(1)'' before ''After January 1, 1983'';

(2) by striking ''Amtrak, Amtrak Commuter, and Conrail'' and inserting in lieu thereof ''Amtrak and Conrail'';

(3) by striking ''Such agreement shall ensure'' and all that follows through ''submitted to binding arbitration.''; and

(4) by adding at the end the following new paragraph:

''(2) Notwithstanding any other provision of law, agreement, or arrangement, with respect to employees in any class or craft in train or engine service, Conrail shall have the right to furlough one such employee for each employee in train or engine service who moves from Amtrak to Conrail in excess of the cumulative number of such employees who move from Conrail to Amtrak. Conrail shall not be obligated to fill any position governed by an agreement concerning crew consist, attrition arrangements, reserve boards, or reserve engine service positions, where an increase in positions is the result of the return of an Amtrak employee pursuant to an agreement entered into under paragraph (1). Conrail's collective bargaining agreements with organizations representing its train and engine service employees shall be deemed to have been amended to conform to this paragraph. Any dispute or controversy with respect to the interpretation, application, or enforcement of this paragraph which has not been resolved within 90 days after the date of the enactment of this paragraph may be submitted by either party to an adjustment board for a final and binding decision under section 3 of the Railway Labor Act.''.

(c) TECHNICAL AMENDMENT.—Section 11347 of title 49, United States Code, is amended by striking ''sections 24307(c), 24312, and'' and inserting in lieu thereof ''section''.

TITLE IV—USE OF RAILROAD FACILITIES

SEC. 401. LIABILITY LIMITATION.

(a) AMENDMENT.—Chapter 281 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 28103. Limitations on rail passenger transportation liability

''(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury, death, or damage to property arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State—

''(A) punitive damages shall not exceed the greater of—

''(i) $250,000; or

''(ii) three times the amount of economic loss; and

''(B) noneconomic damages awarded to any claimant for each accident or incident shall not exceed the claimant's economic loss, if any, by more than $250,000.

''(2) If, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the claimant may recover in a claim limited by this subsection for economic and noneconomic damages and punitive damages, subject to paragraph (1)(A) and (B).

''(3) For purposes of this subsection—

''(A) the term 'actual damages' means damages awarded to pay for economic loss;

''(B) the term 'claim' means a claim made, directly or indirectly—

''(i) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State; or

''(ii) against an officer, employee, affiliate engaged in railroad operations, or agent, of Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State;

''(C) the term 'economic loss' means any pecuniary loss resulting from harm, including the loss of earnings, medical expense loss, replacement services loss, loss due to death, burial costs, loss of business or employment opportunities, and any other form of pecuniary loss allowed under applicable State law or under paragraph (2) of this subsection;

''(D) the term 'noneconomic damages' means damages other than punitive damages or actual damages; and

''(E) the term 'punitive damages' means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future.

''(b) INDEMNIFICATION OBLIGATIONS.—Obligations of any party, however arising, including obligations arising under leases or contracts or pursuant to orders of an administrative agency, to indemnify against damages or liability for personal injury, death, or damage to property described in subsection (a), incurred after the date of the enactment of the Amtrak Reform and Privatization Act of 1995, shall be enforceable, notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to the damages or liability.

''(c) EFFECT ON OTHER LAWS.—This section shall not affect the damages that may be recovered under the Act of April 27, 1908 (45 U.S.C. 51 et seq.; popularly known as the 'Federal Employers' Liability Act') or under any workers compensation act.

''(d) DEFINITION.—For purposes of this section, the term 'rail carrier' includes a person

providing excursion, scenic, or museum train service, and an owner or operator of a privately owned rail passenger car.''.

(b) CONFORMING AMENDMENT.—The table of sections of chapter 281 of title 49, United States Code, is amended by adding at the end the following new item:

''28103. Limitations on rail passenger transportation liability.''.

TITLE V—FINANCIAL REFORMS

SEC. 501. FINANCIAL POWERS.

(a) CAPITALIZATION.—(1) Section 24304 of title 49, United States Code, is amended to read as follows:

''§ 24304. Employee stock ownership plans

''In issuing stock pursuant to applicable corporate law, Amtrak is encouraged to include employee stock ownership plans.''.

(2) The item relating to section 24304 of title 49, United States Code, in the table of sections of chapter 243 of such title is amended to read as follows:

''24304. Employee stock ownership plans.''.

(b) REDEMPTION OF COMMON STOCK.—(1) Amtrak shall, within 2 months after the date of the enactment of this Act, redeem all common stock previously issued, for the fair market value of such stock.

(2) Section 28103 of title 49, United States Code, shall not apply to any rail carrier holding common stock of Amtrak after the expiration of 2 months after the date of the enactment of this Act.

(3) Amtrak shall redeem any such common stock held after the expiration of the 2-month period described in paragraph (1), using procedures set forth in section 24311(a) and (b).

(c) ELIMINATION OF LIQUIDATION PREFERENCE AND VOTING RIGHTS OF PREFERRED STOCK.—(1)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no liquidation preference.

(B) Subparagraph (A) shall take effect 90 days after the date of the enactment of this Act.

(2)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no voting rights.

(B) Subparagraph (A) shall take effect 60 days after the date of the enactment of this Act.

(d) NOTE AND MORTGAGE.—(1) Section 24907 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(2) The United States hereby relinquishes all rights held in connection with any note obtained or mortgage made under such section 24907, or in connection with the note, security agreement, and terms and conditions related thereto entered into with Amtrak dated October 5, 1983.

(3) No amount shall be includible in Amtrak's gross income for Federal tax purposes as a result of the application of this subsection or subsection (c).

(e) STATUS AND APPLICABLE LAWS.—(1) Section 24301(a)(3) of title 49, United States Code, is amended by inserting '', and shall not be subject to title 31, United States Code'' after ''United States Government''.

(2) Section 9101(2) of title 31, United States Code, relating to Government corporations, is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (M) as subparagraphs (A) through (L), respectively.

SEC. 502. DISBURSEMENT OF FEDERAL FUNDS.

Section 24104(d) of title 49, United States Code, is amended to read as follows:

''(d) ADMINISTRATION OF APPROPRIATIONS.—Federal operating assistance funds appropriated to Amtrak shall be provided to Amtrak upon appropriation when requested by Amtrak.

SEC. 503. BOARD OF DIRECTORS.

(a) AMENDMENT.—Section 24302 of title 49, United States Code, is amended to read as follows:

''§ 24302. Board of Directors

''(a) EMERGENCY REFORM BOARD.—

''(1) ESTABLISHMENT AND DUTIES.—The Emergency Reform Board described in paragraph (2) shall assume the responsibilities of the Board of Directors of Amtrak 60 days after the date of the enactment of the Amtrak Reform and Privatization Act of 1995, or as soon thereafter as such Board is sufficiently constituted to function as a board of directors under applicable corporate law. Such Board shall adopt new bylaws, including procedures for the selection of members of the Board of Directors under subsection (c) which provide for employee representation.

''(2) MEMBERSHIP.—(A) The Emergency Reform Board shall consist of 7 members appointed by the President, by and with the advice and consent of the Senate.

''(B) In selecting individuals for nominations for appointments to the Emergency Reform Board, the President should consult with—

''(i) the Speaker of the House of Representatives concerning the appointment of two members;

''(ii) the minority leader of the House of Representatives concerning the appointment of one member;

''(iii) the majority leader of the Senate concerning the appointment of two members; and

''(iv) the minority leader of the Senate concerning the appointment of one member.

''(C) Appointments under subparagraph (A) shall be made from among individuals who—

''(i) have technical qualification, professional standing, and demonstrated expertise in the fields of intercity common carrier transportation and corporate management; and

''(ii) are not employees of Amtrak, employees of the United States, or representatives of rail labor or rail management.

''(b) DIRECTOR GENERAL.—If the Emergency Reform Board described in subsection (a)(2) is not sufficiently constituted to function as a board of directors under applicable corporate law before the expiration of 60 days after the date of the enactment of the Amtrak Reform and Privatization Act of 1995, the special court established under section 209(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)) shall appoint a Director General, who shall exercise all powers of the Board of Directors of Amtrak until the Emergency Reform Board assumes such powers.

''(c) BOARD OF DIRECTORS.—Four years after the establishment of the Emergency Reform Board under subsection (a), a Board of Directors shall be selected pursuant to bylaws adopted by the Emergency Reform Board, and the Emergency Reform Board shall be dissolved.''.

(b) EFFECT ON AUTHORIZATIONS.—If the Emergency Reform Board has not assumed the responsibilities of the Board of Directors of Amtrak before March 15, 1996, all provisions authorizing appropriations under the amendments made by section 701 of this Act for a fiscal year after fiscal year 1996 shall cease to be effective.

SEC. 504. REPORTS AND AUDITS.

Section 24315 of title 49, United States Code, as amended by section 208 of this Act, is further amended—

(1) by striking subsections (a) and (c);

(2) by redesignating subsections (b), (d), (e), (f), (g), and (h) as subsections (a), (b), (c), (d), (e), and (f), respectively; and

(3) in subsection (d), as so redesignated by paragraph (2) of this section, by striking ''(d) or (e)'' and inserting in lieu thereof ''(b) or (c)''.

SEC. 505. OFFICERS' PAY.

Section 24303(b) of title 49, United States Code, is amended by inserting ''The preceding sentence shall cease to be effective on the expiration of a fiscal year during which no Federal operating assistance is provided to Amtrak.'' after ''with comparable responsibility.''.

SEC. 506. EXEMPTION FROM TAXES.

Section 24301(l)(1) of title 49, United States Code, is amended—

(1) by inserting '', and any passenger or other customer of Amtrak or such subsidiary,'' after ''subsidiary of Amtrak'';

(2) by striking ''or fee imposed'' and all that follows through ''levied on it'' and inserting in lieu thereof '', fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority, directly or indirectly on Amtrak or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or a rail carrier subsidiary of Amtrak, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom''; and

(3) by amending the last sentence thereof to read as follows: ''In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1995.''.

TITLE VI—MISCELLANEOUS

SEC. 601. TEMPORARY RAIL ADVISORY COUNCIL.

(a) APPOINTMENT.—Within 30 days after the date of the enactment of this Act, a Temporary Rail Advisory Council (in this section referred to as the ''Council'') shall be appointed under this section.

(b) DUTIES.—The Council shall—

(1) evaluate Amtrak's performance;

(2) prepare an analysis and critique of Amtrak's business plan;

(3) suggest strategies for further cost containment and productivity improvements, including strategies with the potential for further reduction in Federal operating subsidies and the eventual partial or complete privatization of Amtrak's operations; and

(4) recommend appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles.

(c) MEMBERSHIP.—(1) The Council shall consist of 7 members appointed as follows:

(A) Two individuals to be appointed by the Speaker of the House of Representatives.

(B) One individual to be appointed by the minority leader of the House of Representatives.

(C) Two individuals to be appointed by the majority leader of the Senate.

(D) One individual to be appointed by the minority leader of the Senate.

(E) One individual to be appointed by the President.

(2) Appointments under paragraph (1) shall be made from among individuals who—

(A) have technical qualification, professional standing, and demonstrated expertise in the fields of transportation and corporate management; and

(B) are not employees of Amtrak, employees of the United States, or representatives of rail labor or rail management.

(3) Within 40 days after the date of the enactment of this Act, a majority of the members of the Council shall elect a chairman from among such members.

(d) TRAVEL EXPENSES.—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide to the Council such administrative support as the Council requires to carry out this section.

(f) ACCESS TO INFORMATION.—Amtrak shall make available to the Council all information the Council requires to carry out this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection which is a trade secret or commercial or financial information that is privileged or confidential.

(g) REPORTS.—(1) Within 120 days after the date of the enactment of this Act, the Council shall transmit to the Amtrak board of directors

and the Congress an interim report on its findings and recommendations.

(2) Within 270 days after the date of the enactment of this Act, the Council shall transmit to the Amtrak board of directors and the Congress a final report on its findings and recommendations.

(h) STATUS.—The Council shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.) or section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

SEC. 602. PRINCIPAL OFFICE AND PLACE OF BUSINESS.

Section 24301(b) of title 49, United States Code, is amended—

(1) by striking the first sentence;

(2) by striking ''of the District of Columbia'' and inserting in lieu thereof ''of the State in which its principal office and place of business is located''; and

(3) by inserting ''For purposes of this subsection, the term 'State' includes the District of Columbia. Notwithstanding section 3 of the District of Columbia Business Corporation Act, Amtrak, if its principal office and place of business is located in the District of Columbia, shall be considered organized under the provisions of such Act.'' after ''in a civil action.''.

SEC. 603. STATUS AND APPLICABLE LAWS.

Section 24301 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking ''rail carrier under section 10102'' and inserting in lieu thereof ''railroad carrier under section 20102(2) and chapters 261 and 281''; and

(2) by amending subsection (c) to read as follows:

''(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11303, 11342(a), 11504(a) and (d), and 11707. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.''.

SEC. 604. WASTE DISPOSAL.

Section 24301(m)(1)(A) of title 49, United States Code, is amended by striking ''1996'' and inserting in lieu thereof ''2001''.

SEC. 605. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 606. RAIL SAFETY SYSTEM PROGRAM.

Section 24313 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 607. DEMONSTRATION OF NEW TECHNOLOGY.

Section 24314 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 608. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) REPEAL.—Section 24903 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24902(a)(1)(A) of title 49, United States Code, is amended by striking ''and 40 minutes''.

SEC. 609. BOSTON-NEW HAVEN ELECTRIFICATION PROJECT.

Section 24902(f) of title 49, United States Code, is amended—

(1) by inserting ''(1)'' before ''Improvements under''; and

(2) by adding at the end the following new paragraph:

''(2) Amtrak shall design and construct the electrification system between Boston, Massachusetts, and New Haven, Connecticut, to accommodate the installation of a third mainline track between Davisville and Central Falls, Rhode Island, to be used for double-stack freight service to and from the Port of Davisville. Amtrak shall also make clearance improvements on the existing main line tracks to permit double stack service on this line, if funds to defray the costs of clearance improvements beyond Amtrak's own requirements for electrified passenger service are provided by public or private entities other than Amtrak. Wherever practicable, Amtrak shall use portal structures and realign existing tracks on undergrade and overgrade bridges to minimize the width of the right-of-way required to add the third track. Amtrak shall take such other steps as may be required to coordinate and facilitate design and construction work. The Secretary of Transportation may provide appropriate support to Amtrak for carrying out this paragraph.''.

SEC. 610. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) APPLICATION TO AMTRAK.—Amtrak shall not be subject to any requirement under section 242(a)(1) and (3) and (e)(2) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(a)(1) and (3) and (e)(2)) until January 1, 1998.

(b) CONFORMING AMENDMENT.—Section 24307 of title 49, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 611. DEFINITIONS.

Section 24102 of title 49, United States Code, is amended—

(1) by striking paragraphs (2), (3), and (11);

(2) by redesignating paragraphs (4) through (8) as paragraphs (2) through (6), respectively;

(3) by inserting after paragraph (6), as so redesignated by paragraph (2) of this section, the following new paragraph:

''(7) 'rail passenger transportation' means the interstate, intrastate, or international transportation of passengers by rail;'';

(4) in paragraph (6), as so redesignated by paragraph (2) of this section, by inserting '', including a unit of State or local government,'' after ''means a person''; and

(5) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

SEC. 612. NORTHEAST CORRIDOR COST DISPUTE.

Section 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1111) is repealed.

SEC. 613. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

(a) AMENDMENT.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''Amtrak,''.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978.

SEC. 614. CONSOLIDATED RAIL CORPORATION.

Section 4023 of the Conrail Privatization Act (45 U.S.C. 1323), and the item relating thereto in the table of contents of such Act, are repealed.

SEC. 615. INTERSTATE RAIL COMPACTS.

(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(1) retaining an existing service or commencing a new service;

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities and intermodal passenger facilities;

(B) the purchase of locomotives; and

(C) operational improvements, including communications, signals, and other systems.

(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

(1) accept contributions from a unit of State or local government or a person;

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);

(3) on such terms and conditions as the States consider advisable—

(A) borrow money on a short-term basis and issue notes for the borrowing; and

(B) issue bonds; and

(4) obtain financing by other means permitted under Federal or State law.

SEC. 616. CONFORMING AMENDMENT.

Section 10362(b) of title 49, United States Code, is amended by striking paragraph (5) and redesignating paragraphs (6) through (8) as paragraphs (5) through (7), respectively.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 24104(a) of title 49, United States Code, is amended to read as follows:

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation—

''(1) $772,000,000 for fiscal year 1995;
''(2) $712,000,000 for fiscal year 1996;
''(3) $712,000,000 for fiscal year 1997;
''(4) $712,000,000 for fiscal year 1998; and
''(5) $403,000,000 for fiscal year 1999,

for the benefit of Amtrak for capital expenditures under chapters 243 and 247 of this title, operating expenses, and payments described in subsection (c)(1)(A) through (C).''.

(b) ADDITIONAL AUTHORIZATIONS.—Section 24104(b) of title 49, United States Code, is amended to read as follows:

''(b) ADDITIONAL AUTHORIZATIONS.—(1) In addition to amounts appropriated under subsection (a), there are authorized to be appropriated to the Secretary of Transportation—

''(A) $200,000,000 for fiscal year 1995;
''(B) $200,000,000 for fiscal year 1996;
''(C) $200,000,000 for fiscal year 1997;
''(D) $200,000,000 for fiscal year 1998; and
''(E) $200,000,000 for fiscal year 1999,

for the benefit of Amtrak to make capital expenditures under chapter 249 of this title.

''(2) In addition to amounts appropriated under subsection (a), there are authorized to be appropriated to the Secretary of Transportation—

''(A) $21,500,000 for fiscal year 1995;
''(B) $10,000,000 for fiscal year 1996;
''(C) $10,000,000 for fiscal year 1997;
''(D) $10,000,000 for fiscal year 1998; and
''(E) $10,000,000 for fiscal year 1999,

for the benefit of Amtrak to be used for engineering, design, and construction activities to enable the James A. Farley Post Office in New York, New York, to be used as a train station and commercial center and for necessary improvements and redevelopment of the existing Pennsylvania Station and associated service building in New York, New York.''.

(c) CONFORMING AMENDMENTS.—Section 24909 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(d) GUARANTEE OF OBLIGATIONS.—There are authorized to be appropriated to the Secretary of Transportation—

(1) $50,000,000 for fiscal year 1996;
(2) $50,000,000 for fiscal year 1997;
(3) $50,000,000 for fiscal year 1998; and
(4) $50,000,000 for fiscal year 1999,

for guaranteeing obligations of Amtrak under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831).

(e) CONDITIONS FOR GUARANTEE OF OBLIGATIONS.—Section 511(i) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(i)) is amended by adding at the end the following new paragraph:

''(4) The Secretary shall not require, as a condition for guarantee of an obligation under this section, that all preexisting secured obligations of an obligor be subordinated to the rights of the Secretary in the event of a default.''.

AMENDMENT OFFERED BY MR. CLEMENT

Mr. CLEMENT. 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. CLEMENT: Page 36, after line 21, insert the following new section:

SEC. 617. RAILROAD LOAN GUARANTEES.

(a) DECLARATION OF POLICY.—Section 101(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801(a)(4)) is amended to read as follows:

''(4) continuation of service on, or preservation of, light density lines that are necessary to continued employment and community well-being throughout the United States;''.

(b) MAXIMUM RATE OF INTEREST.—Section 511(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(f)) is amended by striking ''shall not exceed an annual percentage rate which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates for similar obligations in the private market,'' and inserting in lieu thereof ''shall not exceed the annual percentage rate charged equivalent to the cost of money to the United States.''.

(c) MINIMUM REPAYMENT PERIOD AND PREPAYMENT PENALTIES.—Section 511(g)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(2)) is amended to read as follows:

''(2) payment of the obligation is required by its terms to be made not less than 15 years nor more than 25 years from the date of its execution, with no penalty imposed for prepayment after 5 years;''.

(d) DETERMINATION OF REPAYABILITY.—Section 511(g)(5) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(5) is amended to read as follows:

''(5) either the loan can reasonably be repaid by the applicant or the loan is collateralized at no more than the current value of assets being financed under this section to provide protection to the United States;''.

Mr. CLEMENT. Mr. Chairman, earlier this year, I introduced legislation with my good friend and colleague, SPEAKER BACHUS, to amend the section 511 Railroad Loan Guarantee Program and make it more accessible for small carriers. This legislation enjoys strong bipartisan support from Members both in committee and in the whole House.

The section 511 Loan Guarantee Program is tremendously important to the 530 small railroads that operate in every State and provide access to the Nation's major rail network for thousands of shippers. Authorized since 1976, this loan program provides a source of long-term capital for infrastructure and equipment.

However, in recent times funds have not been available for investment in regional and short line infrastructure projects at the very time these companies have taken over 35,000 miles of failing railroad lines. And more lines will be headed for abandonment as the major railroads merge and consolidate their operations.

Regional and shortline railroads are businesses operating on lines that otherwise would have been abandoned. Many of these lines had been undermaintained for decades. Furthermore, most commercial banks do not understand railroading and are leery of rail loans. Track and infrastructure loans to maintain and upgrade 30-year assets are made available only at high interest rates and short payback periods. These terms are not viable for these small businesses.

In addition, acquisition of a line by the railroad often requires high-cost, short-term debt which drains internally generated cash which could otherwise be devoted for rehabilitation. This has created a credit crunch throughout the regional and short line industry. A 1993 report to Congress from the Federal Railroad Administration stated that there is a $440 million shortfall in routine maintenance funding for class II and class III freight railroads that cannot be generated by internal cash or borrowed on acceptable terms. There is clearly a demonstrated need for the section 511 program.

The amendment proposed by myself and Congressman SPENCER BACHUS would make several modest, some may even say technical, changes to the section 511 program to make it more compatible with the needs of small railroads and for its use in the commercial banking sector. Specifically, the amendment would set the interest for guaranteed railroad loans at the Federal Treasury rate and establish a minimum repayment period of 15 years. The amendment also allows the asset being financed to be used as collateral for the loan.

These changes are necessary to allow small railroads to complete larger, multiyear track and bridge projects. More importantly, in this new era of fiscal consciousness, these changes to the section 511 railroad loan guarantees program have a negligible budget impact. The program is already permanently authorized at $1 billion, of which approximately $980 million is currently available for commitment.

Mr. Chairman, this amendment will help an important segment of our transportation system. The amendment is supported by the Regional Railroads of America, the American Short Line Railroad Association, and the American Association of State Highway and Transportation Officials. I urge the adoption of the Clement-Bachus amendment.

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

Mr. Chairman, this is a good amendment. It makes the loan guarantee program more user-friendly. We support it on this side and urge its adoption.

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

Mr. Chairman, I rise in support of the amendment offered by my good friend from Tennessee, BOB CLEMENT.

Mr. CLEMENT's amendment is based on legislation he has introduced, H.R. 2205, the Rail Infrastructure Preservation Act of 1995. I am an original cosponsor of this legislation, and I fully support Mr. CLEMENT's effort to include the relevant portions of that bill in the Amtrak reauthorization.

H.R. 1788 authorizes $50 million annually for loan guarantees under the program created by section 511 loan guarantee program. Although the section 511 loan program has been used principally to support rehabilitation of branch lines in rural areas, the bill expands the program for use on Amtrak's infrastructure. I strongly support inclusion of this provision in this legislation.

Mr. CLEMENT's amendment amends section 511 to make it easier for borrowers to qualify for loans. It clarifies the program's purposes to favor continuation of service on or preservation of light density rail lines. It reduces the interest rate for guaranteed railroad loans to the Treasury bond interest rate. It establishes a 15-year repayment period for the loan, but allow prepayment without penalty after 5 years. Finally, the amendment enables the Secretary of Transportation to waive collateral requirements if he thinks repayment is likely.

This amendment will remove arbitrary barriers currently preventing the most effective use of the program. It takes a good program and makes it better. I urge adoption of the amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield to me?

Mr. LIPINSKI. I yield to the gentleman from Minnesota.

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

I, too, rise in support of the Clement amendment.

The problem that it addresses is that of rehabilitation of branch lines in rural areas, and it addresses that problem in a very reasonable, responsible, thoughtful way by providing financing mechanisms that would make it possible through loan guarantee programs to lower the interest rate and provide a penalty-free prepayment period after 5 years, empower the Secretary of Transportation to waive collateral requirements. Those are financial impediments to investment in those branch lines that are so important to service in rural areas.

Believe me, I know. I have got a rural district, and we need this kind of service, and I think the amendment comes too late for most of my district. Those branch lines were abandoned a long time ago. Had we had such language 20 years ago, many small towns in the 8th District of Minnesota and elsewhere in the State of Minnesota would still be competitive economically because they would have branch line rail service.

I commend the gentleman for offering the amendment. I commend the gentleman from Illinois for working it

out, and I appreciate the support of the chairman of our committee on this amendment.

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

Mr. LIPINSKI. I yield to the gentleman from California.

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

Mr. FILNER. Mr. Chairman, I, too, rise in support of the Clement-Bachus amendment.

Mr. OBERSTAR talked about rural help. This will also help urban areas.

In San Diego, for example, the 511 program will help us revise a railroad that will go from the port of San Diego to connect up with the national rail system to the east coast. It will completely transform the economy of San Diego if we were able to revive this line under the program that 511 authorizes.

So, Mr. Chairman, both sides, this amendment is important. It will help the economy of the United States in many, many areas.

Mr. Chairman, I want to rise in support of the proposal put forward by Congressman CLEMENT to amend the 511 Loan Guarantee Program. I commend Congressman CLEMENT for his initiative. In my view this program is essential to the continuation of service on light density Rail lines that are necessary to continued employment and community well-being throughout the United States.

This is an area of great interest to me. As the House may recall, together with my colleague, Congressman COOLEY and Congressman RAY LAHOOD, I engaged in a colloquy with the chairman of the Transportation Appropriations Subcommittee to support this basic policy.

This is an excellent proposal to help support the critical rail infrastructure of this country. The directly competitive truck and barge industries receive great funding windfalls from transportation infrastructure investment. Critical regional and shortline railroads have no access to similar funds. Reactivation of the 511 program will insure the reconstruction and repair of a significant portion of America's rail infrastructure which is operated by regional and shortline railroads.

The 511 Loan Guarantee Program has been authorized since 1976. In the 1970's and 1908's it was primarily used to assist large financially troubled railroads. The Clement amendment will help meet the infrastructure needs of small railroads. In recent times, funds have not been available for investment in regional and shortline infrastructure at the very time these companies have taken over 35,000 miles of failing railroad line. Most of these lines were headed for abandonment by the large railroads.

An example of such a small railroad can be found in my own district. In 1984, a Texas firm which operates shortline railroads, established the San Diego & Imperial Valley Railroad, which provides freight service over a central line at night when the municipal trolleys are not operating. This small railroad has provided good service and been profitable.

Unfortunately, in 1976, major sections of the track were destroyed on the Desert Line which connects the San Diego & Imperial Valley to the National Railroad System. It has long been a major objective of the San Diego Association of Governments to reconnect the railroad to the National Rail Network in the Imperial Valley. This will have major benefits for shippers in the San Diego area and will provide relief for the transit lines which currently carry both freight and passengers into Los Angeles. Even though the track itself is owned by the transit district, management of the San Diego & Imperial Valley Railroad has informed us that they will finance the reconnection if section 511 loan guarantees are made available.

I strongly urge my colleagues to support Congressman CLEMENT's amendment that will allow the small regional and shortline railroads, such as the San Diego and Imperial Valley, to maintain their infrastructure needs and continue to provide essential freight service.

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

Let me simply say this: We have all seen branch lines and spur lines across this country, and a lot of those lines, to us, look like two iron rails with a lot of weeds in the middle, and sometimes you even think that they are abandoned. But about once a week or once a day a train will go down that track, and it will haul two or three box-cars or haul a tank car or a hopper car, and it is always headed for a factory or to a grain elevator. We may say, ''What is the use of saving these lines that are used only once or twice a week or once a day? Why don't we just let them die?''

What we have to understand is when we let those lines die, we kill jobs. We kill jobs in rural America. We may have a branch line that runs 100 miles and serves seven or eight grain elevators. When that line dies, not only do we lose three or four jobs on that railroad but we also lose those jobs at the grain elevators and we lose those farmers' opportunities to get their grain, to sell their grain, to have that grain go overseas and contribute to a trade surplus, not a trade deficit like we have today.

□ 1200

I have a factory in my district that employs 14 people. Once every 10 days, two tank cars are delivered to that factory. The railroad loses about $2,000 every month supplying that factory, but that factory makes a $40,000 a week payroll to that community. So we have to in certain cases not only protect those lines, not for the railroad jobs, but for the factory jobs, because that is also the largest employer in a small town in my district.

So this bill is absolutely critical. If you vote against this amendment, then you are voting against small business and you are voting against some large businesses in some very small towns. You are going to kill some small towns. You are going to kill some factories. This is as good an amendment as you will see on the floor of this House, and I urge its passage.

I also say one day, if this bill is defeated, the entire bill, we are going to lose another opportunity. Today in Paris, France, 1,500 trains will leave Paris, France, delivering passengers. Amtrak has about 200 trains a day. France is the size of Texas. We do not have much of a passenger system left in this country.

In Japan, 20 percent of the people that travel today will travel on trains. Here, less than 1 percent will travel by train. When we talk about future generations, we owe it to future generations to work out not only this short-term solution to preserving passenger rail transportation, but also a long term solution.

The Japanese, the Germans, the British, and the French, they all have excellent train travel. 15, 20, 25 percent of their citizens take advantage of that on either a daily or a weekly basis. We can do the same. We can compete, and, in doing so, we can end the gridlock on our highways and the dangerous situation we have in our skies today.

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

Mr. BACHUS. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I compliment the gentleman on his vision of transportation and his understanding of the interrelationships of short line rail service and small town economics. That is what we are talking about. The gentleman painted it in very graphic terms. Also his larger vision of high speed rail service, which I addressed in my opening remarks on the bill today.

I just want to compliment the gentleman and associate myself with his observations.

Mr. BACHUS. Mr. Chairman, we are going to spend much less than $1 billion each year over the next few years on passenger rail travel. The Germans today are building one 86-mile rail corridor at the cost of $5.7 billion. They are putting people to work building for the future.

If this bill goes down, we lose our dream of having a good transportation system in this country. We can put people to work, we can build on that dream, or we can turn our backs on viable transportation in this country. I would urge a ''yes'' vote on the bill and on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. CLEMENT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. 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. TRAFICANT]: Page 5, after line 14, insert the following new section:

SEC. 104. TRACK WORK.

(a) OUTREACH PROGRAM.—Amtrak shall, within one year after the date of the enactment of this Act, establish an outreach program through which it will work with track

work manufacturers in the United States to increase the likelihood that such manufacturers will be able to meet Amtrak's specifications for track work. The program shall include engineering assistance for the manufacturers and dialogue between Amtrak and the manufacturers to ensure that Amtrak's specifications match the capabilities of the manufacturers.

(b) ANNUAL REPORT.—Amtrak shall annually report to the Congress on progress made under subsection (a), including a statement of the percentage of Amtrak's track work contracts that are awarded to manufacturers in the United States.

Mr. TRAFICANT. Mr. Chairman, the Traficant amendment deals with an issue where the track that is being purchased, new track, much of it is being purchased from Europe. One of the reasons that Amtrak is buying most of its track from Europe is because their limited specifications have made it almost impossible for American manufacturers to bid competitively in this arena.

The Traficant amendment basically says that Amtrak and the American manufacturers shall get together, sit down, talk about these specifications, see how they can be in fact worked out, and see how engineering assistance and some engineering advice could be granted to the American manufacturers of trackwork so they would have an opportunity to make it and get some of that business.

Finally, it calls for a report to the Congress within 2 years after the date of enactment of this bill on the progress they are making, including a statement on the percentage of America's trackwork contracts that are awarded to American manufacturers.

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

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, this is an excellent amendment. We support it on this side and urge its adoption.

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

Mr. TRAFICANT. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the gentleman yielding. The gentleman from Ohio really is justifiably known in this Congress as Mr. Buy-American, and he constantly raises the consciousness of this body to the needs of protecting the American workplace against unfair practices from our foreign competitors. The instance in which the gentleman addresses us today is one such example of unfair competition from abroad.

The Subcommittee on Investigations and Oversight during the years when the gentleman from Pennsylvania [Mr. CLINGER] and I were working together on those matters, held hearings on the Buy American Act as it applied to rail, intracity rail transit systems, Corps of Engineers, and the highway program. We found that the Federal Highway Administration was 100 percent in compliance with the Buy American Act. All the steel going into our highways was American steel. The Corps of Engineers was about 90 percent. We brought them into compliance. Horrible was the Urban Mass Transit Administration, overlooking, turning the other way, not enforcing the existing law. As a result, we have lost capacity which has flown overseas, and foreign manufacturers have now changed the standards which American manufacturers invented and created, and now they cannot compete because they cannot comply.

The gentleman's amendment will put us back on track toward compliance and toward competitiveness again. I compliment the gentleman for raising this issue and bringing this amendment to us. I support the amendment.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I want to compliment the ranking member for all the work he has done before Members like myself got here. The gentleman deserves a lot of credit for most of these initiatives.

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

Mr. TRAFICANT. I yield to the gentleman from Illinois.

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

Mr. LIPINSKI. Mr. Chairman, I want to thank the gentleman from Ohio, ''Mr. Buy American,'' for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

There may be no one in this body who is as strong a supporter of American workers as Mr. ''Buy American.'' I have consistently supported the gentleman's efforts on this issue, and today is no exception.

Although Amtrak is already covered by a buy-American provision, because the so-called trackwork used by Amtrak is not produced in the United States, Amtrak is permitted to buy from a foreign manufacturer. Trackwork for freight railroads is manufactured in the United States, but these manufacturers do not presently build trackwork of the quality standards required for Amtrak's passenger trains.

This amendment requires that Amtrak and the American manufacturers work together to find ways to increase the ability of the manufacturers to meet Amtrak's specifications for trackwork. Amtrak will report back to Congress within 2 years on its progress.

Both Amtrak and the American trackwork manufacturers want Amtrak's trackwork to be procured from American firms. This amendment will enable them to work toward that goal.

Mr. Chairman, this is a well-reasoned buy-American amendment. I commend Mr. TRAFICANT for his leadership and urge adoption of the amendment.

Mr. Chairman, I also would like to compliment him on his performance yesterday on the sports talk show that I watched on television. The gentleman is not only an outstanding legislator, but he also happens to be one of the most knowledgeable people that we have here in Congress—not only football, which he played at the University of Pittsburgh, but also on baseball, basketball, and just about any other sport one can think of.

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

Mr. TRAFICANT. I yield to the distinguished gentleman from New York.

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

Mr. BOEHLERT. Mr. Chairman, I welcome the opportunity to once again support the gentleman's amendment. It is a good amendment to a very good bill.

We are moving in the right direction with respect to Amtrak. I hope all of our colleagues are paying attention, because if they have not had personal experience with Amtrak, I encourage them to do so. It is more efficient, it is cleaner, it is doing a magnificent job, it saves energy, and it is energy efficient, and, boy, is that not refreshing these days, and it is environmentally clean. We should support Amtrak for all the right reasons. So I am glad to have a good amendment to a good bill for a worthy cause.

Mr. Chairman, I believe this is a good bill and will help Amtrak to become more business-like, cut costs, and become less dependent on Federal subsidies. In preparing for the reauthorization of Amtrak we listened to numerous expert public witnesses, Amtrak, and others associated with transportation. From these discussions it became clear that without significant cost-cutting reforms, Amtrak would not survive as a national system. This bill does bring about real reform for Amtrak in a number of key areas. More important, however, it gives Amtrak the tools it needs to become less dependent on direct Federal subsidies.

There are many of us on the committee who have Amtrak in their districts and know how vital that service is to the communities. When Amtrak came before the Railroad Subcommittee in February to testify, the corporation was faced with a huge deficit. Over the past 12 months, Amtrak has cut routes, has reduced frequencies on other routes, and has cut back its staff. Amtrak's efforts have led to significant cost savings and closed a significant shortfall in the past fiscal year.

As of the end of the fiscal year, passenger revenues are up, the work force has been pared down, and on-time and safety performance continues to improve. In the business plan put forth by Amtrak at the beginning of the fiscal year, the corporation projected a bottom-line improvement of $174 million. But the improvement exceeded expectations—Amtrak improved the bottom line by $193 million. The internal reforms being implemented and the aggressive business strategy being pursued at Amtrak are showing success.

Today we will take legislative actions to allow Amtrak to manage their system free from inefficient structures and legislatively imposed impediments. These next few years will be pivotal in determining Amtrak's future, and it is my desire to help Amtrak adhere to, and succeed at, the plan for self-sufficiency. Enactment of this bill is a significant step down that path, and I hope you will support it.

Mr. TRAFICANT. Mr. Chairman, I say if Amtrak does not restate their service to my valley, there is going to be hell in the Congress over the next several years. I ask for an affirmative vote.

Mr. FRANKS of New Jersey. Mr. Chairman, I move to strike the last word.

(Mr. FRANKS of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Chairman, I rise today in strong support of H.R. 1788, and I want to particularly congratulate the gentlewoman from New York [Ms. MOLINARI], and the gentleman from Pennsylvania [Mr. SHUSTER] for producing this excellent bill. It would be a disgrace for our Nation not to have a national passenger railroad. If Congress does not pass this legislation, that is precisely what will happen.

In my home State of New Jersey, the gridlock on our highways and congestion at our airports would be enormous if Amtrak were to shut down. Anyone who doubts this fact should take a ride on the most heavily traveled roadway in all of the world, the New Jersey Turnpike, or try to catch a flight out of Newark Airport, one of the busiest airports in the Nation. Without the option to take the train, millions of travelers would be forced to drive or fly. As New Jersey's highways and airports are already operating at or near capacity, the delays and congestion would simply be intolerable.

Mr. Chairman, this bill represents a reasonable compromise that gives Amtrak a fighting chance to become financially self-sufficient. Without this bill, Amtrak goes out of business. I urge my colleagues to keep the trains running by supporting this legislation.

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

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I am going to rise in support of H.R. 1788, the Amtrak Reform and Privatization Act. I want to commend the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, the gentlewoman from New York [Ms. MOLINARI], the subcommittee chairman, the gentleman from Minnesota [Mr. OBERSTAR], the ranking minority member, and others in the committee for their fine work on this piece of legislation.

Earlier this year I had introduced H.R. 832, the Amtrak Flexibility Act of 1995, which would have repealed the current statutory requirement that Amtrak pay every employee on a discontinued route severance pay equal to 1 year of full pay for every year of service up to 6 years maximum service. This bill repeals that requirement and does allow Amtrak to renegotiate its labor agreements.

The committee members and the Amtrak officials and union representatives have all worked on this particular section of the bill, and while no side is totally happy, they all agree that this is a good compromise. I support that compromise.

Mr. Chairman, I would like to point out that Amtrak has suffered a decline in ridership over the last several years and, as a result of that, their operating costs as a percentage of their total revenues have gone up, which has made it very difficult for them to make a profit. Hopefully with this legislation, Amtrak can reform itself, it can discontinue those routes that are uneconomic and maintain those routes that are, and there will be Amtrak passenger service in the parts of the country that support it.

So, Mr. Chairman, I rise in support of the amendment, in support of the bill, and again want to thank the leadership for this.

The bill revises a number of existing laws to enable the National Railroad Passenger Corporation [Amtrak] to operate less like a Government agency and more like a profitable business;

It eliminates restrictions on contracting out many services, and allows Amtrak to renegotiate labor agreements with its unions; and

It lifts the burdensome requirement that Amtrak continue operating the entire system of routes it inherited in 1971.

Part of Amtrak's current quagmire is a result of their statutory severence package, which this legislation finally deals with. This bill, H.R. 1788, permits management to renegotiate labor agreements without having a mandated 6-year provision in place.

H.R. 832, The Amtrak Flexibility Act of 1995, would have repealed the current statutory requirement that Amtrak pay every employee on a discontinued route severance equal to 1 year of full pay for every year worked for Amtrak up to a 6-year maximum, which the majority of employees quality for. H.R. 1788 achieves many of the goals addressed in my bill.

These labor protection requirements are relics of a bygone era. This statute was mandated to protect rail workers moving to the public sector when Amtrak was created in 1971. Only 35 of those original employees still work for Amtrak. Today, Amtrak employs 24,000 people. This legislation will permit Amtrak management to make the necessary reforms, so they have a chance to become profitable.

The State of Texas—according to Amtrak's own figures, their Texas ridership plummeted from 299,083 in 1993 to 202,412 in 1994. That's a loss of 32 percent. At the same time, Amtrak has only lost 13 of its 161 Texas employees. Additionally, non-payroll Amtrak spending has increased in Texas from $5.3 million to $8.5 million—an increase of 60 percent. This bill will permit Amtrak reduce unneeded routes in Texas while saving taxpayer's dollars.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. COLLINS of Illinois: In Section 401, strike lines 9 through 12 on page 18.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, the amendment I am offering today corrects a highly discriminatory provision of H.R. 1788 which caps the amount of noneconomic damages that a victim of a railroad accident may recover at $250,000 above the level of economic damages. This provision pertains not only to a claim against Amtrak, but would also apply to a claim against any railroad, subway system, or any other defendant, so long as the accident involved passenger rail operations. This is wrong, it is nonsensical, it is simply unfair.

My amendment would strike this provision from the bill and I urge its adoption.

Although not as highly publicized as airplane crashes, train accidents are occurring in alarming numbers every year. According to the latest Federal Railroad Administration statistics, there were 21,730 total train accidents in 1993 resulting in 1,279 deaths and 19,121 injuries. Many of these train accidents involved the provision of rail passenger transportation services. In fact, about 8.5 times more people died in accidents involving Amtrak in 1993 than died in all U.S. scheduled commercial airline accidents. A cap on noneconomic damages could exacerbate the situation without resulting in any significant cost savings.

The noneconomic damages in this bill would unfairly impact the most seriously injured accident victims; create an arbitrary and inflexible limit on recovery of pain and suffering damages regardless of the underlying circumstances of each case, that is, loss of eyesight is worth a maximum of $250,000 above economic damages and so is loss of eyesight combined with loss of hearing; and discriminate against women, the young, the elderly, and others who may not have large economic losses.

Here's how the cap would work: Recall that five children died, and many others were injured recently when a train smashed into a schoolbus at a grade crossing in Fox River Grove, IL. The noneconomic damages cap in this bill could limit the recovery of those children and their families to a paltry sum. Because the typical child does not suffer lost wages or other economic damages, even the most catastrophically injured children could be limited to just $250,000 if they cannot show economic harm.

Congress should be focusing on the critical need for improved rail safety in the United States, not hindering the ability of our legal system to fairly compensate accident victims and to hold negligent rail passenger transportation providers fully accountable.

□ 1215

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment. I must strongly oppose my friend's amendment. The liability limitations reflect the seriousness of a long series of negotiations so we could bring this bill to the floor with support on both sides, as well as with Amtrak and the freight railroads.

Limitations on liability from passenger rail accidents are absolutely necessary because the current arrangement unfairly requires the freight railroads, which are not forced to ask Amtrak to operate over their property by law, to assume the potentially ruinous financial risk of a passenger rail accident.

Current Amtrak payments of approximately $80 million to the freight railroads for the use of their right of way do not come close to covering the potential risk posed by a passenger rail accident. In Chase, MD, for example, in which 16 people were killed, Conrail settled out of court for approximately $130 million.

Limitations on liability in domestic passenger transportation are common. There is a statutory limitation which was enacted last year for the Virginia Railway Express Commuter Service. In addition, there are liability limitations for aviation and some transit operations.

Let me emphasize, Mr. Chairman, without a reliable fix for liability which is in this bill and which the gentlewoman's amendment would strike, the freight railroads are unlikely to permit any passenger rail operators other than Amtrak to use their right of way. Amtrak's current operating agreements with the freight railroads expire in April 1996.

If Congress does not settle the liability dispute now, the successor agency to the ICC, which has no expertise in this area whatsoever, will be forced to resolve this important issue. If the liability reform in this bill is stricken, it puts in jeopardy the entire success of the bill in the long run, so I strongly urge defeat of this amendment.

Mr. OBERSTAR. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, admittedly we had not had time in advance, before consideration of the bill, to examine this issue. It has been raised just prior to coming to floor consideration of the bill. But on the merits, on just an analysis of the limitation in the bill, it strikes me that the bill limits noneconomic damages in the following way.

If a person of some means suffers lost income of, say, $1 million, that person can collect the $1 million plus up to $1,250,000 for pain and suffering, whatever that person can prove in court. On the other hand, if a child is injured in an accident, say from a family of lesser means, that child would have no lost income. The child's noneconomic damages, that is, those for pain and suffering, would be limited to $250,000.

On the one hand, why would you allow a person of substantial means, a wealthy person, to collect $1 million plus $1,250,500 and limit a child to $250,000? Why, on the other hand, would you tie pain and suffering to economic damages? They have no relationship one to the other. Most of those matters anyhow are covered by the insurance that the railroads cover. Of course, they are going to have an increase, should they have a rash of accidents, an increase in their insurance costs, but that is a separate matter.

It just strikes me that in dealing with problems of Amtrak, that we should not go beyond and get into tort law limitations. There is an element of fairness that we ought to address and that the gentlewoman's amendment certainly does address.

Furthermore, the bill does protect freight railroads by requiring—they expect agreements of Amtrak to indemnify the railroads for damages for Amtrak passenger operation injuries. So I think there is plenty of protection in this legislation for the freight railroads, but it is the passenger that comes up short. Regrettably, this is an issue we did not sufficiently address prior to coming to the House floor. It is now being addressed, and I think it should be. I think the gentlewoman's amendment should pass.

Ms. MOLINARI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment strenuously. This amendment would subject Amtrak and the freight railroads providing infrastructure to Amtrak to unlimited noneconomic damages. This would effectively destroy a carefully crafted reform bill that addresses the current unworkable liability situation on Amtrak.

The cap that this amendment would eliminate is parallel to the one that the House approved in certain situations, such as medical malpractice, under the recent product liability bill. The key fact to keep in mind about liability reform the Amtrak is that it is the taxpayer who has to pay for excessive liability awards. Amtrak's liability either hits Amtrak directly or hits the freight railroad who furnished the track. Either way, the costs get passed back to the taxpayer, because Amtrak pays access charges to the freight railroads. Those charges necessarily include liability as a so-called incremental cost.

So be very clear about this. Under this amendment, the taxpayers of the United States who helped to finance Amtrak would have their fees increased in order to pay for this.

Remember also, this is not a voluntary service by the freight railroads, Amtrak, its access to their tracks by Federal law, whether the freight railroad wants to or not. This is in stark contrast to companies who sell a product or a service voluntarily.

So, in closing, let me just advise the Members here that we are talking about passing these costs on to the Amtrak riders and to the taxpayers in general who subsidize Amtrak service, and that this is a double penalty on freight railroads who, by Federal statute, have been allowed to service Amtrak.

We may in future years, if we are lifting this cap, have to rethink the Federal obligation to mandate services upon the freight railroads, because it seems to me that we cannot penalize in two situations, which is precisely what this does.

I urge all my colleagues to vote for the collins amendment.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentlewoman from Illinios [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just wanted to point out just a few weeks ago on November 2, a toddler stroller got struck in the train door in the Greenwich Village subway station in New York; and however, you know, Esmae Pender was able to snatch Anthony, her 9-month-old son from the stroller seconds before the train pulled out of the station, and he escaped injury. However, this lady's incident occurred just 1 week after the November 25 accident in which a child was pulled from beneath a stroller caught in doors between a subway stop at Fifth Avenue subway station. My amendment would have enabled the parents of that little child to in fact have more than the economic damages of $250,000 that we are talking about here. I think it is a fair thing to do. I thank the gentleman for yielding.

Mr. LIPINSKI. I would like to say that this particular issue has been debated, discussed, negotiated upon to a great extent since we first started hearings on the Amtrak legislation. The language that exists in the bill at the present time from my perspective is a considerable improvement over what was in the bill originally.

By the same token, it has always been my position that I seriously question tort reform being involved in this Amtrak reform legislation. I also think that it is to a great degree really a matter of fairness. As I mentioned earlier, since the start of the Amtrak deliberation we have gone over this issue and gone over it and gone over it, and perhaps even though we were unaware of this amendment coming to the floor today until very recently, something like 5 minutes after we started a debate on the rule for this bill, I am happy that it has come to the floor.

I do support it, and I believe that it is only fitting and proper that in a democracy, that ultimately the Representatives of the people in total have an opportunity to vote on this particular, to vote on this particular issue. It should not be restricted simply to the members of the Committee on Transportation and Infrastructure.

So even though I know we have debated it forever, this is another opportunity for us to debate it, but more importantly, for the other Members of the

House of Representatives to have their opporutnity to vote ''yes'' or ''no'' on this type of amendment.

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

Mr. Chairman, I rise in opposition to the amendment. Really, if we want to run a passenger railroad in this country and we want it to be affordable and accessible, we really have to make these reforms. I appreciate the gentlewoman's concern about award of economic damages for those that are harmed, but you have to create a balance. That is what this legislation does, is try to get us to a position where we can have an affordable railroad.

If you will look at the two areas of concern, some labor reform, we have labor laws that go back to dozens and dozens of years ago that need adjustment, and we also have liability reform, which increased the costs and inability to run a railroad.

□ 1230

I asked the founder of Autotrain, which started out as a private enterprise, what factor contributed to their demise. They were running very well, running a profit privately; and he said, it was the liability question. They suffered several accidents, and liability brought that private enterprise down, and Government has had to take it over.

So if we want to continue employment, if we want to continue opportunity, we have to strike a balance, and liability reform is one of those. This House overwhelmingly passed liability reform, and the chairman of the committee has cited other instances where we, in fact, have liability reform in public transit. So there is a precedent for this.

Ms. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentlewoman from New York.

Ms. MOLINARI. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I would like to respond to the original examples of the gentlewoman from Illinois [Mrs. COLLINS] that she gave regarding near accidents on the New York City subway system.

I would just like to point out that New York State has already and historically established limitations on liability for commuter operations, specifically because of the point that I raised, that in those instances if there was an unlimited cap, it is not the so-called Government who pays, it is the New York City subway rider or the taxpayer who has to pay that liability. So many, many States, including New York State, have actually taken the lead in what we are trying to do for Amtrak right now.

Mr. MICA. Mr. Chairman, reclaiming my time, I would just like to comment in closing that we tried to reach a compromise and a balance here, a balance between the rights of individuals and the ability of this country and this Government and Amtrak to operate. We have taken over this. We are trying to do our best to get Amtrak back on track, and we think that some of these reforms are both reasonable and needed, and I do oppose the amendment.

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

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MASCARA. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, let me just point out that on November 15, 1995, just a week or so ago, a 65-car CSX freight train loaded with orange juice smashed into a pickup truck just south of Dade City. The collision knocked the pickup truck 20 feet off the crossing and caused the train to derail. The intersection where the accident occurred had no flashing lights or crossing gate, just a crossbuck sign and a large faded stop sign. It also has a history of accidents and close calls.

The driver of the pickup truck is a 34 year-old man, Steve Matala of Dade City, and he is listed in stable condition at St. Joseph's Hospital in Tampa.

On July 12, 1995, a train crashed into a car at a rural Polk County crossing in Florida, killing Marie Meyer, 26, and her oldest son, Neil. Younger siblings, Douglas and Brenda, survived the crash. Now, some witnesses said they did not even see the red warning lights at all. These are people, the younger siblings, who apparently are going to be without their parent.

On January 14 of this year, a van carrying five people was crushed by a freight train at a Riviera Beach crossing, killing four of the passengers. Now, the sad thing is that the van was carrying mourners returning from a funeral, and it is believed that warning devices and gate barriers at the crossing may have failed to operate because of mechanical problems and weather conditions, et cetera.

It just seems to me that with these kinds of things happening that we, in fact, have to take some caps off for economic damages. Mr. Chairman, there is a great loss here. Pain and suffering and economic damages should not have caps on them because they are important, they are important to people who have considerations that they are thinking about.

Mr. Chairman, I include the following data concerning my amendment in the RECORD at this point:

NEW YORK

A New York City subway train slammed into the rear of another train stopped on the Williamsburg Bridge on June 5, 1995, killing one person and injuring more than 50 passengers. An outdated safety system based on 1918 technology was supposed to prevent such rear-end collisions, but the system apparently malfunctioned in this instance. This was the fourth time in less than two years that a subway train rear-ended another train, raising noticeable questions about the system's safeguards. A modern computerized system that automatically slows or stops a train before a collision is readily available, but the local transit authority chose not to install this improved system in order to save money. This was the city's worst subway accident since five people were killed and 200 injured when a drunken motorman crashed his speeding train into a wall near Union Station in 1991.

On November 2, 1995, a toddler's stroller got stuck in train doors at the Greenwich Village subway station. However, Ismay Pinder was able to snatch Anthony, her 9-month-old child, from the stroller seconds before the train pulled out of the station. Anthony escaped serious injury. It was learned that door-obstruction sensors that could have prevented this mishap were not in place on this train, despite the fact these safety precautions were recommended back in 1988. This latest incident occurred just one week after an October 25 accident in which a tot was pulled from beneath a train car after being knocked off a stroller trapped in the doors of a subway train stopped at the 42d St.-5th Ave. station

Brown, a 25-year-out student, was attempting to board a subway train when it began to move, causing her to fall between the cars. She was then run over by the train, causing her right foot to be crushed beyond repair and resulting in so much damage to her left leg that it had to be amputated below the knee. Her left foot was successfully implanted into her right leg, but she nonetheless walks with great difficulty. Brown alleged negligence on the part of the transportation authority in allowing the train to begin moving unannounced while she was boarding. A structured settlement with a present cash value of $1.25 million was reached.

Orlando, a 62-year-old clothing store manager, had his dominant arm traumatically amputated when he fell beneath the wheels of a Long Island Railroad passenger train while trying to board. Eyewitnesses testified that they saw Orlando attempting to catch the train. As he tried to jump through the open doors, the train began to move, knocking him beneath the car. Orlando asserted that the railroad was negligent in that the train should not have left the station with its manually operated doors open, in violation of the company's own rules. In addition, there were not enough crew members to adequately observe each other's hand signals indicating whether all the doors were closed when the train was ready to depart. A settlement was reached for $750,000.

FLORIDA

On November 15, 1995, a 65-car CSX freight train loaded with orange juice smashed into a pickup truck just south of Dade City. The collision knocked the pickup 20 feet off the crossing and caused the train to derail. The intersection where the accident occurred has no flashing lights or crossing gate, just a crossbuck sign and a large faded stop sign. It also has a history of accidents and close calls. The driver of the pickup, 34-year-old Steve Matala of Dade City, is listed in stable condition at St. Joseph's Hospital in Tampa.

On July 12, 1995, a train crashed into a car at a rural Polk County crossing, killing Marie Meyer, 26, and her oldest son, Neil. Younger siblings Douglas and Brenda survived the crash. Some witnesses to the accident stated that they did not see the red warning light flashing at the railroad crossing on the CSX-owned tracks.

On January 14, 1995, a van carrying five people was crushed by a freight train at a Riviera Beach crossing, killing four of the passengers. The van was carrying mourners returning from a funeral. It is believed that warning devices and gate barriers at the crossing may have failed to operate because

of mechanical problems or weather conditions. Several witnesses stated that one or both of the barrier arm gates at the crossing were broken off or locked in an upright position because of high winds.

Gresham, 59, was traveling on an Amtrak passenger train when it derailed on a poorly maintained track. He suffered massive head trauma and died of his injuries 28 days later, leaving behind seven adult children. Amtrak stipulated that it would not contest liability in exchange for a waiver of punitive damages. The jury awarded about $2.8 million (contact Joseph Slama in Fort Lauderdale for more info/clippings)

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

Mr. MASCARA. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I am sure the gentlewoman from Illinois [Mrs. COLLINS], my good friend, would not want to misstate the facts. There is no limit on economic damages, a very important point.

Second, all of the examples that the gentlewoman gave are very interesting and very sad, but they have nothing to do with this bill, because they all relate to freight, and they would not be addressed in any fashion by this legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MASCARA. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, I misspoke. I said noneconomic damages. Children, of course, would not have economic damages. They, of course, would have noneconomic damages, and that is what the cap is on, not economic damages.

Mr. Chairman, I thank the gentleman for yielding.

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

Mr. Chairman and colleagues, this amendment I think probably has a good intent behind it, but, first of all, it is unnecessary; and, second of all, it is actually a dangerous amendment. Let me explain why that is. It is unintendedly so.

Presently, Mr. Chairman, Amtrak must run on private railroad, freight railroad tracks, and when it does so the freight railroads really have no say. We, as the U.S. Government, say to the freight railroads, you will allow our passenger trains to run on your tracks, and we actually command them to do so. They have no choice.

What we are simply saying in this amendment is when we run a passenger train on a freight line and there is an accident, we say we will limit your liability, and we do not limit the economic liability. Medical bills, lost wages, hospital bills, if someone receives a disability of 10 percent, 15 percent, they are paid for any disability. Any permanent injury, they are compensated for.

The one thing that we simply say is we will only pay $250,000 for pain and suffering, and that is money that the railroads, which do not want us on their tracks to begin with, and which we say we are going to run on your tracks, even if you say you do not want us there.

For us to turn around and say, we are going to run on your tracks, and when there is an accident, people can sue you, and they can get $10 million or $20 million is wrong. It goes beyond being wrong, and it becomes dangerous, and let me tell my colleagues why it becomes dangerous.

Because of Amtrak and because of the Federal Government, we are spending literally millions of dollars every year eliminating dangerous grade crossings. That is what is killing people in this country is grade crossings. They are crossing these tracks, and they are getting killed.

Presently, because of this legislation and because we have an Amtrak, we are eliminating every year over 100 grade crossings, and we are saving lives. But if we attach this amendment to this bill, we will kill Amtrak. We will increase the cost. In fact, two years from now we will appropriate $403 million for Amtrak.

We have actually had court settlements in these accident cases of over $100 million. So we are talking about potentially one accident costing Congress and the United States, because we indemnify all of these. If there is an accident and we pay out all of this money, then we, the taxpayers, turn around and, out of Amtrak, we have to pay that money.

Mr. Chairman, can my colleagues imagine us giving $400 million to Amtrak to operate these trains and then them having to pay $100 million of that for one accident? This will bankrupt Amtrak, and it will also end this elimination of these dangerous grade crossings.

Other countries do not have this problem for two reasons. One is the government owns the tracks, and the people of those countries have chosen to use taxpayer money to eliminate the grade crossings. Now we have done that between Washington and New York. That is the long-term solution. That is the solution that we ought to both join in.

We are both interested in one thing. We do not want people hurt; we do not want people injured. The long-term solution is for this government to eliminate more grade crossings and to put more money into that.

Between Washington and New York, there is not a single grade crossing, so there will not be any grade-crossing accidents. Between New York and Boston, there are 13 grade crossings. Between Birmingham and Atlanta, Birmingham being in my district, there are 400 grade crossings. The answer is not this amendment; the answer is cleaning up some of those grade crossings.

Mr. Chairman, I want to make one final point. The gentleman from Pennsylvania [Mr. SHUSTER] I think said it all when he said, we are not making these grade crossings any safer with this legislation, because most of the trains over those tracks are freight trains, and this amendment and this bill has no application to those.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BACHUS] has expired.

(On request of Mr. SHUSTER, and by unanimous consent, Mr. BACHUS was allowed to proceed for 2 additional minutes.)

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

Mr. SHUSTER. Mr. Chairman, I would point out that in the committee the bill originally had a ban on punitive damages, zero, and we thought we had negotiated a compromise here, so we agreed to drop that ban and put in its place $250,000. So I am a bit disappointed that in thinking we were coming to the floor today with a compromise, and had we known there was not going to be an agreement with what we thought was an agreement, then we would not have put this in, and of course, that matter perhaps can be corrected in conference.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, let me just say to the gentleman from Pennsylvania [Mr. SHUSTER] that probably I am the culprit here. The gentleman did have, as I understand it from the gentleman from Illinois [Mr. LIPINSKI], a deal in committee; but as Mr. LIPINSKI also said, there are others of us who are not on the committee who have amendments; and at the last minute I, quite frankly, decided that this was something that I personally wanted to do, to bring this amendment to the floor of the House of Representatives which each of us has the right to do. So do not blame anybody on the committee for what I have done, please, because that is not the case.

Mr. BACHUS. Mr. Chairman, reclaiming my time, I want to say this. The amendment of the gentlewoman I think was meant to apply to freight railroads, but this bill and this limitation only applies to passenger trains, and I think there is a lot of confusion there.

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

Mr. BACHUS. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I want to emphasize that I totally respect the gentlewoman's right to offer any amendment she wants. I was not referring to any Member's right. I was referring to the committee members on both sides of the aisle, who I thought would come to the floor united in support of the bill and in opposition to these kinds of amendments.

Mr. BACHUS. Mr. Chairman, reclaiming my time, I would say to the gentleman from Pennsylvania that when the amendment came up, I was

one of the ones that said, we do need to raise the limitations.

PARLIAMENTARY INQUIRY

Mrs. COLLINS of Illinois. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Mrs. COLLINS of Illinois. Mr. Chairman, when I offered the amendment, I reserved the balance of my time, and I would like to ask now how much time did I reserve?

The CHAIRMAN. The gentlewoman cannot reserve time under the 5-minute rule.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the gentlewoman be given an additional 2 minutes.

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

There was no objection.

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman from Pennsylvania for his kindness.

Mr. Chairman, let me say that I wanted to point out that my amendment applies to the Amtrak bill that we are working on now, not to the freight legislation whatsoever.

□ 1245

I wanted to say two more things. First of all, I feel that this Congress is not the judge and the jury. That is why we have tort laws in our courts, so that people, the jurors and the judges, can make some decisions about these kinds of matters. I do not think that 535 Members of Congress can do this on an individual basis, nor should we. That is why we have those laws in place that have worked ever since we have had tort legislation. Now we have the responsibility to change it, but I think we ought to change it with a great deal of thought in mind before we do so.

Let me say one other thing. The statements have been made that my amendment will bankrupt Amtrak. My amendment is not going to bankrupt Amtrak. The bills that we pass that underfund Amtrak might bankrupt Amtrak, but not this amendment. This amendment is not going to bankrupt Amtrak at all.

Finally, let me say this. This is a good amendment. Believe me, it should be passed. If we have feelings for Americans who are suffering because of accidents that they have incurred while on Amtrak, I think that they should have the benefit of the doubt. They should have the benefit of a fair judicial system to award them the kind of damages that they deserve.

Mr. BACHUS. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, I am somewhat confused. You have used the analogy of a CSX freight train hitting a pickup truck.

Mrs. COLLINS of Illinois. Reclaiming my time, I have a better one than that.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 2 additional minutes.)

Mrs. COLLINS of Illinois. Mr. Chairman, on September 22, 1993, Amtrak's Los Angeles to Miami Sunset Limited jumped the CSX-owned track it was traveling on while crossing a bridge in Mobile and plowed into a bayou, submerging a number of passenger cars. Forty people died in this catastrophe, and approximately 150 were injured. This accident was the worst in the history of Amtrak.

Mr. BACHUS. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, that accident occurred in my home State. It was a passenger train. This legislation would apply to that, but I would point out to the gentlewoman that it would reimburse each of those passengers not only for the loss of their lives but for any permanent injuries, for any medical expenses, for any lost wages, and in addition to that punitive damages and noneconomic damages with a cap, under this legislation.

I would further say that that train was running by command of Congress over that freight line.

Mrs. COLLINS of Illinois. Mr. Chairman, reclaiming my time, I also reaffirm my comments that this is a good amendment and it should be supported.

Mr. BACHUS. I would ask for one last point of clarification.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has again expired.

Mr. BACHUS. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Without objection, the gentleman from Alabama is recognized for 1 additional minute.

There was no objection.

Mr. BACHUS. Mr. Chairman, I would urge all Members to realize that this legislation that we are voting on applies only to passenger trains. Yet this amendment that is being offered puts liability on not only passenger trains but also the freight companies. It is a wide-reaching amendment and it applies to the freight company. If the gentlewoman wants to stand up and say that this does not impose liability on the freight line, she needs to do so at this time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois [Mrs. COLLINS].

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

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 239, not voting 29, as follows:

[Roll No. 830]

AYES—164

Andrews
Baesler
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flanagan
Foglietta
Ford
Fox
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hoyer
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—239

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ensign
Everett
Fawell
Fields (LA)
Fields (TX)
Flake
Foley
Forbes
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hunter

Hutchinson	Myrick	Shays
Hyde	Neumann	Shuster
Inglis	Ney	Sisisky
Johnson (CT)	Norwood	Skeen
Johnson, Sam	Nussle	Smith (MI)
Jones	Orton	Smith (NJ)
Kasich	Oxley	Smith (TX)
Kelly	Packard	Smith (WA)
Kim	Parker	Solomon
Kingston	Paxon	Souder
Klug	Payne (VA)	Spence
Knollenberg	Peterson (FL)	Stearns
Kolbe	Petri	Stenholm
LaHood	Pickett	Stockman
Largent	Pombo	Stump
Latham	Porter	Talent
LaTourette	Portman	Tanner
Leach	Pryce	Tate
Lewis (CA)	Quillen	Taylor (MS)
Lewis (KY)	Quinn	Taylor (NC)
Lightfoot	Radanovich	Thomas
Linder	Ramstad	Thornberry
Livingston	Regula	Tiahrt
Longley	Riggs	Traficant
Lucas	Roberts	Upton
Manzullo	Roemer	Vucanovich
McCollum	Rogers	Walker
McCrery	Rohrabacher	Wamp
McHugh	Ros-Lehtinen	Watts (OK)
McInnis	Roth	Weldon (FL)
McIntosh	Roukema	Weldon (PA)
McKeon	Royce	Weller
Metcalf	Salmon	White
Meyers	Sanford	Whitfield
Mica	Saxton	Wicker
Miller (FL)	Scarborough	Wolf
Molinari	Schaefer	Young (AK)
Montgomery	Seastrand	Young (FL)
Moorhead	Sensenbrenner	Zeliff
Morella	Shadegg	Zimmer
Myers	Shaw	

NOT VOTING—29

Abercrombie	Hostettler	Rose
Ackerman	Johnston	Stupak
Borski	Kennelly	Tauzin
Chapman	King	Torkildsen
Costello	Laughlin	Torricelli
Crane	Maloney	Tucker
Ewing	Manton	Volkmer
Hastert	Markey	Waldholtz
Herger	McNulty	Walsh
Hinchey	Moran	

□ 1308

The Clerk announced the following pair:

On this vote:

Mr. Costello for, with Mr. Hastert against.

Messrs. FARR, RAHALL, GILLMOR, SKAGGS, DINGELL, and Ms. JACKSON-LEE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. 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. NADLER: Page 11, after line 11, insert the following new section:

SEC. 209. TRACKAGE RIGHTS FOR FREIGHT TRANSPORTATION.

Section 24904 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''rail freight or'' in paragraph (6);

(B) by striking ''and'' at the end of paragraph (7);

(C) by striking the period at the end of paragraph (8) and inserting in lieu thereof ''; and''; and

(D) by adding at the end the following new paragraph:

''(9) consistent with safety and with priority for intercity and commuter rail passenger transportation, make agreements for rail freight transportation over rights-of-way and facilities acquired under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), notwithstanding and provision of law or contractual provision restricting the ability of Amtrak to enter into such an agreement.''; and

(2) in subsection (c) (1) and (3), by inserting ''or (9)'' after ''subsection (a)(6)''.

Mr. NADLER. Mr. Chairman, this amendment is vitally important to the States of New York, Connecticut, and Rhode Island, and affects virtually no one else in the country one way or the other. This amendment seeks to bring competitiveness and viability to the rail freight industry in the northeast corridor, especially north and east of New York City.

Amtrak owns the northeast corridor tracks. Conrail, by reason of a 1976 contract signed at a time when both Conrail and Amtrak were totally owned entities of the Federal Government, in other words, this contract was signed between one Assistant Secretary of Transportation and another one down the hall; by reason of this contract, Conrail has had an exclusive easement in perpetuity, forever, for freight usage of the northeast corridor tracks.

The major problem that this causes is that Conrail, with minor exceptions, does not utilize this privilege north of New York City and prevents anyone else from using the northeast corridor for freight, leaving an entire region effectively barred from rail freight service.

□ 1315

Taking advantage of its exclusive easement agreement, Conrail, with minor exceptions, does not allow any other rail freight carrier to use these tracks for freight. This monopoly privilege was purchased from the American taxpayer for the whopping price of $1. While the rest of the country enjoys competition in transportation, this produces the fact that 38 percent of all freight in the country is carried by rail. But in the region of New York City, Westchester and Putnam Counties, Long Island, Rhode Island and Connecticut, rail freight accounts for only 2.4 percent of traffic. In that geographic area, only 2.4 percent of freight travels by rail, compared to 40 percent in the country as a whole. This is caused to a large extent by the monopoly Conrail has and its refusal to service freight east of the Hudson River south of Boston.

The lack of rail freight service to these areas compels us to bring our freight by truck to and from Conrail terminals in northern New Jersey. This classic monopoly conduct, in which they say ''bring your business to us, we will not go to your shippers and manufacturers and ports and companies,'' this classic monopoly conduct greatly increases shipping costs, congestion, wear and tear on our roads, and pollution in the entire region, and increases the cost of doing business.

The majority in this Congress has been seeking the free market. Should we not allow private competition to give consumers a choice, to give them lower prices, and a better standard of living. This is our chance to bring competition in transportation services to the region east of the Hudson River.

This amendment quite simply opens up the possibility of competition for rail freight service to the northeast. It accomplishes this by saying ''Amtrak may, not shall, may, consistent with safety and with priority for intercity and commuter rail passenger transportation, make agreements for rail freight transportation over rights-of-way and facilities, et cetera.''

By allowing competition into the Northeast corridor, the area's economy, as well as the bottom lines of Amtrak and other rail freight carriers, which could be Conrail, if they so choose, could benefit enormously.

Mr. Chairman, this amendment mandates nothing. It simply opens up what is currently a monopoly area to open and fair competition. This unreasonable monopoly power is the result of another government give away to big business courtesy of the U.S. taxpayer. In the spirit of the free market, I urge my colleagues to vote against this amendment.

Mr. Chairman, there are several arguments against this amendment which are bogus. Let me summarize them very quickly.

First, this is a hazard to safety in the Northeast corridor, to the safety of commuter or passenger transportation. Nonsense, for two reasons: First, 50 years ago, in the 1940's, the Pennsylvania Railroad carried three times as much passenger transportation on the corridor as at present, the same number roughly of commuter transportation, and huge freight traffic, with no problems. Today we have sunk over $1 billion, I believe, of Federal money into improving the corridor. It is in much better shape. We can handle the traffic. We do not have that traffic on the corridor now. So there are no safety problems.

Second, Amtrak, which runs the passenger operations, by the terms of this amendment, Amtrak controls the track, we give them permission to allow freight transportation in the corridor. We do not tell them they must. They are in charge of the passenger transportation. They will not make any deals that would hazard the safety of the passengers that they run.

The other major argument that is made is we should not break a contract. Conrail and Amtrak made a contract giving Conrail an exclusive monopoly on freight usage of the northeast corridor forever, and we should not break it.

There are three answers to that. First, in the interests of the public in three great States, we should. The public in three States suffers from this monopoly. Second, this bill breaks other contracts, labor contracts. Why should this contract be sacred?

Third, more important than those two arguments, this is not a real contract. Conrail is now a private company, like any other private company. Amtrak, according to this bill, in a couple years will be a private company. When this contract was signed, both of them were wholly-owned subsidiaries of the Federal Government. So the so-called contract was an agreement between one finger of the Federal hand and the other finger of the Federal hand, an agreement between the Federal Government and itself. Why should it now bind two private companies?

In summation, Mr. Chairman, this amendment is important to the economy of the Northeast, of the State of Connecticut, New York and Rhode Island, and hurts nobody, and I urge my colleagues to support it.

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

Mr. Chairman, I strongly oppose this amendment for several reasons. Before I get into those reasons, I am sure the gentleman did not want to misstate something when he said that this bill we bring before the House today in other places breaks labor contracts. That is not true. One of the most significant aspects of this legislation is that we do not break existing labor contracts. That is why we have such a longer period of time in which there can be negotiations, and that is why labor felt so strongly that they did not want the labor contracts broken. We agreed with that. So this bill does not break labor contracts.

But more to the point of the amendment before us, this is a contractual agreement between two corporations, Conrail and Amtrak, both held at the time by the Federal Government, but, nevertheless, two corporate entities, a contractual agreement which would be broken by this amendment.

It is very important to emphasize that Conrail owned this track. Conrail had exclusive rights in perpetuity over this track. And it was only because the Federal Government said ''You have got to give the ownership over to Amtrak'' that Conrail did so. As part of this agreement, the agreement was that Conrail would continue to have exclusive freight rights over that trackage, rights which they always had had because it was indeed Conrail's track.

Now, the Nadler amendment could also reverse efforts to minimize freight traffic on the Northeast corridor. Currently there are over 1,000 commuter trains per day on the corridor. Listen to what the distinguished former president of Amtrak had to say about this, Graham Clayton, the former president of Amtrak:

''If we are to effectively prevent passenger train accidents caused by freight traffic on the line between New York and Washington, we must eliminate the intermixture on the same right-of-way of heavy freight trains and high speed passenger commuter operations. It is not only feasible, but necessary if we are really to solve all aspects of the problem permanently and definitely.''

We had a debate on the last amendment that dealt with the problems of safety. Here we have the former highly respected president of Amtrak saying that having any freight on that corridor is a safety problem.

So the gentleman's amendment now would open it up to more freight. We want to minimize that, because we want to continue to focus on increasing the safety in the Northeast corridor.

So for all of those reasons, it is important that we defeat this amendment, because if we do not defeat this amendment, we will be making it possible to load up more freight on an already jammed up corridor. We will be creating safety problems, and we will be abrogating contracts that Conrail entered into.

Mr. Chairman, for all of those reasons I strongly urge defeat of this amendment.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. NADLER]. The gentleman is without a doubt one of the most involved, knowledgeable, dedicated members of the Subcommittee on Railroads. The gentleman has identified a regional problem affecting freight rail service in the New York metropolitan area.

Today there is only one railroad that provides freight service on Amtrak's Northeast corridor. It seems logical that an area of such economic importance as the Northeast corridor would have service from more than one single railroad. But the exclusive use agreement that was granted to Conrail gives it no competition on Amtrak's Northeast corridor.

The Nadler amendment would allow other railroads the use of the Northeast corridor. Competition certainly makes sense to me, and I urge support of this amendment.

Mr. Chairman, I would also like to say that I concur with the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the full committee, that there are no labor contracts being broken in this bill. I am quite sure that the gentleman from New York [Mr. NADLER], because of his anxiety of presenting this amendment, misspoke, and I am sure if he has another opportunity the gentleman will correct the RECORD in regard to that.

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

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

Mr. CLEMENT. Mr. Chairman, I thank the gentleman for yielding.

I want to commend the gentleman from New York [Mr. NADLER] for offering this amendment today. I believe it raises a very important issue about access onto Amtrak rail right-of-way. The issue is should Amtrak track be made available to others? In this case, freight railroads want access on Amtrak's track to ship their goods. Certainly one would think it is in the public interest to allow such access.

Alternatively, should privately owned track be made available for passenger service if it is in the public interest and, if so, should we require freight railroads to provide the access?

I do not have the answers today, but as the class I railroads merge and we are left with just a few companies controlling 75 percent of the track in this country, maybe it will be necessary for Congress to take a closer look at what is happening in the industry. As we consider the committee's hearing schedule next year, I would ask the gentlewoman from New York [Ms. MOLINARI] to consider taking a closer look into the issue of access. I know that there are other Members who share my concerns.

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman from Tennessee for his support of this amendment. I would just like to say in conclusion we are in the day of trying to privatize. We are in the day of advocating free enterprise. Competition in this amendment will create competition for probably the largest economic area in the entire United States of America.

So I urge all Members to support the Nadler amendment.

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

Mr. Chairman, the gentleman from New York brings to us an amendment that just makes a lot of practical sense. It is an amendment that addresses an issue regional in nature. It does not apply to the rest of the United States, but it is of intense local interest and importance.

Conrail has an agreement with Amtrak under which Conrail has exclusive right to provide freight service on Amtrak's tracks in the Northeast corridor. Conrail is not using that authority to provide freight service to New York and parts of Connecticut and southern New England. The amendment of the gentleman from New York would permit, it would not require, Amtrak to grant rates to other freight carriers when consistent with safety and when consistent with the needs of passenger service.

Conrail has written in opposition to the gentleman's amendment, making the thrust of its argument a safety concern. But the gentleman's amendment says very clearly that Amtrak may grant rights to other freight carriers when such grant of authority is consistent with safety and when it is consistent with the needs of Amtrak's own requirement to provide passenger service.

This is not a mandate, this is not a requirement. It is permissive authority. Why Conrail would be opposed to that is beyond me.

The main argument the gentleman from New York makes is that improved service to New York City and Connecticut will result if Amtrak has authority to grant rights to other freight railroads to use that corridor. Now, the

Federal Government has invested already substantial sums of money in improving the Northeast corridor where portions of that corridor are going unused because of monopoly rights held by Conrail. The gentleman would not, I know, have offered this amendment if it would abrogate an agreement between private parties.

□ 1330

As he has already pointed out, this really is an agreement between two arms of the Federal Government. In fact, two branches within the same department of the Federal Government. It makes sense. It is permissive authority. It will offer an opportunity for improved service and use of now unused track authority.

Mr. Chairman, I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I thank the distinguished gentleman. I would simply like to add a comment in response to the comment of the distinguished chairman from Pennsylvania where he read from Mr. Claytor's—Amtrak's then President Claytor—testimony at a hearing that we must eliminate the intermixture on the same right-of-way of heavy freight trains and high speed passenger and computer operations.

As a general rule, Mr. Chairman, that is true, but there are things such as road-railer freight operations. I will not go into what that is, but it is not heavy freight but it is freight. It is these truck trailers with retractable rail wheels, which we could use on the corridor, which can go 75 or 80 miles an hour and which have a low center of gravity and which present no safety concerns and no problems mixing with passenger transportation at all. In addition to which they do not have to be on the same track. Even slow freight trains, as long as they are on a different track, we have no problem, even if it is the same right-of-way.

Having said that, Mr. Chairman, the key to this amendment is that Amtrak, which owns the track, would have the ability to make those decisions, subject to whatever safety regulations the Federal Rail Administration, et cetera, sets up. We are not mandating them. We are saying Amtrak may do this. We are simply asking that three States, New York, Connecticut, and Rhode Island, be given the opportunity to talk to Amtrak, to talk to freight railroads, and maybe we will get some rail freight service for that entire region of 15 or so million people that has no rail freight service and needs it for economic benefits.

Mr. Chairman, I urge my colleagues to vote for this amendment so that we can have the freedom to talk to Amtrak.

Mr. OBERSTAR. Mr. Chairman, again I urge support of the gentleman's amendment.

Mr. MARTINI. Mr. Chairman, I rise in opposition to the Nadler amendment.

This is a safety issue, my colleagues.

If passed, increased freight traffic on the Northeast corridor will result in a much more dangerous arrangement on an already crowded stretch of track, and will place the lives of thousands of commuters and rail workers in jeopardy every day.

The corridor already handles about 1,100 trains each day, almost 90 percent of which are commuter trains.

The heavy volume of traffic makes safety the top priority and ever since the tragic accident between a freight train and a commuter train in Chase, MD, that killed 16 people, the freight companies that operate on the line have been very careful to operate as often as possible during off hours when commuter trains are not running.

Thankfull there has not been a repeat of the Chase incident.

But opening up the track to greater amounts of freight traffic would only make it more difficult to keep the freight and commuter traffic apart, and would invite disaster again.

You will see more and more trains line up on the same crowded track, and another Chase accident will become increasingly likely.

This is not a wise amendment, and I urge my colleagues to vote against it.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 249, not voting 22, as follows:

[Roll No. 831]

AYES—161

Abercrombie
Andrews
Baesler
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Browder
Brown (CA)
Brown (FL)
Bryant (TX)
Chrysler
Clay
Clayton
Clement
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Everett
Farr
Fawell
Fazio
Fields (LA)
Filner
Flake
Forbes
Ford
Frank (MA)
Franks (CT)
Frisa
Frost
Furse
Gephardt
Geren
Gibbons
Gonzalez
Graham
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Heineman
Hilliard
Hoyer
Jackson-Lee
Johnson (CT)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kildee
Kolbe
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Martinez
McCarthy
McDermott
McKinney
Meehan
Meek
Meyers
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Myrick
Nadler
Neal
Oberstar
Obey
Olver
Owens
Parker
Pastor
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Richardson
Rivers
Roemer
Rohrabacher
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Spratt
Stark
Stokes
Studds
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Yates

NOES—249

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Coyne
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Fattah
Fields (TX)
Flanagan
Foglietta
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson, E. B.
Johnson, Sam
Jones
Kelly
Kennedy (RI)
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Morella
Murtha
Myers
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Paxon
Payne (NJ)
Peterson (FL)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—22

Ackerman	Hostettler	Moran
Borski	Kennelly	Stupak
Chapman	King	Torkildsen
Costello	Laughlin	Tucker
Dicks	Maloney	Walsh
Ewing	Manton	Wilson
Hastert	Markey	
Hinchey	McNulty	

□ 1350

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Ewing against.
Mr. Markey for, with Mr. Hastert against.

Messrs. NUSSLE, REED, WYNN, and COOLEY changed their vote from ''aye'' to ''no.''

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I take this time for the purpose of doing a colloquy with the distinguished chairman of the committee over a situation that I know has arisen in a community in my district, and I think affects some other communities as well.

In this particular case there is a bridge in the borough of Parksburg, PA, that the Pennsylvania Public Utility Commission regards as being in such a state of disrepair that they have ordered the town to demolish the bridge. Parksburg is probably going to have to bear the expense and cost of the demolition of the bridge, but the problem is that because it crosses Amtrak tracks, Amtrak is coming in and saying that you have to pay them for review of the plans for demolition, for flagmen, and all kinds of costs.

It is my understanding that in the bill as presently drafted, there are provisions that would say that instead of Amtrak having to use its own personnel for activities, that in fact these things can be contracted out. In the case of Parksburg, this could mean some of the savings. We are talking about the difference between $250,000 and $1 million to demolish the bridge.

Mr. Speaker, I would ask the gentleman if he could confirm for me that in fact one of the beneficial aspects of the contracting-out language may well be that in communities such as this that are facing these kinds of enormous costs connected with the present situation, Amtrak might well find some relief.

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

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would say first, the gentleman is correct. Section 101 repeals the current contracting-out prohibition so Amtrak would be able to go out and contract out and presumably get a more competitive price; but beyond that, it is quite possible that in addition to that, the community you referred to, or any community, would have a cause of action against Amtrak if, indeed, the costs were excessive. If the job could be done for $250,000 but Amtrak was saying it cost $1 million, it seems to me that there may be a cause of action that the community might have.

Mr. WALKER. I thank the gentleman very much, because the situation is just one that is almost mind-boggling in its characteristics, because it costs $250,000 to knock the bridge down, but almost three times that much for Amtrak to review the plan and do the kinds of things Amtrak is involved in.

The contracting-out language may well be a case where it can help this small community and others like it across the country that face similar kinds of situations. I thank the gentleman very much and I appreciate what he has done in his bill.

The CHAIRMAN. Are there any other amendments to the bill?

AMENDMENT OFFERED BY MR. REED

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

The Clerk read as follows:

Amendment offered by Mr. REED: Page 39, after line 18, insert the following new section:

SEC. 702. ADMINISTRATIVE FUNDS REDUCTION.

Of the funds provided in Public Law 104–50, under the heading ''National Railroad Passenger Corporation Operating Losses'', $9,250,000 is rescinded. This reduction shall be allocated entirely against Amtrak's administrative expenses in its headquarters and Northeast Corridor Strategic Business Unit.

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

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

There was no objection.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I raise a point of order against the amendment, in that it violates clause 7 of rule XVI, which rules that the amendment must be related to the pending subject matter, and the amendment is not germane.

Mr. REED. Mr. Speaker, I would like to be heard on this point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island.

□ 1400

Mr. REED. Mr. Chairman, as I stated, my amendment is a straightforward cut of 5 percent in Amtrak's administrative funds. I am concerned that, while this bill asks for many sacrifices on the part of blue-collar Amtrak workers, it may not make the same demands on Amtrak management.

With this need for shared sacrifice in mind, I would urge my colleagues to support the cutting of Amtrak's administrative account by a very small 5 percent, which is approximately $9 million in fiscal year 1995.

Mr. Chairman, I believe my amendment is fair. It does not ask Amtrak management to do anything beyond what Amtrak's management has asked of its workers. I urge my colleagues to support it.

The CHAIRMAN. The Chair is prepared to rule. The bill authorizes appropriations for Amtrak and revises the statutory authorities under which it operates. The amendment rescinds appropriations made available for Amtrak in the Transportation Appropriation Act for Fiscal Year 1996. A proposal to rescind funding provided in an appropriation act falls within the jurisdiction of the Committee on Appropriations and, as such, is not germane to this authorization bill.

The Chair sustains this point of order.

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

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

Mr. REED. Mr. Chairman, I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I would say that we do recognize the State of Rhode Island's concerns, and we have written the Federal Railroad Administration in an effort to address the concerns of the gentleman, and the issue will be addressed during the subcommittee hearing next year. We do insist on the point of order. I understand what the gentleman is trying to do.

Mr. REED. Mr. Chairman, I thank the gentleman from Virginia [Mr. WOLF], who has been a strong supporter of my State and has been very helpful, and I know he will take this into consideration and make the right judgment in the months ahead.

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

Mr. Chairman, I would like to engage in a colloquy with my distinguished colleague from Illinois, Mr. LIPINSKI, who played a very important role in the drafting of this legislation, along with the gentleman from Pennsylvania, Mr. SHUSTER, the chairman of the committee, and other members of the Committee on Transportation and Infrastructure.

My question is with section 503 of the bill and the changes it would mandate to the Amtrak Board of Directors.

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

Mr. MASCARA. I yield to the gentleman from Illinois.

Mr. LIPINSKI. Mr. Chairman, I will be very happy to discuss this issue with the gentleman.

Mr. MASCARA. Mr. Chairman, I would say to the gentleman, section 503 of the bill would replace the current Amtrak Board of Directors with an entirely new board or with a director general if the new board were not fully constituted within 60 days of the enactment of the legislation.

It is my understanding that the current board has performed quite ably. Based on the experience of the gentleman, Mr. LIPINSKI, on the subcommittee and his work with Amtrak,

could the gentleman comment on the present board's commitment and dedication to Amtrak and a restructuring of its operations?

Mr. LIPINSKI. Mr. Chairman, if the gentleman would yield to me, the present Amtrak board has done an excellent job in providing guidance to the corporation during these difficult financial times.

Last year, Amtrak was faced with a $200 million shortfall. Rather than come to the Congress for supplemental appropriations, as has been the past practice of the board, this board worked with Amtrak management to undertake the painful cuts necessary to make Amtrak live within its means.

These efforts were successful because Amtrak finished fiscal year 1995 with a $15 million cash balance. This board has demonstrated its ability to make the tough decisions.

Within the last year, train miles have been reduced 20 percent and employment has been reduced by 8 percent. Clearly, this board is up to the challenge of moving Amtrak off its dependence on Federal operating subsidies.

Mr. MASCARA. Mr. Chairman, reclaiming my time, I agree with the assessment of my colleague of the current accomplishments of the board. I recognize that this is a compromise bill and that we need to move the bill through the House without delay so that we will be able to conference with the Senate when it has finished action on this bill. Nonetheless, I believe the accomplishments of the current board should be recognized and that we should not be removing successful and knowledgeable leadership at the same time we are providing Amtrak with the tools it needs to carry out the restructuring. I would hope that this will be one of the issues that receives careful consideration during the conference.

Mr. LIPINSKI. Mr. Chairman, if the gentleman would continue to yield, I certainly agree with the gentleman that we should carefully evaluate this during our conference with the Senate, and I thank the gentleman for the colloquy.

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUSTER: Page 38, line 12, strike ''$10,000,000'' and insert in lieu thereof ''$2,300,000''.

Mr. SHUSTER. Mr. Chairman, this is a typical amendment pertaining to the Penn Station amendment. This is to keep the authorization level from Penn Station redevelopment to a maximum total of $100 million.

Because the NHS bill included partial funding for the Penn Station redevelopment after we had reported this Amtrak bill, total authorizations for the project would have exceeded $100 million. That was not our intent, and we are offering this amendment to reduce that total authorization and to correct this situation.

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

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I have a technical inquiry on the chairman's technical amendment. Can the gentleman tell us what the resulting outlays will be with this reduction in budget authority?

Mr. SHUSTER. Mr. Chairman, reclaiming my time, it will be a total of $7.6 million, if it is appropriated. Of course, there will be nothing if it is not appropriated.

Mr. OBERSTAR. Mr. Chairman, if the gentleman will continue to yield, the reduction in budget authority is $7.6 million.

Mr. SHUSTER. Mr. Chairman, in response to the gentleman from Minnesota, I would say not budget authority, but authorization.

Mr. OBERSTAR. Mr. Chairman, if the gentleman will yield further, yes, that is budget authority. Appropriations, or actual outlays, could be substantially less than that, or they could be the same amount.

Mr. SHUSTER. Mr. Chairman, it could be zero, depending on what the Committee on Appropriations does.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman from Pennsylvania. I just wanted to get an understanding of where we are.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HEFLEY

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

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

Page 37, line 19, strike ''(1)''.

Page 37, line 23, through page 38, line 2, redesignate subparagraphs (A) through (E) as paragraphs (1) through (5), respectively.

Page 38, line 4, insert closing quotation marks and a period after ''of this title.''.

Page 38, lines 5 through 19, strike paragraph (2).

Mr. HEFLEY. Mr. Chairman, I originally had two amendments, one which would have made sure that we were putting Amtrak on a glidepath to getting rid of the Federal subsidy, and the committee has done that, and I want to commend the gentlewoman from New York [Ms. MOLINARI] and the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee, for doing that. So I withdraw that amendment.

Mr. Chairman, I am proud of the Republican majority. We are in the midst of passing legislation which will balance the Federal budget in 7 years. Not since 1969 has that happened. I am proud of the Republican majority, and I am proud of many of my colleagues on the other side of the aisle that think this is important.

It is not easy to balance the budget. We are all finding that we have had to make some tough choices on what this country's priorities must be. Each and every time we authorize a single dollar, we have had to ask the question, should the Federal Government be involved in this? If the answer to that question is yes, then we ask another question: Can we afford it?

There are many expenditures that the Federal Government never should have made, but there have been a host of other items that we would love to fund if we had the money. But the fact is, we just cannot afford many of them.

That is why I need to be able to go back home, as all of us do, and tell our constituents that we think the priorities set in Congress were priorities we believe in, I need to be able to defend why one program was cut and another authorized.

That is why I have to offer this amendment. I simply cannot go back home and defend authorizing almost $4 million over 4 years, even with the technical amendment which we just passed here, for a train station in New York that has already received, and I wish my colleagues would listen to this, it has already received $60 million in taxpayer money, and that many people argue is not even necessary.

I am not going to argue whether the train station should be moved from its current location at the Farley Post Office. Only the local community can answer that. But I must disagree that with these lean budget times we should tell the American people that one of our priorities is a project to move a train station across the street where bigger and better shops can be built to create a Union Station atmosphere in New York City. It will be tough enough to tell them that legislation has already been signed into law this year that provides this project $26 million.

The National Highway System legislation was able to creatively include funding for this project. In fact, one Member of this Chamber described the efforts of Senator MOYNIHAN as a masterful use of the process in getting that money allocated.

Supporters of the Penn Station project may tell you the current location is rundown and unsafe, but that is why the Transportation appropriation legislation appropriated $20 million to Amtrak and Penn Station for important life safety improvements. So that makes $46 million so far this year.

Here we are in lean budget times and one train station gets not only $20 million to improve its current home but another $26 million to help build its new home. Except for my colleagues from New York, I am not sure there is anyone in this Chamber that can look their constituents in the eye and tell them this should be a priority project.

Supporters of the project will also tell you that this is a $315 million project, and only $100 million is asked for from the Federal Government. Where is the other money coming from? Some $115 million is coming from private investors that, to the best of my knowledge, have not anted up a

dime; another $75 million from the State of New York, who has not appropriated a dime; and New York City, whose $25 million contribution is really only $8 million so far. How much more will this black hole of taxpayer money receive?

Mr. Chairman, we all need to ask ourselves the question, is the Penn Station project one that the Federal Government should be involved in, and, if it is, can we afford to fund it? I am convinced that each and every Member of this body, if they really look at the budget and what we are trying to do, will answer that question by supporting this amendment and supporting fiscal responsibility in these lean times.

Ms. MOLINARI. Mr. Chairman, I rise in strong opposition to the Hefley amendment.

Mr. Chairman, let me just state that this is not a New York-specific project we are talking about. The northeast corridor between Washington, DC, and Boston, which passes through New York City, is Amtrak's most traveled route. Ten million passengers a year, nearly half of Amtrak's annual ridership, travels on this route.

Penn Station serves not only Amtrak passengers but Long Island Railroad, New Jersey Transit and New York City subway passengers as well. Five hundred thousand passengers pass through Penn Station every day. That is more passengers than many of Amtrak's routes support annually.

Penn Station is in a current deplorable state. Conditions are crowded, and traffic will soon exceed the capacities of current facilities. In addition, there have been nine major fires or emergencies since 1987, and the New York City Fire Department has identified many inadequacies in the current safety systems that need to be addressed.

Let me just state for the record, however, we have spent the last few months on appropriations and authorizations bills dealing with the situations that confront States all over this country. This Chamber has nearly unanimously agreed on spending tens of billions of dollars on highway projects throughout this Nation. We have spent hundreds of billions of dollars on airport projects throughout this Nation.

That is OK for many Members in this Chamber, but come to an urban area that does not have the highways and does not have the airports, and then all of a sudden it is no longer a Federal responsibility to deal in transportation, because it is a transportation system that perhaps is not available in other areas of the country. Well, highways are not available in New York City to the extent that they are in many, many urban and rural areas in the country.

So in the spirit of fairness I say, rejuvenating and renovating Penn Station helps tourism in America, it helps Amtrak, it helps local commuters, and it creates a sense of parity between those people who come to this Chamber and support the appropriations of billions of dollars of highway, bridges, airport improvement funds, so that we can, in some urban areas, receive some Federal assistance when it comes to some mass transportation assistance like Penn Station.

Mr. Chairman, I urge strong opposition for this amendment.

□ 1415

Mr. NADLER. Mr. Chairman, I move to strike the last word, and I rise in strong opposition to this amendment. I am also speaking on behalf of the ranking member of the committee and the subcommittee in opposing this amendment.

Let me just say that the gentlewoman from New York expressed most of what I was going to say so I am not going to repeat it.

There is no reason to take this money away from this project. It is an important, worthy project. That it is in my district does not detract from that. It is a very important, worthy project for this entire country.

We spend money on airports, on highways, all over the country. This is the premier jewel of the rail system in this country. It ought to be, and we ought to do what we have to do for Penn Station. I urge my colleagues to vote against this amendment.

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

Mr. Chairman, I will be very brief. An article recently appeared in the National Train Journal which interviewed European tourists who had come to America. The vast majority of them said they wanted to see America by rail, and they were satisfied with Amtrak, and the average tourist, European tourist, spends several thousand dollars here when he comes or when she comes.

What they did criticize Amtrak for were two things. One was on-time performance. The other one was some of the stations. They said the South Bay Station in Boston was a crown jewel. They talked about the station, Union Station. They talked about Philadelphia and Harrisburg, PA, as being outstanding stations.

At the same time they said that some of the stations, and I will not name all of them, they said they were disaster areas. They said they almost turned them off. We are talking about a Pennsylvania station where many of these tourists form their first opinion of our rail transportation and of our country.

If we are going to continue to attract European tourists and Japanese tourists, who feel much the same way, this is money, I think, at least that we ought to consider in making this investment or not making this investment, the fact that that is one major point that they say we do need to improve, and that is our station. This is our most heavily traveled area.

I rise in opposition to the amendment.

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

Mr. Chairman, I rise in support of the Hefley amendment. I think this is a good amendment, and if not now, when? If not us, who?

As a gentleman from New York, I have to tell you that it is a new time, it is a new place. We are supposed to be ferreting out this kind of excessive spending, spending particularly that is without need.

In New York, we have just seen a state-of-the-art renovation to the train station there, and I would say that the Hefley amendment is well-timed and it is necessary. We do not need this kind of pork. I would move in support of the Hefley amendment and ask my colleagues to embrace it.

Ms. LOWEY. Mr. Chairman, as a great New Yorker, Yogi Berra, once said, ''This is like deja vu all over again.''

Time and time again we have debated this issue on the floor. We have gone back and forth and back and around.

Frankly, it's time for these gratuitous attacks on Penn Station to stop.

Seventy-five million passengers pass through Penn Station every year—that's 500,000 passengers a day. Penn Station is Amtrak's busiest station in the country. In fact, it serves more than 40 percent of all of Amtrak's passengers nationwide. It is also the hub for the New York City Transit System, the Long Island Railroad, and New Jersey transit. But Penn Station is falling apart. It's dark, it's dangerous, and within 10 years the station is projected to exceed its maximum pedestrian occupancy level.

In order to address this situation, the Federal Government, the State of New York, and New York City have embarked on a cooperative plan to rebuild Penn Station. This project enjoys bipartisan support, including that of Senators MOYNIHAN and D'AMATO, Gov. George Pataki, and Mayor Guiliani.

And despite all the roadblocks put up in our way we are almost there.

So why has Penn Station generated such fierce opposition?

Opponents of the Penn Station project don't like it because it's in New York. Plain and simple. We have learned time and time again that New York bashing is always in season here in Washington. We know that our friends on the other side of the aisle just can't help themselves—New York is just too inviting a target.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The amendment was rejected.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. INGLIS of South Carolina) having assumed the chair, Mr. ALLARD, 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. 1788) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, pursuant to House Resolution 284, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the 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.

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

Mr. SHUSTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 406, nays 4, not voting 22, as follows:

[Roll No. 832]

YEAS—406

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
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
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
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
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
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)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
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
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—4

Beilenson
Bereuter
Flake
Watt (NC)

NOT VOTING—22

Ackerman
Borski
Chapman
Costello
Ensign
Ewing
Hastert
Hinchey
Hostettler
Kennelly
King
Laughlin
Lincoln
Maloney
Manton
Markey
McNulty
Moran
Stupak
Torkildsen
Tucker
Walsh

□ 1441

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 1788, the bill just passed.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2539, ICC TERMINATION ACT OF 1995

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. SHUSTER, CLINGER, PETRI, COBLE, Ms. MOLINARI, and Messrs. OBERSTAR, RAHALL, and LIPINSKI.

As additional conferees from the Committee on the Judiciary, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. HYDE, MOORHEAD, and CONYERS.

There was no objection.

□ 1445

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. LIVINGSTON. Mr. Speaker, notwithstanding the order of the House of November 14, 1995, I ask unanimous consent that the veto message of the

President to the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes, together with the accompanying joint resolution, be referred to the Committee on Appropriations.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Louisiana [Mr. LIVINGSTON] would explain to the House the effect of his motion.

Mr. LIVINGSTON. If the gentleman would yield, Mr. Speaker, as the gentleman will recall, shortly after the President vetoed the second continuing resolution, the House acted to postpone to a date certain further consideration of the veto message. That date was December 1, this Friday.

Since then, we have had a successful negotiation with the administration regarding the content of a continuing resolution that takes us through December 15 and a resolution of the language regarding the President's commitment to a balanced budget in 7 years. So I am pleased to say no further action on the veto of the continuing resolution is necessary, and that is why I am proposing to refer the message to the Committee on Appropriations, effectively putting this chapter of the debate behind us. I hope everyone would support this request.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT, FRIDAY, DECEMBER 1, 1995, TO FILE CONFERENCE REPORT ON H.R. 2076, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow, December 1, 1995, to file a conference report on 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 SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1350, THE MARITIME SECURITY ACT OF 1995

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–375) on the resolution (H. Res. 287) providing for consideration of the bill (H.R. 1350) to amend the Merchant Marine Act, 1936 to revitalize the U.S.-flag merchant marine, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 2667

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. DAVIS], the gentleman from Virginia [Mr. WOLF], and the gentlewoman from Maryland [Mrs. MORELLA], be removed as cosponsors of H.R. 2667, a bill which I had introduced.

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

There was no objection.

PRIVILEGES OF THE HOUSE—REQUEST FOR REPORT FROM COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT REGARDING COMPLAINTS AGAINST SPEAKER

Mr. JOHNSTON of Florida. Mr. Speaker, I rise to a question of the privileges of the House on behalf of myself and the gentleman from Florida [Mr. PETERSON], and I offer a privileged resolution (H. Res. 288) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas the Committee on Standards of Official Conduct is currently considering several ethics complaints against Speaker Newt Gingrich;

Whereas the Committee has traditionally handled such cases by appointing an independent, non-partisan, outside counsel—a procedure which has been adopted in every major ethics case since the Committee was established.

Whereas—although complaints against Speaker Gingrich have been under consideration for more than 14 months—the Committee has failed to appoint an outside counsel;

Whereas the Committee has also deviated from other long-standing precedents and rules of procedure; including its failure to adopt a Resolution of Preliminary Inquiry before calling third-party witnesses and receiving sworn testimony;

Whereas these procedural irregularities—and the unusual delay in the appointment of an independent, outside counsel—have led to widespread concern that the Committee is making special exceptions for the Speaker of the House;

Whereas the integrity of the House depends on the confidence of the American people in the fairness and impartiality of the Committee on Standards of Official Conduct.

Therefore be it resolved that;

The Chairman and Ranking Member of the Committee on Standards of Official Conduct should report to the House, no later than December 12, 1995, concerning:

(1) The status of the Committee's investigation of the complaints against Speaker Gingrich;

(2) the Committee's disposition with regard to the appointment of a non-partisan outside counsel and the scope of the counsel's investigation;

(3) a timetable for Committee action on the complaints.

The SPEAKER pro tempore. The resolution states a question of privilege.

MOTION TO TABLE OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion

The Clerk read as follows:

Mr. ARMEY moves to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARMEY].

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

RECORDED VOTE

Mr. ARMEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 170, answered ''present'' 9, not voting 35, as follows:

[Roll No. 833]

AYES—218

Allard	Ehlers	Lewis (CA)
Archer	Ehrlich	Lewis (KY)
Armey	Emerson	Lightfoot
Bachus	English	Linder
Baker (CA)	Everett	Livingston
Baker (LA)	Fawell	LoBiondo
Ballenger	Fields (TX)	Longley
Barr	Flanagan	Lucas
Barrett (NE)	Foley	Manzullo
Bartlett	Forbes	Martinez
Barton	Fowler	Martini
Bass	Fox	McCollum
Bateman	Franks (CT)	McCrery
Bereuter	Franks (NJ)	McDade
Bilbray	Frelinghuysen	McHugh
Bilirakis	Frisa	McInnis
Bliley	Funderburk	McIntosh
Blute	Gallegly	McKeon
Boehlert	Ganske	Metcalf
Boehner	Gekas	Meyers
Bonilla	Gilchrest	Mica
Bono	Gillmor	Miller (FL)
Brownback	Gilman	Molinari
Bryant (TN)	Goodlatte	Moorhead
Bunn	Goodling	Myers
Bunning	Graham	Myrick
Burr	Greenwood	Nethercutt
Burton	Gunderson	Neumann
Buyer	Gutknecht	Ney
Callahan	Hancock	Norwood
Calvert	Hansen	Nussle
Camp	Hastings (WA)	Oxley
Canady	Hayworth	Packard
Castle	Hefley	Parker
Chabot	Heineman	Paxon
Chambliss	Herger	Petri
Christensen	Hilleary	Pombo
Chrysler	Hoekstra	Porter
Clinger	Hoke	Portman
Coble	Horn	Pryce
Coburn	Houghton	Radanovich
Collins (GA)	Hunter	Ramstad
Combest	Hutchinson	Regula
Cooley	Hyde	Riggs
Cox	Inglis	Roberts
Crane	Istook	Rogers
Crapo	Johnson, Sam	Rohrabacher
Cremeans	Jones	Ros-Lehtinen
Cubin	Kasich	Roth
Cunningham	Kelly	Roukema
Davis	Kim	Royce
Deal	Kingston	Salmon
DeLay	Klug	Sanford
Diaz-Balart	Knollenberg	Saxton
Dickey	LaHood	Scarborough
Doolittle	Largent	Schaefer
Dornan	Latham	Seastrand
Dreier	LaTourette	Sensenbrenner
Duncan	Lazio	Shadegg
Dunn	Leach	Shaw

Shays	Talent	Watts (OK)
Shuster	Tate	Weldon (FL)
Skeen	Tauzin	Weldon (PA)
Smith (MI)	Taylor (NC)	Weller
Smith (NJ)	Thomas	White
Smith (TX)	Thornberry	Whitfield
Smith (WA)	Tiahrt	Wicker
Solomon	Traficant	Wolf
Souder	Upton	Young (AK)
Spence	Vucanovich	Young (FL)
Stearns	Waldholtz	Zeliff
Stockman	Walker	Zimmer
Stump	Wamp	

NOES—170

Abercrombie	Gephardt	Ortiz
Andrews	Gibbons	Orton
Baesler	Gonzalez	Owens
Baldacci	Gordon	Pallone
Barcia	Green	Pastor
Barrett (WI)	Gutierrez	Payne (NJ)
Becerra	Hall (OH)	Payne (VA)
Beilenson	Hall (TX)	Peterson (FL)
Bentsen	Hamilton	Pickett
Berman	Harman	Pomeroy
Bevill	Hastings (FL)	Poshard
Bishop	Hefner	Rahall
Bonior	Hilliard	Rangel
Boucher	Holden	Reed
Brewster	Hoyer	Richardson
Browder	Jackson-Lee	Rivers
Brown (CA)	Jacobs	Roemer
Brown (FL)	Jefferson	Rose
Brown (OH)	Johnson (SD)	Roybal-Allard
Bryant (TX)	Johnson, E.B.	Rush
Clay	Johnston	Sabo
Clayton	Kanjorski	Sanders
Clement	Kaptur	Schroeder
Clyburn	Kennedy (MA)	Schumer
Coleman	Kennedy (RI)	Scott
Collins (IL)	Kildee	Serrano
Collins (MI)	Kleczka	Sisisky
Conyers	Klink	Skaggs
Coyne	LaFalce	Skelton
Cramer	Lantos	Slaughter
Danner	Levin	Spratt
de la Garza	Lewis (GA)	Stark
DeFazio	Lipinski	Stenholm
DeLauro	Lofgren	Stokes
Dellums	Lowey	Studds
Deutsch	Luther	Tanner
Dicks	Mascara	Taylor (MS)
Dingell	Matsui	Tejeda
Dixon	McCarthy	Thompson
Doggett	McHale	Thornton
Dooley	McKinney	Thurman
Doyle	Meehan	Torricelli
Durbin	Meek	Towns
Engel	Menendez	Velazquez
Eshoo	Mfume	Vento
Evans	Miller (CA)	Visclosky
Farr	Minge	Ward
Fattah	Mink	Waters
Fazio	Moakley	Watt (NC)
Fields (LA)	Mollohan	Waxman
Filner	Montgomery	Williams
Foglietta	Murtha	Wise
Ford	Nadler	Woolsey
Frank (MA)	Neal	Wyden
Frost	Oberstar	Wynn
Furse	Obey	Yates
Gejdenson	Olver	

ANSWERED ''PRESENT''—9

Cardin	Johnson (CT)	Sawyer
Goss	McDermott	Schiff
Hobson	Pelosi	Wilson

NOT VOTING—35

Ackerman	Hayes	Moran
Borski	Hinchey	Morella
Chapman	Hostettler	Peterson (MN)
Chenoweth	Kennelly	Quillen
Condit	King	Quinn
Costello	Kolbe	Stupak
Edwards	Laughlin	Torkildsen
Ensign	Lincoln	Torres
Ewing	Maloney	Tucker
Flake	Manton	Volkmer
Geren	Markey	Walsh
Hastert	McNulty	

□ 1509

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

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from California [Mr. DREIER] for the purpose of discussing the schedule for next week.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, this vote marks the end of legislative business for the evening and for the week.

For next week, we plan on a pro forma session on Monday, December 4. There will be no legislative business that day.

On Tuesday, December 5, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business to take up a number of bills under suspension of the rules. I won't read through the bills now, but Members should be advised that a list will be distributed to their offices this afternoon.

The suspensions are as follows:

H.R. 33, Stuttgart National Aquaculture Research Center Act of 1995;

H.R. 1253, renaming San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge;

H.R. 255, designating the James Lawrence King Federal Justice Building;

H.R. 395, designating the Bruce R. Thompson U.S. Courthouse and Federal Building;

H.R. 653, designating the Thurgood Marshall U.S. Courthouse;

H.R. 840, designating the Walter B. Jones Federal Building and U.S. Courthouse;

H.R. 869, designating the Thomas D. Lambros Federal Building and U.S. Courthouse;

H.R. 965, designating the Romano L. Mazzoli Federal Building; and

H.R. 1804, designating the Judge Isaac C. Parker Federal Building.

Members should also be advised that we do expect votes soon after 2 p.m. on Tuesday, December 5.

After consideration of the suspensions on Tuesday and for the balance of the week, we expect to consider the following bills, all of which will be subject to rules:

H.R. 1350, the Maritime Security Act of 1995;

The conference report for H.R. 2076, the Commerce, Justice, State & Judiciary Appropriations Act for fiscal year 1996;

The conference report for H.R. 2099, the VA, HUD Appropriations Act for fiscal year 1996;

The conference report for H.R. 1058, the Securities Litigation Reform Act;

The conference report for H.R. 1868, the Foreign Operations Appropriations Act for fiscal year 1996;

The conference report for H.R. 1977, the Interior Appropriations Act for fiscal year 1996;

The conference report for H.R. 2546, the District of Columbia Appropriations Act for fiscal year 1996; and

H.R. 2668, the Social Security earnings limit increase.

Mr. Speaker, that should give us a pretty action-packed week, and I thank my friend for yielding.

Mr. LEWIS of Georgia. Mr. Speaker, let me say to my friend and colleague from California that we received a schedule that indicated votes every weekday until December 15. We have not kept to that schedule exactly. In order to help Members plan better, could the gentleman tell us what he expects in terms of votes next Friday?

Mr. DREIER. If the gentleman will yield, I appreciate his comments, and, as he knows, we are trying to move as expeditiously as possible, but there are so many questions that at this point remain as we try to adjourn for the year that we cannot say for certain as to how closely we will be able to adhere to that schedule.

Mr. LEWIS of Georgia. Mr. Speaker, I appreciate that from my friend, but also, in light of the coming holiday season, does he have a sense yet for the schedule after December 15?

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, at this point there are just so many questions that remain, we are hoping to see a budget agreement, we are hoping to see a wide agreement of other things, and until those are resolved we do not know what the schedule will be after the 15th.

Mr. LEWIS of Georgia. I thank the gentleman, Mr. Speaker.

ADJOURNMENT TO MONDAY, DECEMBER 4, 1995

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON TUESDAY, DECEMBER 5, 1995

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, December 4, 1995, it adjourn to meet at 12:30 p.m. on Tuesday, December 5, 1995 for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday

rule be dispensed with on Wednesday next.

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

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT FRIDAY, DECEMBER 1, 1995, TO FILE REPORT ON H.R. 2684, SOCIAL SECURITY EARNINGS LIMIT INCREASE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight tomorrow, Friday, December 1, 1995, to file a report to accompany H.R. 2684, Social Security earnings limit increase.

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

There was no objection.

MAKING TECHNICAL CORRECTIONS IN RULES OF THE HOUSE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order, without intervention of any point of order, to consider in the House the resolution (H. Res. 254), making technical corrections in the Rules of the House of Representatives; that the amendments recommended by the Committee on Rules now printed in the resolution be considered as adopted; and that the previous question be considered as ordered on the resolution, as amended, and on any further amendment thereto, to its adoption, without intervening motion or demand for division of the question, except a further amendment, if offered by the chairman of the Committee on Rules or his designee, and one hour of debate on the resolution, as amended, and on any further amendment thereto, equally divided and controlled by the chairman and ranking minority member of the Committee on Rules.

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

There was no objection.

□ 1515

Mr. DREIER. Mr. Speaker, I call up the resolution (H. Res. 254) making technical corrections in the Rules of the House of Representatives, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Pursuant to the order of the House of today, the amendments printed in House Report 104–340 are adopted.

The text of the resolution, as amended, is as follows:

H. RES. 254

Resolved, That the Rules of the House of Representatives are amended as follows:

(1) In clause 3 of rule III, insert ''as may be requested by such State officials'' after ''the legislature of every State''.

(2) In clause 3(d) of rule VI, insert ''the minority leader,'' after ''the majority leader,''.

(3) In clause 1(k)(8) of rule X, strike ''the Defense'' and insert ''Defense''.

(4) In clause 1(o)(2) of rule X, strike ''and (its'' and insert ''(and its''.

(5) In clause 3(e) of rule X, strike ''and nonmilitary nuclear energy and research and development including the disposal of nuclear waste''.

(6) In clause 3(h) of rule X, strike ''energy'' and insert ''energy, and nonmilitary nuclear energy and research and development including the disposal of nuclear waste''.

(7) In clause 2(l)(5) of rule XI, strike ''(excluding Saturdays, Sundays, and legal holidays)'' and insert ''(excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)''.

(8) In clause 2(l)(6) of rule XI, strike ''the third calendar day, excluding Saturdays, Sundays, and legal holidays'' and insert ''the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)''.

(9) In the designation of clause 3 of rule XI, insert ''and Meetings'' after ''Hearings''.

(10) In clause 3(f) of rule XI, amend the matter before subparagraph (1) to read as follows:

''(f) Each committee of the House shall adopt written rules to govern its implementation of this clause. Such rules shall include provisions of the following effect:''.

(11) In clause 6(b)(2) of rule XI, strike ''This paragraph'' and insert ''Subparagraph (1)''.

(12) In clause 4(a) of rule XIII, place the period after the designation of the ''Corrections Calendar'' inside the closing quotation mark.

(13) In clause 4(b) of rule XIII—

(A) insert ''shall be'' before ''debatable'';

(B) insert ''and'' before ''shall not be subject to amendment''; and

(C) strike ''committee, and the previous question'' and insert ''committee or a designee. The previous question''.

(14) In clause 4(c) of rule XIII, strike ''members'' and insert ''Members''.

(15) In clause 9 of rule XVI, strike ''bills raising revenue, or''.

(16) In clause 7 of rule XXI, strike ''(excluding Saturdays, Sundays, and legal holidays)'' and insert ''(excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)''.

(17) In clause 5(c) of rule XXIII, strike ''section 424(a)(1) of the Unfunded Mandate Reform Act of 1995'' and insert ''section 424(a)(1) of the Congressional Budget Act of 1974''.

(18) In clause 2(a) of rule XXVIII, strike ''(excluding any Saturday, Sunday, or legal holiday)'' and insert ''(excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)''.

(19) In clause 2(b)(1) of rule XXVIII, strike ''(excluding any Saturday, Sunday, or legal holiday)'' and insert ''(excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day)''.

(20) Clause 4 of rule XLIII is amended to read as follows:

''4. A Member, officer, or employee of the House of Representatives shall not accept gifts excepted as provided by the provisions of rule LII (Gift Rule).''.

(21) The last undesignated paragraph of rule XLIII of the Rules of the House of Representatives is repealed.

SEC. 2. EFFECTIVE DATE.

The amendments made by the first section of this resolution shall be effective on the date of the adoption of this resolution except that paragraphs (20) and (21) of that section shall be effective on January 1, 1996.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. MOAKLEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DREIER].

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

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

Mr. Speaker, debate on House Resolution 254 should not take more than a few minutes, because the resolution makes technical and conforming changes to reflect the intent of the amendments adopted in the 104th Congress.

January 4, 1995, ushered in the era of the reform Congress when the House of Representatives approved sweeping changes to the rules under which the House previously operated. That legacy of reform continued this month with adoption of a gift ban resolution and lobbying disclosure reform.

Also this year, the House approved changes in House rules to discourage the imposition of unfunded Federal mandates on State and local governments, and to establish a Corrections Calendar.

As a result of these changes, a number of duplicative provisions and grammatical and typographical errors need to be corrected to ensure that the rules of the House reflect their true intent. In addition, the resolution clarifies a number of longstanding parliamentary interpretations to ensure consistency of parliamentary practice in the House.

House Resolution 254 is not intended to address any of the controversial aspects of House rules. I understand the minority's concerns regarding the three-fifths vote requirement on tax rate increase, subcommittee assignment limits, and committee meetings while the House is considering amendments under the 5-minute rule. Chairman SOLOMON and I will be undertaking a comprehensive review of all of the House rules in a continuing effort to improve deliberation and accountability, and I look forward to working with my colleagues in the minority on the effort.

In the meantime, Mr. Speaker, it is important that we make these technical and conforming corrections to the rules of the House to reflect the intent of changes adopted this year.

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

AMENDMENT OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DREIER: Page 4, insert after line 25 the following:

(22) Clause 1(c) of rule LII, as in effect January 1, 1996, is amended by adding at the end the following:

''(22) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

''(23) An item of nominal value such as a greeting card, baseball cap, or a T-shirt.''.

Page 5, line 4, strike ''and (21)'' and insert '', (21), and (22)''.

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

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

There was no objection.

Mr. DREIER. Mr. Speaker, the amendment makes two technical changes to the gift ban rule that was adopted by the House on November 16. These changes were inadvertently left out of the Gingrich-Solomon amendment to institute a tougher gift ban than the one contained in House Resolution 250. This amendment simply reinstates the exemptions for donations of home State products intended primarily for promotional purposes, and items of nominal value, such as greeting cards and baseball caps. The Gingrich-Solomon amendment was not intended to force Members to return Christmas cards to our constituents.

Mr. Speaker, I am informed that the gentleman from Massachusetts [Mr. MOAKLEY] has been detained, but has no objections to the resolution or the amendment.

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

The SPEAKER pro tempore. Pursuant to the order of the House of today, the previous question is ordered on the resolution and the amendment.

The question is on the amendment offered by the gentleman from California [Mr. DREIER].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CHRISTMAS GIFT DRIVE FOR CHILDREN OF DISTRICT PRISONS AND LORTON REFORMATORY

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. WOLF. Mr. Speaker, a group of Members, Republicans and Democrats, have gotten together to try to urge congressional offices and others to donate a Christmas present for the children of residents of D.C. Lorton Reformatory or District jail. This is a program under the auspices of Prison Fellowship and Chuck Colson and a number of offices and congressional wives are doing it.

Mr. Speaker, I would urge any Member or staff that is watching to call the office of the gentleman from Kentucky [Mr. BUNNING] or the office of the gentleman from Ohio [Mr. HALL], or my office, or call the Prison Fellowship office at 265–4544 to donate a gift for children of parents who are serving either in D.C. Lorton Reformatory or District jail at this time of the year.

If these children do not receive a gift this way, many will not receive anything.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

[Mr. ABERCROMBIE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

DO NOT SEND TROOPS TO BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, today American troops are in Bosnia. There are approximately 10 troops in Bosnia already, Mr. Speaker. By the end of the week, it will be 700. By the end of the year, probably 35,000 directly involved and 140,000 indirectly involved.

Today, Secretary Christopher, Secretary Perry, and General Shalikashvili came to the Committee on National Security to try to convince Congress to support the commitment to place ground troops in Bosnia. Soon, we here in Congress will be asked to support an agreement that we not only had no input in drafting, but also repeatedly have expressed our opposition to.

Mr. Speaker, the American public and Congress is opposed to placing troops in Bosnia. To those that are in support of placing troops in Bosnia, I think that they will be subject to change when we see the first widow handed a flag at a grave side next to their children whose eyes will be filled with tears.

Mr. Speaker, it is a very serious issue. There may be an agreement between those involved in the crisis over in Bosnia, and I have a copy of that agreement that was signed in Dayton, OH, on November 21. It was signed for the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia. In this agreement, Mr. Speaker, there is no requirement for U.S. troops. Nowhere does it call out that United States troops must be on the ground in Bosnia.

If there is no written requirement for troops being on the ground in Bosnia, why are we there? Today Secretary Christopher said, ''We are going to place troops on the ground in Bosnia because of our commitment to NATO.'' That is why we are placing troops there. Further, he said if we do not lead in this matter by placing troops on the ground in Bosnia, no one in the international community will ever follow the lead of America again.

Mr. Speaker, I respectfully disagree with Secretary Christopher, because there is no written requirement in this agreement to place troops. I do submit that there are ways that we can lead in the effort to stop the atrocities that are occurring in Bosnia by other means. We can lead within this agreement. We can lead without placing ground troops in Bosnia. We can lead through air support, as we have done in the past. We can lead through logistical support and we can lead through intelligence gatherings and through provisions of hardware, through strategy.

In closing in the presentation that is going to be made by General Shalikashvili, he said that this operation is going to be tough and we must be prepared for casualties. We must be prepared for casualties. What is the acceptable level of casualties, general? Mr. President? The American public? Congress? What is the acceptable level of casualties? Is it 1,000 a week of young men and women, of Americans dying? Is it 250 per week?

Mr. Speaker, I do not know what that answer is, but I do know what the answer is in Kansas; what the people of Kansas are telling me. They are telling me that the acceptable level of casualties in Bosnia of United States men and women is zero. No casualties. That is what is acceptable, yet we are sending in troops now and they are going to be in harm's way.

Recently, I heard General Schwarzkopf talk about his lessons learned in Vietnam. No. 1, there is no such thing as a limited war. What we are entering into is allegedly peacekeeping. It is more like peacemaking. It may become an occupation. It will probably be termed as a limited war when the fighting starts.

Mr. Speaker, there are 45,000 to 60,000 Serbs who are opposed to this agreement. Our troops will be landing at Tuzla, within 1 mile of Serb positions, within mortar range. When those aircraft come on final approach, they will be in harm's way. There are Azerbaijan troops, which are Moslems, 4,000, who also do not agree with this peace agreement.

The second thing that General Schwarzkopf said is there must be a clear mission. I do not think that has been established.

The third is never, never put troops in a conflict without the support of the American public. Mr. President and Mr. Secretary, we do not have the support of the American public and we do

not have the support of the Congress. Let us not send troops to Bosnia.

REMOVE THE ETHICAL CLOUD FROM THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DOGGETT] is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, the question this afternoon is how long our Republican colleagues will be able to hold the lid down on the pressure cooker, the pressure cooker of the desires of the people of this country to see justice, to see the ethical cloud removed from the operations of this Congress.

Today, we have seen that it will take a little bit longer, for, for the second time, this Congress has refused to even discuss in the light of day whether a committee of this Congress should come forward and tell us what it has been doing for the last 14 months with regard to charges concerning the Speaker of the House.

Mr. Speaker, I believe that our Republican colleagues can hold that pressure cooker lid down. They can stand on it. They can sit on it. They can jump up and down on it. But sooner or later, enough people in this country are going to care about the operations of this House and the ethics of this House that they are going to demand a report and demand action.

We see the same concern with reference to the broader issue of the way all Members, the Speaker, myself, every Member of this institution, gets to this body with reference to the cost of campaigns.

All over this country, people are expressing their concern about the operation of the campaign finance system. I think they are pleased that despite the Speaker, we moved forward and banned gifts from lobbyists to Members of this Congress. They are pleased that despite the Speaker holding at his desk for month, after month, after month, a lobby reform bill, there was finally enough pressure built up that the lid came off that pressure cooker and we passed a lobby reform bill this week, despite his effort.

Now, Mr. Speaker, the big issue is campaign finance reform and whether there will be enough public interest to do something about that. The Speaker shook hands with President Clinton back in June in New Hampshire. They smiled at each other, it was a nice moment, and agreed that they would do something about campaign finance reform and what did they do? Well, the Speaker waited from June until November and then he came along and said, ''You know what we need is a commission to study this.'' A stall commission to delay it past the next election. Then the Speaker went on to elaborate in testimony in front of a committee of this House that what we need is not less money in the political process; we need more money. The Speaker said there is less money going into all these campaigns than the equivalent of two antiacid campaigns.

□ 1530

I think that is enough to give Americans heartburn, as they think about the future of our political system and the ethics of our system. If they had reason for concern, they certainly have reason for concern today when they look at papers across this country and reports about the improper activities of GOPAC, a committee that—essentially the ''go'' in GOPAC meant it was OK to go beyond the law.

In fact, after reading these stories, I now understand why it is that the Speaker thinks we need more money in the political process, that we are not spending enough on campaigns. That is because he has had a little more all along. He has had a little more through an organization called GOPAC that did not bother to comply with the Federal election laws, that according to the documents filed by the Federal Election Commission in Federal court here in Washington, apparently spent a quarter of a million dollars to benefit him in his reelection campaign a few years ago, an election campaign that he just barely made it back to this Congress, a pretty nice sum of additional money, maybe enough to promote antacid in Georgia, but certainly enough to get a person reelected outside and improperly, under our laws.

Let me just speak a little bit about those court documents and quote from some of them. The Federal Election Commission told the Federal judge here in Washington:

> Hiding the identity of large contributors to organizations associated with elected officials and Federal candidates creates the appearance of corruption and makes enforcement of the act's other provisions unnecessarily difficult.

This is exactly what GOPAC did. I am quoting the FEC on this.

It did it for the avowed purpose of electing a majority of Republicans to the U.S. House of Representatives.

GOPAC's failure to register and file disclosure reports creates the appearance of corruption, and it is that appearance of corruption that the American people are learning about and eventually, no matter how many people you put on top of that pressure cooker, that lid is going to explode, and the demands of the American people for justice on this matter are going to be realized.

I refer again to the documents filed in Federal court here by the Federal Election Commission. It said that, unlike the Republican National Committee and the other two Republican Party committees, where Gingrich's idea might be too controversial, GOPAC could be as bold as it wanted to be, and its only restriction was whether or not its donors wanted to keep donating.

The only restriction on this issue is whether the American people will speak up firmly enough to demand we have justice both on the ethics charges against the Speaker and on the need to see that this kind of GOPAC big spending is ended.

The SPEAKER pro tempore (Mr. WHITE). Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

[Ms. DELAURO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

D.C. FISCAL PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, this is day 16 of my countdown to December 15. I will be here every day we are in regular session.

Next Wednesday, there is a hearing on the D.C. Fiscal Protection Act. I am here to protect the District of Columbia from another shutdown on December 15. I am here to protect 600,000 residents who are not parts of a Federal agency but tax-paying citizens of the Capital City of the United States, who got shut down in the last shutdown, even though they had no part in the struggle between the Congress and the Executive.

I thank the gentleman from Virginia [Mr. DAVIS], who is a cosponsor of the D.C. Fiscal Protection Act which will get its hearing next Wednesday. The act has been well named; fiscal protection because the District of Columbia needs to be protected from any further blows to its fiscal health. Surely I do not need to tell my colleagues that the District is in delicate condition. There is a control board which is seeking to help the District return to financial solvency.

A shutdown of the District for the second time simply puts the city in the hospital. The Congress wants the opposite. If it indeed expects the opposite to occur, it must take action to make sure there is no shutdown.

Mr. Speaker, when the Federal Government shut down, for most Americans there was no direct hit, even though there was very direct inconvenience; and where there might have been something approaching a direct hit, the Congress took action to protect Americans and, I might add, to protect Members from the wrath of Americans, such as the exceptions that were passed to allow workers on Social Security to come to work.

The District of Columbia, on the other hand, was hit in three direct ways, three direct hits. First, the District Government was shut down. Second, District residents had their vital services wiped out and could not receive them. Finally, Federal employees who work in the District had to remain home.

Let me say a word about Federal employees today. I have not talked about them as much in past days. This is a home of the Federal Government. Of course, it follows that our largest employer is the Federal Government and, therefore, we have a disproportionate number of employers, about 60,000, who were forced to stay home on forced administrative leave. These are some of the most stable employees. We are trying hard to keep them.

Imagine what they might be thinking now: ''At least if I lived in the suburbs, if they shut down the Federal Government, my vital services would still be available to me.''

Please help us keep our tax-paying residents. If we have to shut down, give us an exception for D.C. employees. Let me say what has happened to these employees. The effect on them is simply intolerable. Because of the District's financial crisis, they have already given back 12 percent of their income to the city last year and took 6 furlough days. This year our unionized employees will give back 3 percent to the city and have 6 more furlough days. Would my colleagues like to tell folks like that that they might risk not getting their pay or that they probably will get their pay but they have to stay home and let backlogs of work build up?

What about my cops, the cops who are now working straight time, not overtime, on the weekends and at night? These sacrifices are being made by D.C. employees at a time when the American standard of living has been stable or going down for two decades. Front-line services, from trash collection to day-care centers that happen to be in libraries, were closed because libraries were closed.

There was a plethora of services that were closed for business, vital services, services that keep the residents alive and going. One of the most vital actions that was closed down, however, had to do with the multiyear plan which is due here in early February, the plan that is central to reviving the District. If we missed that deadline, there will be howls throughout this body.

Virtually all Members directly involved recognize that something has to be done, and I thank them all. I thank the Speaker for recognizing it and telling me that he thought something special should be done for the District if we shut down the Federal Government. I thank Mr. DAVIS for the hearing coming up and for his cosponsorship of my bill. The gentleman from New York, [Mr. WALSH], our subcommittee chairman, recognizes it as well. He is now with the President heading a bipartisan delegation, as he is in this House, Chair of Friends of Ireland. I applaud that. I have no objection to his going and applaud opportunities for Members to work together like this in a bipartisan line.

I hope he comes back not only as a friend of Ireland but as enough of a friend of the District of Columbia so that we can guarantee that the city will not be closed down December 15.

BOSNIA POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise today to discuss our Bosnia policy. In the past 4 years, nearly 250,000 people have been killed in that war-torn region, 2 million people have become refugees. Atrocities have been committed that have truly shocked the world.

The region has been a tinder box for European instability for centuries. Thus the peace agreement agreed to by the Presidents of Bosnia, Croatia, and Serbia in Dayton, OH is indeed an historic step toward bringing peace and ultimate stability to this region.

However, the deployment of over 20,000 United States troops to Bosnia to enforce the peace raises many questions. One lesson I have learned from history is that when Congress and the President are not at once with the American people, our Nation suffers. First, the Nation must be committed, and only then should we send troops. Sending troops to Bosnia without broader public consensus will prove to be a mistake.

The President's recent efforts to convince the American people fell short of achieving that public support. May I ask, why in this post-cold war era, when our U.S. citizenry has been clamoring for more defense-burden sharing by our allies, has the United States again been asked to assume the central role in resolving this situation, even convening the peace talks in Dayton, OH rather than on the European continent. The short-term cost of U.S. participation will equal $2.6 billion.

This entire matter is a defining moment in U.S. foreign policy in that the United States is being asked to substitute for European resolve in this post-cold war era.

In the NATO nations of Europe, we have thousands of European trained, deployable troops that could be dispatched immediately to Bosnia in the event a final peace accord is signed in Paris. Let me read to you the list of European countries associated with NATO and the number of their combat ready troops. This does not even count their reserve forces:

In Belgium, 63,000 troops. In Denmark, 27,000 troops. In France, 409,000 troops. In Germany, 367,000 troops. In Greece, 159,300 troops. In Italy, 322,300 troops. In Luxembourg, 800 troops. In the Netherlands, 70,900 troops. In Norway, 33,500 troops. In Portugal, 50,700 troops. In Spain, 206,500 troops. In Turkey, 503,800 troops. In the United Kingdom, 254,300 troops, bringing the total NATO active forces to over 2½ million war-ready forces.

Identifying 20,000 ground troops from among these forces would represent less than a 1-percent additional commitment for NATO's European partners to enforce the peace. Is that too much to ask of them? If the United States maintains our logistical and our air support.

The administration has stated that Europe, since 1914, has been unable to effectively maintain the peace and there was no other recourse but for the United States to assume the lead in bringing the warring factions to peaceful resolution. They have urged us not to become isolationists. The truth is, the long-term prospects for peace in this troubled region are very slim. Once the NATO troops withdraw, it will require 50 years of cooling off between the warring factions and maintenance of borders by external forces to give peace a chance. A 1-year quick fix is not going to do it.

Who will commit to that long-term maintenance of peace? And who will pay for it? Is it not time for NATO's European partners to measure up to their common defense? The United States, as a partner in NATO, has a role in logistical and air support, but we should not be sending ground troops to Bosnia. NATO in Europe is perfectly capable of doing that on its own, if it wished to.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

[Mr. FALEOMAVAEGA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

ON BOSNIA AND BUDGET NEGOTIATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, although I am going to be speaking today primarily on the need to balance the budget for the American people, I would like to echo some of the sentiments that the gentlewoman from Ohio just stated before this House, all and all, to those that may be watching at home.

I just returned from a national security meeting where we had the Secretary of Defense, the Secretary of State, and the Chairman of the Joint Chiefs of Staff, General Shalikashvili, coming and testifying before our committee one more time telling us why American troops need to be sent to Bosnia. Unfortunately, while we saw a lot of good charts and saw that General Shalikashvili obviously had done his homework and was going to try to carry this mission out in as impressive a way as possible, unfortunately, there was one question that was not answered over there. That question was,

why? Why are we sending young Americans to get involved in a 1,000-year-old civil war where everybody admits there will be bloodshed and young Americans will die? Why are we doing that?

□ 1545

Is there a vital American interest involved in the Bosnian civil war? Absolutely not, and that is something unfortunately that the administration has not been able to convey to the American people. They have not been able to make their case that getting involved in a three-way civil war halfway across the world is worth the death of young American men and young American women that would be sent to Bosnia.

The fact of the matter is that we in the post-Vietnam era have set up some basic requirements to make sure, to make sure, that before young Americans go to get involved in a war where there will be casualties, and everybody who has testified before the Committee on National Security admits there will be casualties in Bosnia, we set up a framework to make sure that we do not repeat the mistakes of Vietnam.

Remember what happened in Vietnam? The fighting did not just go on in the jungles of Vietnam halfway around the world. The fights went on in the streets of America, and the streets of the Capital, in the Halls of Congress, on college campuses across this country, and what did that do? That undercut American forces' ability to do what they needed to do to win the war in Vietnam. In fact, after the war North Vietnamese generals were quoted in the press as saying, ''We knew we would never win the war militarily in Vietnam, we knew the Americans would continue to rout us in battle after battle after battle. But we knew one thing. If we kept fighting long enough, we would win the war on the streets of America and in the Halls of Congress.''

So what happened? Young Americans, white and black, rich and poor, northern and southern, died in the jungles of Vietnam, and very little was accomplished when the Americans retreated and pulled out of Vietnam.

So in 1980, in the mid-1980's, we came up with a doctrine and said, ''Before we send Americans, we're going to have a few requirements. The first requirement is that there is a vital American interest involved in that war.'' And that is important because, when you are the President of the United States, and you have to pick up the phone and tell a mother and a father that their 18-year-old boy or girl has just died on foreign soil, away from home and away from their country, you better have a good reason, you better be able to explain to them that their son or daughter died for the best interests of the United States of America, and that is that vital American interest that we are all clamoring about, that we are all asking for: What is the vital American interest?

Quite frankly there is none, and the administration in the beginning said that it was because it would look bad to our NATO allies. Mr. Speaker, that is no reason to send Americans off to die. The fact of the matter is the United States is and has been NATO for the past generation. We have protected our NATO allies from the threat of communism, we have provided them with troops, we have provided them with protection, we have gone beyond the call of duty to NATO. Just because we do not get involved in a European civil war that has been going on for almost a thousand years does not mean that we will be traitors to NATO and NATO will kick us out.

The fact of the matter is we are the lone superpower in this world, the lone superpower on the world stage. So that is the first straw man. Second straw man is that this war will somehow explode beyond the borders of Bosnia. Well, in all the testimony we have heard before the Committee on National Security that is also a straw man that has been set up and knocked down. It is just not the case, and a few weeks ago in Philadelphia the Secretary of Defense admitted that this may not be a war in which a vital American interest is at stake. But then they started backtracking, and Time magazine quoted several sources that started saying maybe we do not even need a vital American interest in this post-cold-war world, maybe we can go ahead and send our volunteer troops to die in Bosnia.

Let me tell you that is just—it is sickening to think that we have people here that are willing to allow young Americans to die abroad for an interest that is not even our own.

Certainly it is horrible to see what is going on in Bosnia. I was watching a newscast a few months back, and there was a 7-year-old boy that had literally been blown off his bicycle, and they had him on a stretcher, and he was screaming, ''Please don't cut off my leg, please don't cut off my leg,'' and the news reporter came on and said they did not cut off the young boy's leg, but he died 2 hours later.

Now I have a 7-year-old boy myself, and that touched me, it tore me up, and I thought we have got to do something about it, we have got to stop the killing in Bosnia. There has to be something we can do. We need to send American troops over there.

But then I backed up and started thinking about it and started thinking about the fact that we had said the same thing in Somalia, and what happened? We sent troops over to Somalia, but it was not Somalians 2 months after we sent our troops in dying on TV screens. It was young American GI's who had been beaten, and tortured, and burned, and drug through the streets of Mogadishu.

And what happened? This same emotional impulse that pulled America into the civil war in Mogadishu pulled them back out, and the same emotional response that this administration is feeling right now when we see Bosnians dying on the TV screen, that will cause American troops to be pulled over into the middle of that conflict, it will also pull them back because it would not be Bosnians that we see dying on our TV sets 2 months from now or 3 months from now, it will be Americans, and make no mistake of it. General Shalikashvili just today, 30 minutes ago, testified before our committee that we need to expect casualties, young Americans will die.

And let us personalize this because I have heard a lot of talk from a lot of people over these past few weeks saying, well, it is a volunteer force, it is a volunteer army, they signed up for it, they should not be afraid to go and fight. It is our military, we spend money on our military, they should be willing to go and fight.

Let us make no mistake about it. It is not just a faceless military man or woman that is going to die if we go to Bosnia. It is going to be somebody's son, it is going to be somebody's daughter, or it is going to be a father or mother or somebody. In the class of my 7-year-old boy, he has several friends whose fathers are in the military who are waiting to be called and may be going over to Bosnia, and on December 15 or December 16, when we are all planning for Christmas, and when hopefully I will be able to go home and be with my family, and we can prepare for Christmastime, they are going to be saying goodbye to their fathers, they are going to be saying goodbye to their mothers, they are going to be parents who are going to be crying and kissing their young men and women, their sons and daughters, going to be kissing them goodbye, knowing that they are not going to see them Christmas morning.

And the question we have to ask is why. What is the vital American interest that we have that is worth sending Americans to get involved in a three-way civil war that will certainly end in conflict and will end in Americans' deaths? And I am not saying that we, as Americans, need to be isolationists. I am not an isolationist. There are vital American interests that need to be protected across the globe. But in this case we are not going to be able to make a difference.

Fact of the matter is this civil war has been raging for centuries, and it was brought home in testimony before the Committee on National Security by a general of the United Nations who came to us and said, ''I want you Americans to understand what you are about to get involved in.'' He said to us that he was a monitor for the human rights abuses that went on, and, monitoring those abuses, he said, one morning he had to go out and survey a situation where the Serbs had slaughtered young and old Muslims, and as he saw the young victims and the elderly victims in the ditches of Bosnia, he was surveying the scene and through how horrendous it was.

And a Serb came up to him, and he said, ''It serves them right,'' and the general turned around and said, ''It serves them right for what?''

And the Serb responded, ''It serves them right for what they did to us 600 years ago.''

Then the general paused, and he said to us, ''And you Americans believes that you are going to be able to end a thousand-year-old civil war that you do not even understand in 1 year and with one division.'' He laughed. He said it was not doable.

And the fact of the matter is we have a bipartisan group in the U.S. Congress that is urging the President to please hold back and not send troops until he gets the support of this Congress. The last speaker that was just up was a Democrat. I would guess she votes with the President 80 to 90 percent of the time. But she and several others of her colleagues on the Democratic side realize that this is a war that we cannot win.

This is a situation where young Americans will be sacrificed, and when the press turns bad, and the body bags start coming home, and inside those body bags will be the sons and daughters of Americans, when those body bags start coming home, we will have an emotional response, and we will quickly yank those troops out, and for what? I say today for absolutely nothing. We know we cannot bring about a peace to a country that has been fighting a three-sided civil war for a thousand years, and it is sheer folly and idealism to believe today that we can do that.

Also another important thing we have to take into consideration is public support of a mission. You know then Secretary of Defense Cap Weinberger talked about how the lack of overwhelming public support torpedoed our efforts in Vietnam. It was about a 50–50 split, if I am not mistaken, over having troops in Vietnam. We are not even at 50 percent today. The overwhelming majority of Americans from some of the polls that I have seen recently oppose sending troops to Bosnia.

□ 1600

So what is going to happen? If they are already thinking that right now, what is going to happen a month from now, or 2 months from now, or 6 months from now, when young Americans are killed and taken, paraded through the streets of Bosnia and brought back in body bags? What is going to happen?

Chances are good that we will see what happened in Vietnam. Fighting will erupt in Congress, demonstrations will occur in the streets of America, and we will have a President responding once again based on emotion rather than based on solid, hard military principles.

I have to say again, following up from what the previous speaker said, we should not send troops to Bosnia until the President can convince the overwhelming number of Americans from coast to coast that not only do we have a vital American interest getting involved in a 1,000-year-old civil war, but that interest is so essential to this country that it would damage America directly if we did not send those troops. Those are the questions that the President is going to have to answer.

Outside of Bosnia, we have other issues that are involved, issues that are every bit as important, and every bit as important to where we go as a country in the 21st century. For too long in this Congress we have had Members on both sides of the aisle willing to spend this country deeper and deeper and deeper into debt. Today we are $4.9 trillion in debt.

I spoke of my two boys, my 7-year-old and my 4-year-old. The fact of the matter is both of those boys are $20,000 in debt, as are all of you, and everybody who is watching owes $20,000, if you divide the $4.9 trillion that we owe. It also means that every child born today will have to pay $175,000 in taxes over their lifetime just to pay the interest on the Federal debt, just to pay the interest, $175,000.

When we talk about $4.9 trillion, a lot of people's eyes glaze over. My eyes glaze over. We cannot really begin to fathom how much $4.9 trillion is, but I want you to consider this. Think about this for a second. Starting with the day that Jesus Christ was crucified, if you made $1 million a day from the day that Jesus hung on the cross to today, made $1 million a day over those almost 2,000 years, you could not pay off the national debt that the United States of America now has. Can you fathom that? Do you know, you would have to go through seven more time periods making $1 million a day over seven more time periods, just to pay off the national debt that we owe today?

That is absolutely incredible. Yet, we still have people in this Chamber and in the media and across the United States of America that say, ''Maybe it does not matter whether we balance the budget sooner or later.'' That astounds me. That absolutely astounds me, because let me tell you what is going on here. Let us brush aside all the political rhetoric that you have heard, let us brush aside what the Republicans tell you, what the Democrats tell you, what independent demagogues tell you. Let us just look at the facts.

The fact of the matter is that this is how it works in Washington, DC. One year ago when I was a citizen sitting on my couch in Pensacola, FL, never being elected to the U.S. House of Representatives or to any other position, I had never run for office until a year ago, but the simple fact is this; this is what is happening in the House of Representatives and in the Senate and in the White House: We are stealing money from our children and our grandchildren's pockets to pay off special interests on this bill or that bill, paying out money that we as a Federal Government are not even constitutionally empowered to pay out.

Whatever happened to the words of Thomas Jefferson in our deliberations, where Jefferson said ''that the government that governs least governs best?'' Why have we forgotten the words of the 10th amendment that says:

> All powers not specifically given to the Federal Government are reserved to the States and to the citizens?

And we certainly have forgotten the words of James Madison, one of the Framers of the Constitution, who said:

> We have staked the entire future of the American civilization not upon the power of government, but upon the capacity of each of us to govern ourselves, control ourselves, and sustain ourselves according to the Ten Commandments of God.

Yet, today we have a Federal Government that has ignored these pleas of our Founding Fathers on both sides of Pennsylvania Avenue. They have continued to spend more, they have continued to overregulate, they have continued to punish people for daring to be productive. They have continued to let Federal bureaucracies explode.

This House has continued to allow the Federal Government to step in and tell us how to educate our children and how to protect our communities. It just makes absolutely no sense, but this Congress, after a generation, after 40 years of not being able to balance its budget, this Congress finally passed a Balanced Budget Act for the first time in a generation. What does it do? It makes sure that this Congress does exactly what Americans are required to do by law. That is, spend only as much money as we take in.

Right now, even though given the fact that we are $4.9 trillion in debt, we as a government this past year spent $4 for every $3 that we take in. What happened at the White House when the real crisis came, and we refused to raise the debt ceiling in Congress until the White House committed to balancing the budget, where they simply went in and raided the trust funds of our Federal employees, simply decided that they would go in when it suited them to raid the trust fund of Social Security recipients and to raid the trust funds of Medicare?

Let me ask this, as a rhetorical question. If you were running a business and you were spending $4 for every $3 that your company took in, and you piled up such a massive debt that you decided to raid your employees' retirement funds, what would happen to you? You would be sent to jail. But what has happened in Washington, DC? We have reelected these people for years and years and years.

Up until 1994, when 72 freshmen who campaigned on balancing the budget came to Washington, and we told the Speaker of the House, we told the majority leader, we told the President of the United States, we told everybody who listened that we as a freshman class were going to draw a line in the sand and not allow this Federal Government to continue its runaway deficit spending, that we were going to say

no to higher debts, we were going to say no to higher taxes, we were going to say no to more regulation, we were going to say no for punishing people for daring to be productive, and that we were finally, as a principle, going to stop stealing money from our children and our grandchildren, and it has worked.

We passed the first Balanced Budget Act in a generation's time, but what have we heard? What have we heard from the media? You would think that all of America would rejoice, that the media would come out and say, ''Good job, guys.'' Some have, but unfortunately two many have listened to the scare tactics from the liberals and have listened when they told them that we have massively cut all these programs.

You heard about the massive cuts in Medicare, you heard about the massive cuts in student loans, you heard about the massive cuts in the earned income tax credit, you heard about all these massive cuts in education and environment. I guess as a freshman I did not understand how it worked in Washington, DC, but I figured it out. I am not too good at math, but there is some new math going around in Washington, DC. You see, a spending increase is actually now called a spending cut. I say that because you hear how we are slashing all these programs. You have heard about the draconian cuts, but let us talk real numbers. If you want the budget, call your Congressman or Congresswoman and they will send it to you.

These are the real numbers. Under the Balanced Budget Act of 1995 that the Republicans passed, spending on the following programs will increase. In the school lunch program that we heard that we savaged, spending increases 37 percent, from $4.5 billion to $6.17 billion at the end of our plan.

Under the earned income tax credit, spending increases 28 percent.

In student loans, and how many of us have heard that student loans are going to be cut, in student loans spending increases 48.5 percent, and it increases from $19.8 billion to $25.4 billion in student loans.

Why is the White House angry? Why are the liberals angry? Because we actually want to keep the power in the communities, so students who want to go to college do not have to kowtow to a Federal bureaucracy in Washington, DC, to get student loans. That is what the Clinton administration wants.

They actually want, and they are arguing against history here, they actually wanted to consolidate power in Washington, DC, so if you are a student who wants a student loan you have to come to Washington, to the Department of Education bureaucracy here, and crawl on your hands and knees for a loan instead of getting it in your local community.

Despite the fact that we are spending about 50 percent more under our plan for student loans, they still characterize that as a cut.

Mr. TIAHRT. Mr. Speaker, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Speaker, I think in our effort to balance the budget, we see some honest differences on what money should be spent in education between the States and the Federal Government. I know, as a Member of Congress from Kansas, that our State constitution does have a requirement to educate the children in that State. We have a State board of education, and through State funding it provides 94 percent of the funding requirements and the needs of the children to get a public education for Kansas. So where does the authority come to override that constitution in the State of Kansas?

There are some things we could do, I think, as niceties, and providing student loans is one I advocate. I was able to go through college on student loans, as was my wife, and I am glad to see we are supporting student loans in a strong fashion. But to say that kids will not be educated if the Federal Government does not take that role is somewhat misleading. I think it is a violation of the 10th amendment; where States can provide that need, I think we should allow them to provide it.

In your home State of Florida, I know they have a magnificently large building that would house the Department of Education or whatever it is termed in Florida; and again, they have plenty of requirements there to meet the needs of the children in Florida.

So I guess what I am saying is that there is an honest difference when it comes to Federal spending for education that we have with the liberals. We think that the States have that responsibility through their constitutions, and I am unable to find that requirement in the Federal Constitution that I have sworn to uphold.

Mr. SCARBOROUGH. I would say to the gentleman, the fact of the matter is he mentioned the 10th amendment. All powers not specifically given to the Federal Government and in the Constitution are reserved to the States and the citizens. Read the Constitution of the United States. There is no mention of a Federal role in having an education bureaucracy to micromanage education at the State and local level.

Then read the constitutions of all 50 States. Did you know all 50 State constitutions have contained in them provisions for the States controlling education? That is why, as you know, I have introduced a bill that 120 people have cosponsored, including most of our leadership, I think all of our leadership, to abolish the Department of Education bureaucracy and send all those education dollars back home, send them back to the communities. So instead of a bureaucrat in Washington, DC, educating my children and your children, we will have parents, teachers, principals, school boards, and communities empowered to make choices about education, because our Founding Fathers envisioned this country as being a nation of communities and a nation of families and a Nation of individuals who could be empowered to control their own life, and not have those decisions made by a highly centralized Federal bureaucracy.

Mr. TIAHRT. If the gentleman will continue to yield, going back to Kansas again, we do have recent legislation that addressed the concern that Kansas had that their students were not getting the quality of education that they would like. If they looked at test scores, there was a degradation in test scores, and they passed measures called quality performance accreditation, QPA. It has been very volatile, very controversial, but it was in fact duplicative of what is going on with American Goals 2000.

□ 1615

So now we have a Federal entity in the Department of Education, as I join with the gentleman to abolish, duplicating the effort of the State board of education in Kansas and duplicating paperwork, duplicating effort, duplicating, all under the guise of getting a world-class education for our students. So I think that we are struggling at the State level trying to provide the quality of education that we need, and we really do not need big brother Government looking over our shoulder asking for twice the amount of paperwork.

We have spent hundreds of millions, close to billions of dollars here in Washington, DC, in the Department of Education and not educated one child. I think it is a little unique that we have wasted so much money when our goal is to provide a world-class education for our students.

Mr. SCARBOROUGH. Mr. Speaker, I will tell my colleagues some interesting facts that people do not understand about the Department of Education is that it was just recently created. A lot of people said to me, what in the world will we do without a Federal Department of Education bureaucracy? I said, we will do what we did for the first 203 years of this constitutional Republic. We will allow parents, teachers, principals, school boards, and communities to make decisions on how to best educate their children.

It was not until 1979, when Jimmy Carter struck a deal with the National Education Association, that we even had a Federal Department of Education bureaucracy. Since that time, spending has gone from $14 billion to $33 billion, while test scores have plummeted. That is $33 billion in education money that is being drained, literally drained out of the education programs at the local level and brought up to Washington, DC, and for what?

The fact of the matter is the Department of Education only gives States 6 percent of their funding for education, and yet they give them over 55 percent of their paperwork.

Mr. Speaker, I do not know if my colleagues watch ''Baywatch.'' I do not watch ''Baywatch,'' but I know what it is about. Did you know that your money, your Department of Education money goes into an educational program to provide closed caption for the hearing impaired for ''Baywatch''?

Did you also know that the Department of Education said that they had to slash $100 million this year from the education budget in money that was to go to keep schools safe, to stop roofs from caving in, to make sure that children had a good learning environment and safe learning environment? While they slashed and chopped $100 million from that upkeep, that building upkeep program, they added $20 million to upgrade their own bureaucracy building here in Washington, DC.

So they are literally taking our education dollars, robbing money from our school children to build their bureaucracy here in Washington, DC, and that is not what people in my community think is a wise investment for education dollars.

Mr. Speaker, I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I would say to my colleague that I did not realize that there was any educational or intrinsic educational value to ''Baywatch.'' I have never seen the program myself. As you, I have heard that it is not worth watching.

Be that as it may, I think it is ironic that we spend this money here that has no educational value as far as fully teaching children, which is where the rubber meets the road. This goes back to the overall picture, why are we spending money in certain portions of our Government that have no constitutional authority, that have no apparent success, and there is no correlation between the spending of additional funding and the quality of education?

Much of what has occurred in the past in the educational realm has not been related. I mean, if you track it on a graph, how much money has increased, and test scores, as they have either held stable or increased or decreased, there has been no correlation between spending more money. So we have not really addressed the problem, the problem of seeing that our children have a better education.

So, again, we are going back to these attempts to balance the budget. Why should we waste money on funding areas that are not effective and that have no constitutional background?

Mr. SCARBOROUGH. Mr. Speaker, I agree with the gentleman. We need to ask that constitutional question. We need to hold everything that we pass up and see how it does in the light of the 10th amendment.

Mr. Speaker, let me in the remaining minutes that we have discuss some things about Medicare. Because, again, talking about the big lie that has been promulgated and all of these other issues that we are gutting funding for, all of these other things when, in fact, we are increasing funding, the same thing occurs in Medicare where we hear the President saying that he is going to shut down the Federal Government because our plan cuts too much in Medicare.

Well, the fact of the matter is that the President of the United States himself came out with a report with the Medicare trustees, with three people in his own Cabinet telling us that Medicare was going bankrupt and we needed to reform it, and we dared to step forward and reform it. And yet, remember when the Government shut down, the President said, I will not allow them to slash Medicare benefits. Well, it ended up that it was a sham. His plan was just like ours.

If I could read a few quotes from The Washington Post. Now, mind you, the Washington Post has not been a Republican ally, but they have been very straightforward and fair, and this was written actually by Matthew Miller, who is a former administration budget official for Bill Clinton.

Mr. Miller wrote in the Washington Post last weekend:

> Though many of the President's advisors think the Republican premium proposal plan on Medicare is sensible and that it differs very little from the President's own plan, the President fired sound bites from the Oval Office daily, taking the low road in ways that only Washington pundits can recast as standing tall.

Also on Medicare, the Washington Post wrote on November 15, 1995:

> The Democrats have been prospecting harder for votes among the elderly and against the Republican proposal than they have for the savings to bring the deficit down.

Finally, on November 16, in what I believe is one of the most important editorials that has been written this year, the Washington Post wrote that ''The budget deficit is a central problem of the Federal Government and one from which many difficult problems flow.

''Bill Clinton,'' again, this is the Washington Post, not me, ''Bill Clinton and the congressional Democrats were handed an unusual chance this year to deal constructively with the effect of Medicare on the deficit, and they blew it. The chance came in the form of a congressional Republican plan to balance the budget over 7 years.

''Some other aspects of that plan deserve to be resisted, but the Republican proposal to get at the deficit, partly by confronting the cost of Medicare, deserved support. The Democrats, led by the President, chose instead to present themselves as Medicare's great protectors.''

Again, this is the Washington Post. ''They have shamelessly,'' and this is what they say, ''They have shamelessly used the issue, demagogued on it, because they think that is where the votes are and the way to derail the Republican proposals generally.

''The President was still doing it this week. A Republican proposal to increase Medicare premiums was one of the reasons the President alleged for the veto that shut down the government, but never mind the fact that the President himself, in his own budget, would count it as a similar increase.

''We have said it before, but it gets more serious. If the Democrats play the Medicare card and win, they will have set back for years, for the worst of political reasons, the very cause of rational government in behalf of which they profess to be behaving.''

Again, I want to show my colleague, just so no one will think I wrote this, this is the Washington Post saying that Democrats have shamelessly demagogued on this issue and have tried to scare senior citizens into believing that the President is the protector, when his plan is just like our plan.

Mr. TIAHRT. Mr. Chairman, if the gentleman will yield, Medicare, just in a short review of the 1960's BlueCross/BlueShield plan that was put in place 30 years ago, the medical industry has progressed some considerable amount, and yet BlueCross/Blue Shield in this Medicare Program has been stagnated, frozen in time. So what we are proposing to do is not cut Medicare at all. In fact, the average payment per beneficiary goes from $4,800 per recipient this year to $6,700 per recipient in the year 2000, with more recipients.

Mr. SCARBOROUGH. If the gentleman will yield, actually, they have redone the numbers, and it actually goes from $6,700 up to $7,100 per Medicare recipient. We go from spending $900 billion on the program this year to $1.7 trillion on Medicare in the year 2002. Now even in the schoolrooms that I went to that is considered a spending increase.

Mr. TIAHRT. Mr. Chairman, I think if we could talk to someone in elementary school and showed them a basket that had 47 baseballs in it and a basket that had 71 baseballs in it and ask them which one has more, everyone would realize that there is more in the basket with 71.

That is kind of a simplistic example, but there are no cuts to Medicare. There is a reduction in projected growth, but, good grief, it was growing at 11 percent per year. Medical inflation is growing at about 4 to 5 percent per year. Something needs to be done.

I think the plan that we have before us that the Republican Party has come forward with, the Republican Conference, is a good plan, because it not only preserves and protects Medicare, but it also gives options, it empowers individuals, seniors. They can choose alternate plans or they can stay in Medicare, as they choose. I think it is still within the realm of balancing the budget. We have been able to preserve and protect Medicare and provide some options.

I do not know how much time we have here, but I do want to say before we close, talk about some of the recent agreements that have been signed in a continuing resolution as far as making

a commitment to balance the budget by 2002.

Briefly, most of America knows that for a long, long time, a man or a woman's word was their bond. Well, my grandfather bought cattle and bought grain. His word was his bond. He would return some day later and pay cash for it. When my father purchased farm equipment, his word was his bond. My father-in-law taught me many lessons about honest and integrity. His word was his bond.

Yet we have just recently signed a agreement on November 20, 1995. The President signed a continuing resolution that said this:

> The President and the Congress shall enact legislation in the first session of the 104th Congress to achieve a balanced budget not later than fiscal year 2002.

Now, the first session of the 104th Congress ends on December 31, so we do not have a whole lot of time to do this.

Mr. SCARBOROUGH. Does it say Congress and the President ''shall'' or ''may''?

Mr. TIAHRT. It says the President and the Congress shall.

Mr. SCARBOROUGH. So it is required by law. The President is required by law.

Mr. TIAHRT. Required by law to enact legislation to balance the budget by fiscal year 2002.

I want to quote something that was reported on the Fox Morning News on November 28. It was in the White House Bulletin on November 28 and in the Associated Press on November 28. This is quoting White House Secretary Mike McCurry when he was asked whether the White House would prefer to put off the larger budget debate until after next year's election and operate the Government on a continuing resolution, and here is what he said. ''There are big differences between the President and Congress.'' That is a true statement.

He continues by saying, ''and I suspect that those kinds of issues will have to be settled in November 1996. But, in the meantime, we can avert the crisis, avert the shutdown, get on with the orderly business and have our debate next year during the national election campaigns when we should, as Americans, have that kind of debate.''

I would put to Mr. McCurry and the American public that this was a signed agreement. This is not something that is debatable. This has the power of law.

Mr. SCARBOROUGH. Mr. Chairman, if the gentleman will yield, the next day Presidential Spokesman McCurry said, ''I think they will get a compromise that everyone will agree needs to really be a placeholder until we have a national election. Pragmatically, that is what is going to happen anyhow.''

So the gentleman is correct. It astounds me that this White House can waffle the way it does. Remember Leon Panetta saying the day after they signed this law, ''The President and Congress shall by law enact a balanced budget to save future generations in 7 years.'' The day after, 24 hours after that, Leon Panetta had the audacity to go on national TV, being smug, and say, ''Well, maybe 7, maybe 8; we really do not know.''

Now, this is the same Leon Panetta that said, Congress is holding a gun to the President's head. He called us terrorists right after the terrorist attack in Israel.

□ 1630

This is the same Leon Panetta who said we were being terrorists for attaching something to the continuing resolution requiring the President to balance the budget. This same Leon Panetta did the same exact thing when he was sitting on that side of the aisle in this House of Representatives and did it to two different Republican administrations.

These people feel so free to use the English language any way they want to use it to try to get around the fact that we must balance the budget for the sake of our children. And they think they are cute playing these semantics games.

Well, we are $5 trillion in debt. My children and your children and their children are $20,000 in debt apiece. My children and your children and their children will spend over $150,000 in their lifetimes just to service interest on the debt.

Mr. ABERCROMBIE. Will the gentleman kindly yield?

Mr. SCARBOROUGH. My children, your children and their children are the ones who this Congress has been stealing money from for the past 40 years and the past generation and the time has come to say enough is enough.

I see the gentleman from Hawaii is asking for time. We have to close right now. I will say this, though. I am looking forward to working with the gentleman from Hawaii who yesterday appeared to say that we did not go far enough and we actually needed to find another trillion dollars, and I would welcome the gentleman's help in figuring out a way to get Social Security off budget and find a way for us to go that final step, to find the additional trillion dollars to do what we need to do.

But I have got to tell you this: If we are $1 trillion short, then the President of the United States is $1.85 trillion short.

I look forward to working with the gentleman. I certainly look forward to working with the gentleman from Kansas.

Mr. DORNAN. Would the gentleman yield for a second?

Mr. SCARBOROUGH. Unfortunately I believe we are out of time.

Mr. DORNAN. I just wanted to say that I am going to do an hour special order later on Bosnia. I will not have to say it now.

Mr. SCARBOROUGH. I thank the gentleman. Unfortunately, we are going to have to wrap this up. I thank the gentleman from Kansas for helping us out.

I ask Republicans and Democrats alike on both sides of the aisle to dare to make a difference.

Bobby Kennedy, a Democrat, said the future belongs to those who dare to make a difference.

I got a letter from a constituent in Pensacola, FL, thanking Congress for daring to make a difference and going where this Congress has failed to go for the past 40 years.

He said a South African missionary once wrote to David Livingstone, ''Have you found a good road to where you are? We want to know how to send some men to join you.''

The missionary wrote back, ''If you have men who will come only if they know there is a good road, I don't want them. I want those who will come if there is no road.''

For 40 years this Congress provided no road to balance the budget. For 40 years this Congress shamelessly stole money from future generations to pay off their political interests, and for 40 years this Congress did not have the guts to do what we have done as middle-class Americans for the past 40 years, and that is to balance our budget and to spend only as much money as we have.

Well, we have made the difference now. I ask people on both sides of the aisle to come forward and dare to make a difference, and stop trying to scare senior citizens. Follow what the Washington Post tells you to do: Save Medicare, balance the budget, pass true welfare reform, and ensure that our future generations will have a lifestyle in America that is even better than our own.

THE BUDGET

The SPEAKER pro tempore (Mr. WHITE). Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I will try not to use the entire 60 minutes, but I do appreciate the opportunity to address my colleagues about the budget.

As I am sure that most of us can tell from listening to the debate on the House floor, the biggest issue right now is the budget which is being negotiated between the President, the White House, and Congress, both the Senate and the House, and over the next couple of weeks or so hopefully decisions will be made so that there can be a compromise worked out between the Republican leadership budget which passed the House and the Senate about a week ago and the priorities that have been articulated by President Clinton and most of the Democrats in Congress.

The chief concern of myself as well as most of the Democrats is the fact that the Republican budget as passed essentially cuts Medicare and Medicaid by

significant amounts in order to provide tax breaks primarily for wealthy Americans. If you look at the chart over here which I have pointed to many times, you can see that the cuts in the Medicare Program, the health care program for seniors, of $270 billion roughly translate into the tax breaks primarily for wealthy Americans of $245 billion.

I contend that during this budget negotiation, the only way that we are going to preserve and protect Medicare as well as Medicaid, which is the health care program for low-income Americans, is if we eliminate most if not all of these tax breaks for the wealthy and put that money back into the Medicare or Medicaid Program. Without that happening, and I hope that the budget negotiators accomplish that, but without that happening, it would not be possible in my opinion to preserve the Medicare and Medicaid Program.

The consequence would be that many seniors and many low-income people would not have health care, would not have health insurance, or if they do have it, they would have the quality of that care significantly reduced. This not only impacts seniors and low-income people but also all Americans, because the cuts in Medicare and Medicaid directly impact every hospital in this country, every health care provider. The quality of our hospitals will deteriorate. Many of our hospitals will close because we are taking so much money out of the health care system, because of the dependence of hospitals and health care providers on the Medicare and the Medicaid programs and the Federal dollars that go along with it.

One of the things that I wanted to start out with this evening is to point out that repeatedly the Republican leadership has suggested that these tax breaks that are in the budget bill that they approved would somehow be helpful to all Americans, it would not primarily be for well-to-do Americans. In fact, the gentleman from Texas [Mr. ARCHER], who is the chairman of the House Committee on Ways and Means, has repeatedly defended the budget bill by saying that there will be benefits for all Americans, proportionately and in a fair way.

Well, the Treasury Department just came out in the past couple of days with an analysis of this Republican budget, and it was put forward or summarized, so to speak, in an editorial a few days ago on November 23 in the New York Times that definitively showed, in my opinion, that the Treasury's analysis is correct and essentially shows that most of the tax breaks go to wealthy Americans.

I just wanted to read briefly, if I could, from the editorial in the New York Times. It says that the Treasury Department estimated that the richest 1 percent would rake in almost twice as much, or 17 percent of the tax breaks. The Treasury figures are solid evidence that the Republican tax cut is heavily weighted toward the rich.

If you look at this analysis on the chart here, it shows the Treasury's version based on the fully phased-in law, and as can be seen, the significant amounts of the tax breaks go to wealthy Americans: 23.8 percent to those that make more than $200,000; 23.7 percent to those that make between $100,000 and $200,000; 19 percent for those who make between $75,000 and $100,000; 19 percent again to those who make between $50,000 and $75,000; to the point where if you are making less than $20,000, you actually pay a tax increase under this Republican budget.

I just want to put that to rest, because I know we have heard a lot of discussion and statements on the other side of the aisle suggesting that this is not the case, but it is the case.

One of the reasons why, and again I will go back to the New York Times editorial, one of the reasons why the Republican analysis is wrong and the Treasury Department is correct is because of the Republican distribution tables and the way they distort the bill. The New York Times says that the Republican distribution tables are distorted in at least four ways. I would like to go through those four ways.

First, they underestimate the benefit to wealthy investors of the cut in the tax on capital gains. There is a major cut in capital gains that goes mostly to wealthy Americans.

Second, the Republicans' estimates ignore the distribution of corporate tax cuts which help the wealthy more than the poor. Again, a big part of these tax cuts are for corporations.

Third, the gentleman from Texas [Mr. ARCHER], again the Republican chairman of the Committee on Ways and Means, his numbers look only at the first 5 years of the tax cut. The Treasury's estimates calculate the benefit when the taxes are fully phased in, so we are looking here at the full phase-in of the taxes over the 7 years of the budget bill.

And, fourth, the figures of the gentleman from Texas [Mr. ARCHER] fail to consider the fact that many low-income families will lose rebates they now receive under the earned income tax credit, a subsidy for low-wage workers. Again, the Republican analysis ignores the fact that if you are in this $20,000 or below, you are getting what we call an earned income tax credit, which means that if that is taken away, which the Republican bill does in significant ways, you are actually going to pay more in taxes than you pay now.

I think that this is important because I honestly believe that the only way, and I will repeat, the only way that we can arrive at a budget bill negotiated between the President and the Republicans in Congress that actually saves Medicare and Medicaid is if we eliminate or at least significantly cut back on these tax breaks for the wealthy. I hope, I sincerely hope, that that is a big part of the budget negotiations, so that we can save Medicare and save Medicaid.

I wanted to next, if I could, move to two reports that came out in the last week that talk about the impact of these Republican budget cuts on Medicare and Medicaid.

The first report was done by the Leadership Council of Aging Organizations. They put out a report this Tuesday, November 28, that essentially identifies nine different ways how the budget hurts older Americans, our senior citizens. I would like to just go through those nine points and then maybe give a little more detail about some of the more important ones.

The nine ways that the budget hurts older Americans, according to the Leadership Council are, first, that Congress cuts Medicare by $270 billion, and that means that part B premiums rise from $46.10 to almost $90 a month by the year 2002. Beneficiaries needing certain hospital outpatient services would pay even more than the 50 percent co-insurance they now pay, and many would lose extended home care coverage.

So not only are we cutting Medicare, but we are also charging our senior citizens more. Part B is the health insurance program that covers their physician's care. The premiums that they pay for part B are doubled over the 7 years of the budget.

Second, Congress cuts Medicaid long-term care. Medicaid spending would be cut by $164 billion over 7 years. Federal standards for eligibility, services, payment and quality would be seriously weakened. In other words, in order to accomplish this cut in Medicaid, the health insurance program for low-income people, Federal standards would either be eliminated or relaxed.

There would no longer be an entitlement to Medicaid. It would be up to the States, because the money from the Federal Government, a reduced amount of money in real terms, would go in a block grant to the States and they would decide who they would cover and how. So a lot of low-income people, whether they be children, senior citizens, disabled, would simply not be covered by Medicaid any longer because the States would not have the money to pay for their care. That includes seniors.

Third, Congress cuts Medicaid acute care. So current Federal requirements to pay Medicare deductibles and co-insurance for low-income Medicare beneficiaries would be ended.

What that means is that right now if you are a senior citizen, instead of paying your premium for your part B Medicare which covers your physician's care, right now if you are below a certain income, Medicaid pays that premium.

□ 1645

However, under the Republican bill, Medicaid would no longer be required to pay that premium. Again, it would be up to the States, and if the States decided they did not want to pay, then Medicare part B premium for low-income seniors, they would not have to,

and a lot of those seniors would go without having part B and having their physicians' bills covered by Medicare or Medicaid.

Fourth, under human services, the Older Americans Act, Legal Services, aging research, training senior volunteers, cuts would mean 6.2 million fewer meals at senior centers, 5.6 million fewer to homebound elders, research on aging issues funded under the Older Americans Act. Right now, a lot of the programs that exist and that help senior citizens are funded under the Older Americans Act. Those of you who have been to a senior center in your community know a lot of times meals are provided to seniors at the senior center, nutrition programs, or if they are homebound, meals are delivered to them in their home. There are other services the Older Americans Act provides for senior citizens.

That takes a huge cut in this budget and can be translated into fewer meals and fewer services for the elderly.

Fifth, during the last decade the number of grandparents raising grandchildren climbed 40 percent, and most have household incomes under $20,000 per year. Reforms in the welfare system will make it more difficult to obtain aid for grandchildren.

So incorporated in all of this is the fact, and in this budget, is the fact that a lot of children who are now raised by their grandparents will not get assistance to pay for various activities that are important to child care.

Sixth, food stamps; block grants offer no assurance even minimal protections for older people would be retained by States by making access to benefits still more difficult. A lot of senior citizens depend on food stamps. The cutbacks in that will affect them.

Seventh, supplemental security income, individual States may slash or eliminate SSI supplementary benefits. Again, a lot of senior citizens who are disabled and who receive cash benefits pursuant to social security disability programs would be cut.

Eighth, housing assistance, older people make up approximately one-third of all public housing residents. Operating subsidies and modernization funds for public housing would be cut by 3.5 and 33 percent, respectively, from 1995 levels. When we talk about public housing, a lot of people forget a third of the public housing is for senior citizens. If you cut back on money available for new construction, modernization, they are also impacted and, again, have fewer and fewer places to live or more expensive costs to continue to rent or to live in subsidized housing.

And lastly and ninth on this list is low-income home energy assistance programs. The Senate recommendation is for a 32-percent cut. Nearly 2 million households could lose their energy assistance. A lot of senior citizens right now basically have their energy assistance, their utility bills, if you will, supplemented through what we call this LIHEAP program. That also is cut.

So our point and the point I am trying to make here is that not only with regard to Medicare and Medicaid but also with a lot of other programs, the impact on senior citizens in this budget is really great. They are disproportionately singled out for cuts that will make it much more difficult for them to have health care, for them to have proper nutrition, for them to be able to live in decent housing, and that is not fair.

What we are doing is making those cuts in order to provide tax breaks primarily for wealthy Americans.

The other report that came out this week and that I would like to briefly mention was a report that was put out by the Consumers Union and the National Senior Citizen Law Center. It is entitled ''What the Congress Isn't Telling You.'' Families of nursing home residents may face financial ruin under Federal Medicaid bills. And basically, what the report shows is that, under the Republican budget, an estimated 395,000 nursing home patients are likely to lose Medicaid payments for their care next year. Families of nursing home patients will face significant new financial burdens.

This was actually put out; this is the report here that was put out within the last week or so, and again trying to highlight some of the people that the report makes, again it talks about the impact of the cuts in the Medicaid program which, again, is for low-income people, but affects seniors, children, disabled people. Basically, what they stress is that the budget transforms the Medicaid Program into a block grant called a Medigrant, a cash grant to each State, and there are few requirements as to how the money is spent, virtually no guarantees for benefits for any individual regardless of how poor or sick the individual is. Cuts in the Medicaid Program are $163 billion, and these cuts will reduce projected Federal spending on Medicaid by approximately 30 percent by the time the seventh year of the 7-year program goes into effect.

What the Republican budget does is it caps the amount of money that is spent on Medicaid, and it basically sends a block grant to the States with that smaller amount of money than is necessary to keep the Medicaid going as a viable program.

So what we are saying is that because of that reduced level of funding and because the States now have to administer Medicaid with less funding, millions of current Medicaid recipients and those needing services in the future are likely to lose all access to health insurance and not have their health care provided for.

Now, this report basically says that an estimated 395,000 long-term patients are likely to lose Medicaid payments for their nursing home care if this bill is approved. The combination of drastic cuts and projected spending and elimination of important patient and family protections will cause State Medicaid programs and private nursing homes to adopt policies that will place additional financial pressures on families of people needing long-term care.

Right now, Medicaid pays for the nursing home care for all of these low-income people that are on Medicaid. But if this bill passes, not only will the same amount of money not be available, but what the States will do, because they do not have enough money to pay out to nursing homes for these patients' care, is they will simply go after the families, the children, the grandchildren, whatever, and the assets, if you will, of those nursing home patients in order to make up the difference.

Just to give you an idea of the type of things that will go on, if the Medicaid law is changed, basically families of nursing home patients may be forced to spend funds previously earmarked for their children's education or retirement. Family assets may be sold or even seized by Medicaid liens. Adult children, previously protected from liability, may now be held responsible for the nursing home bills of their patients. Protections against nursing homes that charge more than the amount Medicaid pays are weakened by the bill. Right now it is difficult for the nursing home to charge you more than what Medicaid pays. Families become vulnerable; there is no longer a guarantee of Medicaid eligibility for anyone. Liens on property and claims against the States are unrestricted under the proposed legislation. Hearings to dispute issues, such as who receives coverage, are completely eliminated. Financial planning for disabled children is no longer protected. States may even narrow coverage to exclude chronic nursing home care from their programs, and the limited income protections included in the bill for husbands and wives do not provide financial security for families.

What we are basically saying here, and it is very clear, and this is what this study demonstrates, that the proposed transformation of Medicaid may force American families into financial ruin if a loved one needs a nursing home. It is a major change from the current law which provides, which basically says Medicaid right now guarantees nursing home coverage for those low-income seniors or any senior who runs out of money and does not have enough money to pay for their nursing home care. I am not sure if a lot of people realize that there are very few Americans who, if they become disabled and have to go to a nursing home, can afford to pay for that nursing home care for very long. Sometimes people can pay privately for a few months or even a couple of years, but eventually they run out of assets. That is where Medicaid comes in and pays for the care under current law, but would no longer be guaranteed under this Republican budget.

I talked mostly so far about the impact of this budget on health care, and

I believe that that is the worst impact of this Republican budget, the fact that our health care system, in general, will be negatively impacted and a lot of people will not receive health care or have access to health care and the quality of care will also be reduced.

But there are other major impacts and other major impacts that President Clinton has specifically talked about. He has talked also about the need to make sure there is adequate funding for education, particularly student loans, and he has also talked about the need to prioritize funding for the environment. Because if you look at this budget, this Republican budget, as well as some of the appropriation bills that have been moving through the House of Representatives, you certainly notice that, again, like with senior citizens, the environment and the effort to protect the environment has taken too much of a cut in this overall budget bill. In other words, the amount of money that is taken away from those agencies on a Federal level that protect the environment or the money that goes to the States in grants and loans to protect the environment is cut back considerably more than a lot of other areas. Again, that is not fair, and that is totally inconsistent with the priority that most Americans give to environmental protection.

Just to give you an idea of how this budget, not only the budget but also some of the appropriation bills that have been moving in this House, would impact the environment, again, a report was recently put out by the National Wildlife Federation that is entitled ''Funding Worth Fighting For: Your Guide to Proposed Reductions for Environmental Spending in Congress' Budget and Appropriation Bills.'' Again, this was produced and made available within the last couple of weeks or so.

Essentially, it points out how this budget and how the appropriation bills make drastic cuts in environment protection. It is a very sinister aspect of this whole budget process because I think that many people in the beginning did not realize that the Republican leadership was trying to make such drastic changes in environmental protection. And so in putting together this report, the National Wildlife Federation, I think, did a very good job in explaining how these cutbacks affect the quality of our environment in this country.

Basically, in its introduction, the report says that the congressional leadership intends to achieve its aims to weaken, dismantle, or dismiss environmental safeguards through the budget process. The tactic is to legislate through appropriations, to tear away at the enforcement and fabric of environmental laws in the budget process without the scrutiny of public debate and the straight votes on the merits. Oftentimes these things are put into the bills, and we are not necessarily made aware of it. There have not been public hearings. There has not been an opportunity to even comment on it, which is one of the reasons, I think, this report takes note of these changes.

The budget and appropriation bills passed to date by Congress contain a regressive environmental and natural resource agenda that has no precedent in modern American history. If enacted, these measures will mark the first time the Nation has legislated a retreat in water and air quality, in conserving valuable wetlands, protecting beaches from being fouled by contamination and enforcing environmental protections for public health.

In effect, this Republican leadership is proposing lower environmental quality of life for the average American as well as huge public land and asset giveaways to narrow special interests.

As documented in this report, the hallmarks of this assault, and they basically say four areas where this budget assaults, if you will, the environment: One, sharp cuts to the core budgets of the agencies that protect the environment; two, elimination, in some cases, of entire environmental programs; third, suspension of environmental safeguards; and, last, expansive concessions to narrow interest groups.

Now, I say this in the overall context of knowing, not only because I talk to people in my own district but also because of public opinion surveys that have been done, that show that Americans are very supportive of environmental protection and seek to prioritize funding for environmental protection and not have these kinds of cutbacks. I think the solid majority of Americans support upholding the environmental progress that we have seen in the last 10 or 20 years in this country and do not want to see us turn back the clock as is being proposed by the Republican leadership in this budget and these appropriation bills.

I just want to summarize, if I could, because again I do not want to use all the time allotted to me, but I do want to summarize, if I could, some of the major provisions, some of the major changes that the National Wildlife Federation in its report points out are occurring or will occur if this Republican budget is passed, if these Republican appropriation bills are passed.

Congress' fiscal year budget bill that we have talked about and the five appropriation bills discussed in this report contain changes in environmental, public lands, wildlife, and natural resources policy that would do the following, and let me just list some of these: First, it would open the Arctic National Wildlife Refuge to oil and gas drilling. Many are not aware that in Alaska the Arctic National Wildlife Refuge now is a very pristine area where oil and gas drilling is not allowed. This would allow it to occur.

Second, the budget and appropriations would trigger sale of public lands under an industry-sponsored rewrite of the 1872 mining law. Essentially, what we are doing is giving away a lot of our public lands. It would also end the EPA's enforcement of wetlands law, very important in my home State of New Jersey. We have a lot of area that needs to be protected, a lot of wetlands that could be the subject of development, and right now the EPA provides a certain amount of protection for those wetlands.

□ 1700

That would be eliminated under this budget and under these appropriations bills.

It would also slash national wetlands inventory funding by 48 percent, reduce wetlands habitat conservation funds by 24 percent, and cut endangered species funding. Right now we have a very good endangered species protection program. This would cut out a lot of the funding for that protection. It would also suspend new listing for imperiled species and terminate endangered marine species research.

It would slash funds for stabilizing world population by 38 percent. The United States contributes through international organizations in efforts to basically support family planning around the world, in many parts of the world. That is also slashed by a third under this budget.

The Republicans would also reduce the Superfund budget by $400 million. We have in the United States and at the Federal level now a program that seeks to clean up the most seriously polluted hazardous waste sites pursuant to what is called the Superfund Program. The program has been successful in starting and in many cases actually completing the cleanup of many of these hazardous waste sites around the country. That budget would be reduced by $400 million under this proposal. It also stops new cleanups at hazardous waste sites, so if you are not already a Superfund site, the site cannot be added to the Superfund list for possible cleanup.

It increases timber cuts in the Tongass National Forest. It cuts funding for drinking water and wastewater treatment. In my own area, I represent a good part of the New Jersey shore. We have made great progress in cleaning up our water, basically because of grants and loans from the Federal Government to upgrade sewage treatment plants. These are severely slashed under this budget proposal.

It also cuts enforcement for strip mining law by 28 percent. It cuts funds for international environmental programs by 32 percent. It allows agribusiness to avoid $117 million in repayment obligations in unbudgeted new Army Corps of Engineers construction projects, and cuts global climate change research funds.

Those of you who have been reading the newspapers in the last few weeks have noticed, I am sure, there has been a lot of information that has come out about how global climate changes are having negative impact on the environment around the world. We have contributed over the years to research on

an international basis to try to study the problems related to global climate change. Again, that is cut significantly by this budget bill and by some of the appropriations.

The list goes on and on. I do not want to continue going through it tonight. I think it is important over the next few weeks, as the negotiations take place between President Clinton and the Congress over where this budget bill is going and how a compromise is going to be achieved, that we continued to prioritize environmental protection, that we do what is necessary to make sure that Medicare and Medicaid are good programs and continue to serve our senior citizens and our low income people, because ultimately, I believe that if environmental protection is significantly degraded or if our health care system is significantly impacted in a way that the quality suffers or a lot more people are no longer eligible for health insurance, that ultimately, if any of those things happen, it is going to impact every American, and it is going to impact the quality of life for every American.

So I think we need to continue to speak out to say that it is very important that money be put back in the budget for those health care programs, for environmental protection, and the easiest way to do that is to eliminate these tax breaks for wealthy Americans.

U.S. MILITARY POLICIES

The SPEAKER pro tempore (Mr. WHITE). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, I said last night that I would come back with some other freshmen Members. Some of them are in their offices watching, so they may join me in this continuing special order on Bosnia. But I was not here during the Vietnam years. I came right after our Bicentennial election in 1976, and I remember my campaign consultant, he now is principally doing the best polling I have ever seen in the country, although he concentrates mainly on California. His name is Arnie Steinberg. That is his company name, Arnie Steinberg & Associates. He knew how deeply I felt about the loss of Laos, Cambodia, and the southern part of Vietnam south of the 17th parallel to vicious Communist conquerors. And he said to me, ''I will consult in your campaign, if you will promise me that in this entire year of 1976, you will not mention Vietnam.''

I looked at him. I knew instantly what he meant, that Americans were exhausted and did not want to hear any longer about the tragic fate of people who wanted freedom so desperately in Southeast Asia. I made the promise to him, I would go through the whole campaign without mentioning Vietnam, and I did.

I got elected in November of 1976, and within weeks, days, a House select committee voted to shut down their investigation as to whether or not Americans were alive in Indochina. Americans were alive in Indochina. We had left them behind in Laos, and there was a good case there were some left in the north, because we had an ex-Marine CIA agent who had been captured in Saigon when it fell to Communist armored units on April 30, 1975, named Tucker Gugelman, and he was beaten to death, tortured to death, over many weeks in the Saigon prison system. His screams were heard by other people that were later released, and he was alive when this committee was investigating. The committee for some strange reason was an even number of people, 10. It was 6 Democrats and 4 Republicans, and when they voted whether or not to continue to be in existence when I was sworn in on January 4, 1977, the vote split 5–5, and the committee shut down.

Two Democrats came over and voted with the Republicans. One of them is still here, JOE MOAKLEY. The other is now a Republican, but he retired or was beaten by DAVID DREIER, Jim Lloyd.

Lloyd and MOAKLEY voted not to shut the committee down. One Republican kind of had earned the right to be contrary, had the Navy Cross the hard way in hand-to-hand combat as a Marine in Korea, Pete McCloskey, left voluntarily in 1988 to run for the Senate seat won by Pete Wilson. He finished ahead of me in that 13-man race, I was fourth, he was second, Barry Goldwater, Jr., was third. But Pete McCloskey voted to should it down with 4 Democrats. One of those Democrats announced their retirement yesterday, PAT SCHROEDER. Another one is over in the Senate, fell in love with the Communists in Hanoi and is still making a case for them, and the other on Republican side, Tenny Guyer is now dead, died while he was chairman of the POW task force. It was this strange split. One Republican went one way, two Democrats came from this side. We shut it down, and we have been left with an agony ever since.

This morning, here we are almost two decades later, 19 years later, and I chaired a committee, subcommittee hearing, my Subcommittee on Military Personnel, taking evidence again on what is called the comprehensive review of all the missing in Vietnam.

Now, we have not resolved the missing from the cold war period, with all of our Ferret air crews around the periphery of the very, very evil empire where they shot down dozens of our planes and captured or killed on the ground or killed in the shutdown over 300 of our air crewmen. I do not think we ever killed a single Soviet pilot in any of their Bear aircraft intelligence-gathering missions or any of their fighters that went astray and crossed the border. We never murdered anybody. They murdered some of our lost pilots in cold blood and had no compunction in shooting down our intelligence pilots. There were Americans with Russian or Slavic or Ukrainian surnames that were full American citizens that were in camps overrun by the Red army in 1945 that disappeared into the gulag camps never to be heard of again.

Korea is especially painful. In the Hall today in the Rayburn Building, while taking testimony on Vietnam, Laos, and Cambodia, and about to go in at 2 o'clock to hear the Secretary of State, Warren Christopher, Secretary of Defense, Mr. Perry, and the Chairman of the Joint Chiefs, the man who came directly after Colin Powell, Shalikashvili, I am out in the hall looking at a prison picture, and I learned from my wife, Sally last night that the cameras cannot cooperate and will not come in for a closeup. But this is a very clear photograph, it must be taken with the very biggest cameras we had in our RB–29's, slant photographic imagery of a major north Korean prison camp called Camp No. 5. It is a huge facility. Across the Yellow River, this is the Yellow River I am looking at and it is much wider than I had ever expected, is a graveyard. In other words, they buried Americans on the Chinese side, and then there is a graveyard in the foreground on this side.

In this camp, like many camps in North Korea, were Americans, called category 1 prisoners, known to be alive and healthy that were never returned from Korea. The major problem with Korea, and it seems that we in the Congress and in the Senate have convinced Clinton not to go into Bosnia under U.N. colors or U.N. flags, Specialist Michael Ngu, whose father I had the pleasure of meeting last Sunday, Daniel Ngu, he is being court-martialed for refusing to wear the U.N. blue beret and blue arm patch on assignment to Macedonia, where we have a blocking action of 494 Americans by last count. But in Bosnia, the troops that Clinton is moving in there as we speak, making a lot of the debate on this floor moot, they will go in under NATO colors, not under U.N. colors.

Here is a haunting, excellent photograph, of very healthy American prisoners in this Korean Camp No. 5. Here is a banner in perfect English letters, ''soccer ball champions, No. 5 camp,'' and I cannot read what it says, It looks like ''united by.'' All of the prisoners are at top military weight,they are all laughing and cheering at some game. The man who gave me this circles one very clear picture that he says is his brother. This was taken in 1953, very close to release. They all have full prison uniforms on with scarfs and T-shirts, and almost everybody in the picture must have been by order, yes, every single person is wearing what I would call a Dutch boy hat or a soft garrison hat without grommets, and they all look healthy.

This brother of a prisoner in this picture told me that not a single man in

this picture came home. I told him I have no reason to disbelieve you, and this is not an insult, but my instinct tells me that just simply cannot be true.

Then I was told by other activists in the POW cause that the Pentagon, and I have no way to confirm this until tomorrow, has blown this picture up to maximum clarity and size, and has sent it to the Veterans of Foreign Wars and the American Legion to ask for identification of people in this picture.

My staff counted about 100 people, including North Korean camp workers, many of them women, in the background, and of these 100 at least 60 or 70 can be clearly identified by families as their loved ones.

If it turns out nobody from this picture came through, then this is a majority of the 389 American soldiers still carried on the books at 8th Army Headquarters in South Korea as category 1 prisoners, known to be healthy, no amputations, no head wounds, no amoebic dysentery, looking as healthy as the men in this picture, never returned from North Korea.

What is the problem with North Korea? Every time I educate fellow Americans, they seem to react in disbelief that the problem is so simple. Why, it is worse than Indochina and why did we not get these people back? It is simply because the Communists in P'yongyang in North Korea said if you want to talk about live American prisoners left behind or about all the graveyards that we overran, with Chinese forces helping us in November and December of 1953, 42 years ago, then talk to us unilaterally.

□ 1715

Our response for 42 years has been, and this is the part that Americans cannot seem to grasp as being true, no, we will not talk to you directly, unilaterally, one-on-one, about our prisoners. You must go through the United Nations command at P'anmunjom, where they argued for 2 years about the shape of the negotiating table. Relived that nightmare in 1968, in Paris, while they argued for months while Americans died at the rate of 200, 300, 400 a week while we argued about the shape of the table in Paris. How many years later would that have been? Fifteen years later, same nightmare.

The North Koreans said no, you fought the war, 98 percent of the casualties are yours. Of course. South Vietnamese ROK forces, Republican Korean forces, suffered worse than anyone, but of those there to help, we took 98 percent of the casualties. You paid for almost all of the war. The NATO contingents that were there under the U.N. colors, some did not lose a single man and did not have anybody wounded. The names of these countries, wonderful little countries, Norway, Denmark, Netherlands, they did not have anybody killed or wounded, yet their names are carved in the stone leading up to the Korean War Memorial that, at its dedication, Clinton talked about the armistice. There is no armistice, it is merely a cease-fire between the belligerents and could flare up at any moment. And the U.N. command there really was the United States, but we keep telling the North Koreans you knuckled under to the U.N. command that voted because of China being absent on the Security Council, then called Red China.

Communist China did not have the same powers that they have now to influence national debate. They had taken the free China seat of Chiang Kai-shek, and the Communist victories in 1949. But because of an absentee on the part of one of the five permanent members of the National Security Council, we got a vote to go in with the U.N. effort in Korea. If we had not gotten that vote, the United States would have still gone and done the job alone, taking 100 percent of the casualties instead of 98-point something percent of the casualties.

So all of that, Mr. Speaker, is by way of prologue that the nightmares of World War II, the bloody part of the cold war with our crews shot down all around the periphery of the very evil empire, and then the nightmare of Korea, with missing in action men; and then the nightmare of three remains not being returned from Somalia; the nightmare of my hearings this morning, all of that is by way of prologue to say here we go again in Bosnia, without a definitive exit strategy and with very few options left to the United States Congress.

Now, Mr. Speaker, never, since I came here in 1977, with Vietnam, Cambodian and Laotian problems on my mind of our men left in some cases behind alive; reliving the nightmare of Korea and remains; expecting us to relive the tragedy of what the French went through, paying regularly blackmail money to the Communists in Hanoi for all of the remains, including Charles de Gaulle's own grandson, who died fighting in Indochina in Vietnam. Here we go again.

Now, at the hearing just now, to the Secretary of Defense, Secretary of State, and to the Commander of the Joint Chiefs of Staff I read from Gerald Seib's article. He was all wrong on Colin Powell and why he should run, and how he thought Bill Bennett had it all figured out, but Gerry Seib wrote, I think, the definitive column for this week on Bosnia. He said there are only four things we can do in the Congress, and I read all four of them slowly just an hour and 15 minutes ago to Clinton's first team that had been given the job.

And I told them, you give new meaning to the word good soldiers. I said a triple draft evader is now ordering you to put men in harm's way and in his speech deliberately leaves out the word Vietnam. Even put in North Ireland, where he is today, but no mention of what Reagan called the noble cause of trying to keep freedom in the southern half of Vietnam as we bought freedom for the southern half of Korea over the last 42 years, including the Olympic Games being in Seoul in 1988.

Here are the four things, and I could not add a fifth. Imagine you are the Secretary of Defense, Secretary of State and Chairman of the Joint Chiefs listening to this. I do not know if they saw yesterday's Wall Street Journal column on the political page, A–16.

First, we can pass a resolution disapproving of the deployment. We have already done that, Mr. Speaker. Forcing Clinton to decide whether to send the peacekeeping troops on his own. He is already doing that. This is a recipe for disaster, to have another vote and redo the vote of a few days ago that was 243 to 171, two people voting present. I do not grasp that at all. That is usually reserved for a financial interest in some vote. You vote present to clear your conscience. Seventeen people missing the vote. We have already had that vote. But if we vote again, then Mr. Seib said this is a recipe for disaster. Constitutionally it is a disaster, diplomatically and militarily.

Troops will be sent anyway. They are already on their way. They are landing there now. We have had advance units in a different world there for a long time. These plans have been drawn up. I know my friends in the Pentagon. These contingency plans now being enacted have been drawn up for years and discussed in depth. The troops are moving. The trains are leaving the stations in Europe. And we are going to stage out of Hungary, no matter what they say, because the rail lines go through Budapest. Troops will be sent anyway, though with an explicit signal that they do not have national support.

We have sent those signals twice. The calls are coming into my office, still not a single call saying to my staff in Garden Grove, CA, or here in Washington, the Congressman must support Clinton, let the troops go. I have had a few call in saying tell the Congressman to shut up. This will probably trigger a few more. Don't waste your time. I have earned the right through nine elections, very tough elections, to hold a Democrat seat, which some people think should be a safe Democrat seat, and I wore the uniform for 22 years and 4 months. Got back in an aircraft after they had tried to kill me.

I deliberately chose the most difficult and dangerous thing you could do in peacetime, because after the spasm of killing in Korea, I anticipated that I would get to serve under a 5-star general, Eisenhower, my years of active duty; over 5 years that there would be no one going to take on the man who had driven Hitler to suicide in less than 3 years and 5 months. Nobody was going to take on Eisenhower.

Conversely, if Clinton were to pull the plug on the peacekeeping mission, which my sons thought he was going to do up until yesterday, Republicans in Congress would find themselves blamed for whatever horrors followed in Bosnia. This may have been in the

back of their heads in the White House, certainly not the three distinguished cabinet people that faced me today.

Second, avoid a vote entirely. I think that is what we are heading toward. This is for all the people that phoned my office during special orders or right afterward and that are particularly leaning on all the freshmen Members, Mr. Speaker, probably yourself included. They are saying you must vote again, you must debate again, you must let Clinton know the Nation does not want this.

But, if we avoid a vote entirely, leaving Clinton out on a limb alone, and I think this is what is going to happen, this option appeals to some younger lawmakers. Yes, freshmen have told me this is what they expect. Some senior Members have told me that we should leave it alone now. The train has left; we must support our men in the field. But in practical terms this is not much better than the first option.

Troops are going anyway, without any sense of national support, either in the polling data or by their calls to the Senate and the House. Worse for Congress, this will look like washing its hands. I added the words Pontius Pilate approach, and told the secretaries and General Shalikashvili that I added those words Pontius Pilate. It would forfeit a chance to influence how the troops are used.

Third, Pass a resolution, Gulf War style. In other words, repeat the vote from a few days ago and switch about 30, 40 Members. Give Clinton the support that Bush got that simply endorses the Bosnian mission. This is Clinton's best dream. He looks definitive, resolute, masculine, macho, changed enough votes through the power of his oratory Monday night—not—and his speech in front of the prime minister, parliament, Madam Hillary sitting there, that we will not go down the course of isolationism again.

He has referred to the League of Nations, 1919, World War I, Congress not supporting Colonel House's dream exorcised through Woodrow Wilson. He has changed the image of the campaign, the youthful farm boy Arkansas image of biting the lower lip, which some of my Democrat friends said drove them nuts, that biting the lower lip and shaking his head as though it was early Parkinson's disease, like this, biting that lip. That is all gone. Now it is Mussolini style, the jaw muscles tensed, the head raised and the chin thrust forward in the air, resolute. I am a decisive leader.

This would be his dream, to get us to debate it again and turn the debate and give him a Bush-type resolution. Bush had 250 to 183. Would that not be nice, if he could change the 243 to 171 to a victory of 250? That is not going to happen, No. 3, because of the phone calls. Congressmen do not vote that courageously against their own self-interest when America is furious that our men are going in by Christmas, not being pulled out by Christmas.

I told General Shalikashvili and Mr. Perry and Mr. Christopher, I said, and they flinched, they did not have any comment when I said, gentlemen, whether it is the movie ''Gone With The Wind'', truthfully reflecting every Civil War year, 1861, the men will be home by Christmas. The South said that and the North said that. That was all changed by the battle of Bull Run out here in Manassas. The second battle of Manassas kind of ruined it in 1862. Even Antietam did not help. The troops will be home by Christmas of 1862. Certainly Chancellorsville, Gettysburg, did not change optimists from saying the men will be home on both sides by Christmas of 1863. 1864 it was a cry all year long, in spite of the siege at Petersburg. We were going to have those troops home by Christmas of 1864.

World War I, the troops will be home by Christmas of 1918. We made it. Not 1917, though. World War II. 1943, no, they did not. 1944, Eisenhower said the troops from Europe will be home by Christmas and they were. Eisenhower got elected President. He said if I am elected President, if I win, I will go to Korea as president-elect and everybody will be home by Christmas of my first year. He won, he did go, and he was correct, they were home by Christmas of 1953.

LBJ. We can get this all done in 1965. All the troops that I am putting on the beach, all the Marines in I-Corps that are hitting the beach March 8 of 1965, they will all be home by Christmas of 1965. No, they were not home by 1965 or 1966 or 1967 or 1968. Tet offensive year. He was home in Texas by Christmas of 1968. Humphrey was home by Christmas of 1968. Nixon had no secret plan whatsoever, and he was home by Christmas of 1974 in California at Casa Pacifica, and the Vietnamese were in all of Vietnam, and Americans were rotting in cells and being tortured to death in Saigon prison. As I said, ex-marine Tucker Googelman.

□ 1730

By Christmas of 1975, it was a nightmare for the boat people, and by Christmas of 1976 and 1977, 2 million people were being slaughtered in Cambodia if they wore eyeglasses or had finished the seventh grade.

Here for the first time in my life I am hearing, and this is what I told the Secretaries, I am hearing the most unusual thought I have ever heard of in Christendom, we think we can have the troops in by Christmas.

The mines that are there, and General Shalikashvili asked us not to say 6 million, because he does not know who created that figure. All right. So it is only a million or 500,000, and when the snow covers the ground, maybe that will give us a feeling of false security, but we will not know where the mines are. Maybe we will not venture off the proven road paths.

Knowing the quality of man and woman that serves, I can hear from hero's bed in Ramstein, the Air Force base there, I can see some American that lost a leg saying, ''Better I lost this leg. I got to play sports as a kid. Better that it happened to me than to some little Bosnian boy or girl, no matter that they are Moslem, Serbian, or Croatian. I have had most of my youth.''

Mr. Speaker, I know the heroism of the people that we are sending there. To a man, they all want to go. They are all seeing it as a humanitarian peace mission to stop atrocities, three-way atrocities, but most of them Bosnian-Serbian atrocities.

So, No. 4, pass a resolution approving the deployment. This is a derivation of No. 3, but expressing misgivings and attaching some conditions. This final option may seem the coward's way out, but under the circumstances it makes a lot of sense.

There are some legitimate policy questions to be decided. How far will America go in arming the Bosnian Moslems so they can defend themselves, while also playing the role of peacekeeper? I proposed that question on the floor yesterday and put it in the RECORD the day before and proposed that during the debate. That is one of my 50 questions to Clinton.

What are the outer limits on the size, the scope, and the duration of an American deployment? What are the outer limits? It has crept up from 20,000 to 37,000. Some of my colleagues who are becoming experts at this say it is more like 40,000 or 45,000. The chain of support is generally, if you use Vietnam numbers, 7- or 10-to-1. For every young American taking it on the chin in some jungle or snow-covered hill in the Balkans, there are 7 or 10 people in a chain of command having to be financed to keep that person in the front lines.

So, there are the four options given to us by the Wall Street Journal, and I told the three witnesses in the Committee on National Security, ''God bless you. Good luck. I am going to be an optimist and expect the people in Bosnia to hunker down and wait for us to leave on the election cycle, the Presidential election cycle.''

I reminded them that Ho Chi Minh, although he died September 3 of 1969, had planned the Tet offensive; two of them. Big Tet, starting January 29 and Mini Tet in September. I was there that whole month, end of August and early September of 1968. He planned both of those offensives to influence the American Presidential election of 1968. He planned some of the terrorist attacks in 1964, and the Tonkin Gulf incident in 1964 was all based on American Presidential elections.

Do not think they did not learn in Somalia, on the third and fourth when 18 Americans died, and on the sixth when Sergeant Mike Rearson was killed with a direct hit by a mortar shell. At the front door of headquarters hangars of Mogadishu and a dud landed at the feet, or we would have lost a 2-

star general named Garrison. Do not think that in Somalia on Columbus Day, do not think that those Haitians when they were chanting, ''Remember Somalia,'' in French and English, do not think that they were well aware of the price that Americans put on the sacred, human lives of our men in uniform, and our women.

Gerald Seib goes on to finish: Republicans in Congress should have some say on those kinds of decisions, and the resolution of approval can give them the opening to do that. But he is recommending we vote for it and put conditions on it.

Clinton is not going to pay any attention to our conditions. He is in a full-time, 24-hour-a-day election mode. The one thing he does effectively in life is campaign. He is in full campaign mode. Everything is geared to what is good for November 5, 1996. No matter what conditions we as armchair generals, with or without varying levels of experience, including all the 73 freshmen, no matter what we put down in open amendment process, which would probably take a week of 8-hours-a-day debate, he is going to ignore them all.

He is going to be as smart as George Bush was to leave this in the hands of the military people to minimize the risk and be out of there in 11 months. And if the Bosnians of all the 3 sides are smart, they will do what I predicted they probably will do: Hunker down; tell the killers and the terrorists from Iran that are all over that area now that want to kill Americans, tell them to, ''Shut up or we will kill you,'' the Serbians will tell them. ''Do not touch Americans. Hunker down for 11 months. We have been doing this since the Battle of Kosovo in the mid-1300's. If we waited 600 years to kill one another, and if we hunkered down under a Croatian named Joseph Tito, and hunkered down for half a century waiting to kill one another until he died, we can wait 11 months.''

So, I am predicting that Clinton is going to look like he has a victory here in time for election, but it will not help him because people will remember Somalia, and Haiti will have exploded in his face.

So, do not worry. He is going to be beaten on domestic issues. Republicans in Congress should have some say. Just as a Democratic Congress tried to define the limits on American paramilitary activity in Central America in the 1980's, a Republican Congress can now try to define the limits on American peacekeeping activity in Bosnia in the 1990's. One idea is to pass a resolution prohibiting troops, but one that gives Clinton an escape clause. This seems too cute. The Republicans' practical problem is that after 12 years of arguing for presidential latitude in foreign policies, they are not well-positioned to cut down that latitude.

Remember, I and about four other senior Members fought our freshmen to take away the War Powers Act to give a President, not necessarily this President, more latitude in emergency situations, which I do not think the Balkans constitutes at this point.

The case for peacekeepers in Bosnia, while a close call, is defensible. I have always conceded that. It is that this particular person, Mr. Clinton, makes it exceedingly difficult to send people in harm's way when in his own speech he pours salt into the wounds of every person who felt Vietnam was a noble cause, however poorly, politically, it was fought or not fought, given the political constraints on the commanders and the war fighters, to leave that word ''Vietnam'' out of that speech and then to talk about in a macho way under he, the Commander in Chief, ''Fire will be met with fire, and then some,'' good grief. What an afront. But a case can be made for stopping the killing and for not having any more Jasenovac concentration camps. That was the World War II camp with a museum and a beautiful memorial that I visited with former Members Helen Bentley and Bob McEwen of Ohio, which Tudjman bulldozed months later after the Croatians overran this dreaded concentration camp, the biggest in all of that area; the only one in what was the former Yugoslavia in which hundreds of thousands of Yugoslavian Jewish people were executed, and hundreds of thousands of Serbs were executed by Nazi-style Ustasa Croatian who had gone psycho with the blood of killing.

The Republicans' practical problem is we do not have latitude to cut down Clinton's power as Commander in Chief. The case for peacekeepers is defensible, I can see that. Two arguments count above all others. The first is the moral argument. If a great power has the chance to stop horrible atrocities, it sometimes has the obligation to do so. I accept that on its face. And when my friend, the gentleman from California, TOM LANTOS, who is the last survivor of the Holocaust to serve in this Chamber, when he made that point, I understood that point.

The second is the realpolitik argument. This is a Frederick the Great term, ''realpolitik.'' What is the real politics of this? If the United States backs out on Bosnia now, it probably means the end of the trans-Atlantic alliance as we know it. Some may want to take that chance, that it is the end of the alliance. Most do not.

Who is ''most''? I find myself agreeing with the gentlewoman from Colorado [Mrs. SCHROEDER] in her 5-minute question period a few hours ago. The gentlewoman who, the day after announcing her retirement saying that she was at the top of her game, finally had me agreeing with her.

She was talking about burden sharing. She asked the Secretary of State and Secretary of Defense and they did not answer directly. She asked what is the percentage of our contribution in the intelligence gathering? They kind of equivocated. Strategic is there anyway, Mr. Perry said. The fallout of our strategic intelligence is like it is a freebie, because we are going to be collecting it anyway. Combining tactical and strategic, which is done in a tough situation like this.

Mr. Speaker, 98 percent of the intelligence comes from us. The Turks are flying some photo-recce missions. The Germans, that is their only way of helping, because out of guilt, they do not want to fire any guns in the name of their once-great, and now-great nation, so they fly photo-recce.

We control the intelligence process there. The gentlewoman asked what is the sea power in the Adriatic? She got doubletalk. It is true we have our own fleet there. They neglected to name it, the 6th Fleet. We have an Adriatic force there. The direct answer was: Mrs. SCHROEDER, 90 percent of the naval force at sea is ours, and one of the drawings on the briefing paper was a picture of a C–17. It is rescued like a Phoenix from the canceled programs. Now we are going to go with a full, robust C–17 program. There was a lot of hard management work to get over some Douglas Aircraft scandals. McDonnell Douglas now has the contract of their dreams. Boeing wants to grab them and swallow them into the world's biggest defense company. The two of them alone are in the top three, or four, and now they are going to combine into a mammoth defense company. Boeing's commercial contracts, combined with McDonnell Douglas'. A great breakthrough on C–17 Globemaster III. And this was the image of the C–17 on one of the things talking about airlift. Mrs. SCHROEDER did not get a direct answer on that.

The airlift is 95 percent ours, for pete's sake. What do the Germans have? A little Transvaal, 2-engine transport. It is all U.S. airlift. Airlift, sealift, air power, sea power, all the sorties flown. The French that I mentioned last night, for anybody who did not hear the special order last night, I have been around like an annoying conscience of Jimminy Cricket showing this picture of the French pilots to everybody. SAM JOHNSON who lived this nightmare, lived this terror being captured on the ground, enemy country, his eyes focused in on this fast.

So did DUKE CUNNINGHAM, who bailed out in combat, hit with a SAM missile into the water off of Vietnam and was rescued out of the sea as they were coming out on boats to get him.

Here is the backseater, Souvignet, Jose Souvignet, when they turned inside and I showed him the picture. I wish we had the camera capability to zoom in. Look at this stern face of the frontseater, Captain Frederique Chiffot. Frederique Chiffot, shot down while I am over there. I am at Aviano on the phone getting an intelligence briefing in the Ops room when he was shot down. Two good parachutes on American television that night.

Mr. Speaker, why is he being held up by these tough-looking Serbian fighters? Look at the young Serbian boys in

the background. Like the Bosnian Moslems, like the Croatians, they all look like Americans, because there are enough Croatian-Serbians and Moslem people from that area living over here in the United States. The Moslems have blond hair and blue eyes, some of them, and the Croatians look like ever single American graduation picture we have ever seen in a lot of our high schools.

□ 1745

The only thing they are lacking is people of African or Asian heritage. But there is the picture of the front seater from that Mirage 2000 state-of-the-art European fighter, giving a face of defiance like I am not cooperating, I am going to hang out here.

Here is another picture of the back seater, Lieutenant Souvignet, S-O-U-V-I-G-N-E-T, Jose Souvignet. There he is. Neither feet touching the ground, being held up by a very young, handsome Serb fighter and an older fighter with this beard. Here is a young American looking guy with a beautiful ski type sweater tucked into his European camouflage fatigues, American probably. His suspenders, their gun belts, their weapons of every type.

Where are these two Frenchmen? Everybody on both sides of the aisle in the Committee on National Security agreed with me. I will mention TILLIE FOWLER of Florida by name. She said, I agree with you, BOB. If this had been an American shot down with these two pilots missing, particularly, as I said, if one of them was 1 of our 14 Air Force female pilots now, if we had an American man or woman missing and they had not been jerked out of evasion like Captain Scott O'Grady, Clinton could not have made the speech Monday night.

This is only Thursday. Everybody on both sides of the aisle agreed. An American air crew missing? No peace negotiations at Dayton, OH at Wright-Patterson Air Force Base.

Do you know what SAM JOHNSON said to me, Congressman from Dallas, 7 years in Hanoi, 3½ in solitary confinement? He said, why were these two allied airmen not brought up at Dayton? Why was not Milosevic, who flew there from Belgrade, and a lot of people think he is a war criminal. Would the ethnic cleansing have taken place without his OK from up in Belgrade, when a lot of the units were all fleshed out and the leadership was coming from the former Yugoslavian Army. He said, why were they not brought up at Dayton?

I asked the Secretary of Defense. I asked the Secretary of State. I showed him these pictures. I asked General Shali, did not the three rescue operations, was not the first rescue operation only Americans? Was not a joint French-American rescue operations, this Paris Match cover story says it all took place off the *Teddy Roosevelt*, our biggest battle carrier in that area at that time.

It says in here that two of our men were wounded on the first mission. That means Americans. Why is this kept silent? Why are they not on the cover of People magazine, Life, Time, Newsweek, U.S. News? Why are we not told about the two Americans who were wounded trying to get the Frenchmen out? Probably because we want to try again, so it is closely held, it is top secret.

Why was I not informed on my 7th year on the Intelligence Committee? What is the fate of these Frenchmen? Two days in August, 30 in September, that is 32; 31 in October, that is 53. Today is 30 days in November, 83 days missing. On day 52, Karadzic, who is an indicted war criminal by an international war tribunal in The Hague in Netherlands, says they were kidnaped from the hospital on day 52. Why were they in a hospital for 52 days? These minor leg injuries? Their wits are about them. There are no battle wounds anywhere but limping. Were they beaten to death, as the French foreign minister suspected, when he called it a grotesque statement that they were captured by Bosnian Moslems? The Moslems would have given us these two men to stay in our good graces within hours, if they had kidnaped them.

Radovan Karadzic says, they were taken maybe by rogue groups. Both Mr. Perry and Mr. Christopher used that term, ''rogue groups.'' How we are ready to punish rogue groups if they kill Americans, but we are ready to accept a lot of casualties, they also said.

If a rogue group took them, Karadzic said it would be for ransom. Not a single ransom request has been put forward or a hostage payoff in 31 days. If these were Americans, what a different situation it would be.

I consider them our warrier brothers, French allied pilots flying out of Villa Park in Italy a few kilometers between Milan and Venice from our bases at Vicenza and Aviano. I visited all of them. Drove by Villa Park, asked Congressman LAUGHLIN of Texas, let us go to Villa Park and see the French crews. We do not have time, my escort officers said. You cannot see it all, Mr. DORNAN. We have had an amazing trip. We have been to Albania. We have been to Slovenia. We have been to Slavonia. We have been to Qatar. We have seen where the Serbians destroyed the international airport. You witnessed two secret programs. You have witnessed a supposed-to-be-secret-program of the predator unmanned aerial vehicles getting us close-in tight intelligence. It has now been in all the press. Who leaked that secret program that I thought I had as privileged information? We have been all over. The only thing you did not get to do was fly into Sarajevo like CHARLIE WILSON, on a Russian airplane, one of our retiring Democrats who served well here, helped save Afghanistan from the evil empire, which we won by a vote of one person in a secret vote in the intelligence committee. No, you have seen plenty. There will be another trip coming up.

And I told Shalikashvili, and he nodded, in confirmation, and he will help me, I said, I know one thing, God bless you, good luck. I know you are prepared to take more casualties now than 19. That is what I learned at the hearing today.

I have been saying for weeks that half of the 19 who died in Somalia, actually 30 killed over the whole year and a half in hostile fire and another 14, including shark bite, suicide, and a drowning in a pool on recreation at Mombasa, 44 died in Somalia, 30 in combat, 19 at the end. I thought that 8 or 10 would drive us out of there. I said, if you bug out of here like Vietnam, if you bug out of here like Somalia, if you turn around like the Norton Sound on Columbus Day in Haiti before we went in in force later, I said, it is the end of us as a superpower. I do not care how big our defense budget is, we are finished.

But I said, I can see you are conditioning us to take serious casualties. So all I will do is move the figure up.

Do you know what I think the benchmark is now? Desert Storm, not the 19 or the 30 in Somalia. It is the 148, with one man dying of his wounds later, 149, let us throw in the allied, the British and the French deaths, that was 99. So let us make it 248. Somewhere between 149 and 248, this Congress will go ballistic, berserk, and we will demand a pullout to the detriment of our standing in the world and to the joy of every war criminal in Burma, in East Timor, in Tibet, in China, in North Korea, in poor, crushed Communist-controlled Vietnam. In Cuba, Fidel Castro will say, I told you the United States are paper tigers. I am going to stay in office until I drop dead.

Every killer everywhere in the world will say, all you have to do is what Ho Chi Minh taught us, kill Frenchmen, kill Americans, they will both pull out. They have European Judeo-Christian standards. Kill them. It is the bloodletting that goes on in the West Bank of Israel, on both sides, killing the flower of their youth to see which one is going to cave in first.

Mr. Speaker, let me look at some of the articles here that have come out today. Memorandum to me, a seven-page fax from a lawyer named Clancey, a good friend in California. Is this not all breaking down because of the chickens, interesting word, the chicken coming home to roost. I said in committee today that the jokes are out there now. When the troops deploy, Clinton goes to England. It is not funny anymore. I said then there are the rumors around. I told this to them in private. The rumors that Shalikashvili was in the room when Clinton expressed, properly, concern about the Hamas and the secret police of Tehran and the evil Mujahidin, the Iranian Mujahidin, the bad Mujahidin, there is a good Mujahidin, just like there were good

and bad Mujahidin freedom fighters in Afghanistan, there is good and bad in Iran.

In spite of all that, Clinton asked, concerned, as he should be, over casualties, what are we going to do to keep them tamped down. Then he said, do not let the Congress find out about this, try and downplay this.

We have accomplished some things. Chain of command. The top, General Joulwon, USA; Sarajevo, Air Force NATO South, Adm. Leighton Smith, several Congressmen had met with him at his headquarters in Naples. He will probably move his headquarters to Sarajevo, right next to Sniper Alley where little boys and girls and mothers have been murdered right in front of their children by both sides. In that case the Croatians get a pass because they were not in Sarajevo.

Air South, the beautiful Lion of St. Mark, the evangelist, the symbol of southern NATO, General Ryan, he has been there for years. I met with him two or three times, great commander.

Now we have a little joint endeavor, as this mission is called, Lieutenant General Walker, British general, land forces, under Admiral Smith, the United States admiral. And we let the Italians come in here, naval command south, Admiral Angelli, there is the Italian flag.

Then it comes down to the forces on the ground, gave a very difficult area along this Serbian Serb border to the Russians. The commander in Bihac, where the fighting has been going on for 600 or more years, the point of the Ottoman-Turk penetration into the heart of Europe, when they were rolled back from having burned Prague and Buda and Pest to the ground but being stopped, no, being stopped at Prague and stopped at Vienna, they were pushed back to the arrow shape that is the Bosnian part of Bosnia and Herzegovina, the tip of the Islamic spear at the heart of Europe pointing right at Paris, that is Bihac, the Bihac pocket. Not so small a pocket any longer. Who is the commander there? Major General Kievenaar, probably a Dutch general.

Then we have the multinational division at Sarajevo but down at Mostar, a beautiful city where I had lunch on the way to Majaguria on that trip of March 1991 in beautiful Mostar where they dumped a bridge, 500 years old, that stone bridge, they are going to try and rebuild it with United States and world money through the NATO cultural aspects of the U.N. headquarters in New York. This is commanded by Major General Rideau, sixth French division. There is a French command.

Back to another British command, the multinational division, this is the rapid reaction force. They do not wear U.N. paraphernalia. Michael New would not have had any problem serving in this unit. This is NATO and they wear their uniforms.

Southwest, this is in Gornji Vakuf. I thought they were going to take Gornji Vakuf, the Croatians, if we had not told them to back off after they had cleaned up the whole Krajina area, Major General Jackson, third UK division.

And then the multinational division northeast, right there in old downtown Tuzla, this is going to be one of the big ground headquarters, Major General Nash, probably one of the last of our Vietnam combat experienced men. He was probably a brandnew second lieutenant out of the academy or ROTC in Vietnam. He is the 1st Armored Division. I have seen him on television. The last of our combat trained divisional commanders. They will all be gone in 2 years or so. He is there in Tuzla.

Here is an interesting thing. I see on the news the operational commander of this operation out of the Pentagon is a top notch West Pointer named Wes Clark, was the commander of the 1st Cavalry Division when he and I were spun in kind of a trap that I detected, probably by Carville and Stephanopoulos. Listen to this story, Mr. Speaker.

On Halloween day of 1992, 25 days after the House had adjourned and Mary Matalin told me, Bush's principal fighter in his campaign, that her then boyfriend, James Carville, was chewing nails with Stephanopoulos that war heroes SAM JOHNSON, DUKE CUNNINGHAM, and DUNCAN HUNTER and this peacetime fighter pilot might cost Clinton the election. On or about the 30th or 31st of October, a gentleman calls my office, serious voice and says, I never thought it would come to this. Congressman DORNAN is the only man can handle this. Clinton tried to renounce his citizenship in Oslo, Norway and a West Point Rhodes scholar, Wesley Clark, was sent up to Oslo to talk him out of it.

My staff panicked. Congressman, we almost did not tell you. You are not going to go public with this without checking it out. Relax, I said, smells like a trap to embarrass me. Called the Pentagon to get the general officer biography of Gen. Wesley Clark. If he is the commander of the first cav, I will call him there. We get his bio within the hour.

I go to a Halloween parade for one of my grandchildren at the Mission San Juan Capistrano. I call from the principal's office. Do you have the general's bio? Yes. Is he a Rhodes scholar? It does not say anything about Rhodes scholar. Does it have Oxford on it? Oh, my God, yes, it does. He was at Oxford with Clinton.

What year does he graduate from West Point? 1966. Does not work, I said. It was a trap.

What year does he graduate from, get his Rhodes scholarship? 1968. Where does he go? Sill Artillery School, then to Vietnam. He has the Silver Star. He has the Bronze Star. He was in combat so his 2 years as a Rhodes scholar set him up for the noble cause of Vietnam.

□ 1800

I said, ''OK, he left in June. Clinton was on the SS *United States* in August. I have seen the powder blue picture, blown-up, overweight, on his way as a Rhodes scholar, has already managed to put the draft board off the first time because graduate school didn't count any more, how he worked that politically through the Buick dealership, political power of his stepuncle; who knows how he did it. He arrives in August of 1968.''

I said, ''Get me Wes Clark on the phone.'' I called Fort Hood in Texas.

''He's on the golf course.''

''Get me his aide-de-camp.''

I get his aide-de-camp.

''Have the general call me when he comes off the golf course. Give him my daughter's home number in Capistrano.''

He calls me.

''General, have you gotten any media calls that you or young Rhodes scholar, West Point graduate, that went up to Oslo to talk Clinton out of renouncing his citizenship? I think it's a trap.''

''Yes, Congressman, AP has already called me, I sense it is a trap. I never met the man.''

''How many other Rhodes scholars were there from Annapolis, Air Force Academy?''

He said, ''Four.''

He gave me their names. One of them was the skipper of the *Kitty Hawk*.

I said, ''So they would have overlapped Clinton; right?''

But I questioned about other things. I said ''What was it like when you left Oxford as a young Army second lieutenant on your way to train to go to Vietnam?''

Quote, Wesley Clark, three stars, operational commander of this whole operation under the Joint Chiefs of Staff, so when I see him on television, do not think I do not have some interesting feelings for Gen. Wesley Clark. I have been meaning to have lunch with him for 3 years now.

He says, ''Congressman,''—now listen to this, and think of Clinton at Oxford 26 years ago: ''Congressman, it was the most hate-America environment I have ever been immersed in or witnessed in my life. We academy men from the Air Force Academy, West Point, and Annapolis hung out together, studied, avoided all this hate-America madness going on, got our degrees.'' Clinton, no record of his ever going to classes second year. One of 3 in his class of 32 who did not get any degree, got an honorary one on the way home from Normandy memorials, could not miss that photo op, although Tony Lake and others said:

''Don't go. It will recall what you did in England and why you couldn't go to Grosvenor Square for the big ceremony with Bob Hope and all of the other people before they left for the Normandy beaches.''

He told me about that hate-America climate and the other academy men that were there overlapping Clinton's first year. I will bump into one of them. The skipper of the *Kitty Hawk* is a two-star admiral now. He is over

there at the Pentagon. I will bump into him someday.

But this is what makes all of this uncomfortable: Mr. Speaker, Roosevelt was 35 years of age when he was Assistant Secretary of the Navy and we went to war in World War I. He could name every single ship of the line, and after him we had a run of five naval officers, four of them back to back, George Bush the last, and we had an artillery captain named Harry, like my dad, an artillery captain in World War I named Harry, then a five-star general during all of my years of active duty, then an Army Air Corps lieutenant who was also, like Roosevelt, 35. People say, ''Why wasn't John Wayne in combat?'' He was 35 when the war started, with three small children.

After this a long run of military people, I think of Roger Patterson, the trooper who told me to my face that Clinton said to him once driving around at night when they were out catting around; he said, ''You know, Roger, why is it that the American people accept somebody to have worn the uniform or served? I don't think that is necessary.'' And his dream came true.

And now all the editorials are coming out saying of all people, of all people, to be in the commander in chief's job, to be sitting in the Oval Office, of all people to be there, it is this man who deliberately leaves Vietnam out of his speeches and who is going into what Churchill called the tinderbox of Europe, into the Sarajevo area.

Ironically our headquarters, our ground headquarters, will be in Tuzla. What is Tuzla? Tuzla is the last atrocity photographs on American television. On Friday, August 25, I met with the Japanese envoy, direct representative of Boutros Boutros-Ghali, Secretary General of the United Nations, Mr. Akashi. I have GREG LAUGHLIN and three military escorts as witnesses. I said, ''Mr. Akashi, you are not qualified to pick military targets.''

''Oh, I picked good targets back in April.''

I said, ''You mean an outhouse with some ammunition in it? You must let General Ryan and his people, we just left him, we just left Admiral Layton; they say they are ready to use severe force if there is another atrocity.''

This is Friday, the 25th; the bombing, the mortaring, of Tuzla was the 28th. I said, ''I will do everything I can to get you removed from this position if you set yourself up as an armchair general under the U.N. chain of command, and you're going to pick out these meaningless targets. It's been 14 months since you unleashed the first strikes here. We never had but two ships elements ever go in here. We lost a British Harrier. It's been a miracle that we got Scott O'Grady back. Don't you pick the targets.''

And I will close on this, Mr. Speaker. Monday the mortars hit the marketplace in Tuzla where we are setting up our headquarters and men are arriving now. Bodies were blown in every direction, a man draped over a railing, children killed, people with their limbs, bones sticking out of their limbs. We are there, and I will close with what I told Clinton's team:

God bless you, good luck, we will be tracking the casualties, and may they be smart enough to hunker down for 11 months until we are out of there.

Clinton may posture as a winner on this case; we will beat him on domestic policy, on balancing the budget.

I will be back again next week with more special orders.

THE MINIMUM WAGE AND EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I will take 28 minutes and would like to yield the balance to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. Speaker, I think today is November 30. A continuing resolution has been passed which will take us to December 15. So, the countdown that I mentioned on Tuesday now moves forward. We have about 16 days left before the budget decision will be made. Hopefully there will not have to be another continuing resolution.

So the countdown continues, and tonight I would like to talk about two basic questions related to what is going on here as this budget process unfolds. The negotiations are taking place in various quarters, and we will expect probably next week to begin to see the outlines of some proposed negotiating positions by both the Democratic White House and the Republican-controlled Congress.

There are two basic questions I would like to ask tonight which relate directly—not so directly, but certainly indirectly, to the budget process that is going forward. One of these questions relates to the minimum-wage issue.

This morning we had a forum on the minimum wage. We called it a response to the 100 leading American economists, a congressional forum on minimum wages. One hundred and one leading American economists said more than a month ago that the American economy could not only benefit from a minimum-wage increase, but it was highly desirable, and we have not responded here adequately on Capitol Hill to that statement by the leading economists in the country.

We have a bill here, H.R. 940, sponsored by the minority leader, the gentleman from Missouri [Mr. GEPHARDT], which calls for an increase in the minimum wage in two steps; 45 cents an hour 1 year, and then a second year, another 45 cents, so a too-little 90-cent increase in the minimum wage would take place under the Gephardt bill.

The Gephardt bill has only 110 sponsors, only slightly more than the 101 economists, so there is a big question about why there is not more enthusiasm, on the one hand, among Democrats since we have 195 Democrats. I hope soon we will be joined by my good friend, Jesse Jackson, Jr., and there will be 196 Democrats, but the 195 Democrats are hesitating. Only 110 are on the minimum-wage bill; so there is a question there.

The President has endorsed the Gephardt minimum-wage bill. The President has endorsed the increase in the minimum wage to 90 cents over a 2-year period.

But there is a great opposition. First of all, there is not much enthusiasm among the whole Democratic Party, and then there is a great opposition among the Republicans, the majority Republicans refusing to even have a hearing on the minimum wage.

I am on the Committee on Economic and Educational Opportunities which has direct responsibility for the minimum-wage law. I am the ranking Democrat on the Subcommittee of Workforce Protections which has even more specific jurisdiction over the minimum-wage law, and we have not been able to get a hearing.

So we had an unofficial forum today to replace the kind of thing that would have happened at a hearing.

Why is there such great opposition? Why cannot we have at least a discussion of an increase in the minimum wage? Why does the majority leader of the Republican Party here in the House state that not only is he against any increase in the minimum wage, but he would like to see the minimum wage abolished altogether? He would like to see the law repealed. What does this have to do with balancing the budget? You know, what does it have to do with the Contract With America? The balancing of the budget will not be impacted in any significant way by an increase in the minimum wage.

You know, it is not—taxpayers do not pay workers; you know, the various enterprises where they are engaged, they pay the minimum wage. So why if there is a great concern about balancing the budget, why do we have to go off to the side and wage war against workers by saying that we will fight any increase in the minimum wage? Why? You know, it is a question that needs to be answered.

The other question I want to ask is also why do we have such tremendous cuts in the education budget? You know, I think that, you know, jobs and education are inextricably interwoven. That is why when I came to Congress I signed up for the Committee on Education and Labor, as it was called at that time, it was not the Committee on Economic and Educational Opportunities, because you cannot separate the two. Education and the ability, the capacity, of people to qualify for jobs and to stay, to keep up with this fast-moving economy and the complexities of our present highly technological world, make education absolutely necessary

in order for people to be able to take advantage of jobs, and the employment question cannot be separated from the education question.

Today the Committee on Education funding has dubbed this day as Save Education Day, and they are battling to save education from $4 billion in Federal cuts, $4 billion, and the $4 billion in Federal cuts have stimulated a wave of cuts across the country at the State level and the local level.

So why is education being cut? Why are we trying to abandon the public education system?

The polls show that the American people clearly favor education as a high priority for government expenditures at every level. The polls show this. They show it this year, and as a matter of fact right now the No. 1 priority, according to the taxpayers and the voters that we serve, the No. 1 priority is education. Education is ahead of health care, and health care is a great concern; but now education is the No. 1 priority.

So why are politicians refusing to read the polls? Why is there talk about a compromise at the White House where they are not going to insist that we not accept these $4 billion in education cuts? Why was it placed on the chopping block in the first place?

After years of bipartisan support for Federal involvement in education and Federal support for education, all of a sudden education is placed on the chopping block, despite the fact that the American people say that is a priority we want to support. We want to support education.

□ 1815

So these are two basic questions. There is something happening here in this Capitol which is not related to balancing the budget. There is something else going on. In fact, balancing the budget becomes questionable when you look at these other activities.

Why is there war being waged against workers in terms of the OSHA, Occupational Safety and Health Agency? Why are we so determined to make the workplace less safe? Why is the Republican majority driving so hard to take away safeguards against accidents in the workplace? Why is there is war being declared on the Fair Labor Standards Act which determines what the hourly wages are going to be and also the conditions under which we set those wages in terms of overtime and various other provisions? Why is there an attack on that? Why is there an attack on the National Labor Relations Board? What does that have to do with balancing the budget?

Yes, it is true they have cut the budget, partially, of the National Labor Relations Board. It is such a tiny budget. The cuts clearly have nothing to do with trying to get more revenue out of the system in order to help balance the budget, the cuts are punitive. The cuts are designed to make the agency work less effectively. So the war against labor has nothing to do with balancing the budget.

There is a class war going on here, maybe; I don't know. Every time you mention class war, the Republicans on the floor get very upset. ''How dare you accuse us of waging a class war?'' I am not accusing the Republicans of waging a class war; it is not a war, it is a massacre. When you have a war, you have contending parties of some kind of equal strength. What we have against the working people of America is a massacre. They are using their overwhelming power against the workers in every way.

Whether you are talking about OSHA and worker safety, fair labor standards or the National Labor Relations Board activities, or you are talking about minimum wage, there is a massacre going on directed against the American working people. It is not a class war, but certainly there is great contempt being shown for working people. There is great contempt being shown for the people at the very bottom in this society.

Yes, Wall Street now, the Dow Jones industrial average I think is up above 5,000. The boom is going on and on, great amounts of money are being made, executives are being paid the highest salaries ever. Everything is great for the management class, the ruling class, the elite that controls the House at this point. Why can there not be some generosity, some sense of sharing? Why can we not give a lousy 90-cent increase in the minimum-wage law? Why can we not have a 90-cent increase over a 2-year period?

The history for this minimum wage is that since 1938 we have had about six increases, and right now the last increase took place 6 years ago. That is when we last enacted legislation increasing the minimum wage. At that time the Senate majority leader, who is the leader of his party in both the House and Senate, and right across the country, he made a statement which I will quote.

Six years ago Senator DOLE said:

> This is not an issue where we ought to be standing and holding up anybody's getting a 30 to 40 cents an hour pay increase at the same time that we are talking about capital gains. I never thought the Republican Party should stand for squeezing every last nickel from the minimum wage.

That is the end of the quote by Senator DOLE 6 years ago.

Apparently the Republican Party has changed their minds. Today it seems the Republican Party does stand for squeezing every last nickel and every last penny from the minimum wage. As I said before, the Republican majority leader of the House of Representatives has recommended that we repeal the minimum age law completely, wiping it out. We are talking about pennies, 90 cents an hour, 45 cents this year and 45 cents next year. But beyond the money and the pennies at stake here is more than money. It is the work ethic itself.

When we permit the value of the minimum wage to erode, as we have in recent years, we not only cause economic pain to working people, we do violence to the work ethic that we all profess to revere. Our words as elected officials exhort Americans to work hard, but our actions ridicule them by making work pay less and less year after year.

The value of the minimum wage is now at its second lowest level since the 1950's. It has lost nearly one-third of its value over the last decade. When Speaker GINGRICH graduated from high school in 1961, the real value of the minimum wage was $5.41. That is $1.16 cents more than it is today in value.

When Speaker GINGRICH completed higher education in 1971, the wage was worth $5.67. That is a value of $2.42 more than it is today. In 1978, the year Mr. GINGRICH was first elected to Congress, the wage was worth $6 an hour, fully $1.75 cents or more than 41 percent more than it is worth today.

We had some people testify who bring home this whole matter of how important this 90 cents per hour is. We had a gentleman who I would call a noble American worker, the best that we can offer, who testified today. I am proud to cite Mr. Donald Knight of Elizabeth, PA, who had to endure quite a bit of hardship to get to our hearing, our forum today.

I am going to read Mr. Knight's testimony in its entirety because I think it drives home the fact that we are not talking about something which is paltry. It may seem that 90 cents an hour does not mean much to a lot of people, but for the people out there making minimum wage, it means a great deal.

Mr. Donald Knight, I quote:

> My name is Donald Knight. I am 61 years old. I live in Elizabeth, PA. My wife Barbara and I have raised three sons. Life in my area was good for as long as I can remember: Good jobs, and friendly communities. When your kids grew up, they got good jobs and you could depend on them in your old age. All of that changed in the 1980's. All of the good jobs in the steel mills and other manufacturing industries disappeared when the companies closed. For years there were almost no jobs, especially for someone like me in their fifties.
>
> Now there are jobs, but they don't pay much and there are few benefits. We had an economic recovery, but it was a minimum wage recovery for us. Our kids, the ones that didn't leave the area for jobs somewhere else, they can hardly take care of their own families.
>
> I started working in 1952 at a glass factory. In 1966 they closed down, and I went to work in a steel mill. From then until the 1980's I worked for U.S. Steel. We had layoffs and it wasn't always easy to support my family, but the mills always called us back to work. In 1982, U.S. Steel laid me off from the national tube mill, and when they closed that place in 1984 I knew things were going to be different. My unemployment checks ran out in 1984 and my wife and I were forced to swallow our pride and take welfare.
>
> I cashed in my pension in 1987 to help us survive but that money went to bills and we were back on welfare soon after.
>
> My wife and I took any jobs we could get. Some were under the table and all were temporary. We cleaned houses, got paid to walk other people's picket lines.
>
> Then in 1990 I finally got a permanent job. It was for Allied Security as a guard. I

worked many different places, guarding other people's property. I even guarded a slag dump where they put the waste from steelmaking though I never understood why someone would want to steal the slag.

The only problem then was that I never made more than $5.00 an hour and have had no health insurance for myself or my family. I have no pension and last made $4.80 an hour for Allied Security after 5 years with the company.

My wife and I had bought a house and had it paid for by the time I lost my first good job. But over the last 10 years I haven't been able to take care of it. The water main broke and the water has been shut off for 3 years. The thermostat broke and we have had to use a kerosene heater for 2 years. Now my house has been condemned and all of the housing projects where we have tried to get into have waiting lists for at least a year.

My eyesight and hearing are getting bad and my wife has back problems but we can't afford to go to a doctor. They tell me I got clinically depressed when all the good jobs left my area but I never could find any place to go get help. When we absolutely have to, we go to the emergency room and somehow try to make payments on the bills. My wife and I were shocked to hear the Republicans here in Congress say that we don't need national health insurance because the current system is working fine. They say ''let the private sector run things'' but I can't find out who that is to go get the help I need. We guess they just don't know what it is like out where we live.

So working at about the minimum wage allowed us to survive, always falling further behind in our taxes and bills, but able to eat and buy kerosene. If a person makes a lot of money, the increase in the minimum wage proposed by President Clinton of 90 cents an hour might not seem like a lot. But to my family the additional couple thousand dollars a year would make a big difference. I probably couldn't pay all my debts but I would not be falling further behind all the time.

Just one final thing. Last week, just before Thanksgiving, I got fired from my job. After making my rounds I was sitting in my shanty and put my feet up on the table. Someone turned me in and said I must have been sleeping and the company fired me. I hope the Mon Valley Unemployed Committee can help me get unemployment checks and they told us about food stamps and medical assistance so I guess we will survive.

I only hope I can hang on until July next year when I can get Social Security. That and another minimum wage job will be the best standard of living Barb and I have had in more than 10 years. Lots of people, friends and family have helped us over these tough years but I always took pride in taking care of my family. A higher minimum wage would help me help myself.

That is the testimony of Mr. Donald Knight of Elizabeth, PA at our forum on minimum wage this morning.

There were other people who testified; a Mrs. Wong, a Mandarin garment worker from New York. Mrs. Wong spoke in Chinese and had to have an interpreter. Mrs. Wong told us that she would be happy to work for the present minimum wage, but the present minimum wage law is not being enforced in Chinatown in New York, so people are being forced to work below the minimum wage. She would like just to have greater enforcement of the minimum wage.

Why are we opposing a 90-cent increase in the minimum wage, which would help these very poor people who are trying to help themselves?

I think perhaps most of the Members of Congress have lost contract with what real working people are all about and with what poverty is all about. They do not understand that an increase of 90 cents can make a great deal of difference. On the other hand, we are closing off the opportunity for the people who are forced to work at minimum wage to move beyond the level where they have to work at minimum wage. The only road out for people who are on poverty, in poverty now, is education. So I ask the second question.

In addition to us having a situation where the Republican majority opposes, adamantly opposes, an increase in the minimum wage, that same Republican majority is calling for great, deep cuts in education. Why are we cutting education when the American people have clearly said, ''We don't want education cut, we would like an increase instead''?

Recently 71 percent of those polled say that President Clinton should reject a budget if it makes major cuts in Federal support for public education. Seventy-two percent said he should not accept any budget that cuts the student loan program and makes it harder for the middle class to afford college. This is reported by Peter D. Hart Associates, November 15, 1995.

Americans ranked education as the top legislative priority for Congress, 39 percent did, and improving education as the most important goal for the Federal budget, 35 percent. Lowering taxes and balancing the budget ranked last in the six choices.

This is an NBC News-Wall Street Journal poll taken September 16 and 19 of 1995. Ninety-two percent of all Americans believe that the Federal Government should spend the same or more on education, and 68 percent of those polled believe that the Government should spend more than current levels. Only 8 percent answered that the Government should spend less money on education. This was an NBC News and Wall Street Journal poll, again of January, 1995. Seventy-eight percent of Americans polled opposed cuts to Federal aid in education as a means of reducing the budget deficit. This is a New York Times poll and CBS News poll that was taken in December 1994.

Every time you take the polls and ask the question, education comes up clearly as a high priority. Why is the Republican majority insisting on cutting education so drastically? Where in the Contract With America is there a promise, a commitment to cut education?

There is something happening here which has nothing to do with balancing the budget. There is something happening here that has nothing to do with economics. There is something vicious happening here that needs to be looked at more closely. I enjoy watching the animal movies, the nature movies. I do not have any children, so I do not have an excuse for watching them. I will have to confess, I like to watch them myself.

There is a particular animal movie about the competition between lions and hyenas, and maybe some of you have seen it, because it has been shown over and over again, a lot of reruns, and it is fascinating because what it says is that in the jungle, in the jungle, in nature, animals sometimes behave as irrationally as human beings.

We always thought, I was always raised to believe that the animal kingdom is pure. They only kill for food, when they need food. They do not get into revenge and hatred. But the competition between the hyena and the lion, the hyenas and the lions, it demonstrated that there was something else at work, something else was happening other than the battle for survival, other than the desire to survive from day to day, and the competition for food. They were not necessarily in competition for food. They fought each other like human beings fight each other in Yugoslavia and Rwanda. There is a kind of hatred there which makes them almost human, unfortunately.

The hyenas taunted the lions, and one hyena is murdered by a lion because he gets caught while he is taunting the lions, not trying to get food. The hyenas find a lioness out by herself and they murder her, not to eat her, but they murder her because they want revenge. There is an evil at work there. There is something that has not been figured out by the naturalists and the people who study animals in biology. There is something at work here in Washington that we have not quite put our hands on also. It has nothing to do with saving money. It has nothing to do with streamlining the budget. It is something else. There is a contempt, a hatred for working people, a desire to wipe out a segment of the population.

A lot of the budget cuts are not designed to save money, they are designed to destroy programs. They are not designed to reform, they are designed to wreck. There is a mentality that the elite minority deserves to have an America that belongs just to that elite minority. Otherwise, how do you justify the intense opposition against an increase in the minimum wage? How do you justify the Republican majority fighting a 90-cent increase in the minimum wage?

☐ 1830

How do you justify the Republican majority waging war on education programs, cutting education when our future is clearly wrapped up in our educational advances and the possibility that we will be able to survive in the future will depend on the degree of education that we have? That is pretty much understood. National security is very much interwoven with our ability to educate the population and to stay ahead of the tremendous unfolding of more and more complex knowledge all the time.

Mr. Speaker, we need to have the best educated, the most educated population possible. The rhetoric clearly understands this. Speeches that have been made by Republican presidents, started by Ronald Reagan and then continued by George Bush, have always said that America is at risk, that we are a nation at risk if we do not provide proper education, and yet the Republican majority has undertaken budget cuts that are devastating. If enacted, this will be the largest setback in education in our history. They will be cut by 17 percent, while overall spending is only being cut by 4 percent.

We need to come to grips with why is this being done by the Republican majority. The proposal would deny millions of America's children, youths and adults precious opportunities for education. They would slash funding for basic and advanced skills.

The bills would deny access to college by eliminating student aid Pell grants for 280,000 students. The budget bill would jeopardize the education of children with disabilities by shifting some $1 billion in Medicaid costs for health-related services for more than 1 million children with disabilities to the States.

The legislation would eliminate help for safe and drug-free schools, eliminate most of the program that exists throughout the school system all over the Nation. The legislation would halt progress on school reform and innovation. The cuts would deny access to Head Start for 180,000 children in the year 2002, compared to the present 1995 enrollment in Head Start.

These are devastating cuts, the combination of the two. Why do we have the assault on the minimum wage, the assault on workers in every way, minimum wage, safety, Fair Labor Standards Act? Why do we have these cuts in education which would allow the poor to help themselves, allow the poor to get into the mainstream and be able to become part of the great middle class?

America has built a middle class over the years through education, something called the GI bill of rights which helped hundreds of thousands all in one program. Then we had aid to higher education that existed long before we had aid to any other form of education.

Mr. Speaker, I am going to close at this point and yield to my colleague, but the question here I want to end with is, what is it at work here in Washington that goes beyond a concern with balancing the budget? What is at work here that goes beyond a desire to streamline government?

There is a desire by an elite minority to wipe out a certain segment of the population. A massacre has been organized against the defenseless people at the lowest rungs in our society, and that has to be examined closely if we are to understand where we are going in the next 16 days.

In the next 16 days, the people out there who have let it be known through the polls that they support education, in the next 16 days the people out there who have overwhelmingly supported an increase in the minimum wage, they have to let it be known that they are watching; and their common sense should prevail over the kind of strange behavior that is predominant here among the Republican majority who control the House of Representatives.

THE 7-YEAR BALANCED BUDGET IS A CHARADE

The SPEAKER pro tempore (Mr. WHITE). Under the Speaker's announced policy of May 12, 1995, the Chair recognizes the gentleman from Hawaii [Mr. ABERCROMBIE] for 33 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman from New York [Mr. OWENS] for yielding to me.

The point that the gentleman was making and has been making so clearly about the minimum wage and the necessity for having a living wage in order to be able to sustain one's self in today's world is more than amply demonstrated if we consider the budget negotiations now underway.

Mr. Speaker, this is not the first time that I have appeared on the floor on this subject, but obviously you and other colleagues and other citizens, friends tuning in to our proceedings, may not have heard everything it is that is at stake. You see and hear the headlines about balancing the budget, but Mr. Speaker, I am here to tell you today, and I am not the only one, that that is not what is taking place.

The budget is not being balanced. I feel very, very strongly that every time the national media in particular, whether linear or in newspapers or electronic with radio and television, report the balanced budget negotiations going on, they are doing a disservice. I do not want to say it is a question of lazy journalism. It may simply be the fact that not sufficient homework is being done or that we have moved into a situation in which news is reported simply on the basis of what is said by one side and another on an action-reaction basis, and then no one bothers to research any more as to whether anything anybody says is true or not.

Mr. Speaker, let me put forward to you the simple proposition that I am contending is the actual situation with the nonbalancing of the budget. I do not know if we want to call it a truth-in-budgeting proposition, but we most certainly do not have a balanced budget. Very simply, very plainly, I want to state, and so far there has been no repudiation of this whatsoever by anyone in the majority, that there is in fact no balanced budget, that the budget that is printed has been available to us right straight through from the beginning from the majority, does not contain a balancing by the year 2002.

I can understand why the Speaker of the House said that he arrived, or is reported to have said that he arrived at the 7-year number by intuition. I can understand that, because it is all guesswork. The No. 7, the 7 years, 2002, is something that was picked out of the air because they were able to balance the budget on paper, but on paper only. It is a charade. It is an illusion.

What is happening, Mr. Speaker, is as follows: Every year, including this year, there is going to be a deficit, and the deficit will be here this year to the tune of some $245 billion; and the deficit in the year 2002 will be in the neighborhood of $105 to $108 billion, all assuming that there are no bumps in the economic road. In order to mask, in order to mask those deficits put forward by the Republican majority, put forward by the Speaker of the House, they are going to take from the Social Security trust fund billions upon billions upon billions of dollars, starting in the neighborhood of $63 billion this year and billions upon billions every year thereafter, up until the year 2002, in which they will take approximately $115 billion.

So you see, Mr. Speaker, that if the deficit in the year 2002 is approximately $105 billion and you borrow $115 billion, you can claim on paper that you have a $10 billion surplus.

So I am stating yet once again today—and I hope the proposition will attract some interest at some point—that the negotiations now going on between the White House and the Republican majority are not geared toward balancing the budget. No one who examines this budget can come to that conclusion.

Now it is going to be said that it is balanced, but it is not. Because on the day that the budget is supposed to be balanced, we will need an explanation from Mr. GINGRICH as to how we are to pay the approximately $636 billion that has been taken from the Social Security Trust Fund, plus interest.

My calculations and those of Senator HOLLINGS and Senator DORGAN in the other body indicate that that will probably be in the neighborhood of $1 trillion owed to the Social Security trust fund by the people who say they are balancing the budget.

Now I have been a single voice so far, at least on the floor of this House, trying to bring out what the truth of all of these budget negotiation shams are all about. But I can assure you I am not the only one and will not be the only one by the time this process is over. I am going to continue to speak out; I am going to continue to bring to this floor the quotations from columns and observations by others who are beginning to catch on to what this is all about.

Does anybody out there, do any of our colleagues really believe that if it was possible to balance the budget in 7 years that it would not have been done already? In time to come I will show how this kind of proposition has been put forward before. President Reagan said he was going to do it. President Bush said he was going to do it. President Clinton indicated he would certainly like to do it.

President Reagan was unable to balance the budget. He put forward a plan on paper; never worked out. President Bush said he wanted to do it. Put forward a plan on paper, never worked out. President Clinton has been unable to do it.

President Clinton, to give him credit, as a result of his first budget proposition, has been able to bring down both the rate of the deficit as well as the deficit itself, since his first budget came to the Congress and since we passed it in 1993. But the plain fact is that bringing down the deficit, either in absolute numbers or the rate of the deficit, is not the same thing as balancing the budget.

Now, everybody in the country, when they are told by the Speaker of the House that we are to use honest numbers in balancing the budget in 7 years, expects that that will be a reflection of the budgets that they understand.

Mr. Speaker, in your home and my home I think we know what we mean by balancing our budget at the end of the month or at the end of the year. We have so much revenue come in; we have so much revenue go out. And if those books balance at the end of the year, we say we have balanced our budget.

But you do not balance your budget, Mr. Speaker, I am certain that you do not balance your budget in your household any more than I do in mine, by telling your spouse that you have balanced the budget, your family has balanced your budget for the year by stealing your mother's and father's Social Security.

I am going to emphasize that. Maybe stealing is a bit of a harsh word, because it is only being borrowed, but some people might call it stealing if they did not know that it was being borrowed; and I do not think the average American taxpayer knows that that is what is happening.

I am frankly surprised, Mr. Speaker, that the American Association of Retired Persons has not gotten on this, the AARP. The various committees to protect Social Security seem to be silent.

I notice that the Consumers Union and some of the tax groups, tax justice groups have been very vocal with respect to Medicare and Medicaid cuts and expenditures, but in this area of actually balancing the budget, they have all been strangely silent. I wonder about those among our colleagues and across the Nation who are paying dues to these organizations. I wonder whether they might begin to inquire of the leadership of some of these organizations that say they are trying to protect Social Security and provide tax justice, some of these people that supposedly analyze what is going on in government, Common Cause.

There is a whole range of organizations out there that seem to be silent on this. Why is it that they have not come forward to indicate that we are not balancing this budget, unless someone has put forward a proposal that I am unaware of that indicates how we will pay more than $1 trillion that will be owed in the year 2002 to the Social Security trust fund in order to make up for the money that, on paper, is supposedly balancing the budget?

□ 1845

Just bringing down the deficit does not balance the budget. And robbing—there I go again—I suppose I should not use that word—borrowing is perhaps the more appropriate term as far as accountants are concerned. But I can assure you as far as the average taxpayer is concerned, he or she is going to feel a little bit upset about the idea of taking their Social Security trust fund dollars and putting that money toward so-called balancing the budget.

I have here in front of me the National Journal's Congress Daily from Wednesday, yesterday, November 29. Budget negotiators must close a $730 billion gap.

And I read through this learned publication. It is depended upon by you Mr. Speaker, and I, I think, as a source, a reference point, depended upon by other members of the public as being reliable.

It says here the Democratic and Republican budget negotiators began meeting Tuesday night, face the daunting task of trying in a few weeks to bridge the differences totaling at least $730 billion in entitlement savings, discretionary spending levels and tax cuts if they are to agree on a 7-year balanced budget path this year.

Mr. Speaker, this is not the first time that you have heard that phrase, the glide path to a balanced budget. It keeps coming up. But I notice the more time I spend on this floor talking about the fact that there will not be a balanced budget, there is no glide path, except to budget oblivion in 7 years, the greater the silence that accompanies it.

I have invited over and over again the Speaker to come down and refute what I am saying, but I understand he is probably over at the White House or in touch with those people who are at the White House doing the negotiating on this illusory, phony, 7-year nonbalanced budget. Now I do not think they are going to be able to fool Senator DORGAN with it.

I will at some point in the near future be reading into the record some of the points that Senator DORGAN has made, a Democratic Senator from North Dakota who is on top of this and understands it as well as Senator HOLLINGS. But the fact is, is that Senate Budget Chairman DOMENICI says, ''We're making progress. We will meet every day this week including Saturday. This is a serious effort.''

If it is a serious effort, I would like the good Senator to indicate whether or not they are negotiating how much money they are going to take out of Social Security to mask the budget deficits that they in fact have in this budget and have in the next budget and the budget after that all the way up to the year 2002.

Has anybody come forward to explain what happens in 2003? Do we suddenly disappear? Is there some Biblical implication from this that I am unaware of? Is there something in the book of Revelation that says that the world as we know it and particularly the budget of the United States ends in the year 2002 and somehow we will not have to pay that $1 trillion in principal and interest that we have taken from Social Security?

Now, if it is indeed a surplus, and so we can borrow from it and keep it, as the budget wizards say, off-budget, now think about that, Mr. Speaker. How many of us in our lives when we talk about a balanced budget to our families are able to say, Oh, by the way, that credit card payment? Well, that's off-budget. We're not counting that, because that credit card came in the mail. I didn't really solicit that, so even though I've spent money, even though I've used that card, in this instance the Social Security trust fund card, I'm not going to count it. That's just a surplus.

Well, if it is a surplus, why do we not give it back? If it is a surplus that is not needed to pay Social Security to those who are eligible for it, then why do we not give it back? Why does a bill not come forward tomorrow from the Speaker's office saying, We're going to give that surplus back. We don't need it?

I will tell you why. Because we want to give a tax cut. I hear everybody saying they want a tax cut on the Republican majority side. They want a tax cut. Well, let us give a tax cut to those people who really need it, the people who pay into the Social Security trust fund. We have increased taxes before on Social Security. Why? to make it solvent. We did that in the early 1980's as a result of the Greenspan Commission report which said unless we increased the amount of taxes that we pay out of our paychecks every week to Social Security, we would not have that trust fund, the trust fund would not be sound, it would flounder. We would be unable to make our obligations to Social Security recipients.

And so we raised the taxes on ourselves. Take a look. It is called FICA on your paycheck every week. Just take a look down, when you get all of the deductions, your State taxes, your Federal taxes and all the other deductions that you have, FICA. That is your Social Security tax.

Well, if there is a surplus in there, why not give that back? There is your middle-class tax cut, I submit to you, Mr. Speaker. There is your middle-class tax cut. Cut that Social Security tax.

Well, this is not original with me. Senator MOYNIHAN and others previously have indicated, ''Well, look, if you indeed have this surplus, let's give the money back.''

Well, the hue and cry that went up when Senator MOYNIHAN first broached

the subject was something to behold. No one wanted to give it back because no one believes for an instant that there is in fact a surplus there that we will not need to call upon.

So what we have is a situation in which a supposed surplus is available for the picking. And so if you want the illusion of having a balanced budget, why not go to the Social Security fund, take the money, promise at some vague time in the future to pay it back with no plan as to how that is to occur, and then be able to claim to the voting public that you have a balanced budget?

There is the real tax cut. No, what do we propose? What does the Republican majority propose instead? No, let us have a tax break for the wealthiest people, and let us take away the tax incentives that we have at the very bottom, the so-called earned income tax. If your wages are below a certain level for a working family, your taxes are cut in order to give you more money to spend to increase your prosperity.

No, we take billions from them, at the bottom, and give it to those at the top, when the real tax cut if we wanted to do that would be to give back the Social Security surplus.

But if you gave back the Social Security surplus, then you could not borrow from it, could you, to try and fool people into thinking you have balanced the budget.

And so the policy hurdle, it says in the Congress Daily, negotiators have to scale after they finish process issues is evident in six big ticket items.

Tax cuts, which I just mentioned, and savings from Medicare, Medicaid, welfare reform, agriculture, and reform of the aforementioned earned income tax credit.

Now, do you think that you are really saving money if you cut Medicare, if you cut Medicaid? And the welfare reform does not include that which is already available to those who can go to work in terms of child care, in terms of health insurance, in terms of education credits? Of course not. These are no savings. This is going to be tremendous pain inflicted on people. And for what? In order to achieve the illusion of a balanced budget when no balanced budget exists.

How is it possible for us to raid Social Security on the one hand, and at the same time make a claim that taking money from Medicare and Medicaid, those people least able to help themselves, is in fact a step forward toward the balancing of that budget?

Some of my good friends, my Republican friends have indicated, well, if what you say is true, and one or two of them even indicated they would do a little homework on it, and I am pleased that they have that kind of attitude, that they are always willing to learn as I hope I am.

They have indicated that if it is in fact the case that we are going into Social Security, into the trust fund, and that that could be construed as a breach of good faith, if you will, with the public in terms of actually balancing the budget, if that is the goal, then they indicate, ''Well, we'll have to make even deeper cuts.''

And I said, well, maybe that's your solution. I'm not sure how much more pain you want to inflict on people than that which would already occur if we adopted the proposals that are forthcoming right now.

But I can assure you in order to do that, you are going to have to come up with some $636 billion in addition just to make that number come out in 7 years.

That may be the proposal. The sentiment was expressed to me by freshman members of the Republican majority, and inasmuch as at least a reputation of some sort has grown in the media that freshman representatives in the republican majority are trying to work together, perhaps they can figure out a way to add an extra $636 billion to at least attempt to bring the budget into balance in 7 years.

How they are going to do that without inflicting the pain that I have mentioned, I have no idea. That is not my problem. After all, I am not in the majority right now. that may change by 1996. I can assure you, Mr. Speaker, if and when the public makes a determination that when you tell them you are going to balance the budget and take their Social Security money instead, that they are sorely afflicted by that notion.

Now, I have had discussions with a great many people in their thirties and forties and those in their fifties as well, but particularly the younger voter, that they fear they will not have their Social Security available to them when they get into their sixties, 62, 65, or whatever number we set as being the number at which you would be eligible to collect Social Security, if we change it.

Now, think about it. if you are in your thirties out there, and you are working hard, you are in your forties and you are beginning to think about, gee, maybe I have had a career and I am going to be moving down the road towards a pension and I am counting on my Social Security. How many of those people, Mr. Speaker, do you believe would like it that their Social Security trust fund is going to be raided over the next 7 years in order to accomplish the illusion of a balanced budget?

So I say to those of my colleagues here, some of whom have made it quite clear that they do not intend to make Congress their career, although as I understand if the Constitution is still operative, none of us can make it a career past 2 years, every 2 years we have to renew our license or the people renew a license for us in order to sit here, none of us have a right to be here except by leave of our constituents. And those constituents may take offense if they believe that we have abused the privilege of our office by saying to them that we have balanced the budget in 7 years and taken their Social Security funds in the process. I think some questions are going to start to come up for people when they have to answer those questions.

Senator GRAMM of Texas, from the other body has said, I am quoting again from the National Journal. He is concerned the way it is going to be breached—he is talking about the balanced budget in 7 years—concerned the way it is going to be breached is by assuming away the problems by changing the economics so negotiators have to cut less to get to balance.

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That very well may be. Maybe Senator GRAMM knows more than some of the other negotiators over there. I wish he would be a little more specific about it.

The National Journal seems to say that, seems to feel that the GOP, and I am quoting again, the GOP reconciliation bill over 7 years calls for the savings, again, of $270 billion in Medicare, $163 billion in Medicaid, $75 billion from welfare reform, $32 billion from the working poor and the earned income tax credit, $13 billion from agriculture, plus the $245 billion in tax cuts.

We keep seeing those numbers. Why did we not see in all of these reports that come out the $636 billion in Social Security that is being taken?

Mr. Speaker, I think that if our good friends in some of the organizations that I mentioned previously would examine the issue, they would find that what I am talking about is, in fact, taking place.

Now, it may be said that in the past, and going back as far as Mr. Truman's administation, let us go back to World War II, and I have the figures here in front of me, courtesy of Senator HOLLINGS, it may be said that as far back as in 1945 and 1948, the last said that as far back as in 1945 and 1948, the last year of Mr. Truman's administration before his election in 1948 over Mr. Dewey, that they actually ran a surplus, and I may say to you that in 1948 the U.S. budget outlays in billions of dollars was $29.8 billion, $3 billion of which came from trust funds. The real deficit was nonexistent. We had a $5.1 billion surplus in that year, and the gross Federal debt, as opposed to the deficit, for that year, the debt that we owed was some $252 billion. Now, do not forget we had just concluded World War II.

Obviously, the investment that had to be made by this country in advancing the cause of World War II was such that our debt, our national debt, was $252 billion. We were on our way toward moving on that debt, reducing the deficit by not only balancing the budget but by actually producing a surplus of $5 billion.

By the time we got to the end of President Bush's time in office, by the time in 1992 we finished that particular

year, the budget for the year in terms of outlays had risen to $1,381,000,000,000. Trust funds we were into to the tune of $113 billion. The real deficit was $403 billion, and our gross Federal debt had moved to $4 trillion. The interest alone, Mr. Speaker, at that point had come to $292 billion.

I submit that we are not making any changes in that except for the budget that President Clinton put forward. Whatever fault President Clinton may be assigned by the Republican majority, they can not deny, or rather should not deny, obviously they can if they wish, but it would be a political statement as opposed to a statement which is borne out by the facts, the fact is that the budget deficit and the rate of the deficit has gone down under President Clinton. We can have arguments about that, whether that is a good thing or a bad thing in terms of the overall prosperity of the Nation.

On the whole, there seems to be agreement that it has been a good thing. The economy as a whole has prospered, if this has not been shared, as my good friend, the gentleman from New York [Mr. OWENS], has indicated in remarks just previous to my own, but that remains another issue to be resolved.

The facts are that in terms of the deficit, in terms of the rate and the absolute numbers of the deficit, President Clinton has succeeded to this point.

So now comes Mr. GINGRICH with his contract, saying the budget will be balanced and picking this number. Now, it may be fair. And, Mr. Speaker, at this juncture to indicate that in future discussions, hopefully with other Members who feel as I do, that I will be indicating to you how it might be, how a genuine deficit reduction, debt reduction and balancing of the budget can take place.

There are no magic formulas involved. There is no sleight of hand, no legerdemain, no David Copperfield illusions to it. It is a tough, hard road to go, and it is lengthy. It will take discipline of many Congresses, not just whatever time the good people of this country might give to you or to me, Mr. Speaker, to be here. It involves separating capital expenditures from operating expenditures, just the way you do in your own family, just the way we do and did and do now in the city council in Honolulu on which I served, just the way we did and do now in the State legislature in the State of Hawaii, and I am sure you do in your area, Mr. Speaker.

I guess my timing was pretty good then as I got to my conclusion about what is to be done. We will be bringing forward that proposition, Mr. Speaker, about the sensible way to solve the problem of long-term debt, of balancing the budget with using true and honest figures and not raiding or embezzling money, as the late Senator John Heinz put it, money from the Social Security trust fund.

With that, Mr. Speaker, it remains only to say this: that if we are going to use honest numbers and we truly want to balance the budget, let us do it forthrightly, let us do it honestly, let us not try and fool the American people. Let us see to it that we are able to bring forward a budget that we can stand here and say with veracity to the American people: We have truly acted in your interest.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ACKERMAN (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. HOSTETTLER (at the request of Mr. ARMEY), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. ABERCROMBIE, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. PALLONE, for 60 minutes, today.

Ms. MCKINNEY, for 60 minutes, today.

Mr. OWENS, for 60 minutes, today.

Mr. ABERCROMBIE, for 60 minutes, today.

Mr. BARRETT of Wisconsin, for 60 minutes, today.

(The following Member (at the request of Mr. TIAHRT) to revise and extend his remarks and include extraneous material:)

Mr. DIAZ-BALART, for 5 minutes each day on December 5 and December 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TIAHRT) and to include extraneous matter:)

Mr. MARTINI, in three instances.

Mr. YOUNG of Alaska.

Mr. ISTOOK.

Mr. SPENCE.

Mr. BARTON of Texas.

Mr. CUNNINGHAM.

Mr. HUTCHINSON.

Mr. BEREUTER.

Mr. HUNTER.

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. BERMAN.

Mr. TEJEDA.

Mr. BARRETT of Wisconsin.

Mr. HAMILTON.

Mr. FOGLIETTA.

Mrs. COLLINS of Illinois.

Ms. DELAURO.

Mr. POSHARD.

Ms. FURSE.

Mr. SERRANO.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. CONYERS.

Mr. LEVIN.

Mr. FIELDS of Texas.

Mr. PACKARD.

Mr. RICHARDSON.

Mr. PORTER.

Mr. MFUME.

Mr. ROEMER.

Mr. FARR.

Mr. SMITH of Michigan.

Ms. PELOSI.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1341. An act to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona, and for other purposes; to the Committee on Resources and the Committee on Banking and Financial Services.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2519. An act to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, and for other purposes; and

H.R. 2525. An act to modify the operation of the antitrust laws, and of State laws similar to the antitrust laws, with respect to charitable gift annuities.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2491. An act to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996.

ADJOURNMENT

Mr. ABERCROMBIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Monday, December 4, 1995, at 12 noon.

OFFICE OF COMPLIANCE NOTICE

Notices of Proposed Rulemaking: For the text of the Notices of Proposed

Rulemaking regarding the extension of the rights and protections of various federal statutes made applicable by the Congressional Accountability Act of 1995, see page S17603–17664 of the RECORD dated November 28, 1995. The 30-day period for public comment on these proposed regulations ends December 28, 1995.

For the text of the Notice of Proposed Rulemaking regarding the procedural rules of the Office of Compliance, see pages S17012–17019 of the RECORD dated November 14, 1995. The 30-day period for public comment on these proposed rules ends December 14, 1995.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1726. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled ''Rural Performance Partnership Initiative Act of 1995''; to the Committee on Agriculture.

1727. A letter from the Assistant Secretary (Legislative Affairs and Public Liaison), Department of the Treasury, transmitting notification of a 1-week extension for the monthly report thats to be made pursuant to the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104–6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

1728. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the first annual report of compliance by FDIC-supervised institutions, pursuant to Public Law 103–325, section 529(a) (108 Stat. 2266); to the Committee on Banking and Financial Services.

1729. A letter from the Deputy and Acting CEO, Resolution Trust Corporation, transmitting the corporation's semiannual comprehensive litigation report and the corporations semiannual progress report on professional conduct investigations, pursuant to Public Law 103–204, section 3(a) (107 Stat. 2374); to the Committee on Banking and Financial Services.

1730. A letter from the Secretary of Education, transmitting final regulations—student assistance general provisions regulations—Equity in Athletics Disclosure Act [EADA], pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1731. A letter from the Secretary of Commerce, transmitting notification that the Department intends to expand foreign policy export controls on specifically designed implements of torture, pursuant to 50 U.S.C. app. 2405(f); to the Committee on International Relations.

1732. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96–17), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1733. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2000 resulting from passage of H.R. 1103, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Reform and Oversight.

1734. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2000 resulting from passage of H.R. 2394, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Reform and Oversight.

1735. A letter from the Comptroller General, General Accounting Office, transmitting the list of all report issued or released in October 1995, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

1736. A letter from the Chairman, Federal Maritime Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1737. A letter from the Chairman, Federal Reserve System, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1738. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year, if any, and the budget year provided by H.R. 1905 and H.R. 2002, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–578); to the Committee on Government Reform and Oversight.

1739. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year, if any, and the budget year provided by H.R. 2020 and H.R. 2492, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–578); to the Committee on Government Reform and Oversight.

1740. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting the Commission's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1741. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 1995, through September 30, 1995, pursuant to 2 U.S.C. 104a (H. Doc. No. 104–139); to the Committee on House Oversight and ordered to be printed.

1742. A letter from the Secretary of Transportation, transmitting the 13th annual report of accomplishments under the Airport Improvement Program for the fiscal year 1994, pursuant to 49 U.S.C. app. 2203 (b)(2), to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 826. A bill to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas; with an amendment (Rept. 104–371). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R.308. A bill to provide for the conveyance of certain lands and improvements in Hopewell Township, PA, to a nonprofit organization known as the Beaver County Corporation for Economic Development to provide a site for economic development (Rept. 104–372). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 632. A bill to enhance fairness in compensating owners of patents used by the United States (Rept. 104–373). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 1295. A bill to amend the Trademark Act of 1946 to make certain revisions relating to the protection of famous marks; with an amendment (Rept. 104–374). Referred to the Committee of the Whole House on the State of the Union.

Mr. QUILLEN: Committee on Rules. House Resolution 287. Resolution providing for consideration of the bill (H.R. 1350) to amend the Merchant Marine Act, 1936 to revitalize the U.S.-flag merchant marine, and for other purposes (Rept. 104–375). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROYCE:

H.R. 2692. A bill to amend the Internal Revenue Code of 1986 to provide for deductible contributions to medical finance accounts and to reform the earned income credit; to the Committee on Ways and Means.

By Mr. COOLEY:

H.R. 2693. A bill to require the Secretary of Agriculture to make a minor adjustment in the exterior boundary of the Hells Canyon Wilderness in the States of Oregon and Idaho to exclude an established Forest Service road inadvertently included in the wilderness; to the Committee on Resources.

By Mr. DINGELL (for himself, Mr. FLANAGAN, Mr. LEVIN, Mr. MCINNIS, and Mr. SALMON):

H.R. 2694. A bill to provide that it shall be a Federal crime to misappropriate a person's name in connection with lobbying; to the Committee on the Judiciary.

By Mr. KLINK:

H.R. 2695. A bill to extend the deadline under the Federal Power Act applicable to the construction of certain hydroelectric projects in the State of Pennsylvania; to the Committee on Commerce.

By Mr. MINGE:

H.R. 2696. A bill to extend and revise the agricultural price support programs for rice, upland cotton, feed grains, wheat, and oilseeds, and for other purposes; to the Committee on Agriculture.

By Mr. PAYNE of New Jersey (for himself, Mr. HOUGHTON, Mr. RANGEL, Mr. PORTER, Mr. LANTOS, Mr. MFUME, Mr. FRAZER, Ms. MCKINNEY, Mr. ACKERMAN, Mr. ENGEL, Mr. JOHNSTON of Florida, Mr. SMITH of New Jersey, Ms. PELOSI, Mr. WYNN, Mr. CHABOT, Ms. WATERS, and Mr. SALMON):

H.R. 2697. A bill to impose sanctions against Nigeria, and for other purposes; to the Committee on International Relations, and in addition to the Committees on the Judiciary, Banking and Financial Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON:

H.R. 2698. A bill to require States that receive funds under the Elementary and Secondary Education Act of 1965 to enact a law that requires the expulsion of students who are convicted of a crime of violence; to the Committee on Economic and Educational Opportunities.

By Mr. STOKES:

H.R. 2699. A bill to require the consideration of certain criteria in decisions to relocate professional sports teams, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TEJEDA:

H.R. 2700. A bill to designate the U.S. post office building located at 7980 FM 327, Elmendorf, TX, as the ''Amos F. Longoria Post Office Building''; to the Committee on Government Reform and Oversight.

By Mr. WICKER (for himself, Mr. HEINEMAN, and Mrs. CLAYTON):

H.R. 2701. A bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSTON of Florida:

H. Res. 288. Resolution relating to a question of the privileges of the House; laid on the table.

By Mr. SANDERS (for himself and Mr. BASS):

H.J. Res. 129. Joint resolution granting the consent of Congress to the Vermont-New Hampshire Interstate Public Water Supply Compact; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MCCRERY introduced a bill (H.R. 2702) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Jive Devil;* to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. WELDON of Florida.
H.R. 44: Mr. MCCOLLUM and Mr. COSTELLO.
H.R. 89: Mr. OBEY.
H.R. 103: Mr. LEVIN.
H.R. 263: Mr. LEWIS of Georgia.
H.R. 264: Mr. BORSKI.
H.R. 311: Mr. VENTO.
H.R. 313: Mr. RAMSTAD.
H.R. 326: Mrs. FOWLER.
H.R. 468: Mr. BROWN of Ohio.
H.R. 497: Mr. BLILEY.
H.R. 499: Ms. DANNER and Mr. TIAHRT.
H.R. 862: Mr. ROGERS, Mr. HILLEARY, and Mr. EMERSON.
H.R. 1023: Mr. DOOLEY and Mr. HUTCHINSON.
H.R. 1221: Ms. LOFGREN and Mr. FOGLIETTA.
H.R. 1227: Mr. FUNDERBURK, Mr. BARRETT of Nebraska, Mr. NORWOOD, and Mr. HUTCHINSON.
H.R. 1363: Mr. KIM.
H.R. 1416: Mr. DIAZ-BALART, Mr. OBERSTAR, Mr. JOHNSTON of Florida, Mr. FRAZER, Mr. MANTON, Mr. ENGEL, Mr. TORRES, Ms. KAPTUR, Mr. NADLER, Mr. WAXMAN, and Ms. WOOLSEY.
H.R. 1496: Mr. BILBRAY.
H.R. 1627: Mr. MANTON and Mr. MYERS of Indiana.
H.R. 1709: Mr. ANDREWS and Mr. WAXMAN.
H.R. 1733: Mr. WARD and Mrs. LINCOLN.
H.R. 1742: Ms. LOFGREN and Mr. STUMP.
H.R. 1757: Mr. SANDERS and Mr. MCDERMOTT.
H.R. 1946: Mr. DEAL of Georgia, Mr. LAUGHLIN, Mr. DREIER, Mr. SCARBOROUGH, Mr. ARMEY, and Mr. COBLE.
H.R. 1950: Ms. JACKSON-LEE and Ms. BROWN of Florida.
H.R. 1973: Mr. MYERS of Indiana, Ms. SLAUGHTER, and Mr. WILLIAMS.
H.R. 2019: Mr. TATE.
H.R. 2036: Mr. STUPAK.
H.R. 2138: Mr. MORAN.
H.R. 2180: Mr. LINDER and Mr. CALVERT.
H.R. 2190: Mr. WELDON of Florida, Mr. HEFNER, Mr. MICA, Mr. ACKERMAN, Mr. TRAFICANT, and Mr. TORKILDSEN.
H.R. 2193: Mr. WISE, Mr. PETRI, and Mr. LAUGHLIN.
H.R. 2209: Mr. COBLE, Mr. GILCHREST, Mr. WELDON of Pennsylvania, Mr. TEJEDA, Mr. PAYNE of Virginia, and Mr. LIPINSKI.
H.R. 2273: Mr. EVANS.
H.R. 2310: Mr. FOGLIETTA, Mr. MFUME, and Mr. FRISA.
H.R. 2320: Mr. BONO, Mr. WICKER, Mr. LARGENT, Mr. BASS, Mr. DELAY, Mr. HASTINGS of Washington, Mr. LOBIONDO, Mr. MORAN, Mr. HOSTETTLER, Mr. BURTON of Indiana, Mr. RAMSTAD, Mr. LIVINGSTON, Mr. DORNAN, Mr. DURBIN, Mr. CALVERT, Mr. SENSENBRENNER, Mrs. VUCANOVICH, Mr. BRYANT of Tennessee, and Mr. NORWOOD.
H.R. 2323: Mr. WALKER, Mr. MURTHA, Mr. MCINTOSH, Mr. GEKAS, Mr. LATOURETTE, Mr. SHUSTER, Mr. NEY, Mr. ROEMER, Mr. COBLE, and Mr. WELDON of Pennsylvania.
H.R. 2375: Mr. DELLUMS.
H.R. 2472: Ms. ROYBAL-ALLARD, Mr. OLVER, Mr. CONYERS, Ms. DANNER, Mr. KLINK, Mr. COLEMAN, Mr. MATSUI, Mr. KILDEE, Mr. CLAY, Mr. HOLDEN, and Mr. BERMAN.
H.R. 2500: Mr. BILBRAY and Ms. NORTON.
H.R. 2507: Mr. BAKER of Louisiana, Mr. FRAZER, Mr. STUMP, and Mr. COOLEY.
H.R. 2548: Mr. BATEMAN.
H.R. 2579: Mr. LIPINSKI, Mr. JOHNSTON of Florida, Mr. HUTCHINSON, Mr. BREWSTER, and Mr. COYNE.
H.R. 2598: Mr. WATTS of Oklahoma, Mr. TIAHRT, and Mr. COSTELLO.
H.R. 2599: Mr. EHRLICH.
H.R. 2608: Mr. RANGEL.
H.R. 2617: Mr. CALVERT.
H.R. 2634: Mr. BARCIA of Michigan.
H.R. 2651: Mr. TIAHRT and Mr. DUNCAN.
H.R. 2654: Ms. WOOLSEY, Mr. BALDACCI, Mr. VENTO Ms. ROYBAL-ALLARD, Mr. FOX, Mr. SERRANO Mr. BROWN of Ohio, and Mrs. COLLINS of Illinois.
H.R. 2664: Mr. DEFAZIO, Mr. FIELDS of Texas, Mr. HOLDEN, Mrs. MORELLA, Mr. CANADY, Mr. LATHAM, Mr. CAMP, Mr. BROWDER, Mr. SHADEGG, Ms. DANNER, Mr. MCDERMOTT, Mr. SHAW, Mrs. SCHROEDER, Mr. TANNER, Ms. KAPTUR, Mr. BAESLER , Ms. ROS-LEHTINEN, and Mr. SERRANO.
H.R. 2665: Mr. FOGLIETTA and Mr. LAZIO of New York.
H.R. 2682: Mr. MCHUGH.
H.R. 2686: Mrs. ROUKEMA and Mr. BARRETT of Wisconsin.
H. Con. Res. 10: Ms. MCKINNEY and Mr. TORKILDSEN.
H. Res. 255: Mr. JACOBS and Mr. GENE GREEN of Texas.
H. Res. 285: Mr. BROWDER, Mrs. MEEK of Florida, Mr. CONYERS, Mr. OLVER, Mr. FRAZER, Mr. DELLUMS, Mr. GENE GREEN of Texas, Mr. DIXON, Mr. BRYANT of Texas, Mr. FLAKE, Mr. WYNN, Mr. TUCKER, Ms. NORTON, Mr. WATT of North Carolina, Mr. PAYNE of New Jersey, Mr. FOX, Mr. RUSH, Mr. OWENS, Mr. HASTINGS of Florida, Mr. MCDERMOTT, Mr. YATES, Ms. JACKSON-LEE, Mr. THOMPSON, Ms. BROWN of Florida, and Mr. ACKERMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of the XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2667: Mr. DAVIS, Mrs. MORELLA, and Mr. WOLF.

PETITIONS, ETC.

Under clause 1 of rule XXII,

49. The SPEAKER presented a petition of the city council of the city of Compton, CA, relative to opposing congressional reform legislation shifting liability for securities fraud State and local elected officials; which was referred to the Committee on Commerce.