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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. HASTINGS of Washington].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 18, 1996.

I hereby designate the Honorable RICHARD ''DOC'' HASTINGS 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:

We pray, O gracious God, that we would translate our good thoughts and words into deeds of mercy and compassion that reach out to the neediest in our communities. We admit that it is easier to talk about what we would do than to put our hands to the task and accomplish the works of justice. We thank You for the faith that You have given us and for the creeds and beliefs that we hold dear. But on this day we pray for the strength to transpose these ideas and words and faith into achievements that make our words come alive and help people wherever they are. This is our earnest prayer. 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 pro tempore. Will the gentleman from Missouri [Mr. VOLKMER] come forward and lead the House in the Pledge of Allegiance.

Mr. VOLKMER 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore. The Chair will entertain ten 1-minutes on each side.

REFORM THE IRS

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

Ms. DUNN of Washington. Mr. Speaker, in 1995 the Internal Revenue Service's 1–800 number provided about 8½ million Americans the wrong answers to even the most basic questions about tax law. Further, Money magazine estimated in 1990 that nearly half the 30 million penalty notices the IRS mails out each year are erroneous.

Even more alarming, the latest impartial GAO audit of the IRS asserted that the agency that scrutinizes taxpayer finances cannot properly keep track of the $1.4 trillion it collects each year. Mind you, that was the fourth straight audit the IRS has flunked.

Mr. Speaker, fair is fair. The IRS itself has failed to meet the standards of financial accountability and diligence it imposes on our citizenry. And since it can no longer adequately police itself, it can no longer be trusted with the authority to police individual American businesses and individuals.

We need a solution to our problem that empowers the hard working American taxpayer. We need to reform the IRS.

DOLE TAX PLAN WILL TEAR DOWN ENVIRONMENTAL PROTECTION

(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, the Republican leadership over the last 2 years has systematically tried to tear up 25 years of environmental protection, and I am afraid that the Dole tax plan which has been touted by the Presidential candidate over the last few weeks will just do that much more to accomplish the goal of tearing down environmental protection and not providing the funding for enforcement and investigation of serious environmental infractions.

We have seen in the last 2 years an attempt by the Republican leadership to basically gut the Clean Water Act, allow for more dumping in the ocean, and allow for the destruction of wetlands. We have seen them try to change the Superfund law so that basically instead of the polluter paying, the Government would be paying the polluter, and we would not see cleanup at most of the Superfund sites around the Nation. We have also seen Republican efforts to pass legislation that would close national parks, decommission national recreation areas around the country.

Most important, the Republican budgets and appropriation bills have significantly cut the amount of money that would be available for environmental enforcement, for investigating the polluters. That will only continue under the Dole tax plan and the cuts that he is proposing.

☐ 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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REPUBLICANS SEEK COMMONSENSE REFORMS IN GOVERNMENT AND A BALANCED BUDGET

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

Mr. KINGSTON. Mr. Speaker, let me say this to my friend from New Jersey. If he truly believes that information, which obviously his speech writer was inhaling when he wrote, then I would like to challenge him here and now for a debate on the environment on the House floor.

Usually during special hours when the Democrats have the floor, they do not yield to Republicans. I will do it on my own hour to debate such outrageous fantasy about cuts in the environment.

The fact is we have a $5 trillion debt. The Republican Party is trying to put sanity and commonsense reforms both in environmental legislation and in all government legislation.

I think it is very important to cut out the rhetoric and get back to the fact that the children in America, a baby born today, owes $187,000 over the next 75 years just in interest on the national debt.

It is time for the Democratic Party to quit hiding its head inside the sand, quit coming out with the partisan demagoguery and face the real problem of trying to balance the budget and have commonsense reforms in government. I hope my friend will debate me.

RISING IMPORTS, DWARFING U.S. EXPORTS MEAN LOST U.S. JOBS AND SINKING WAGES

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

Ms. KAPTUR. Mr. Speaker, there is an economic wind blowing across our Nation that has thus far failed to capture the attention of the leading Presidential candidates, and I am specifically referring to lost U.S. jobs and sinking wages eroded by rising imports dwarfing U.S. exports.

The latest Commerce Department figures show that for midsummer we had the highest trade deficits in over a decade. Over $11.7 billion for the last month. The trade deficit with Japan, up 33 percent. Car parts, imported cars from Japan far dwarfing our exports. Trade deficit with China, up 15 percent. Imported clothing, imported shoes, imported textiles, meaning more lost jobs in this country.

Our dependence on oil continues to grow as we see U.S. troops being sent to Kuwait rather than energy resources developed here at home.

I am glad somebody notices. The Philadelphia Inquirer from September 8 through 22 is running an incredible series: ''America: Who Stole the Dream?'' Please read it. People in America somewhere are noticing, even if the Presidential candidates are not.

MOST PARTIAL–BIRTH ABORTIONS ARE ELECTIVE

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

Mr. CANADY of Florida. Mr. Speaker, it has been widely reported that partial-birth abortions are extremely rare. Pro-abortion groups claim there are no more than 500 partial-birth abortions per year, and they are only performed in extreme circumstances, such as when the child is severely deformed or the mother is in grave danger.

These myths are finally being dispelled. The Record newspaper reported that a single abortion clinic in New Jersey performs 1,500 partial-birth abortions each year. One doctor was quoted as saying that ''only a minuscule amount'' of partial-birth abortions are performed for medical reasons.

The Washington Post also reported yesterday that most partial-birth abortions performed are elective. I quote: ''[T]he 'typical' patients tend to be young, low-income women * * * whose reasons for waiting so long to end their pregnancies are rarely medical.''

The evidence is overwhelming: the vast majority of partial-birth abortions are elective. I ask you, how long will we continue to allow children in this country to be partially delivered and then killed?

IT IS STILL THE SAME IN D.C.

(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, in an effort to cut the budget, the GAO called the OMB, the CBO, the RTC, the NSC, the ITC, the GSA, and the IRS, and they had no success. So the GAO then called the DOD, the DOE, the DOT, and the DDT, and they could find no cuts. So the GAO then called the CIA, the DIA, the OSI, the PCB's, and the PCP's, and they could find no cuts. So, then they called OSI, ORI, and IUD and could find no cuts. And finally, so frustrated, they called the PMS, and there were no cuts to be made.

So they decided there should be a whole new program called the Accounting Selection System, hereafter to be known as A-S-S, which only goes to show us, when it comes to bureaucrats and cuts, it is still the same in Washington, DC. It is called the B.S. in D.C.

And with that, I yield back the B-O-M-T.

THE TAX-AND-SPEND DEMOCRATS

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

Mr. DOOLITTLE. Mr. Speaker, the ultra liberal Clinton administration is at it again. Yesterday Interior Secretary Bruce Babbitt endorsed a plan to tax anything and everything having to do with enjoyment of the great outdoors.

This plan would impose a 5-percent tax on, and, mind you, this is just a partial list, backpacks, camping stoves, canoes, canteens, climbing equipment, flotation vests, also hiking boots, mountain bikes, outdoor sleeping mats, ski equipment, sleeping bags, tests, paddles, binoculars, cameras, film, books on bird identification, and audio tapes of wildlife calls.

Mr. Speaker, this is just a glimpse, a reminder, of what the tax and spend liberal Democrats would do if returned to power next year. They just refuse to acknowledge that what the American people want is fewer taxes, not higher taxes.

EDUCATION FUNDING

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

Mr. HOYER. Mr. Speaker, this September a record number of children entered elementary and secondary schools across this country. Every one of them should be concerned about what the House Republicans did with respect to education. Although we have never had so many children in our schools, House Republicans cut funding for elementary and secondary education by $400 million.

In subcommittee I offered an amendment to add $2.1 billion to Head Start and education. It was defeated on a party-line vote. On the floor, House Democrats offered an amendment to add these desperately needed funds. It was defeated on a party line vote.

But yesterday, the Senate voted to add $2.3 billion to educate America's children. I hope that House Republicans have done their homework and will support this very important add-on for America's children and America's families.

THE PRESIDENT AND THE RICH

(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, if you had $25,000, you could have spent last Friday evening with Bill Clinton, Hillary Clinton, and Barbra Streisand. Where else but in Hollywood can Bill escape the nagging problems of the average American, like the increasing drug use among teens, in order to rub elbows with his rich and famous pals?

That is $25,000. Can you believe it? Mr. Speaker, the average American family of four working people with an annual income of about $30,000 a year would have had to fork over almost all of their paycheck for an entire year just to have dinner with Bill and Hillary Clinton.

We had a great President from Hollywood, Ronald Reagan. Now we have a

President that acts like Hollywood. Mr. Speaker, it is time for the President to pay attention to the concerns of average Americans, not the labor bosses, not the Hollywood pals who make millions of dollars each year. It is time to make America better. It is time for a real American hero, Bob Dole.

□ 1015

DO NOT PUT THE OUTSIDE COUNSEL'S REPORT ON ICE

(Mr. LEWIS of Georgia 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, once again I rise to call on the Committee on Standards of Official Conduct to do the right thing, to release the outside counsel's report on Speaker NEWT GINGRICH.

POINT OF ORDER

Mr. LINDER, Mr. Speaker, I have a point of order.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman will state it.

Mr. LINDER. Mr. Speaker, several days in a row the gentleman from Georgia has risen on the floor of the House to address matters that are inappropriate, because the rules of the House specifically prohibit speaking of matters before the Committee on Standards of Official Conduct.

The gentleman does not seem to get that point. And on each occasion that I have raised this point of order, the Speaker has agreed with me. I would like the Speaker to make a ruling on this matter today.

Mr. LEWIS of Georgia. Mr. Speaker?

The SPEAKER pro tempore. Does the gentleman from Georgia [Mr. LEWIS] wish to be heard on the point of order?

Mr. LEWIS of Georgia. Yes, I do, Mr. Speaker. If the gentleman is familiar with the rules, he should know that the customary way to object is to ask that the Member's words be taken down.

Mr. LINDER. Mr. Speaker, I have a right to make a point of order at any time.

The SPEAKER pro tempore. The Chair is prepared to rule on the gentleman's point of order. The Chair will repeat the admonitions of the Chair from September 12, 1996, and September 17, 1996.

It is an essential rule of decorum in debates that Members should refrain from references in debate to the conduct of other Members, where such conduct is not the question actually pending before the House, by way of a report from the Committee on Standards of Official Conduct or by way of another question of the privileges of the House. This principle is documented on pages 168 and 526 of the House Rules and Manual and reflects the consistent rulings of the Chair in this and in prior Congresses and applies to 1-minute and special-order speeches.

Neither the filing of a complaint before the Committee on Standards of Official Conduct, nor the publication in another form of charges that are personally critical to another Member justify the references to such charges on the floor of the House. This includes references to the motivations of Members who file complaints and to members of the Committee on Standards of Official Conduct.

Clause 1 of rule XIV is a prohibition against engaging in personality in debate. It derives from article 1, section 5 of the Constitution, which authorizes each House to make its own rules and to punish its Members for disorderly behavior, and has been part of the rules of the House in some relevant form since 1789. This rule supersedes any claim of a Member to be free from questioning in any other place.

On January 27, 1909, the House adopted a report that stated the following:

> It is the duty of the House to require its Members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among his Members.

This is Cannon's Precedents, volume 8, at section 2497. This report was in response to improper references in debate to the President, but clearly reiterated a principle that all occupants of the Chair in this and in prior Congresses have held to be equally applicable to Members' remarks in debate toward each other.

The Chair asks and expects the cooperation of all Members in maintaining a level of decorum that properly dignifies the proceedings of the House.

So the Chair would request that the gentleman proceed in order.

Mr. LEWIS of Georgia. Mr. Speaker, the outside counsel, James Cole, has prepared an extensive 100-page report on the Speaker's ethical violation. The American people deserve the right to know what is in that report.

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. Mr. Speaker, it is entirely possible that the gentleman in the well did not hear you, or it is entirely possible that the gentleman in the well does not know what the rules are. But I think you just ruled that he was speaking out of order, and I would like to have the Chair readdress his addressing matters before the Committee on Standards of Official Conduct.

Mr. LEWIS of Georgia. Mr. Speaker? Mr. Speaker? Let me say to my——

The SPEAKER pro tempore. The gentleman will suspend.

The Chair sustains the point of order from the gentleman from Georgia, Mr. LINDER, and asks the other Member from Georgia, Mr. LEWIS, to please keep his remarks in order.

PARLIAMENTARY INQUIRIES

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VOLKMER. Mr. Speaker, the gentleman from Georgia [Mr. LINDER] appears to me to try to make a point of order and only on the point of order to silence the other gentleman from Georgia by having the Chair not only rule the gentleman out of order, but to perhaps even make the gentleman sit down.

I would like to know, is the Chair aware of any example in the entire history of this House of Representatives where the Speaker has unilaterally silenced a Member before his time has expired on his 1-minute without the consent of the House?

The SPEAKER pro tempore. On September 12 and on September 17 of this year, the Chair sustained points of order against Members who repeatedly made references in debate to a matter pending before the Committee on Standards of Official Conduct.

On those occasions, the Chair indicated that pursuant to the rule such Members could be required to take their seats where they declined to proceed in order at the directive of the Chair after points of order had been sustained against the references while demanding that an offending Member be seated is normally insisted upon only where there is a formal demand that the words be taken down pending disposition that the words be taken down. Pending disposition of the matter by the Chair and by the House, it is within the Chair's authority under rule I and rule XIV to deny that Member further recognition as a disposition of the question of order, subject to the will of the House on the question of proceeding in order.

A Member's comportment in the face of repeated admonitions by the Chair to proceed in order has itself been the subject of a ruling of the Chair that the Member may not be recognized to proceed unless permitted to do so by the House. That is cited on page 319 of the manual. Once a Member has been recognized and has the floor, rule I and rule XIV permit the Chair to respond to repeated points of order while permitting the House to determine the propriety of the Chair's rulings and its willingness to permit the Member to proceed in order.

Thus, if the Chair were to direct that an offending Member be denied the floor for the duration of the time for which he was recognized, he would do so in the context of a ruling that would permit the House to determine whether the Member should proceed in order.

Mr. VOLKMER. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VOLKMER. Mr. Speaker, it appears from your ruling, one, that there is no precedent in this House prior to this Congress of the action that you said is appropriate for the Speaker. That is No. 1. I asked if there was any precedent; the only precedent you have

mentioned is just approximately a week ago, last week, so it is of this Congress, and within the last week, not any prior history in the whole United States.

No. 2, it appears from what you said, even though you feel that you have the authority under that ruling to make any Member sit down for not following regular rules of order, that the ultimate decision upon a proper motion made is that the House itself has to decide, which has always been the precedent of this body. The House decides whether a Member does or not, not the Speaker; is that correct?

The SPEAKER pro tempore. On the first question, the Chair is not commenting on the historical precedent.

On the second point, the gentleman is essentially correct.

Mr. VOLKMER. Well, Mr. Speaker, I just want to say, I have been unable to find the precedent that you have listed from last week.

The SPEAKER pro tempore. Without objection, the gentleman from Georgia [Mr. LEWIS] may proceed in order for the balance of his time.

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, let me say to my colleague from Georgia, Mr. LINDER, I will not be harassed, bullied, or silenced. I know the rules of this House as well as the gentleman. But the gentleman knows, I have learned in my life that there are times when the rules must be challenged to confront an injustice. I will not sit down or keep silent until the report is released to the American people.

Last week NEWT GINGRICH brought an ice bucket to this floor to demonstrate a small savings achieved in the House. It is strange indeed that those savings are approximately the same amount as the cost of the report by the outside counsel. Now the Speaker and the Republicans in this House want to put the outside counsel's report on ice and it is wrong, just plain wrong.

HEALTH CARE ASSURANCE FOR RETIRED EMPLOYEES ACT

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

Mr. KLECZKA. Mr. Speaker, I rise today on behalf of 750 retirees in my district who were betrayed by their employer, and on behalf of retirees across the country who are increasingly victimized by corporate irresponsibility.

Last month in Milwaukee, the Pabst Brewing Co. abruptly informed its retirees that it would no longer provide health and death benefits. Just like that. Years of hard work and dedication. Labor agreements. Promises. Out the window.

This is a disturbing trend. Last week I introduced the Health Care Assurance for Retired Employees Act, or the CARE Act. It would provide that companies give their retirees 6 months notice of any changes to their benefits. Further, the Labor Department would have to certify that the changes were in accordance with the applicable collective bargaining agreements.

Under the CARE Act, retirees aged 55 to 65 would have expanded access to health insurance under COBRA until they were eligible for Medicare. Medicare's late enrollment penalties would be waived, and a 6-month Medigap open enrollment period would be established.

I ask my colleagues to please join me in cosponsoring this bipartisan bill which will provide fair and workable safeguards for your retired constituents.

WAR ON DRUGS REQUIRES COMMITMENT AT THE TOP

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

Mr. LUCAS. Mr. Speaker, whether we like it or not, some among us are expected to be role models. By sheer virtue of a media-intensive position, actors, athletes, and politicians are often thrust into the role model limelight.

That's why it comes as no surprise that after a substantial decline during the late 80's and early 90's, overall drug use nearly doubled in the last 4 years.

It also should come as no surprise that those who idolize are often young and impressionable, and that overall drug use among 12- to 17-year-olds between 1992 and 1995 went up 78 percent.

Mr. Speaker, starting from the top, those of us in Congress and those at the other end of Pennsylvania Avenue should renew this Nation's commitment to fighting perhaps our most important war to date—the war on drugs.

CLOUD OF SHAME HANGS OVER CIA

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

Ms. MCKINNEY. Mr. Speaker, a cloud of shame is hanging over America's intelligence community. In August, the San Jose Mercury News reported that the Central Intelligence Agency shipped cocaine into south central Los Angeles, then used that money to buy guns to overthrow the Government of Nicaragua.

And while Aldrich Ames was busy selling us down the river, our ''Central Intoxication Agency'' was selling crack cocaine in south central Los Angeles.

It is no wonder we could not predict the fall of the Soviet Union; the CIA was too busy shipping crack into the United States.

Mr. Speaker, as the ''Hemp-Dope'' ticket traverses America proselytizing about the increase in drug use, the administration they hope to emulate, the Reagan-Bush administration, was running crack in the 1980's.

I urge my colleagues to just say ''no'' to the ''Central Intoxication Agency'' and the ''Hemp-Dope'' ticket.

□ 1030

THE CLINTON ADMINISTRATION AND THE WAR ON DRUGS

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

Ms. GREENE of Utah. Mr. Speaker, in 1993, Bill Clinton's National Security Council dropped the priority of the drug war from 3 to No. 29, that's 29th out of 29 priorities. At the same time, he slashed the Office of National Drug Policy by 83 percent.

In his budget for fiscal year 1995, Clinton proposed doing away with 621 total drug enforcement positions throughout the Government. And from 1992 to 1995, the Drug Enforcement Administration lost 227 agents.

In 1994, the Clinton administration told the Treasury Department's Financial Crimes Enforcement Network to devote only 50 percent to drug enforcement, instead of the normal 80 percent. This unit provides intelligence on money laundering by drug dealers.

And during his whole term as President, Bill Clinton has rarely talked about the drug issue or the explosion of drug use by our children.

Mr. Speaker, America cannot survive with this kind of leadership. The children of America need a President who is willing to wage a real war on drugs.

PARTIAL-BIRTH ABORTION BAN

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

Mr. ROEMER. Mr. Speaker, oftentimes over the last 2 years in this Congress we have not been bipartisan and we certainly have not looked out for the best interests of our children. Tomorrow, with the partial-birth abortion ban vote, we have an opportunity to be both bipartisan and to look out for our Nation's children.

This partial-birth abortion procedure is horrific. It is gruesome. It is totally unacceptable. I would hope Democrats and Republicans, men and women, prochoice and prolife Members would come together and join together tomorrow to have an important debate and an important vote in outlawing a procedure that hopefully most prolife and prochoice Members agree should be permanently banned in the United States of America.

IN APPRECIATION

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

Mr. QUILLEN. Mr. Speaker, I want to thank all of those who participated in the special order in my behalf yesterday evening on the floor of the House. Their remarks brought tears to my eyes, and I appreciate it so much.

Leaving is a sad day for me, but 34 years is long enough. My career in the

House has convinced me that term limits are appropriate, and I think 17 terms should be the limit.

I want to thank my good friend JIMMY DUNCAN for spearheading the special order. His remarks were great, as were all the remarks of those who participated: JERRY SOLOMON, chairman of the Committee on Rules, spoke out in crystal clear language, and I am proud of that; BART GORDON, HAL ROGERS, and KIKA DE LA GARZA of Texas, who supplies me with onions. I am assured that Mr. DE LA GARZA is going to mail some to me even after I am out of the Congress. Thank you, thank you, and thank you. ED BRYANT, ZACH WAMP, VAN HILLEARY, DUNCAN HUNTER, and JOHN MYERS, and those who extended their remarks, you make me stand so tall and proud. I appreciate it from the bottom of my heart. God bless you all.

DOLE PROMISES EVERYTHING

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

Mr. GENE GREEN of Texas. Mr. Speaker, let me say those are good ten fifteen onions developed in South Texas in Mr. DE LA GARZA's district by Texas A&M.

Mr. Speaker, I rise to address the House concerning Senator Dole going from issue to issue now in the Presidential campaign. Nothing seems to take hold. He is not talking about the tax cut as of yesterday, because the American people saw through the rhetoric and realized he could not balance the budget and cut $548 billion in taxes at the same time.

Now he is trying to convince the public that the President's crime bill had nothing to do with the recent drop in the national crime rate. Instead he says it belongs to the Governors, who I am sure are also participants in it.

Senator Dole voted against the addition of 600 new police officers in my home town of Houston, TX, and he also voted against increased prison construction, increased border patrol, and the expansion of the death penalty in the crime bill of 1994. It is obvious that Senator Dole wants to have it both ways.

When something good happens, it is the Republican Governors; but when something bad happens, like drug use, it is the President; when Bob Dole also voted to cut the funding for safe and drug free schools.

I am confident the American people will see through this, just like they did through his tax plan.

PARTIAL-BIRTH ABORTIONS IN NEW JERSEY

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

Mr. SMITH of New Jersey. Mr. Speaker, this past Sunday, New Jersey's Bergen Record published a lengthy investigative report about the partial-birth abortions. I was appalled to read that a single facility in New Jersey—Metropolitan Medical in Englewood—performs at least 1,500 partial-birth abortions every year. This is three times the number of brain suction abortions that the National Abortion Federation, NARAL, and other pro-abortion groups have estimated are preformed annually throughout the country.

This revelation belies the statement of Bill Clinton that the process of sucking a baby's brains out moments before his or her full delivery is limited to 500 children per year nationally. Even if the lower number were true, however, I am stunned that he or anyone else could belittle the horror of partial-birth abortion by saying it only kills 500 children each year. This death toll exceeds the Oklahoma City bombings—an act of terrorism we have all condemned as barbaric.

What is equally as frightening is the fact that the same Record article reveals the most partial-birth abortions in New Jersey were done to teenagers, and they were done as elective procedures, not for medical reasons. Let me quote form the article.

> ''We have an occasional amnio abnormality, but it's a minuscule amount,'' said one of the doctors at Metropolitan Medical, an assessment confirmed by another doctor there. ''Most are Medicaid patients, black and white, and most are for elective, not medical, reasons: people who didn't realize, or didn't care, how far along they were. Most are teenagers.''

This contradicts everything the abortion President has said to justify his veto of the partial-birth abortion ban bill passed by both the House and the Senate. President Clinton should stop hiding from the truth.

An overwhelming majority of Americans believe that partial-birth abortions are infanticide and should be banned. Bill Clinton is now not only ignoring the American people, but facts and figures coming from the States and the press.

DISCREDITED HOUSE OF REPRESENTATIVES

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

Mr. VOLKMER. Mr. Speaker, as a person who has been here for 20 years and been very proud to be a Member of the United States House of Representatives, I love this body. But today I see that this body is highly discredited. Actually, I am ashamed. We have a huge cloud that hovers over the House of Representatives, and it can be removed, but the Republican majority, under Speaker GINGRICH, refuses to remove that.

I say let the report from James Cole, the special counsel to the Committee on Standards of Official Conduct, filed over a month ago, be given to every Member, to the media, to the public. Let it be released.

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Georgia [Mr. LINDER] will state his point of order.

Mr. LINDER. Mr. Speaker, the gentleman in the well is referring to matters before the Committee on Standards of Official Conduct, which is prohibited by the rules of the House.

The SPEAKER pro tempore. The Chair sustains the point of order and asks the gentleman from Missouri to keep his remarks in order.

Mr. VOLKMER. Mr. Speaker, it is very apparent to me that Speaker GINGRICH and the Ethics Committee chairman are going to do a coverup and we are never going to see that report. We are going to adjourn here in a few weeks without anyone ever knowing what is in that report. I do not know what is in that report.

Mr. LINDER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

APPOINTMENT OF CONFEREES ON H.R. 3259, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. COMBEST. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3259) to authorize the appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas? The Chair hears none and, without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. COMBEST, DORNAN, YOUNG of Florida, HANSEN, LEWIS of California, GOSS, SHUSTER, MCCOLLUM, CASTLE, DICKS, RICHARDSON, DIXON, TORRICELLI, COLEMAN, and SKAGGS, and Ms. PELOSI.

From the Committee on National Security, for consideration of defense tactical intelligence and related agencies: Messrs. STUMP, SPENCE, and DELLUMS.

There was no objection.

APPOINTMENT OF CONFEREES ON S. 640, WATER RESOURCES DEVELOPMENT ACT OF 1996

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the Senate bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

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: Messrs. SHUSTER, YOUNG of Alaska, BOEHLERT, OBERSTAR, and BORSKI.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which a vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

RAILROAD UNEMPLOYMENT INSURANCE AMENDMENTS ACT OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2594) to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2594

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Railroad Unemployment Insurance Amendments Act of 1996''.

SEC. 2. WAITING PERIOD FOR UNEMPLOYMENT BENEFITS.

Subparagraph (A) of section 2(a)(1) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(1)(A)) is amended to read as follows:

''(A) PAYMENT OF UNEMPLOYMENT BENEFITS.—

''(i) GENERALLY.—Except as otherwise provided in this subparagraph, benefits shall be payable to any qualified employee for each day of unemployment in excess of 4 during any registration period within a period of continuing unemployment.

''(ii) WAITING PERIOD FOR FIRST REGISTRATION PERIOD.— Benefits shall be payable to any qualified employee for each day of unemployment in excess of 7 during that employee's first registration period in a period of continuing unemployment if such period of continuing unemployment is the employee's initial period of continuing unemployment commencing in the benefit year.

''(iii) STRIKES.—

''(I) INITIAL 14-DAY WAITING PERIOD.—If the Board finds that a qualified employee has a period of continuing unemployment that includes days of unemployment due to a stoppage of work because of a strike in the establishment, premises, or enterprise at which such employee was last employed, no benefits shall be payable for such employee's first 14 days of unemployment due to such stoppage of work.

''(II) SUBSEQUENT DAYS OF UNEMPLOYMENT.—For subsequent days of unemployment due to the same stoppage of work, benefits shall be payable as provided in clause (i) of this subparagraph.

''(III) SUBSEQUENT PERIODS OF CONTINUING UNEMPLOYMENT.—If such period of continuing unemployment ends by reason of clause (v) but the stoppage of work continues, the waiting period established in clause (ii) shall apply to the employee's first registration period in a new period of continuing unemployment based upon the same stoppage of work.

''(iv) DEFINITION OF PERIOD OF CONTINUING UNEMPLOYMENT.—Except as limited by clause (v), for the purposes of this subparagraph, the term 'period of continuing unemployment' means—

''(I) a single registration period that includes more than 4 days of unemployment;

''(II) a series of consecutive registration periods, each of which includes more than 4 days of unemployment; or

''(III) a series of successive registration periods, each of which includes more than 4 days of unemployment, if each succeeding registration period begins within 15 days after the last day of the immediately preceding registration period.

''(v) SPECIAL RULE REGARDING END OF PERIOD.—For purposes of applying clause (ii), a period of continuing unemployment ends when an employee exhausts rights to unemployment benefits under subsection (c) of this section.

''(vi) LIMIT ON AMOUNT OF BENEFITS.—No benefits shall be payable to an otherwise eligible employee for any day of unemployment in a registration period where the total amount of the remuneration (as defined in section 1(j)) payable or accruing to him for days within such registration period exceeds the amount of the base year monthly compensation base. For purposes of the preceding sentence, an employee's remuneration shall be deemed to include the gross amount of any remuneration that would have become payable to that employee but did not become payable because that employee was not ready or willing to perform suitable work available to that employee on any day within such registration period.''.

SEC. 3. WAITING PERIOD FOR SICKNESS BENEFITS.

Subparagraph (B) of section 2(a)(1) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(1)(B)) is amended to read as follows:

''(B) PAYMENT OF SICKNESS BENEFITS.—

''(i) GENERALLY.—Except as otherwise provided in this subparagraph, benefits shall be payable to any qualified employee for each day of sickness after the 4th consecutive day of sickness in a period of continuing sickness but excluding 4 days of sickness in any registration period in such period of continuing sickness.

''(ii) WAITING PERIOD FOR FIRST REGISTRATION PERIOD.—Benefits shall be payable to any qualified employee for each day of sickness in excess of 7 during that employee's first registration period in a period of continuing sickness if such period of continuing sickness is the employee's initial period of continuing sickness commencing in the benefit year. For the purposes of this clause, the first registration period in a period of continuing sickness is that registration period that first begins with 4 consecutive days of sickness and includes more than 4 days of sickness.

''(iii) DEFINITION OF PERIOD OF CONTINUING SICKNESS.—For the purposes of this subparagraph, a period of continuing sickness means—

''(I) a period of consecutive days of sickness, whether from 1 or more causes; or

''(II) a period of successive days of sickness due to a single cause without interruption of more than 90 consecutive days which are not days of sickness.

''(iv) SPECIAL RULE REGARDING END OF PERIOD.—For purposes of applying clause (ii), a period of continuing sickness ends when an employee exhausts rights to sickness benefits under subsection (c) of this section.''.

SEC. 4. MAXIMUM DAILY BENEFIT RATE.

Paragraph (3) of section 2(a) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(3)) is amended to read as follows:

''(3) The maximum daily benefit rate computed by the Board under section 12(r)(2) shall be the product of the monthly compensation base, as computed under section 1(i)(2) for the base year immediately preceding the beginning of the benefit year, multiplied by 5 percent. If the maximum daily benefit rate so computed is not a multiple of $1, it shall be rounded down to the nearest multiple of $1.''.

SEC. 5. MAXIMUM NUMBER OF DAYS FOR BENEFITS.

(a) IN GENERAL.—Subsection (c) of section 2 of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)) is amended to read as follows:

''(c) MAXIMUM NUMBER OF DAYS FOR BENEFITS.—

''(1) NORMAL BENEFITS.—

''(A) GENERALLY.—The maximum number of days of unemployment within a benefit year for which benefits may be paid to an employee shall be 130, and the maximum number of days of sickness within a benefit year for which benefits may be paid to an employee shall be 130.

''(B) LIMITATION.—The total amount of benefits that may be paid to an employee for days of unemployment within a benefit year shall in no case exceed the employee's compensation in the base year; and the total amount of benefits that may be paid to an employee for days of sickness within a benefit year shall in no case exceed the employee's compensation in the base year, except that notwithstanding section 1(i), in determining the employee's compensation in the base year for the purpose of this sentence, any money remuneration paid to the employee for services rendered as an employee shall be taken into account that is not in excess of an amount that bears the same ratio to $775 as the monthly compensation base for that year as computed under section 1(i) bears to $600.

''(2) EXTENDED BENEFITS.—

''(A) GENERALLY.—With respect to an employee who has 10 or more years of service as defined in section 1(f) of the Railroad Retirement Act of 1974, who did not voluntarily retire and (in a case involving exhaustion of rights to normal benefits for days of unemployment) did not voluntarily leave work without good cause, and who had current rights to normal benefits for days of unemployment or days of sickness in a benefit year but has exhausted such rights, the benefit year in which such rights are exhausted shall be deemed not to be ended until the last day of the extended benefit period determined under this paragraph, and extended unemployment benefits or extended sickness benefits (depending on the type of normal benefit rights exhausted) may be paid for not more than 65 days of unemployment or 65 days of sickness within such extended benefit period.

''(B) BEGINNING DATE.—An employee's extended benefit period shall begin on the employee's first day of unemployment or first day of sickness, as the case may be, following the day on which the employee exhausts the employee's then current rights to normal benefits for days of unemployment or days of sickness and shall continue for 7 consecutive 14-day periods, each of which shall constitute a registration period, but no such extended benefit period shall extend beyond the beginning of the first registration period in a benefit year in which the employee is again qualified for benefits in accordance with section 3 on the basis of compensation earned after the first of such consecutive 14-day periods has begun.

''(C) TERMINATION WHEN EMPLOYEE REACHES AGE OF 65.—Notwithstanding any other provision of this paragraph, an extended benefit period for sickness benefits shall terminate on the day next preceding the date on which the employee attains age 65, except that it may continue for the purpose of paying benefits for days of unemployment.

''(3) ACCELERATED BENEFITS.—

''(A) GENERAL RULE.—With respect to an employee who has 10 or more years of service as defined in section 1(f) of the Railroad Retirement Act of 1974, who did not voluntarily retire, and (in a case involving unemployment benefits) did not voluntarily leave work without good cause, who has 14 or more consecutive days of unemployment, or 14 or more consecutive days of sickness, and who is not a qualified employee with respect to the general benefit year current when such unemployment or sickness commences but is or becomes a qualified employee for the next succeeding general benefit year, such succeeding general benefit year shall, in that employee's case, begin on the first day of the month in which such unemployment or sickness commences.

''(B) EXCEPTION.—In the case of a succeeding benefit year beginning in accordance with subparagraph (A) by reason of sickness, such sentence shall not operate to permit the payment of benefits in the period provided for in such sentence for any day of sickness beginning with the date on which the employee attains age 65, and continuing through the day preceding the first day of the next succeeding general benefit year.

''(C) DETERMINATION OF AGE.—For the purposes of this subsection, the Board may rely on evidence of age available in its records and files at the time determinations of age are made.''.

(b) REPEAL OF DEADWOOD PROVISION.—Section 2(h) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(h)) is repealed.

(c) REPEAL OF EXPIRED PROVISION.—Section 17 of the Railroad Unemployment Insurance Act (45 U.S.C. 368), relating to payment of supplemental unemployment benefits, is repealed.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Pennsylvania [Mr. BORSKI] each will control 20 minutes.

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

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

Mr. Speaker, I rise in strong support of H.R. 2594, the Railroad Unemployment Insurance Amendments of 1996. This bill was reported out of the Committee on Transportation and Infrastructure last November and enjoyed the full support of both labor and rail management.

This bill is good for railroad workers. It reforms, it has reforms in it which are very significant. It will increase the daily unemployment benefits for railroad workers from $36 to $42, in line with other nonrailroad workers. It reduces the waiting period before benefits begin to accrue from 14 days to 7 days. This will produce an immediate gain of $294 for any unemployed rail worker.

It is no secret that the railroads have been reducing the size of their work forces. In fact, rail employment is less than half what it was in 1975.

By increasing unemployment benefits for rail workers to bring them in line with other nonrail workers across America, H.R. 2594 provides a little more security for workers who know that they, too, could one day be affected by a layoff.

It is high time that the rail unemployment benefits were reformed. Some of my colleagues may remember that a virtually identical bill was passed by the 103d Congress. The legislation was never taken up by the Senate. The issue has languished ever since. We now have an opportunity to get this bill passed. It should not be missed. Both rail labor and rail management support this legislation. I urge my colleagues to support it.

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

Mr. BORSKI. Mr. Speaker, I rise in strong support of the bill, and I yield 2 minutes to the gentleman from Illinois [Mr. LIPINSKI].

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

Mr. Speaker, I rise in strong support of H.R. 2594, the Railroad Unemployment Insurance Amendments Act of 1996.

This bill has been pending for over 3 years. It was first introduced by our former colleague Al Swift in the 103d Congress. It passed the House on suspension but, like too many other good bills, died in the other body when a single Senator put a hold on it.

The bill was introduced again last year by the bipartisan leadership of our committee and was quickly reported out by a voice vote. The bill is supported by both Republicans and Democrats, by both rail labor and rail management. The bill has four major provisions. Two favor management and the other two favor labor. Both sides feel the bill is a good deal for them.

The bill raises benefit levels so that they are more in line with benefits being paid by the States for nonrailroad employees. It also shortens the waiting time before rail workers qualify for unemployment and sickness benefits. On the other hand, it reduces the number of weeks of benefits received by employees with more than 15 years seniority, and it places a limit on the earnings of employees who are receiving benefits.

Action on this bill has been held up by having various controversial amendments attached to it in the past. The manager's amendment makes some clarifying changes to the committee-reported bill that have been worked out jointly by the majority and minority staffs. I am happy to report that we now have a clean bill that all of us can support. I recommend the bill to my colleagues and urge its passage.

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

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

Mr. Speaker, I simply emphasize there are no taxpayer dollars involved in this. This is totally financed by the railroad industry and the railroad workers.

With that, I urge support.

Mr. ARCHER. Mr. Speaker, the Committee on Ways and Means has a strong historical interest and involvement in the financing of the railroad unemployment compensation [RRUC] system. The RRUC has been in existence since 1938. Railroad workers were initially covered by the unemployment provisions of the Social Security Act of 1935, until the Railroad Unemployment Insurance Act (Public Law 75–722) was passed in 1938 to provide a uniform unemployment insurance system for railroad workers.

The committee has been closely involved in recent legislation concerning the RRUC. The Technical and Miscellaneous Revenue Act of 1988 (Public Law 100–647) increased the railroad unemployment and sickness daily benefit rate, indexed future benefit rates, qualifying earnings requirements and the contribution base to national wage levels, established a waiting period for benefits, and included other measures to improve the railroad unemployment insurance system's financing. The Emergency Unemployment Compensation Act of 1991, as amended in November 1993 (Public Laws 102–164 and 103–152), provided temporary extended State unemployment benefits, and also provided temporary extended benefits under the Railroad Unemployment Insurance Act.

The railroad unemployment and sickness benefit programs are financed by payroll taxes on railroad employers. The Railroad Unemployment Insurance and Railroad Unemployment Insurance Administration Accounts are part of the Federal Unemployment Trust Fund.

Since 1959, the Railroad Unemployment Trust Fund has been able to borrow funds from the railroad pension fund when employer taxes have not been sufficient to cover the costs of unemployment and sickness benefits. The RRUC program became depleted during the 1960's and 1970's. A rapid decline in 1981 and 1982 in railroad employment resulted in substantial borrowing from the pension system which reached peak levels at the end of 1986. Financial measures to assist the Railroad Unemployment Insurance Account were included in the Railroad Retirement Solvency Act enacted August 12, 1983.

A temporary repayment tax on railroad employers began on July 1, 1986, to initiate repayment of the loans made by the Railroad Retirement Account. The Consolidated Omnibus Budget Reconciliation Act of April 1986

(Public Law 99–272) amended the temporary unemployment insurance loan repayment tax beginning July 1, 1986, continued authority for borrowing by the Railroad Unemployment Insurance Account from the Railroad Retirement Account, and provided a contingency surtax on rail employers if further borrowing took place. The contingency surtax was replaced in 1991 by a surcharge added to employers' unemployment insurance taxes for a calendar year if the balance in the unemployment insurance account goes below $100 million.

The 1988 Technical and Miscellaneous Revenue Act railroad unemployment insurance amendments improved financing by indexing the tax base to average national wages and experience-rating employer contributions. The 1988 amendments required the Board to make annual financial reports to Congress on the status of the unemployment insurance system. The unemployment insurance financial report that was submitted in June 1993, before the loan was repaid in full, stated that the experience-based contribution rates would keep the system solvent, even under the most pessimistic employment assumptions. The report also indicated that no new loans will be required during the 10-year projection period (fiscal years 1993–2002). The Board therefore recommended no changes to the system at that time. However, given the cash outlay subsequently applied to the repayment of the prior loans, subsequent estimates indicate that new loans in small amounts could, under pessimistic assumptions, possibly be required during part of the projection period.

With respect to H.R. 2594, the benefit increases contained in the bill are offset by increased tax revenues on rail employers by operation of current law, since employer contributions increase automatically as benefits increase. Therefore, no changes to the revenue laws are required to implement the provisions of H.R. 2594. However, because of the recent history of financial difficulties in the RRUC system, the committee will continue to closely monitor the overall financial solvency of the RRUC system, especially in light of this most recent benefit increase.

Mr. WISE. Mr. Speaker, I rise in strong support of H.R. 2594. This bipartisan bill is long overdue and will greatly improve the unemployment insurance system for the over 4,200 railroad workers in my home State of West Virginia.

This legislation was crafted by both management and labor of our Nation's railroad and will amend the existing unemployment insurance system. Last November the House Transportation and Infrastructure Committee marked up this bill and unanimously recommended passage by the full House.

This legislation will make several needed changes to the railroad unemployment insurance system. First, it will increase the maximum daily benefits from $36 to $42 for the current benefit year and establish a new formula for determining the benefits so that they will increase automatically in the future. Second, this legislation will shorten the waiting period before and employee is eligible to receive unemployment and sickness benefits from 14 days to 7 days. These changes are especially important to railroad workers who experience seasonal layoffs during the winter months.

This bill is a reasonable balance between labor and management concerns and I applaud both sides for their willingness to work together on this legislation. I support this bill and hope that my colleagues in the other body would act on this legislation quickly.

Ms. MOLINARI. Mr. Speaker, I rise in strong support of H.R. 2594, the Railroad Unemployment Insurance Amendments Act of 1996. This important legislation will modernize railroad unemployment and sickness benefits so that they are more in keeping with the State systems that apply to all other industries.

Too often Republicans are accused of supporting the interests of big business over those of the working people. I am pleased today to stand in support of legislation that will directly benefit the interests of working people. H.R. 2594 will increase the daily benefits payable to unemployed rail workers from $36 to $42. It will also reduce the waiting time before benefits begin to accrue from 14 days to 7 days. This means an automatic increase of $294 for any qualified employees. The cost to the industry of these increased benefits will be partially offset by a reduction in the maximum number of days of extended benefits, and a reduction in the permissible amount of outside income.

These increased rail unemployment benefits will not impost any additional costs on the American taxpayer. Because the railroad unemployment system is funded through payroll taxes, the industry will bear the full costs of the new benefits.

This bill has been awaiting enactment for a long time. The House passed virtually identical legislation in the 103d Congress, but it was never taken up by the Senate. Because of the complicated budgetary effects of the legislation, it has taken a long time to be able to bring the legislation to this point. I also want to thank my colleagues on the Budget Committee for assisting our efforts in bringing this legislation forward.

I urge my colleagues to vote ''yes'' on H.R. 2594.

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

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 2594, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AVIATION DISASTER FAMILY ASSISTANCE ACT OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3923) to amend title 49, United States Code, to require the National Transportation Safety Board and individual air carriers to take actions to address the needs of families of passengers involved in aircraft accidents, as amended.

The Clerk read as follows:

H.R. 3923

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Aviation Disaster Family Assistance Act of 1996''.

SEC. 2. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

''§ 1136. Assistance to families of passengers involved in aircraft accidents

''(a) IN GENERAL.—As soon as practicable after being notified of an aircraft accident within the United States involving an air carrier or foreign air carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

''(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the air carrier or foreign air carrier and the families; and

''(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

''(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for facilitating the recovery and identification of fatally-injured passengers involved in an accident described in subsection (a).

''(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

''(1) To provide mental health and counseling services, in coordination with the disaster response team of the air carrier or foreign air carrier involved.

''(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

''(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

''(4) To communicate with the families as to the roles of the organization, government agencies, and the air carrier or foreign air carrier involved with respect to the accident and the post-accident activities.

''(5) To arrange a suitable memorial service, in consultation with the families.

''(d) PASSENGER LISTS.—

''(1) REQUESTS FOR PASSENGER LISTS.—

''(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the air carrier or foreign air carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the aircraft involved in the accident.

''(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the air carrier or foreign air carrier involved in the accident a list described in subparagraph (A).

''(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

''(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

''(1) are briefed, prior to any public briefing, about the accident, its causes, and any other findings from the investigation; and

''(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

''(f) USE OF AIR CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the air carrier or foreign air carrier involved in the accident so that the resources of the carrier can be used to the greatest extent possible to carry out the organization's responsibilities under this section.

''(g) PROHIBITED ACTIONS.—

''(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

''(2) UNSOLICITED COMMUNICATIONS.—In the event of an accident involving an air carrier providing interstate or foreign air transportation, no unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney, representative of an attorney, insurance company, or air carrier litigation representative to an individual injured in the accident, or to a relative of an individual involved in the accident, before the 30th day following the date of the accident.

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(1) AIRCRAFT ACCIDENT.—The term 'aircraft accident' means any aviation disaster regardless of its cause or suspected cause.

''(2) PASSENGER.—The term 'passenger' includes an employee of an air carrier aboard an aircraft.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 11 of such title is amended by inserting after the item relating to section 1135 the following:

''1136. Assistance to families of passengers involved in aircraft accidents.''.

(b) PENALTIES.—Section 1155(a)(1) of such title is amended—

(1) by striking ''or 1134(b) or (f)(1)'' and inserting '', section 1134(b), section 1134(f)(1), or section 1136(g)''; and

(2) by striking ''either of'' and inserting ''any of''.

SEC. 3. AIR CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) IN GENERAL.—Chapter 411 of title 49, United States Code, is amended by adding at the end the following:

''§ 41113. Plans to address needs of families of passengers involved in aircraft accidents

''(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each air carrier holding a certificate of public convenience and necessity under section 41102 of this title shall submit to the Secretary and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any aircraft accident involving an aircraft of the air carrier and resulting in a major loss of life.

''(b) CONTENTS OF PLANS.—A plan to be submitted by an air carrier under subsection (a) shall include, at a minimum, the following:

''(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

''(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1136(a)(2) of this title or the services of other suitably trained individuals.

''(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the air carrier has verified that the passenger was aboard the aircraft (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

''(4) An assurance that the air carrier will provide to the director of family support services designated for the accident under section 1136(a)(1) of this title, and to the organization designated for the accident under section 1136(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), and will periodically update the list.

''(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger.

''(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the air carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

''(7) An assurance that any unclaimed possession of a passenger within the control of the air carrier will be retained by the air carrier for at least 18 months.

''(8) An assurance that the family of each passenger will be consulted about construction by the air carrier of any monument to the passengers, including any inscription on the monument.

''(9) An assurance that the treatment of the families of nonrevenue passengers (and any other victim of the accident) will be the same as the treatment of the families of revenue passengers.

''(10) An assurance that the air carrier will work with any organization designated under section 1136(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

''(11) An assurance that the air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) of this title for services provided by the organization.

''(12) An assurance that the air carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

''(13) An assurance that the air carrier will commit sufficient resources to carry out the plan.

''(c) CERTIFICATE REQUIREMENT.—After the date that is 6 months after the date of the enactment of this section, the Secretary may not approve an application for a certificate of public convenience and necessity under section 41102 of this title unless the applicant has included as part of such application a plan that meets the requirements of subsection (b).

''(d) LIMITATION ON LIABILITY.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in preparing or providing a passenger list pursuant to a plan submitted by the air carrier under subsection (b), unless such liability was caused by conduct of the air carrier which was grossly negligent or which constituted intentional misconduct.

''(e) AIRCRAFT ACCIDENT AND PASSENGER DEFINED.—In this section, the terms 'aircraft accident' and 'passenger' have the meanings such terms have in section 1136 of this title.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

''41113. Plans to address needs of families of passengers involved in aircraft accidents.''.

SEC. 4. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board, the Federal Emergency Management Agency, the American Red Cross, air carriers, and families which have been involved in aircraft accidents shall establish a task force consisting of representatives of such entities and families, representatives of air carrier employees, and representatives of such other entities as the Secretary considers appropriate.

(b) MODEL PLAN AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

(1) a model plan to assist air carriers in responding to aircraft accidents;

(2) recommendations on methods to ensure that attorneys and representatives of media organizations do not intrude on the privacy of families of passengers involved in an aircraft accident;

(3) recommendations on methods to ensure that the families of passengers involved in an aircraft accident who are not citizens of the United States receive appropriate assistance;

(4) recommendations on methods to ensure that State mental health licensing laws do not act to prevent out-of-state mental health workers from working at the site of an aircraft accident or other related sites;

(5) recommendations on the extent to which military experts and facilities can be used to aid in the identification of the remains of passengers involved in an aircraft accident; and

(6) recommendations on methods to improve the timeliness of the notification provided by air carriers to the families of passengers involved in an aircraft accident, including—

(A) an analysis of the steps that air carriers would have to take to ensure that an accurate list of passengers on board the aircraft would be available within 1 hour of the accident and an analysis of such steps to ensure that such list would be available within 3 hours of the accident;

(B) an analysis of the added costs to air carriers and travel agents that would result if air carriers were required to take the steps described in subparagraph (A); and

(C) an analysis of any inconvenience to passengers, including flight delays, that would result if air carriers were required to take the steps described in subparagraph (A).

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the

Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).

SEC. 5. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this Act or any amendment made by this Act may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

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

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I strongly support this legislation. I made a promise to the families of the victims of aviation disasters when they were before our committee in June that I would bring forward such legislation, and today we are fulfilling that promise.

Airline travel is remarkably safe. Indeed, since commercial aviation began over 80 years ago, less than 13,000 people have been killed in airplane crashes. That many die every 4 months on our Nation's highways.

However, when accidents do occur, it is important that the families of the victims be treated with the utmost sensitivity and compassion. The airlines usually do the best they can.

However, when we held a hearing on June 19, we heard some real horror stories from the families, including such things as impersonal notification, such as leaving messages about the death of a loved one on an answering machine, mass burials of unidentified body parts without informing the families, discarding the belongings of the victims without notifying the families, harassment by lawyers looking for clients and journalists looking for stories, and painful delays in notification of the death of a loved one. Sometimes the airline would refuse to tell them anything for hours and hours.

As that June 19 hearing I promised the families that we would move legislation to deal with these problems, and today we bring this bill to the floor to keep that commitment. The purpose of this bill is to address many of the complaints we heard and clarify the role of the Government and the Red Cross in helping the families of future airline disasters.

Key features of this bill include: It establishes a position within the NTSB to act as a liaison between the Government and the families and between the airline and the families.

It directs the NTSB to designate an independent organization, such as the Red Cross, to take primary responsibility for the care and support of the families.

It imposes a $1,000 fine on anyone impeding the work of the NTSB or the Red Cross.

It requires airlines to return passengers' possessions to the families, if they request it, and retain all unclaimed articles for 18 months.

It establishes a task force involving the Department of Transportation, NTSB, FEMA, the Red Cross, family representatives, and the airlines to develop a model family assistance plan, and to recommend ways to speed up the next-of-kin notification process and get the military resources more involved in the identification of passenger remains.

It requires a rule prohibiting lawyers from contacting families within 30 days of an accident, similar to the rule that now applies to the members of the Florida bar.

It makes clear that airlines can go beyond the minimum requirements in this act and do more than is required to help the families as many airlines say they do now.

It is important to emphasize that the responsibility for notifying families in the death of a loved one remains with the airline. They are the only ones in a position to verify the accuracy of the passenger manifest. However, the bill gives families another option if the airline is slow in providing notification. They could now go to the NTSB or the Red Cross for information. The airline will have to turn over its best available passenter list to the NTSB or the Red Cross immediately upon request. The NTSB or the Red Cross could then tell the family whether or not their loved one was on the list and explain the limitations on the accuracy of the list.

At our hearing 2 weeks ago the families enthusiastically supported this bill, and the airline witnesses testified that they could live with it.

This legislation will help to minimize the suffering of those who lose loved ones in airline tragedies, and I certainly want to thank the gentleman from Tennessee [Mr. DUNCAN], the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from Illinois [Mr. LIPINSKI], and others: The gentleman from Illinois [Mr. LAHOOD] and the gentlewoman from Missouri [Ms. DANNER] for their help in crafting this legislation.

I also want to thank the following family representatives who played important and very constructive roles in the formulation of this legislation:

Doug Smith, president of the National Air Disaster Alliance, Victoria Cummock of the Pam Am 103 Families, Richard Kessler, who lost his wife in the ValuJet crash, and Cynthia Cox from Montoursville, PA, who lost her daughter in the TWA tragedy.

I would urge strong support for this legislation.

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

Mr. Speaker, I rise in support of H.R. 2923, the Aviation Disaster Family Assistance Act of 1996. I am pleased to be a cosponsor of this important legislation.

As a result of hearings the Subcommittee on Aviation held on the treatment of families after aviation accidents, it was generally recognized that there are improvements that must be made to ensure that families' interests are better addressed. The legislation introduced by Chairman SHUSTER takes significant steps in that direction by requiring the National Transportation Safety Board to designate a director of family support services as well as designating an independent organization, such as the Red Cross, to provide critical support to the families.

As this bill has moved through the Transportation and Infrastructure Committee, I have consistently expressed my concern with the burden we are placing on the NTSB's already thin resources. This is something we must keep a close eye on as we consider NTSB funding in the future.

I have also expressed concern with the notification aspects of this bill. I have advocated notifying families in person, and am pleased that the legislation encourages in person notification to the extent practicable. But I also understand that in many cases, families are learning of accidents on television, and that in person notification can never be accomplished with the speed that the media reports a plane crash. While I am pleased with the steps that this measure takes toward improving the notification system, I will continue to explore ideas to enhance the system.

There is no perfect way to handle aviation disasters. Our task is to make the process both efficient and compassionate. This bill is a big step toward both those goals.

Mr. Speaker, I want to commend Chairman DUNCAN for his leadership on this legislation and for the manner in which he has handled the subcommittee the entire 104th Congress. Since I became ranking member of the Aviation Subcommittee last October, I have been impressed with your commitment to this position and the manner in which you have treated me and the other members of the subcommittee.

I also want to recognize Chairman SHUSTER, the sponsor of this legislation, and of course the distinguished gentleman from Minnesota, the ranking member of the full Committee on Transportation and Infrastructure, Mr. OBERSTAR.

Mr. Speaker, I urge support for this legislation.

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

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN], the distinguished chairman of the subcommittee.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding this time to me, and, Mr. Speaker, I rise in strong support of H.R. 3923, the Aviation Disaster Family Assistance Act.

Let me first congratulate the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER], for his strong leadership on this

very important issue, and let me say not just on this issue, but I think that Chairman SHUSTER has led our committee through two of the most active years in the history of that committee and probably in the history of all of the committees in the Congress. He has been a really outstanding chairman, and I think the people need to know that.

The Subcommittee on Aviation, which I have the privilege of chairing, held a hearing on this matter on June 19 concerning the treatment of families of passengers killed in airline accidents. We held a second hearing 2 weeks ago, and from those hearings I think we have developed some outstanding legislation. Certainly interest in this issue has been heightened by the TWA 800 tragedy, the ValuJet crash, and certain other terrible accidents that have happened.

From our hearing in June we worked to develop H.R. 3923, and we did it, I am proud to say, on a bipartisan basis with strong support from our friends, the ranking members of the full committee and the subcommittee, the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Illinois [Mr. LIPINSKI]. And let me say that I really deeply appreciate those kind words from Mr. LIPINSKI, and I think that I certainly can echo those words back to him because I do not think any subcommittee in the Congress has a chairman and ranking member who have a closer relationship than he and I do, and we have worked so well together, along with the leadership provided by Mr. OBERSTAR, who has developed such an expertise in the field of aviation and who has done so much in this area.

In our hearings on this legislation we heard some very terrible and troubling stories, such as mass burials of unidentified body parts without informing family members, something that was very hurtful to these families; the throwing away of personal belongings of victims without notifying the families; constant harassment by lawyers and the media; and leaving messages about the death of a family member on an answering machine. Several recommendations to correct those problems were brought to our attention by witnesses at the subcommittee's hearing in June and also again a couple of weeks ago.

H.R. 3923 would establish a reliable 1–800 telephone number assigned exclusively to handle accident-related calls from family members.

It establishes a director of family support services position within the National Transportation Safety Board. It provides the NTSB with the authority to designate a third party, such as the American Red Cross, the Salvation Army, or some other outstanding organization, to be responsible for post-trauma communication and work with families.

The bill requires that personal items be returned to family members and to any survivors of an accident.

Under the bill, each airline is required to submit its family assistance plan to the Department of Transportation and to the National Transportation Safety Board for approval.

Finally, among many other provisions, H.R. 3923 would prohibit unsolicited contact of the families by lawyers, both plaintiff lawyers and insurance company lawyers, for 30 days. And I am proud to say that I think the bar has adopted a very responsible position in regard to this, and we have a very strong letter of endorsement for this provision from the Association of Trial Lawyers of America which I will include for the RECORD.

Finally, Mr. Speaker, H.R. 3923 will help improve the tremendous coordination that must take place at the accident site. It will help improve communication between the family members and those assisting family members.

I urge my colleagues to support H.R. 3923 so that we can get this legislation over to the Senate and to the President before the 104th Congress adjourns. I think this is outstanding legislation that can be proudly supported by all Members of this body.

The letter referred to follows:

ASSOCIATION OF TRIAL LAWYERS OF AMERICA,
Washington, DC, September 10, 1996.

Hon. BUD SHUSTER,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE SHUSTER: As President of the Association of Trial Lawyers of America, I wish to commend you on your consideration of H.R. 3923, which the Aviation Subcommittee will mark-up on Wednesday, September 11, and the full Transportation Committee will mark-up on Thursday, September 12. This legislation will lend much-needed support to the families of victims of airline disasters.

In particular, the Association strongly supports sec. 5. This provision states the sense of Congress that state bar associations should adopt rules prohibiting unsolicited contact concerning a legal action with victims or aggrieved families within 30 days of an accident. ATLA's longstanding Code of Contact goes even further, and entirely prohibits unsolicited contact, regardless of when the accident occurred. We believe that the 30-day time period you provide in the bill is a reasonable minimum period during which victims and their families should not be bothered against their will with the sometimes painful question of compensation.

However, we urge the committee to go further, by strengthening this bill to also prohibiting unsolicited contact by anyone concerning potential claims they or their loved ones may have. Until a family decides to consider its options with regard to compensation, no party should take advantage of them during this delicate emotional time. This prohibition should not extend to preventing airlines of other parties from providing for the needs of the families, such as transportation to the accident site, lodging and meals—only to communications relating to the family's right to bring an action.

The shock and grief the families of aviation disasters are experiencing should be respected by all and this is not a time for outsiders to be soliciting serious discussions from the victims or their families. This rule will ensure that families, not businesses or lawyers, make the decision of when to seek compensation, and the proper mechanism for it.

Further, the Association would be pleased to participate in the task force established in sec. 4 to help assure that families' privacy is not intruded upon by any party. We believe that the families must be protected, and our position in the legal community and our strong Code of Conduct gives us a unique ability and standing to contribute to such a task force.

The Association of Trial Lawyers of America strongly supports efforts to help families of victims of transportation disasters. Without taking a position with regard to any of the other issues in the bill, we believe that this legislation is a valuable step toward sheltering families in the midst of a personal crisis. Again, we commend your action supporting these families.

Sincerely,

HOWARD TWIGGS,
ATLA President.

□ 1100

Mr. LIPINSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the Committee on Transportation and Infrastructure and former chairman of the Subcommittee on Aviation.

Mr. OBERSTAR. Mr. Speaker, I appreciate the gentleman yielding time to me, and I would like to say a few words on this measure.

To the very great credit of our chairman, the gentleman from Pennsylvania [Mr. SHUSTER], in the aftermath of the ValuJet crash, when we in the committee heard some of the tragedies that have already been related by the chairman of the committee, by the chairman of the subcommittee, the gentleman from Tennessee [Mr. DUNCAN], and the gentleman from Illinois [Mr. LIPINSKI], about treatment of the families, the chairman of the committee, the gentleman from Pennsylvania [Mr. SHUSTER], made a commitment to seize on this issue, to deal with it, to bring justice, and to build upon the legislation enacted in the aftermath of PanAm 103. We are here today because of that commitment. I salute our chairman for moving decisively, and bringing this issue to closure in the House and I hope closure in the other body rapidly.

Already the commission, headed by Vice President GORE, has taken a central element of this legislation and incorporated it into the Vice President's recommendations without waiting for legislation to be enacted. Of course, enactment of the legislation will only reinforce and strengthen what the Gore commission has initiated.

There is plenty of praise and commendation to go around, beginning with the chairman of the committee, the gentleman from Pennsylvania [Mr. SHUSTER], for the leadership he has demonstrated, for the genuine caring and sensitivity that he has shown on this issue; the gentleman from Tennessee [Mr. DUNCAN], also a man of great compassion and sensitivity, who has devoted a great amount of time and effort to the issue; to the gentleman from Illinois [Mr. LIPINSKI], our

ranking member, who again spent a great deal of time with family members hearing their concerns, addressing those issues, working together with Chairman DUNCAN to resolve some of the sticker questions, and to come up with a piece of legislation that will vastly enhance the treatment of families in the aftermath of an air tragedy.

Obviously, we all hope we will never have to exercise the provisions of this legislation, but we also know that tragedies happen in aviation, for one or another cause. We need to be prepared. The FAA needs to be prepared, the DOT, the airlines have to be prepared. This legislation will put a framework around preparedness, to deal with these tragedies in the future, so never again will a family member have to agonize, waiting for information, not know where to call, be given abrupt treatment or no information whatever, worst of all.

Outside the confines of the committee, Vicki Cummock, who lost her husband in PanAm 103, has proven to be a champion on behalf of family members. She has counseled in the case of many subsequent air tragedies and helped us formulate this legislation; George Williams, a leader of another group of families of the victims of PanAm 103, has provided great insight; Bill Kessler, with his tragic experience losing his wife in the ValuJet tragedy, provided great, compassionate insight.

I also would like to mention a woman from my district, Lorelei Valerie, who lost her father in a tragic crash 6 minutes from my home in Chisholm, MN, when a commuter aircraft crashed into a hillside for want to a ground proximity warning system, and who experienced many of these similar problems: notification, treatment of the families in the aftermath of a tragedy.

This legislation takes a big step forward. The bill specifies that its provisions do not prohibit airlines from providing families, victims' families, with additional support beyond what is provided in the framework of this legislation. It does require that all airlines, regardless of the size of their fleet, have disaster response plans on file with the Department of Transportation.

The bill does not require that the plan be approved as part of the carrier's operations specifications. That would be my preference. I believe, however, that if we included such a requirement, notwithstanding that it would improve the bill, it might also impede its chances for action.

There will be an effort to develop a model plan. When such a model plan is developed, I believe the DOT should give strong consideration to promulgating regulations to require that at least the contents of the model plan be included in each carrier's own individual airline response plan. That is an issue that I am going to be watching very closely. There may come a time when we need to take a tougher approach on these response plans than we are taking in this bill. This bill is a good step in the right direction.

I just simply put the airlines on notice and the DOT on notice that we mean business in this committee on this issue. We will not tolerate inaction or lack of compliance with the spirit of this legislation. I urge strong support and a wholehearted unanimous vote in favor of this legislation.

In 1990, Congress passed legislation that required carriers to confirm a passenger manifest in a maximum of 3 hours on international flights. The airlines have been successful in forestalling the implementation of this requirement through a rider in the early appropriations legislation. Each time I learn of an aviation accident and hear and families waiting for hours without definite word of whether their loved ones have been involved, I cannot help but blame the airlines for working so hard to find a legislative fix to allow them to keep families in a state of uncertainty longer than necessary. The recently released recommendations of the Gore Commission include a proposal that the requirement in the 1990 legislation be implemented. In fact, many of the provisions included in H.R. 3923 are also Gore Commission recommendations.

The purpose of this legislation is to help create a process that, at a minimum, does not make an already very emotional situation even more traumatic for family members. It requires that all airlines, even the smallest, have, as a prerequisite for their operation, a disaster plan submitted to the Department of Transportation. The plan must address a number of key areas, including the notification of family members, and the ongoing obligations the carrier has with respect to the information and services to be provided to the family members throughout the duration of the disaster. The bill charges the National Transportation Safety Board with designating an individual to work with the family members and provide them with periodic briefings on the status of the recovery of victims' remains and the accident investigation, as well as coordinating and disseminating to family members other pertinent information from various government entities. We have learned that it is very important that family members not feel they have to contact several different Federal State, and local entities to be fully informed about matters of importance to them.

Also in response to the testimony received at our June hearing, this bill requires that the NTSB designate an independent nonprofit organization with experience in disaster response to work with the families to provide information and counseling as required. In the hearing, the Red Cross was mentioned specifically as an organization that would be well suited to the role envisioned, and we have worked with that organization in developing this legislation.

This legislation does not improve the safety of commercial aviation or the adequacy of the Federal Aviation Administration's oversight of airlines, yet it address something that, in its own way, is just as important; the need for compassionate treatment of people who have suffered the unexpected loss of a loved one. The legislation is intended to help people who are desperate for information about their father, husband, son. It is intended to protect people who are hounded by the media as they seek news about the safety of their mother, wife, daughter. It is intended to assist people who are subjected to lawyers eager to take advantage of their vulnerability and great personal loss to gain a percentage of a potential financial award.

This legislation is about providing compassion and respect for individuals experiencing deep grief. I think the fact that we need legislation to mandate compassion is a dad statement about our society, but I am gratified that, having seen a need, our committee has been able to respond in a timely manner.

The victims' families have known deep loss and shared similar experiences at the hands of Government agencies and the media. Some of these individuals have gone on to use their painful experiences to help others deal with their grief under similar circumstances, and we have worked with these individuals to develop this legislation, and will hear from some of them again today. Their shared experience has helped us in the legislative process. They understand the need to ensure that the dignity of the families will be preserved to the extent possible under extremely adverse conditions.

It is important to understand that there are services that an airline can provide that no government or independent agency can. As private companies, airlines can authorize immediate expenditures to provide transportation and lodging to family members, as well as accommodate other requirements they may have. Most large airlines have established disaster plans in place and trained individuals at the ready in the event of an accident. In fact, some airlines have worked with the family members groups who have testified before our committee to develop or modify their disaster response plans. Many airlines provide each family with the name and telephone number of an airplane employee who will work with them to provide them with the information and services needed. The airline representatives can help provide family members with assistance that is tailored to the needs of an individual family. For example, airlines have accommodated a family's need for money to make a mortgage payment or school tuition that comes due during the tragedy. This bill recognizes the need to preserve the airline's ability to provide financial support and other assistance to family members during emotionally stressful times. The role that many airlines have played in response to an accident cannot be duplicated by any Federal, State, or independent agency, and the services they provide must not be sacrificed in a naive attempt to eliminate contact between airlines and families.

However, while this bill specifies that its provisions do not prohibit airlines from providing the victims' families with additional support, it does require that all airlines, regardless of the size of their fleet, have disaster response plans on file with the Department of Transportation. The bill does not require that the plan be approved as part of the carrier's operations specifications. I believe that if we included such a requirement, it would improve the bill. But I recognize that there will be an effort to develop a model plan. After such a plan is developed, I believe the DOT should give very strong consideration to promulgating regulations to require that at least the contents of the model plan be in each carrier's own

plan. I will be watching this issue closely. There may come a time when we need to take a more firm approach on these plans than we are taking today in this bill.

I urge my colleagues to pass this important legislation.

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

Mr. Speaker, I anticipate the overwhelming passage of this legislation today, and with its passage, it will mark the eighth piece of aviation legislation which this body has overwhelmingly passed and sent to our colleagues in the other body.

Unfortunately, they have not acted yet on any of those pieces of legislation. Of the seven that we have sent over, the one that had the poorest vote showing was a vote of 389 to 22, so I think that demonstrates the extraordinary, overwhelming bipartisan support for the aviation measures which this body has passed and sent to the other side.

So it is my hope that in the waning days of this Congress, our colleagues on the other side of the Capitol will indeed move these very, very important pieces of aviation legislation, not the least of which is this very important family bill that is before us today.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois [Mr. WELLER], the distinguished vice chairman of the Subcommittee on Aviation.

Mr. WELLER. In a spirit of bipartisanship, I rise in strong support of this bipartisan bill, Mr. Speaker. This legislation responds to the pleas we all heard from families at the Subcommittee on Aviation hearings in June and then again on September 5. At our subcommittee markup the bill, as revised, reflects some of the concerns raised by the families, the airlines, and the Red Cross.

Specifically, the bill requires the NTSB to designate an employee to act as a point of contact with the families within the Federal Government and as a liaison between the airline and the families. The NTSB is also directed to designate an independent, nonprofit organization; for example, the Red Cross, to address some of the emotional needs called upon by the families.

H.R. 3923 sets out in some detail the responsibilities of the NTSB, the Red Cross, and the airlines. It is very important to note that the airlines will continue to be responsible for notifying the families of the death of a loved one. However, the bill also requires that the passenger list be turned over to the National Transportation Safety Board, the NTSB, and the Red Cross, if requested, so families will have someone else to turn to if the airline notification process is too slow.

As we all know, Mr. Speaker, there were too many complaints from families about the ValuJet and TWA crashes, but these complaints did not originate with these accidents. Similar problems have been brewing for many years, going back to KAL 007 flight and PanAm 103. At our hearing in June, Chairman SHUSTER committed to the families that we would develop legislation in response to their concerns. This bill, a bipartisan bill, fulfills that commitment.

But we never could have done it without the bipartisan cooperation and input of the ranking members, the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Illinois [Mr. LIPINSKI], whose experience and viewpoint made them invaluable partners in this process. I also would like to thank the gentleman from Tennessee [Mr. DUNCAN], the chairman, the gentleman from Illinois [Mr. LAHOOD], the gentlewoman from Missouri [Ms. DANNER], who made significant contributions to this bill.

This bill has broad-based sponsor support. We have over 40 cosponsors. So in short, Mr. Speaker, I think we have a good, well-balanced, thoughtful piece of legislation. I urge bipartisan support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, given the recent crashes of a ValuJet flight in Florida and a TWA flight off the coast of Long Island, the Aviation Disaster Family Assistance Act is both timely and necessary. This bill will provide the National Transportation Safety Board to designate an employee as a family advocate. The family advocate would serve as a point of contact within the Federal Government for the families of victims, act as liaison between the families and the airline, and obtain the passenger list and use it to provide information to the families.

The measure also prohibits making unsolicited contacts with any individual injured in an airline crash or with the family of any victim of an airline crash for 30 days after the crash.

This measure will provide some protection and comfort to families who experience the painful uncertainty of not knowing the fate of a family member or the horror of losing a loved one. Hopefully, no one will have to suffer the terrible uncertainty and apprehension that Pam Lynchner's family in my hometown of Houston, TX, had to go through after the crash of that fateful TWA flight, without some comfort and counseling.

Mr. MCDADE. Mr. Speaker, I rise in strong support of H.R. 3923, the Aviation Disaster Family Assistance Act, a measure which will reform the National Transportation Safety Board's procedures for assisting families of aviation accident victims. As a cosponsor of this vital bill, I want to thank Chairman BUD SHUSTER of the Transportation and Infrastructure Committee for his timely efforts in bringing this very necessary legislation to the floor.

This measure will address many of the problems confronting families of air disaster victims such as those who lost loved ones in the ValuJet and TWA flight 800 aviation disasters. The need for this bill became apparent after these air disasters, where family members of victims complained about the bureaucratic friction which they had to fight through to determine the status of their loved ones. After the TWA flight 800 disaster, I became personally involved in this process when families from Montoursville, PA, in my district, faced the loss of sons, daughters, parents, friends, and neighbors. Regrettably, the current mission of the National Transportation Safety Board does not include any requirements for coordinating care and support for the victim's families. H.R. 3923 will empower the NTSB, the logical organization to fulfill this mission, to advocate, support, and care for these families in their moment of need.

During the recent TWA 800 disaster, many families complained of poor handling of the situation by airline personnel, lawyers, and the press. The families and I were constantly confronted with bureaucratic friction in obtaining a list of passengers, securing for the victim's families a dedicated liaison officer between TWA, the U.S. Coast Guard, the NTSB, and the Suffolk County coroner's office. Many had to wait days for airline confirmation of their loved ones' deaths. They also waited weeks for identification of recovered bodies because the local authorities refused to accept outside assistance. These experiences are the motivation behind this bill, designed to establish guidelines for informing the families of victims and to spare families of future victims needless frustration during such trying circumstances.

The day after the TWA 800 crash, my office directly contacted the chairman of the National Transportation Safety Board, the vice president of operations for TWA and the Suffolk County coroner. Through this effort, I was able to obtain a U.S. Coast Guard liaison officer detailed to the Montoursville families, the passenger manifest for the families, and private briefings from the Suffolk County coroner's office. This measure will establish the National Transportation Safety Board as the lead organization to fulfill similar liaison functions in the future.

H.R. 3923 will require the NTSB to designate an NTSB employee as a family advocate who will coordinate care and support for the families through the Red Cross, the airline, and pertinent disaster response agencies. Specifically, the NTSB will coordinate the recovery and identification of accident victims, obtain the passenger manifest, brief families before press conferences, and inform families of any scheduled public hearings on the accident. The bill additionally tasks agencies such as the Red Cross to provide counseling to the families, ensure the privacy of the families from the media and lawyers, arrange a suitable memorial service, and to use the airline's resources as suitable.

The airlines will be required to submit a plan within 6 months for addressing the needs of families, publicize a reliable, toll-free number for handling calls from family members, immediately provide the passenger list to the family advocate and the Red Cross, even if all names have not been verified. The airlines must additionally consult the families before disposing of all remains and return the passenger's possessions to the families and retain all unclaimed possessions for 2 years. The bill will establish a task force involving the Department of Transportation, NTSB, Federal Emergency Management Association, the Red Cross, family representatives, and the airlines to develop a model family assistance plan and recommend ways to prevent lawyers and the media from violating family privacy.

Mr. Speaker, it is clear, after our experiences with the recent ValuJet and TWA 800 disasters, that there is a need for a dedicated Federal agency to address the Nation's air disaster response problems. I therefore urge

passage of this vital legislation and thank Chairman SHUSTER for his excellent efforts in bringing this bill to the floor in a timely fashion.

Mr. LAZIO of New York. Mr. Speaker, as an original cosponsor of H.R. 3923, the Aviation Disaster Family Assistance Act, I rise to express my strong support for this important bill designed to ensure that families of aviation accident victims receive timely emotional care and support when they most need it.

Those whose loved ones perish or are injured in airline crashes are particularly vulnerable as illustrated by the recent experiences of families of the victims of the TWA flight 800 tragedy near my district on Long Island, and the ValuJet crash in the Everglades. The surviving families require immediate attention by personnel who are adequately trained and experienced in handling these disasters.

H.R. 3923 makes the National Transportation Safety Board the lead Federal agency in dealing with the needs of victims' families. An NTSB employee would serve as a family advocate to act as a point of contact between the Federal Government and family members, as well as a liaison between the families and the airline.

In addition, the NTSB would designate an organization experienced in dealing with families in times of crisis—such as the Red Cross—to coordinate the care and support of families; meet with families who come to the scene of the accident; provide counseling to the families; ensure the privacy of the families; inform the families of the role of government agencies and the airline; arrange a proper memorial service; obtain a passenger list to provide information to families; and, use the airline's personnel and resources as needed.

Other important features of H.R. 3923 require the airline to submit a plan within 6 months for addressing the needs of the families of passengers involved in an airline crash; publicize a reliable toll-free number for handling calls from family members; notify families as soon as possible of the fate of their loved ones using trained personnel; and, provide the passenger list to the family advocate and the Red Cross immediately, even if all names have not been verified.

Finally, the bill creates a task force to develop a model family assistance plan, which would be completed and sent to Congress within a year. The task force would involve the NTSB, the Department of Transportation, the Federal Emergency Management Agency, the Red Cross, family representatives, as well as the airlines.

Families and friends, and often whole communities, are affected by these tragedies. The role of the Federal Government must be to support victims' families in any way possible, to help ease their pain after losing a loved one. They deserve no less, and I urge my colleagues to support this bill before us today.

Mr. BLUTE. Mr. Speaker, I rise in strong support of the Aviation Disaster Family Assistance Act. I learned first hand of the horrible experience that families of victims of air disasters go through.

A woman from my district in Swansea, MA lost her parents in the tragic incident that brought down TWA Flight 800 on July 17, 1996. She learned by reading the plane's manifest in the newspaper that her parents did, in fact, perish in this horrific aviation incident. Days after the plane crash this woman continued to receive unacceptable treatment from the airline. She found herself caught in a bureaucratic nightmare when trying to get her daughter home from overseas to attend a memorial service. She was forced through hoop after hoop to simply confirm her daughter's relationship to the deceased. This is not the kind of experience one should be expected to go through during this period of enormous grief.

Therefore, I cosponsored this legislation and I commend Chairman SHUSTER and Chairman DUNCAN for moving this bill on a fast track. The legislation before us today reforms procedures for dealing with families of aviation accident victims. This bill establishes a family advocate within the National Transportation Safety Board [NTSB] to act as a liaison between the Government and the families, and it directs the NTSB to designate an independent organization, such as the Red Cross, to take primary responsibility for the emotional care and support of families. The bill also directs the airline to release the passenger list to the family advocate and Red Cross immediately so that families will have another option in their quest for information about the fate of loved ones.

To lose a loved one in an aviation disaster is a sudden and emotionally devastating experience. I am pleased to be a part of legislation that will help to ease this burden on families in the future.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 3923, as amended.

The question was taken.

Mr. LIPINSKI. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore (Mr. BEREUTER). Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

DEEPWATER PORT MODERNIZATION ACT

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2940) to amend the Deepwater Port Act of 1974, as amended.

The Clerk read as follows:

H.R. 2940

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Deepwater Port Modernization Act''.

SEC. 2. DECLARATIONS OF PURPOSE AND POLICY.

(a) PURPOSES.—The purposes of this Act are to—

(1) update and improve the Deepwater Port Act of 1974;

(2) assure that the regulation of deepwater ports is not more burdensome or stringent than necessary in comparison to the regulation of other modes of importing or transporting oil;

(3) recognize that deepwater ports are generally subject to effective competition from alternative transportation modes and eliminate, for as long as a port remains subject to effective competition, unnecessary Federal regulatory oversight or involvement in the ports' business and economic decisions; and

(4) promote innovation, flexibility, and efficiency in the management and operation of deepwater ports by removing or reducing any duplicative, unnecessary, or overly burdensome Federal regulations or license provisions.

(b) POLICY.—Section 2(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1501(a)) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(3) by inserting at the end the following:

''(5) promote the construction and operation of deepwater ports as a safe and effective means of importing oil into the United States and transporting oil from the outer continental shelf while minimizing tanker traffic and the risks attendant thereto; and

''(6) promote oil production on the outer continental shelf by affording an economic and safe means of transportation of outer continental shelf oil to the United States mainland.''.

SEC. 3. DEFINITIONS.

(a) ANTITRUST LAWS.—Section 3 of the Deepwater Port Act of 1974 (33 U.S.C. 1502) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (19) as paragraphs (3) through (18), respectively.

(b) DEEPWATER PORT.—The first sentence of section 3(9) of such Act, as redesignated by subsection (a), is amended by striking ''such structures,'' and all that follows through ''section 23.'' and inserting the following: ''structures, located beyond the territorial sea and off the coast of the United States and which are used or intended for use as a port or terminal for the transportation, storage, and further handling of oil for transportation to any State, except as otherwise provided in section 23, and for other uses not inconsistent with the purposes of this Act, including transportation of oil from the United States outer continental shelf.''.

SEC. 4. LICENSES.

(a) ELIMINATION OF UTILIZATION RESTRICTIONS.—Section 4(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(a)) is amended by striking all that follows the second sentence.

(b) ELIMINATION OF PRECONDITION TO LICENSING.—Section 4(c) of such Act is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively.

(c) CONDITIONS PRESCRIBED BY SECRETARY.—Section 4(e)(1) of such Act is amended by striking the first sentence and inserting the following: ''In issuing a license for the ownership, construction, and operation of a deepwater port, the Secretary shall prescribe those conditions which the Secretary deems necessary to carry out the provisions and requirements of this Act or which are otherwise required by any Federal department or agency pursuant to the terms of this Act. To the extent practicable, conditions required to carry out the provisions and requirements of this Act shall be addressed in license conditions rather than by regulation and, to the extent practicable, the license shall allow a deepwater port's operating procedures to be stated in an operations manual approved by the Coast Guard rather than in detailed and specific license conditions or regulations; except that basic standards and conditions shall be addressed in regulations.''.

(d) ELIMINATION OF RESTRICTION RELATING TO APPLICATIONS.—Section 4(e)(2) of such Act is amended by striking ''application'' and inserting ''license''.

(e) FINDINGS REQUIRED FOR TRANSFERS.—Section 4(f) of such Act is amended to read as follows:

''(f) AMENDMENTS, TRANSFERS, AND REINSTATEMENTS.—The Secretary may amend, transfer, or reinstate a license issued under this Act if the Secretary finds that the amendment, transfer, or reinstatement is consistent with the requirements of this Act.''.

SEC. 5. INFORMATIONAL FILINGS.

Section 5(c) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)) is amended by adding the following:

''(3) Upon written request of any person subject to this subsection, the Secretary may make a determination in writing to exempt such person from any of the information filing provisions enumerated in this subsection or the regulations implementing this section if the Secretary determines that such information is not necessary to facilitate the Secretary's determinations under section 4 of this Act and that such exemption will not limit public review and evaluation of the deepwater port project.''.

SEC. 6. ANTITRUST REVIEW.

Section 7 of the Deepwater Port Act of 1974 (33 U.S.C. 1506) is repealed.

SEC. 7. OPERATION.

(a) AS COMMON CARRIER.—Section 8(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1507(a)) is amended by inserting after ''subtitle IV of title 49, United States Code,'' the following: ''and shall accept, transport, or convey without discrimination all oil delivered to the deepwater port with respect to which its license is issued,''.

(b) CONFORMING AMENDMENT.—Section 8(b) of such Act is amended by striking the first sentence and the first 3 words of the second sentence and inserting the following: ''A licensee is not discriminating under this section and''.

SEC. 8. MARINE ENVIRONMENTAL PROTECTION AND NAVIGATIONAL SAFETY.

Section 10(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1509(a)) is amended—

(1) by inserting after ''international law'' the following: ''and the provision of adequate opportunities for public involvement'';

(2) by striking ''shall prescribe by regulation and enforce procedures with respect to any deepwater port, including, but not limited to,'' and inserting the following ''shall prescribe and enforce procedures, either by regulation (for basic standards and conditions) or by the licensee's operations manual, with respect to''; and

(3) by redesignating clauses (A), (B), and (C) as clauses (1), (2), and (3), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Pennsylvania [Mr. BORSKI] each will control 20 minutes.

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

Mr. SHUSTER. Mr. Speaker, I am pleased to yield such time as he might consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I thank the distinguished chairman of the committee for yielding time to me.

Mr. Speaker, I rise this morning in strong support of this bipartisan legislation to improve the way we manage and promote the use of deepwater ports. Unfortunately, only one deepwater port has been constructed since the passage of the original 1974 Deepwater Ports Act, the Loop facility off the coast of Louisiana.

Deepwater ports make environmental and transportation safety sense, and with the passage of this measure, deepwater ports will make economic sense. By unloading supertankers laden with oil in deep offshore waters, we can dramatically reduce the likelihood of catastrophic oil spills like we have witnessed on both the Pacific coast and, most recently, off the coast of Rhode Island.

The Louisiana delegation has long realized the benefits of deepwater ports and has taken the lead in developing H.R. 2940. The gentleman from Louisiana [Mr. HAYES] has been especially effective in educating the members of the Committee on Transportation and Infrastructure on the merits of deepwater ports. Deepwater ports will become increasingly important as traffic entering our Nation's ports continues to grow.

This legislation has been developed with extensive input from transportation and environmental interests, and I am confident that this measure reflects the best ideas of both of these very important constituencies. We should be doing more to promote the use of deepwater ports, and this legislation is a huge step in the right direction.

As we enter into the next century, it would be my hope that we could develop deepwater ports for the Atlantic and Pacific coast as well. I urge all of my colleagues to support the passage of this Deepwater Port Modernization Act.

I thank the ranking member of our subcommittee, the gentleman from Pennsylvania [Mr. BORSKI], for his cooperation, I thank the distinguished chairman of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER], for his leadership, and the ranking member of the full committee, the gentleman from Minnesota [Mr. OBERSTAR], for his partnership. Together we are moving on important legislation.

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

Mr. Speaker, I rise in strong support of H.R. 2940, the Deepwater Port Modernization Act, which will help streamline the layers of regulation that apply to deepwater ports. Despite the ever growing thirst in this country for imported oil, there is currently only one deepwater port operating, and that port, the Loop facility in Louisiana, is only operating at 60 percent of its capacity.

The changes contained in H.R. 2940 should make it easier for deepwater ports to compete against other shipment options which do not face the same complex web of regulations. With passage of H.R. 2940, coordinated licenses and operation manuals will streamline the process. I want to emphasize that a provision in the introduced bill that would have allowed a relaxation of environmental monitoring requirements for deepwater ports has been removed to address serious concerns about it.

H.R. 2940 contains only modest changes to existing law. Hopefully these changes will be enough to provide the springboard for more widespread use of deepwater ports for oil imports that was envisioned by the Deepwater Port Act of 1974. During the past 3 years a daily average of 700,000 barrels of oil have passed through the 48-inch pipeline that links the Louisiana offshore oil port 18 miles off the Louisiana coast to its inland storage terminal.

Loop is the off-loading point for about 12 percent of the Nation's oil imports. With the passage of this bill, and as the Nation's oil imports increase, Loop and other proposed deepwater ports should be used on a greater scale. H.R. 2940 is a sensible streamlining of regulations for an efficient means of meeting our Nation's needs for imported oil.

I believe very strongly, Mr. Speaker, that we should be working to reduce the demand for imported oil. Our Nation cannot maintain its position as a global power if we continue to increase our demand for foreign oil on a virtually unlimited basis.

However, until we begin to turn our oil import policy around, the use of deepwater ports makes sense. I urge support of H.R. 2940, the Deepwater Port Modernization Act.

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

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

I would urge strong support for this legislation which is bipartisan and updates and improves the Deep Water Port Act of 1974. Representative JIMMY HAYES along with other colleagues introduced this legislation back in February. Our committee held hearings and worked with all the interested parties to craft this legislation. In some respects, the 1974 act has worked very well. However, there is a clear need to modernize and improve this act in several areas which have already been outlined. The committee report on this legislation contains a detailed description of the bill and of the committee's intent.

Finally, let me thank the ranking Democrat of the committee, JIM OBERSTAR, the chairman and ranking member of the Water Resources and Environment Subcommittee, SHERRY BOEHLERT and BOB BORSKI, and the chairman and ranking member of the Coast Guard and Maritime Transportation Subcommittee, HOWARD COBLE and BOB CLEMENT. They have been very instrumental in moving this important legislation. I would urge its strong support.

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

Mr. BORSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. CLEMENT], the distinguished ranking member of the Subcommittee on Coast Guard and Maritime Transportation.

Mr. CLEMENT. Mr. Speaker, I rise in strong support of H.R. 2940, the Deepwater Port Modernization Act. This bill will streamline the licensing and operating procedures.

On March 28, the Subcommittee on Coast Guard and Maritime Transportation held a joint hearing on this bill with the Subcommittee on Water Resources. At that time we received testimony from the administration, the deepwater port industry, and the environmental community on this legislation and how this industry has developed much differently from what was anticipated when the Deepwater Port Act was enacted in 1974.

The amendments contained in H.R. 2940 will allow the deepwater facility in Louisiana and the proposed deepwater port in Texas to meet new market conditions. For example, the present law prohibits the deepwater port from shipping oil from other oil production facilities on our outer Continental Shelf to refineries on shore. This prohibition is eliminated to allow these facilities more flexibility in their operations.

Since we have had only one deepwater port built to date, the regulations and licensing process were designed for that single facility. As a result the bureaucratic hurdles that must be overcome to make minor changes to the facility are overly burdensome and expensive. H.R. 2940 will allow many of the day-to-day decisions affecting the facility and minor modifications to the port to be completed by getting the approval of the local Coast Guard captain of the port instead of the Secretary of Transportation.

The history of the deepwater port in Louisiana demonstrates that this facility is safe and poses less of a threat to the environment than lightering crude oil between two floating tankers.

I am hopeful that H.R. 2940 will make the LOOP deepwater port facility more cost efficient and promote the construction of other deepwater ports in the United States.

I urge my colleagues to support the passage of H.R. 2940, the Deepwater Port Modernization Act.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Louisiana [Mr. HAYES] who has been a prime mover of this legislation.

Mr. HAYES. Mr. Speaker, I wish to thank both sides of the aisle, in the room as well as in the committee, and to briefly repeat the argument that was made that as a consequence of our energy dependence, we have the extraordinary circumstance where America is now looking at more of its energy needs coming from the region in the world that is most unstable, so that even with a small skirmish in the northern part of one country, the price of a barrel of oil moves up almost 30 percent. This just cannot be acceptable as future energy policy.

In connection with what the House has done earlier in recognizing additional production that can be gained through advanced technology on our Outer Continental Shelf, it then becomes a simple question to understand what is the most environmentally efficient way to try to reduce energy dependence as well as to make sure that those folks in Pennsylvania, in the Northeast, as well as at my home on the gulf coast, are able to plan their future needs based upon a price of energy that allows them to lead their daily lives.

The answer is, we have got to increase the ability to move these ports. Whenever they give you a quote in a national news media about the price of oil, they do not tell you the cost to get it to the pump. When you begin looking at tens of thousands of miles in movement each and every year, you understand that all of that cost is added on, as opposed to shallow and deep offshore with much smaller distances to move.

The environmental dangers elevate with every mile that a tanker moves, and therefore, energy dependence on the Middle East also means environmental concerns and fears at a higher and higher level.

Finally, to my knowledge, no one in this place that keeps a notebook and a report on just about every subject has ever calculated the cost of our military presence in a region that we defend almost solely because of its energy production capability that we are so dependent upon. I wonder what the price of a barrel of oil would be in the Middle East if you put on the line all of those military personnel, aircraft carriers, and F–117A's that make that security, hopefully, dependable for the immediate future.

With that in mind, I want to again thank my colleagues on both sides of the aisle. This is the right thing for the only existing facility in Louisiana, and Louisiana is doing the right thing in helping to ensure the energy independence of America's future, for Pennsylvania and the rest of the Nation.

Mr. BORSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, this bill has a broad consensus now and should pass. It was not always so.

At the outset, when the legislation was first proposed to revitalize the Louisiana offshore oil port and to revitalize the basic underlying law itself, there was considerable environmental concern and vigorous opposition. In fact, there were concerns expressed by the Department of Transportation that wanted to maintain a very strong regulatory hold on this legislation. Those concerns came to my attention.

I discussed these matters with the gentleman from Pennsylvania [Mr. SHUSTER], our chairman, and with the gentleman from New York [Mr. BOEHLERT] and the gentleman from Pennsylvania [Mr. BORSKI], the chairman and ranking member of the subcommittee, and we set about on our side to resolve within our Democratic ranks the outstanding issues. We brought in the environmental groups, we brought in the Department of Transportation, we heard them out, and we came up with proposals which I think were well received by the majority. We worked out a very fine bipartisan solution.

I say that because I have a piece of legislation pending in the other body that is not receiving the same kind of comity. I would hope that the leading supporters of this legislation in the other body would extend the same comity to concerns House Members have about issues that are intensely of concern to the people in their district.

This legislation is going to benefit not only the Louisiana offshore oil port but all future possible deep water ports by allowing ports to become more competitive, be more efficient and to do so in an environmentally safe regime with economic considerations that will advance the cause of energy efficiency and keep the cost of imported energy within reach and keep our U.S. ports competitive.

We can do those things when we work together on a sound, bipartisan, constructive basis, to look at what is best for the overall interests of the country. I urge the same kind of comity from our colleagues in the other body.

It had been my intention to obstruct the passage of this legislation by asking for a recorded vote, but I will not do that out of respect for our chairman and out of respect for the merits of the issue and in hopes that we get the attention of our colleagues across the way.

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

I want to assure the gentleman from Minnesota that, as he knows, I am very well aware of the important legislation that he is referring to in the other body and as he knows we have already expressed our strong support for his legislation and this legislation, while I expect will pass the House overwhelmingly today, of course, what happens as we go to conference is a question mark and that question could be answered in the affirmative or the negative based on the comity which we know our good friends in the other body are likely to give to us.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I support this important legislation. It amends the Deepwater Port Act to remove some restrictions on the use of deepwater ports and clarifies and simplifies certain Coast Guard regulations. This legislation is designed to strengthen the ability of deepwater oil ports off of the U.S. coast beyond U.S. territorial waters to conduct their business. There is currently only one licensed deepwater port off of the

coast of the United States, which is the Louisiana Offshore Oil Port. I hope this legislation will help us see more of such ports off of the U.S. coast, especially in my home State of Texas.

With respect to operations of a deepwater port, the bill would require deepwater ports to only comply with regulations established in the Transportation Department's facilities operations manual instead of the various other licensing provisions that are currently required. Additionally, the bill would enable the Coast Guard to streamline the approval process for maintaining certain environmental safeguards.

Mr. HAYES. Mr. Speaker, when the U.S. House of Representatives first debated the merits of deepwater ports on June 6, 1974, Members on that day supported the concept of deepwater ports much for the same reasons that we support them here today—deepwater ports make environmental and economic common sense. This afternoon, H.R. 2940, the Deepwater Port Modernization Act, epitomizes the very essence of how this 104th Congress has tried to streamline our Federal regulatory structure to better meet the needs of the regulated community while still protecting the public interest and the environment.

H.R. 2940 will reduce the top-down, duplicate and unnecessary barriers that inhibit our Nation's only deepwater port—the Louisiana Offshore Oil Port [LOOP]—from making the business decisions required to most effectively compete in today's marketplace. This bill will make it easier for other potential deepwater ports to be constructed and operated successfully. Finally, H.R. 2940 will further improve one of the most cost effective and environmentally friendly means of transporting crude oil onshore.

The Deepwater Port Modernization Act clarifies LOOP's authority to receive oil from the Outer Continental Shelf [OCS]. Deepwater finds will significantly reduce our national dependence on imported oil and help keep more investments in oil exploration and production in Louisiana. Approximately 30 discoveries have been made by the offshore oil and gas industry on deepwater leases in the Gulf of Mexico, amounting to an estimated total of 3 to 4 billion barrels of oil. Recent discoveries have the possibility to provide yields equal to or greater than Prudhoe Bay, AK. With LOOP's proximity to the OCS and its available underused capacity, producers will have a cost effective and environmentally responsible option to transport these large oil quantities to pipelines and refineries across the Nation, particularly if the Federal Government removes unnecessary regulatory barriers.

LOOP's license allows the facility to physically double in size, but doing so has never made economic sense—until now. With such new sources of oil on the OCS and increased capacity, it is estimated that at least 200 new jobs will be created in Louisiana nearly doubling the employment at LOOP. The port's annual economic impact will also nearly double to $62.7 million. Currently, LOOP employs more than 225 people, and has an economic impact of $32.7 million each year on the local economy, including wages and purchases of local materials and services.

Under current law, LOOP is the only strictly regulated entity among its chief competitors. Day-to-day business decisions are inhibited and delayed due to federal requirements calling for unnecessary oversight at the highest levels of the Federal Government. H.R. 2940 would simply regulatory activities, and enable LOOP and any new deepwater ports to respond more quickly to changing market conditions and improving technologies, as well as to pursue appropriate business opportunities, using procedures more comparable to those applicable to their competitors.

H.R. 2940 removes a redundant mandatory antitrust review for even minor changes in LOOP's license. The outdated legislative language proved unnecessary because abundant competition exists especially from ligherering operators that was not anticipated in 1974 when the Deepwater Port Act was originally enacted. Additionally, enforcement of rules will be transferred from the Department of Transportation [DOT] to local authorities, including the Louisiana Department of Transportation and Development, which support my bill.

H.R. 2940 makes a commitment to guaranteeing the efficient movement of this environmentally protective mode of transportation. I want to thank Chairman SHUSTER, Chairman BOEHLERT, Chairman COBLE, and the House leadership for bringing the Deepwater Port Modernization Act before the House, and I urge its immediate adoption.

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

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

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 2940, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SNOW REMOVAL POLICY ACT OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3348) to direct the President to establish standards and criteria for the provision of major disaster and emergency assistance in response to snow-related events, as amended.

The Clerk read as follows:

H.R. 3348

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Snow Removal Policy Act of 1996''.

SEC. 2. FINDINGS.

Congress finds that—

(1) winter snow storms in recent years, and particularly in 1996, have interrupted essential public services and utilities, caused widespread disruption of vital transportation networks, stranded many motorists, and isolated many homes and businesses;

(2) the impact of the winter snow storms was of such severity and magnitude that effective response was beyond the capability of State and local governments;

(3) the policy of the Federal Emergency Management Agency for providing major disaster and emergency assistance in response to snow-related events is unclear; and

(4) regulations should be promulgated for providing major disaster and emergency assistance in response to snow-related events in order to ensure the fair treatment of States and local governments that have incurred costs associated with such a response.

SEC. 3. RULEMAKING TO ESTABLISH STANDARDS AND CRITERIA FOR SNOW-RELATED EVENTS.

(a) NOTICE OF PROPOSED RULEMAKING.—The President, acting through the Director of the Federal Emergency Management Agency, shall issue a notice of proposed rulemaking to promulgate—

(1) standards and criteria for declaring a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in response to a snow-related event; and

(2) standards and criteria for providing assistance under such Act in the case of a snow-related major disaster or emergency, including reimbursement for snow removal and for debris removal and emergency protective measures.

(b) REQUIREMENT.—Rules to be promulgated under this section shall ensure that in determining the eligibility of a State or local government for assistance in connection with a snow-related event, the President will give consideration to existing capabilities of the State or local government.

(c) DEADLINES.—The President, acting through the Director of the Federal Emergency Management Agency, shall issue—

(1) a proposed rule under this section not later than 3 months after the date of the enactment of this Act; and

(2) a final rule under this section not later than 9 months after such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Pennsylvania [Mr. BORSKI] each will control 20 minutes.

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

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

Mr. Speaker, the blizzard of 1996 swept across 12 States and the District of Columbia threatening the lives of thousands of individuals. Many of my constituents were cut off from critical facilities, such as hospitals, by record snowfalls.

At the time it appeared that the Federal response to this crisis was haphazard. Many State and local officials considered FEMA's response unfair and inconsistent with previous policy.

H.R. 3348 simply requires FEMA to set a coherent policy for responding to snow events so that Federal assistance will be more uniform and fair.

I would like to thank Mr. QUINN for bringing attention to this matter. However, as he points out, this is a bipartisan effort. More than half of the 25 cosponsors are Democrats, including Mr. TRAFICANT, Mr. MASCARA, Ms. NORTON, Mr. STUPAK, Mr. RANGEL, Mr. TOWNS, Mrs. LOWEY, and Mr. KILDEE.

FEMA has had the authority to provide assistance to clear roads in the event of severe snowstorms since 1988. Since that time, FEMA has responded to snowstorms in three winters, 1993, 1994, and 1996. In each year, the total assistance was well under $1 million.

H.R. 3348 does not expand this authority but does require a consistent policy. The Congressional Budget Office agrees this will not result in significant new costs.

It is argued that this bill is unnecessary because FEMA is already working on a snow removal regulation.

The fact is, we need H.R. 3348 to make sure FEMA completes its work.

FEMA often starts rulemakings but does not complete them or finishes them months late.

For instance, in 1993 FEMA initiated approximately 14 new rules. Only 4 of these were completed on time—8 are still pending or have been discontinued.

H.R. 3348 makes sure this rule will happen and that it will happen quickly.

Again, I commend Mr. QUINN and the other sponsors of the legislation. I strongly support this bipartisan bill and urge its adoption.

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

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

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

Mr. BORSKI. Mr. Speaker, H.R. 3348 demonstrates the lasting impact of the blizzard of 1996 when cities throughout the northeast were faced with unprecedented snow removal costs.

My own city of Philadelphia ran up a bill of $11 million for snow removal for which we have received Federal reimbursement of $4 million.

Many other cities from the Canadian border to our Nation's Capital had equally staggering costs for which they were totally unprepared.

These cities looked to the Federal Emergency Management Agency for help and many were disappointed with FEMA's response.

FEMA, which has done an outstanding job under Director James Lee Witt, is currently working on a snow removal policy, which is scheduled to be released in draft form on October 1.

There are some complicated issues involved in this rulemaking, as was shown by the ranking member of the Transportation and Infrastructure Committee, the gentleman from Minnesota [Mr. OBERSTAR], during our subcommittee hearing on H.R. 3348 last week.

Mr. Speaker, I want to emphasize the tremendous job that Mr. Witt has done at FEMA. I have been involved in the oversight of FEMA for several years and it is clear that he has turned this Agency around.

Under Director Witt, there is an unprecedented level of professionalism and responsiveness.

After earlier disasters, there were numerous complaints about FEMA's lack of responsiveness.

We do not hear complaints about lack of responsiveness directed to FEMA under Director Witt.

It is because of Mr. Witt's outstanding performance at FEMA, his understanding of the needs of State and local governments and his experience in dealing with disasters that I have full confidence in his ability to issue a fair policy on snow removal.

In fact, H.R. 3348 does no more than tell FEMA to issue a policy. It does not direct what that policy should be.

As ranking member of the Subcommittee on Water Resources, I will be working with FEMA to make sure the snow removal policy meets the needs of the entire Nation. The problems faced by Philadelphia and other northeastern cities must be addressed in a fair and consistent manner.

FEMA is in the process of issuing its policy in less than 2 weeks and I look forward to seeing the agency's proposal.

□ 1130

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

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume to associate myself with the remarks of my friend from Pennsylvania in praising James Lee Witt and his leadership of FEMA. I think he has brought very, very substantial improvements to that agency.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. QUINN], the distinguished Member who has really provided leadership in moving this legislation forward.

Mr. QUINN. Mr. Speaker, I want to begin by thanking the gentleman from Pennsylvania, Chairman SHUSTER, and the gentleman from New York, Mr. BOEHLERT, the subcommittee chair, for their assistance in moving this legislation forward, and begin by associating my remarks with the gentlemen from Pennsylvania, Mr. BORSKI and Mr. SHUSTER, and others, that Mr. Will has done an fantastic job at FEMA.

The purpose of our legislation, as we have said from the beginning, is to move FEMA in the right direction. This is also an opportunity for me to acknowledge and to thank the gentleman from Michigan, Congressman BART STUPAK, who has worked as an advocate of this legislation on the other side of the aisle, as well as the others mentioned in Mr. SCHUSTER's opening remarks: Mr. David Rodham, the President-elect of the National Emergency Managers Association, for his early support; and especially the Water Resource Subcommittee staff, who were a great help in promoting this bipartisan measure from the beginning.

Mr. Speaker, I introduced this legislation earlier this year in the interest of developing a new, clear, concise snow removal policy. Last year, as we mentioned, in cities and towns in my district like Buffalo and Lackawanna, Cheektowaga, West Seneca, and Lancaster, all of those towns and cities endured 36 inches of snow in less than 24 hours.

When I tried to find help for these communities I ran into an astonishing maze of bureaucracy. It seemed that no one could give me a straight answer as to whether these towns and cities would be eligible for any kind of assistance.

Now, I know some of my colleagues are thinking, ''Mr. QUINN, you are from Buffalo, and it snows in Buffalo; you ought to expect it.'' And we do expect it. But as I discovered, no city, not even Buffalo, NY, can prepare for a storm of that proportion in any budget or with any amount of planning.

I am proud of what we were able to accomplish in Buffalo as a community to get ourselves out of that terrible mess. It might have taken other cities weeks to clean up, but Buffalo and western New York had our traffic bans and our travel advisories lifted within 3 days.

Regardless of how much one prepares going into a winter season, a storm such as the one we experienced in the Northwest and the mid-Atlantic region States last winter cannot be accounted for in any budget.

We worked with New York Governor Pataki and the National Emergency Managers Association to clarify the Federal snow removal policy and to help our communities cut through the bureaucratic redtape. The purpose, Mr. Speaker, of this legislation is to reduce the confusion, the ambiguity, and the lack of criteria we dealt with over this past winter.

The bill promotes a clear, concise and simple plan that will benefit everyone, from the Congress to FEMA to our local communities. Our thoughts and prayers go out to those people along the East Coast who were recently devastated by Hurricane Fran. Hurricane Fran illustrated why we as a Nation must reach out to our fellow Americans inflicted with natural disasters such as earthquakes, fires, floods, tornadoes, and hurricanes.

FEMA has a definitive policy and guidelines in place to deal with all of those natural disasters. Currently in their regulations there is no discernible Federal snow emergency policy. The blizzards we face across the Nation pose no less a threat to our lives and property than those of the other terrible disasters. Clear-cut trigger points would let States and local governments determine whether an emergency declaration is warranted or not and to what extent the Federal Government would be involved.

I believe, Mr. Speaker, and others who have cosponsored and supported the bill, that this is an opportunity for us as Federal legislators to provide meaningful help to our constituencies.

In closing, Mr. Speaker, in these times of tight budgets where all of us have been asked to make tough decisions on the allocation of funds, the supporters of this legislation are not looking for a handout. The legislation is only a straightforward attempt to come up with a policy that will assist our communities in understanding the Federal Government's policy concerning snow removal. Our local mayors

have asked for our help and our governors have asked for our help. Let us do something to help our local leaders.

This legislation does not create more government bureaucracy. This is an attempt to make the Government regulations we have already in place more understandable.

I want to conclude by making two points perfectly clear, Mr. Speaker. The first is that FEMA, who has done a great job, has had nearly 6 months to issue and to clarify these regulations; and, second, this legislation does not ask FEMA to expand the scope of the Federal involvement in snow emergencies, it simply asks FEMA to clarify the policy so that emergency managers in our district can understand them a little better.

I believe the bill is an example of responsible good government, and I urge my colleagues to vote ''yes'' on H.R. 3348.

Mr. BORSKI. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. STUPAK] who is a prime sponsor of the bill on our side of the aisle.

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

Mr. Speaker, H.R. 3348 is an extremely important bipartisan piece of legislation for those citizens and communities that experience difficult winters year after year. In my district, which includes the Upper Peninsula of Michigan and the northern section of the Lower Peninsula, residents endured snow for 8 consecutive months last winter. And I may add that last Friday the first snowflakes of this winter fell.

In my area, in my district, we recorded a total snow accumulation of 321 inches or nearly 27 feet. If my colleagues can imagine for a moment, that level of snow would completely bury the typical two-story family home and would nearly reach the ceiling of this House Chamber.

Whether the cause of the disaster is flooding, fire, hurricane, like the recent devastation in North Carolina caused by Hurricane Fran, or snow, we gauge the impact of a weather event in terms of the number of people it affects and the magnitude of its financial impact. The winter of 1995–96 was not a single storm but rather a series of recordbreaking storms.

The total accumulation of recordbreaking snowfalls pushed road crews and local communities to the brink of financial disaster. The financial havoc these storms wreaked on my district will be felt for years to come. The storm caused snow and flood damage to roads and structures, curtailed agricultural planting, delayed home building and tourism, and induced other detrimental personal and financial effects.

As a result, local communities in northern Michigan faced budget overruns of at least $10 million. Many local governments do not have the reserves to tap for this type of unexpected disaster. They must increase their taxes, cut their community programs and services, or even curtail road repair and maintenance, causing layoffs and other future community and regional hardships.

The Snow Removal Policy Act will finally clarify FEMA's regulations regarding snow-related emergencies, giving communities the opportunity for relief from winter's violent and deadly storms.

I want to emphasize, however, that despite the clarification in these guidelines, no Federal assistance can be provided if the Governor of the State does not make a request for financial or disaster aid. Regardless of the nature of the extent of any natural disaster, the decision to ask for Federal help would remain with the State's chief executive.

In the winter of 1993–94 my district received financial help from FEMA. I am pleased with that response, but this legislation is needed so there is no further delay in putting forth these guidelines.

Mr. Speaker, I want to offer my thanks to my distinguished colleagues, the gentleman from New York, Mr. BOEHLERT, the gentlemen from Pennsylvania, Mr. BORSKI and Mr. SHUSTER, the gentleman from Minnesota, Mr. OBERSTAR, for their assistance and guidance on this legislation. I want to especially thank my friend, the gentleman from New York [Mr. QUINN], for sponsoring this important bipartisan legislation and working with me on it.

Mr. Speaker, I urge the passage of H.R. 3348.

Mr. BORSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the committee, a gentleman who knows a thing or two about snow himself.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

We, too, on the other side of Lake Superior have a lot of snow, in the range of 130 to 140 inches a year. I am afraid the gentleman from Michigan gets the benefit of the prevailing wind passing over the 30,000 square miles of Lake Superior and dumping the excess moisture on the upper peninsula.

I think that the Federal policy on snow removal in disaster assistance situations should be clarified, and FEMA is moving to do that. I do not think this legislation is necessary. In just 3 weeks, FEMA, in their testimony before our committee, committed by October 1 to have an NPRM, a Notice of Proposed Rulemaking, published in the Federal Register, complete the 60-day comment period, and have a final rule in place by mid-December, in time for the snow season.

I think that is quite fair, and I think that the agency is moving along appropriately and there will be plenty of time for comment on their regulations. It just does not seem necessary to legislate what the agency is already doing.

I understand the arguments this is a push, this is a nudge, this is a shove from the Congress to FEMA to stay on track and do their job, but frankly, I am really concerned about disaster creep. We are seeing the spread of Federal responsibility to more and more types of situations that can be called or can somehow qualify as disasters.

Most of these calls come from State government, from local government, who preach to the Federal Government balance your budget. We hear this from the Governors all the time: Balance your budget, Federal Government. But then as soon as they have an earthquake, a tornado, a hurricane, heavy snow, they have their hand out to the Federal Government to come in and bail them out. But in the years when they do not have hurricanes or earthquakes or tornadoes, I do not see them coming back to the Federal Government and saying here is a downpayment for your good will on helping us out in times of disaster.

In the case of snow, snow is different from hurricanes. They come with some suddenness and unpredictability. Earthquakes come with great unpredictability. In the northern country we know the glacier retreated 10,000 years ago and every December it makes a return appearance, or at least a return effort, and we are prepared for it.

Now, I can understand when there is an occasional extraordinary event, a multi-State occurrence that dumps unprecedented amounts of snow and the economy is disrupted, the travel is interrupted for long periods of time. That makes a case for what FEMA is doing trying to develop a common policy. But I am concerned that this legislative push is moving us into ever more responsibility and ever greater expenditures and outlays of extraordinary amounts of Federal funds.

Someone may think that is strange coming from one who is advocating increasing our investment in infrastructure, but I think that is where we need to put those investments to make our economy more efficient.

So I just say my piece, express my concern, set a mark out there for those Governors and local government officials who come to Washington preaching to us about balance your budget, but help us out when we have a problem, to understand the broader responsibilities of the Federal Government and to shoulder more and more of their own financial obligations under circumstances of this kind.

I think we need to be careful about expansion of Federal disaster policies. I think that we can and we shall watch very closely FEMA's commitment to promulgating the NPRM on October 1 and getting a final rule out in December, and I will join with the chairman in any initiative needed to prod them along that route.

I just wish we did not have to move on legislation, but I will certainly not stand in its way, and I appreciate the cooperative spirit we have had with the

majority in scheduling hearings and hearing the issue, bringing these matters forth.

I understand the genuine concerns of our colleague from upstate New York, the gentleman from Michigan, and others who have concerns about snow removal policy and the application of the disaster assistance rules.

□ 1145

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. BOEHLERT], chairman of the Subcommittee on Water Resources and Environment.

Mr. BOEHLERT. Mr. Speaker, I wish to pay particular credit to the gentleman from New York [Mr. QUINN], my colleague, for his leadership on this issue.

When Mother Nature rears her ugly head, whether it is an earthquake on the West Coast or a storm off the coast of Florida or a heavy winter snowstorm, it can create havoc.

Mr. Speaker, we are not trying to micromanage for FEMA, an Agency for which I have the highest regard. I think James Lee Witt is doing a magnificent job. But we are asking the Agency to come up with a coherent policy so that we can give guidance to our constituents and our communities in the event of disaster.

I thank the gentleman from New York [Mr. QUINN] for his leadership in bringing this issue forward. I commend the chairman and the ranking member for participating in this exercise and providing the leadership necessary to move this legislation forward.

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

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

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 3348, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INTERMODAL SAFE CONTAINER TRANSPORTATION ACT AMENDMENTS OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4040) to amend title 49, United States Code, relating to intermodal safe container transportation.

The Clerk read as follows:

H.R. 4040

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Intermodal Safe Container Transportation Act Amendments of 1996''.

SEC. 2. REFERENCES TO TITLE 49.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS.

Section 5901 is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) except as otherwise provided in this chapter, the definitions in sections 10102 and 13102 of this title apply.'';

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(3) by inserting after paragraph (5) the following new paragraph:

''(6) 'gross cargo weight' means the weight of the cargo, packaging materials (including ice), pallets, and dunnage.''.

SEC. 4. NOTIFICATIONS AND CERTIFICATIONS.

Section 5902 is amended to read as follows:

''§ 5902. Notifications and certifications

''(a) PRIOR NOTIFICATION.—

''(1) IN GENERAL.—If the first carrier to which any loaded container or trailer having a projected gross cargo weight of more than 29,000 pounds is tendered for intermodal transportation is a motor carrier, the person tendering the container or trailer shall give the motor carrier a notification of the projected gross cargo weight and a reasonable description of the contents of the container or trailer before the tendering of the container or trailer. The notification may be transmitted electronically or by telephone.

''(2) APPLICABILITY.—This subsection applies to any person within the United States who tenders a container or trailer subject to this chapter for intermodal transportation if the first carrier is a motor carrier.

''(b) CERTIFICATION.—

''(1) IN GENERAL.—A person who tenders a loaded container or trailer with an actual gross cargo weight of more than 29,000 pounds, to a first carrier for intermodal transportation shall provide a certification of the contents of the container or trailer in writing, or electronically, before or when the container or trailer is so tendered.

''(2) CONTENTS OF CERTIFICATION.—The certification required by paragraph (1) shall include the following:

''(A) The actual gross cargo weight.

''(B) A reasonable description of the contents of the container or trailer.

''(C) The identity of the certifying party.

''(D) The container or trailer number.

''(E) The date of certification or transfer of data to another document, as provided for in paragraph (3).

''(3) TRANSFER OF CERTIFICATION DATA.—A carrier who receives a certification may transfer the information contained in the certification to another document or to electronic format for forwarding to a subsequent carrier. The person transferring the information shall state on the forwarded document the date on which the data was transferred and the identity of the party who performed the transfer.

''(4) SHIPPING DOCUMENTS.—For purposes of this chapter, a shipping document, prepared by the person tendering a container or trailer to a first carrier, that contains the information required by paragraph (2) meets the requirements of paragraph (1).

''(5) USE OF 'FREIGHT ALL KINDS' TERM.—The term 'Freight All Kinds' or 'FAK' may not be used for the purpose of certification under this subsection after December 31, 2000, as a description required under paragraph (2)(B) for a trailer or container if the weight of any commodity in the trailer or container equals or exceeds 20 percent of the total weight of the contents of the trailer or container. This subsection does not prohibit the use of such term after December 31, 2000, for rating purposes.

''(6) SEPARATE DOCUMENT MARKING.—If a separate document is used to meet the requirements of paragraph (1), it shall be conspicuously marked 'INTERMODAL CERTIFICATION'.

''(7) APPLICABILITY.—This subsection applies to any person, domestic or foreign, who first tenders a container or trailer subject to this chapter for intermodal transportation within the United States.

''(c) FORWARDING CERTIFICATIONS TO SUBSEQUENT CARRIERS.—

''(1) GENERAL RULE.—A carrier, agent of a carrier, broker, customs broker, freight forwarder, warehouser, or terminal operator shall forward the certification provided under subsection (b) to a subsequent carrier transporting the container or trailer in intermodal transportation before or when the container or trailer is tendered to the subsequent carrier.

''(2) PRESUMPTION OF NO CERTIFICATION REQUIRED.—If no certification is received by the subsequent carrier before or when the container or trailer is being tendered to it, the subsequent carrier may presume that no certification is required.

''(3) LIMITATION ON CONSTRUCTION OF FORWARDING.—The act of forwarding the certification may not be construed as a verification or affirmation of the accuracy or completeness of the information in the certification.

''(4) LIABILITY.—

''(A) IN GENERAL.—If a person inaccurately transfers the information on the certification or fails to forward the certification to a subsequent carrier, then that person is liable to any person who incurs any bond, fine, penalty, cost (including storage), or interest charge incurred as a result of the inaccurate transfer of information or failure to forward the certification.

''(B) LIEN.—A subsequent carrier incurring a bond, fine, penalty, or cost (including storage), or interest charge as a result of the inaccurate transfer of the information or the failure to forward the certification shall have a lien against the contents of the container or trailer under section 5905 in the amount of the bond, fine, penalty, or cost (including storage), or interest charge and all court costs and legal fees incurred by the carrier as a result of such inaccurate transfer or failure.

''(5) NOTICE TO LEASED OPERATORS.—If a motor carrier knows that the gross cargo weight of an intermodal container or trailer subject to the certification requirements of subsection (b) would result in a violation of applicable State gross vehicle weight laws—

''(A) a motor carrier must inform the operator of a vehicle which is leased by the vehicle operator to a motor carrier which transports an intermodal container or trailer of the gross cargo weight of the container or trailer as certified to the motor carrier pursuant to subsection (b);

''(B) the notice must be provided to the operator prior to the operator being tendered the container or trailer;

''(C) the notice required by this subsection must be in writing, but may be transmitted electronically;

''(D) the motor carrier shall bear the burden of proof to establish that it tendered the required notice to the operator; and

''(E) if the operator of a leased vehicle transporting a container or trailer subject to this chapter should receive a fine because of a violation of a State's gross vehicle weight laws or regulations and lessee motor carrier cannot establish that it tendered to the operator the notice required by this section, the

operator shall be entitled to reimbursement from the motor carrier of the amount of any fine and court costs resulting from the failure of the motor carrier to tender the notice to the operator.

''(d) LIABILITY TO OWNER OR BENEFICIAL OWNER.—If—

''(1) a person inaccurately transfers information on a certification required by subsection (b)(1) or fails to forward a certification to the subsequent carrier;

''(2) as a result of the inaccurate transfer of such information or a failure to forward a certification, the subsequent carrier incurs a bond, fine, penalty, or cost (including storage), or interest charge; and

''(3) a subsequent carrier exercises its rights to a lien under section 5905,

then that person is liable to the owner or beneficial owner or to any other person paying the amount of the lien to the subsequent carrier for the amount of the lien and all costs related to the imposition of the lien, including court costs and legal fees incurred in connection with imposition of the lien.

''(e) NONAPPLICABILITY.—

''(1) CONSOLIDATED SHIPMENTS.—The notification and certification requirements of subsections (a) and (b) do not apply to any intermodal container or trailer containing consolidated shipments loaded by a motor carrier if that motor carrier—

''(A) performs the highway portion of the intermodal movement; or

''(B) assumes the responsibility for any weight-related fine or penalty incurred by any other motor carrier that performs a part of the highway transportation.

''(2) INTERMODAL TRANSPORTATION OF LOADED CONTAINERS.—

''(A) IN GENERAL.—Subsections (a) and (b) and section 5903(c) do not apply to a carrier when the carrier is transferring a loaded container or trailer to another carrier during intermodal transportation, unless the carrier is also the person tendering the loaded container or trailer to the first carrier.

''(B) SPECIAL RULE.—A carrier, agent of a carrier, broker, customs broker, freight forwarder, warehouser, or terminal operator is deemed not to be a person tendering a loaded container or trailer to a first carrier under this section, unless the carrier, agent, broker, customs broker, freight forwarder, warehouser, or terminal operator assumes legal responsibility for loading property into the container or trailer.''.

SEC. 5. PROHIBITIONS.

(a) PROVIDING ERRONEOUS INFORMATION.—Section 5903(a) is amended by inserting '', to whom section 5902(b) applies,'' after ''A person''.

(b) TRANSPORTING PRIOR TO RECEIVING CERTIFICATION.—Section 5903(b) is amended to read as follows:

''(b) TRANSPORTING PRIOR TO RECEIVING CERTIFICATION.—

''(1) PRESUMPTION.—If no certification is received by a motor carrier before or when a loaded intermodal container or trailer is tendered to it, the motor carrier may presume that the gross cargo weight of the container or trailer is less than 29,001 pounds.

''(2) COPY OF CERTIFICATION NOT REQUIRED TO ACCOMPANY CONTAINER OR TRAILER.—Notwithstanding any other provision of this chapter, if a certification is required by section 5902(b), a copy of the certification is not required to accompany the intermodal container or trailer.''.

(c) UNLAWFUL COERCION.—Section 5903(c)(1) is amended by striking ''10,000 pounds (including packing materials and pallets)'' and inserting ''29,000 pounds''.

SEC. 6. LIENS.

(a) GENERAL RULE.—Section 5905(a) is amended to read as follows:

''(a) GENERAL RULE.—If a person involved in the intermodal transportation of a loaded container or trailer for which a certification is required by section 5902(b) of this title is required, because of a violation of a State's gross vehicle weight laws or regulations, to post a bond or pay a fine, penalty, cost (including storage), or interest charge resulting from—

''(1) erroneous information provided by the certifying party in the certification to the first carrier in violation of section 5903(a),

''(2) the failure of the party required to provide the certification to the first carrier to provide it,

''(3) the failure of a person required under section 5902(c) to forward the certification to forward it, or

''(4) an error occurring in the transfer of information on the certification to another document under section 5902(b)(3) or 5902(c),

then the person posting the bond, or paying any fine, penalty, cost (including storage), or interest charge has a lien against the contents equal to the amount of the bond, fine, penalty, cost (including storage), or interest charge incurred, until the person receives a payment of that amount from the owner or beneficial owner of the contents or from the person responsible for making or forwarding the certification or transferring the information from the certification to another document.''.

(b) LIMITATIONS.—Section 5905(b)(1) is amended—

(1) by inserting after ''the first carrier'' the following: ''or the owner or beneficial owner of the contents''; and

(2) by striking ''cost, or interest.'' and inserting ''cost (including storage), or interest charge. The lien shall remain in effect until the lien holder has received payment for all costs and expenses as described in subsection (a).''.

SEC. 7. PERISHABLE AGRICULTURAL COMMODITIES.

Section 5906 is amended by striking ''Sections 5904(a)(2) and 5905 of this title do'' and insert ''Section 5905 does''.

SEC. 8. EFFECTIVE DATE.

Section 5907 is amended to read as follows:

''§ 5907. Effective date

''This chapter, as amended by the Intermodal Safe Container Transportation Act Amendments of 1996, is effective on the date of the enactment of such Act. The provisions of this chapter shall be implemented 180 days after such date of enactment.''.

SEC. 9. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Chapter 59 is amended by adding at the end the following new section:

''§ 5908. Relationship to other laws

''Nothing in this chapter affects—

''(1) chapter 51 (relating to transportation of hazardous material) or the regulations issued under that chapter; or

''(2) any State highway weight or size law or regulation applicable to tractor-trailer combinations.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by striking the item relating to section 5907 and inserting the following:

''5907. Effective date.
''5908. Relationship to other laws.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from West Virginia [Mr. RAHALL] each will control 20 minutes.

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

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

Mr. Speaker, this bill makes several critical changes to the 1992 Intermodal Safe Container Act to permit the act to be effectively implemented by ocean shipping lines, railroads, and trucking companies.

This legislation will ensure that the intermodal container transportation does not cause violations of our highways' weight laws and, also, that commerce is not unduly burdened. It is critical that this bill pass swiftly, because the regulations implementing the 1992 bill will go into effect January 1.

This legislation is completely bipartisan. It is strongly supported by a comprehensive intermodal coalition of ocean shipping lines, railroads, trucking companies and shippers, as well as the Department of Transportation.

Mr. Speaker, I want to thank the gentleman from Wisconsin [Mr. PETRI], the gentlewoman from New York [Ms. MOLINARI], and the gentleman from North Carolina [Mr. COBLE] for their cooperation in swiftly drafting this intermodal bill.

I also want to thank my Democratic colleagues, the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from West Virginia [Mr. RAHALL], the gentleman from West Virginia [Mr. WISE], and the gentleman from Tennessee [Mr. CLEMENT] for their cooperation and support in agreeing to quickly move this legislation.

Mr. Speaker, I strongly urge that my colleagues support this bill.

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

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

Mr. Speaker, I commend the gentleman from Pennsylvania [Mr. SHUSTER], the full committee chairman, and the gentleman from Minnesota [Mr. OBERSTAR], the ranking minority member, for the very effective and capable manner in which they have worked toegether with me and the gentleman from Wisconsin [Mr. PETRI], the chairman of the subcommittee, in bringing forward this legislation. There has been a good give-and-take on both sides of the aisle.

I also commend the staff that have worked so very long and hard on bringing this bill to us today.

Mr. Speaker, as the full committee chairman has stated, while this bill basically consists of technical amendments, its enactment will fulfill congressional and DOT intent in addressing the issue of liability as it relates to intermodal shipments of potentially overweight freight containers.

Basically, we have a situation where a trucker picks up a container of, say, shoes at the Port of Long Beach that was packed in Taiwan and is headed for a J.C. Penny Store. On its way along our Nation's highways to the store, the trucker is found to be overweight.

Under current law, the trucker pays the fine even though the trucking company had no involvement in the packing of the container and was led to believe it would not cause the truck to be overweight.

In 1992 we passed legislation to address this situation.

However, due to shortcomings in this law, DOT has yet to make effective a final rule implementing it. Hence, the need for this legislation.

The pending bill would facilitate the implementation of the 1992 act by, first allowing the shipper certification of the weight of intermodal containers to be incorporated into shipping papers or transmitted in electronic form.

If the certification is not made, or is incorrect, the shipper is liable for any violations which may occur of our highway weight laws.

And second, this bill sets the weight threshold for container certification at 29,001 pounds. It is my understanding from both DOT and industry that this is a more appropriate threshold than what is in current law.

With that stated, I urge the adoption of the pending measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I also want to commend the gentleman from Pennsylvania [Mr. SHUSTER], our full committee chairman, and the gentleman from Wisconsin [Mr. PETRI], chairman of the Subcommittee on Surface Transportation, for the work that they have done to bring this legislation to this point.

Mr. Speaker, I also commend the gentleman from West Virginia [Mr. RAHALL], on our side, who has devoted a great deal of time and energy to resolving a very puzzling and complex problem; one that on the surface would seem to be amenable to ready resolution.

In 1992, when we passed the Intermodal Safe Container Transportation Act, we thought that the legislation had corrected the problems. A broad consensus of transportation interests got together to support this legislation to encourage compliance with U.S. highway weight limits by ensuring that the party that first tendered cargo for intermodal shipment would be responsible for verifying the weight of that intermodal container and for providing appropriate documentation.

Unfortunately, DOT could not write regulations to make the law work. Try as they might, there was a combination of problems, conflicting interests, difficulty in writing appropriate language, to prevent the issuance of those regulations. So when I say it took a great deal of effort on the part of the leadership of the subcommittee to work this out, it certainly did. It was a matter that the Department itself, with all of their staffing, could not resolve.

So the parties went back to the drawing board, they reached agreement on a measure that the gentleman from West Virginia [Mr. RAHALL] has, I think, quite adequately described.

In 1989, the Federal Highway Administration estimated that some 1 million containers moving through U.S. ports over a 1-year period would likely cause highway weight violations based on most commonly used truck configurations. Some 40 percent of the 20-foot containers would potentially cause overweight trucks; 17 percent of 40-foot containers were more than 10,000 pounds over the cargo weight.

Truckers should not have to bear that responsibility. Goods should not have to be impeded in their movement to marketplace, and bridges should not have to be encumbered and highways should not have to accept that additional pounding due to our ocean shipping interests.

So the legislation we have today will provide workable tools to allow carriers to comply with highway weight limitations and improve enforcement by ensuring that the one responsible, the party that loads the container, is the one liable if a subsequent violation occurs.

Mr. Speaker, that is what we bring to the House today. I want to thank the gentleman from West Virginia for the splendid effort that he has invested in bringing this issue to resolution, and again to our full committee chairmen for resolving the matter.

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

Mr. PETRI. Mr. Speaker, I rise in support of H.R. 4040, the Intermodal Safe Container Act Amendments of 1996.

I want to thank my colleagues BUD SHUSTER, SUSAN MOLINARI, and HOWARD COBLE, and my Democratic colleagues JAMES OBERSTAR, NICK RAHALL, BOB WISE, and BOB CLEMENT, for their cooperation in swiftly moving this legislation.

This legislation corrects several problems in the 1992 Intermodal Safe Container Act which sets standards for the intermodal transfer of freight containers between ocean shipping lines, railroads, and motor carriers so that no trucks hauling containers are overweight. The 1992 act has been delayed by DOT only until January 1, 1997.

A coalition of ocean carriers, railroads, motor carriers, and freight shippers recommended changes to the 1992 act, since these problems could not be corrected by DOT. DOT supports these changes. These recommendations are the basis of this legislation.

This bill encourages compliance with highway weight rules. It clearly establishes that shippers must provide a certification that identifies the weight and contents of the container. If this certification is not made or is incorrect, the shippers are automatically liable for any resultant highway weight violations.

The Act speeds shipments by permitting all carriers to use electronic certifications and reduces paperwork by permitting a bill of lading to be used as the certification.

The weight threshold for a container certification has been set at 29,001 pounds. This reduces the burden of complying with the act, but still ensures that all containers likely to cause overweight violations will be identified.

Finally, it provides a phase-in for carriers to adapt to the new requirements.

I urge my colleagues to support the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 4040.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SMITHSONIAN INSTITUTION NATIONAL AIR AND SPACE MUSEUM DULLES CENTER

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1995) to authorize construction of the Smithsonian Institution National Air and Space Museum Dulles Center at Washington Dulles International Airport, and for other purposes.

The Clerk read as follows:

S. 1995

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

SECTION 1. CONSTRUCTION OF MUSEUM CENTER.

The Board of Regents of the Smithsonian Institution is authorized to construct the Smithsonian Institution National Air and Space Museum Dulles Center at Washington Dulles International Airport.

SEC. 2. LIMITATION ON USE OF FUNDS.

No appropriated funds may be used to pay any expense of the construction authorized by section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

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

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

Mr. Speaker, this legislation authorizes the construction of the Smithsonian National Air and Space Museum extension at Dulles Airport. To date, $8 million had been authorized in appropriations for planning and design of this project. The construction of this facility will allow airplane, spacecraft, and aviation-related equipment currently stored outdoors to be safely housed in structures which meet museum standards, as well as create a restoration facility capable of handling the largest artifacts in the collection.

Mr. Speaker, these include such aircraft as the B–29 *Enola Gay*, the space shuttle *Enterprise*, and the SR–71 Blackbird. A request for $5 million is included in the fiscally year 1997 budget to continue funding through the design development phase and begin the construction documents phase.

The final $2 million authorized will be requested in fiscal year 1998 to complete the construction documents for the building.

Mr. Speaker, it is important to emphasize that no Federal funds will be made available for the construction

phase of the project. The Smithsonian Institution will be responsible for privately raising funds to pay for the construction. Also, the Commonwealth of Virginia has pledged to provide infrastructure support, which includes a $3 million interest-free loan, a $6 million construction appropriation, and authority for a $100 million bond issue.

It is a good bill, Mr. Speaker, and I urge its adoption.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], our ranking Democrat member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a really exciting initiative, the National Air and Space Museum to be developed at Dulles Airport. It is under the leadership of a truly great leader in aviation, former Adm. Don Engen, former administrator of the Federal Aviation Administration and former Member of the National Transportation Safety Board.

He is in charge of the fund-raising and of the organization and development of this project and has already launched a very significant nationwide effort, working very hard to raise the private sector funds which, as the gentleman from Pennsylvania [Mr. SHUSTER] indicated, will be entirely constructed with private sector funds.

It is going to be a true monument to aviation, to aviation technology, and I am very pleased that the committee has moved this legislation to make the extension facility possible. It is really an extension of the Smithsonian, but at a place that makes sense: Out at one of the Nation's premier airports, and an international airport; one of advanced design at that, where we can put on display this leadership that the United States has demonstrated throughout decades in the field of aviation.

Mr. Speaker, I urge the passage of this legislation.

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

Mr. Speaker, no Federal funds will be used for the construction of this project. In addition, the State of Virginia will be contributing to infrastructure construction and access roads. Finally, the board of regents of the Smithsonian have committed to an aggressive fund-raising program for the remainder of these necessary funds, and would make the University of Nebraska football program look meager in its wake.

Mr. Speaker, we have no other requests for time. We support this legislation. We commend the gentleman from Pennsylvania [Mr. SHUSTER] here at the end of our session for all the fine work he has done, and the gentleman from Maryland [Mr. GILCHREST] and staff as well.

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

Mr. WOLF. Mr. Speaker, it is my pleasure today to rise in support of legislation to authorize the Board of Regents of the Smithsonian Institution to construct the National Air and Space Museum extension at Washington Dulles International Airport, and I want to thank all those members and individuals who have been so helpful in moving this legislation to the House floor. I especially want to thank Chairman SHUSTER of the House Transportation and Infrastructure Committee for his help.

S. 1995, introduced in the Senate by my Virginia colleague Senator JOHN WARNER, authorizes the Smithsonian to build a much-needed extension of the Air and Space Museum. The existing Air and Space Museum on the Mall is simply too small and inadequate to meet existing needs. Currently there is no storage space for large artifacts, making the safe preservation of these large artifacts quite impracticable. Furthermore, due to current space limitations at the Mall museum, only about 20 percent of the Nation's air and space collection is on public display.

Clearly, the extension of the Air and Space Museum at Washington Dulles International Airport will help to correct this problem. It will allow the Smithsonian to place on display historic and magnificent artifacts such as the *Enola Gay,* the SR–7 *Blackbird* spy plane, the space shuttle *Enterprise,* and many others. These planes and spaceships currently sit in warehouses away from public view and are improperly maintained because there is no room for these large artifacts at the Mall museum. This deprives the public of the opportunity to experience some of the most fascinating testaments to our Nation's creative genius in civil, military, and space flight.

The Air and Space extension will provide the space and facilities needed to display these artifacts and allow them to be enjoyed by people from all around the world. The Air and Space Museum is the most popular of the Smithsonian's museums and the extension is expected to draw over 3 million visitors per year.

In 1993 the Smithsonian Institution was first authorized to plan and design an Air and Space Museum extension at Washington Dulles International Airport and I was pleased to support this effort. In fiscal year 1996, Congress and the Commonwealth of Virginia in partnership provided funding for planning and design work on the extension. It is important to note that Congress has made it clear that no Federal funds are to be made available for the construction portion of the project. Instead, the Smithsonian Institution is responsible for raising private funds for the construction of the extension.

S. 1995 furthers the efforts already underway by authorizing the Board of Regents of the Smithsonian Institution to construct the museum extension while also making clear that no appropriated funds are to be used to pay any expense of the construction of this facility. Retired Adm. Donald Engen is the new director of the Air and Space Museum and I am pleased that the museum is headed by such an enthusiastic and able director. Admiral Engen has stated that his No. 1 priority is to wage a national campaign to raise adequate funding for construction and this goal will be accomplished more effectively once Congress has clearly authorized this construction.

Mr. Speaker, the museum extension will significantly increase the amount of our air and space collection on public display, provide safe and climate-controlled storage facilities, and establish a restoration facility capable of handling the largest artifacts in the collection in full view of visitors. All of this will be accomplished with no Federal funds being used for the construction of the extension. I urge passage of S. 1995 and yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I rise in support of S. 1995, a bill to authorize construction of the Smithsonian Institution National Air and Space Museum Dulles Center at Washington Dulles International Airport.

This bill authorizes the Board of Regents of the Smithsonian Institution to construct an extension to the Air and Space Museum currently located on the Washington Mall, on a 185 acre site in the Dulles Airport complex in Virginia.

The new facility will permit airplanes, spacecraft, and aviation related artifacts currently stored outdoors to be housed in structures built to museum standards; and provide improved facilities to house the aviation artifacts which are currently stored at the outdated Paul E. Garber facility in Suitland, MD. In addition, the extension will provide a restoration facility capable of handling the largest artifacts in the collection, such as the space shuttle *Enterprise* and the historic *Enola Gay* B–29 bomber, for public viewing.

The measure ensures that no appropriated funds will be used to pay any expense of the construction. The Smithsonian Institution is responsible for privately raising funds for the project and the Commonwealth of Virginia has pledged to provide infrastructure support in the amount of $40 million, a $3 million interest free loan, a $6 million construction appropriation, and authority for a $100 million bond issue.

The bill has bipartisan support and I wish to thank my colleagues on both sides of the aisle for their assistance in bringing this measure to the floor.

I urge my colleagues to support this bill.

Mr. DAVIS. Mr. Speaker, I rise in support of S. 1995 which authorizes construction of the Smithsonian Institute's Air and Space Museum Extension at Washington Dulles International Airport.

Since 1983 the Smithsonian has been looking to build an Air and Space extension large enough to properly display many aviation artifacts that there is no room for at the museum on the Mall. Few people realize that only 20 percent of the museum's collection is on display at the Air and Space Museum. Right now, the Space Shuttle *Enterprise,* a B–17 *Flying Fortress,* and an SR–71 *Blackbird* among others, are collecting dust in hangers at Dulles Airport, because there is no room at the Air and Space Museum. Only the nose section of the *Enola Gay* could be displayed at the Smithsonian's commemoration of the dropping of the atomic bomb, because the museum does not have room to display the entire refurbished aircraft. There are a number of historically important aircraft, such as a Lockeed Constellation, sitting outside exposed to the weather, because there is no space to store or display them. This new extension will accommodate these historic air and spacecraft.

S. 1995 authorizes the board of regents of the Smithsonian Institution to construct a museum extension at Dulles Airport. This legislation makes it clear that no Federal funds will be appropriated to pay for any expense associated with construction of this facility. The Air and Space Museum has already begun the process of raising private funds for construction, and I understand that new Air and Space Museum Director Donald Engen has set raising funds to build the extension as a top priority. The Commonwealth of Virginia also stands firmly behind its commitment to bringing this national educational facility to reality with a $3 million interest free loan, a $6 million design and construction grant, and authority for up to $100 million in bonds.

It has been 13 years since the Air and Space Museum Extension was proposed, in that time the Smithsonian's Air and Space Museum has become the most visited museum in the world. This bill is noncontroversial. It requires no expenditure of Federal funds, in fact, the bill explicitly states that no Federal funds will be used. It passed the Senate by voice vote. Lets pass this bill and get on with expanding this enormously popular museum that celebrates America's love of aviation.

In closing, I want to thank Chairman GILCHREST for his tremendous efforts in bringing this legislation to the floor so quickly.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the Senate bill, S. 1995.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

MARK O. HATFIELD UNITED STATES COURTHOUSE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1636) to designate the U.S. Courthouse under construction at 1030 Southwest 3rd Avenue, Portland, OR, as the Mark O. Hatfield United States Courthouse, and for other purposes.

The Clerk read as follows:

S. 1636

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

SECTION 1. DESIGNATION OF MARK O. HATFIELD UNITED STATES COURTHOUSE.

The United States Courthouse under construction at 1030 Southwest 3rd Avenue in Portland, Oregon, shall be known and designated as the ''Mark O. Hatfield United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the ''Mark O. Hatfield United States Courthouse''.

SEC. 3. EXTENSION OF FDR MEMORIAL MEMBER TERMS.

The first section of the Act entitled ''An Act to establish a commission to formulate plans for a memorial to Franklin Delano Roosevelt'', approved August 11, 1955 (69 Stat. 694) is amended by adding at the end thereof the following: ''A Commissioner who ceases to be a Member of the Senate or the House of Representatives may, with the approval of the appointing authority, continue to serve as a Commissioner for a period of up to one year after he or she ceases to be a Member of the Senate or the House of Representatives.''.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on January 3, 1997.

The SPEAKER pro tempore (Mr. BEREUTER). Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

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

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

Mr. Speaker, this legislation designates the U.S. Courthouse under construction in Portland, OR as the Mark O. Hatfield United States Courthouse.

I strongly support this legislation in honor of an outstanding U.S. Senator who is retiring at end of the 104th Congress. Senator HATFIELD served his country during World War II in the U.S. Navy where he commanded landing crafts at both Iwo Jima and Okinawa. Following the war, Senator HATFIELD attended Stanford University. He became associate professor and dean of students at Willamette University.

He began his political career in 1950 serving in the State legislature, then as Oregon's Governor, and finally he has diligently served as a U.S. Senator for 30 years. Senator HATFIELD is well known for his impeccable character and integrity.

He has gained respect from both sides of the aisle for his leadership, and he has brought people together for what he believed to be right rather than what was popular at the time. This legislation is a fitting tribute to an outstanding public servant. I urge my colleagues to support the legislation.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I join in supporting this legislation, a fitting and appropriate tribute to one of the most decent people ever to serve in the U.S. Senate, MARK HATFIELD. A student, practitioner of the legislative art and science, a teacher of public service throughout his public life, a person whose personal life has mirrored his public life of integrity, honesty and decency, he has championed conservation and environmental causes, supported and protected our national forests and parks.

He has called for reform in our health care system. Years ago I remember him very distinctly as an advocate for nuclear arms control. There are few people who cross our paths in public life who have, who display that kind of broad concern, genuine, deep humanitarian, felt concern and exemplify it in their public practice and in their personal life.

To name a building in honor of such a Member reflects credit not only on him, on the people of Oregon who elected him, but on the entire U.S. Congress.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon, Mr. BLUMENAUER, who replaced RON WYDEN, now serving in the U.S. Senate. He is a dynamic young man.

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

Before us today is a measure that means a great deal to us in Oregon, naming the new courthouse after Senator HATFIELD. I know it is not going to be the last memorial as tribute to Oregon's senior Senator but in many ways it will be the most fitting. I wholeheartedly support this measure.

In Oregon we have had a tradition of accepting unique elected officials to Congress and the U.S. Senate, men and women who have been known to take their stand, demonstrating a pioneering spirit which we think defines Oregon today.

For more than a generation, MARK HATFIELD has been a living exemplar of that tradition. Whether the topic under discussion was the war in Vietnam, when he was the only Governor in the United States who was willing to stand up and raise questions about our policy, to being the only member of his party who was willing to stand up and raise questions about the wisdom of a balanced budget amendment, he has proven time and time again his courage, his independence, and I would say, his vision.

He is a man of vision, insight, compassion, and consensus, as the chairman mentioned. The word ''mentor'' is overused today, and it would be presumptuous on my part to suggest that Senator HATFIELD was my mentor, but he was an inspiration. He has been a friend, and I have been honored to have had an opportunity to be a part of the Oregon delegation, to be a colleague with him at least for these few months. We, in Oregon, are a little apprehensive to lose such a trusted leader, but we are hopeful that his legacy for a generation of people in Oregon, inspired by his example to enter government service, will be found walking through the doors of this courthouse. I hope that their decisions will be marked by the wisdom and courage of this great Oregonian, this great Senator, this great American.

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

It is an honor to support the bill and to acknowledge the career of MARK HATFIELD, the many accomplishments.

Mr. Speaker, S. 1636 is a bill to designate the courthouse under construction in Portland,

OR, as the ''Mark O. Hatfield United States Courthouse.'' It is an honor to support this bill and to acknowledge the career, the life, and the accomplishments of the senior Senator from Oregon.

Senator HATFIELD consistently has been in the forefront of significant environmental legislation. His accomplishments include passage of the Oregon Wilderness Act of 1984, and the landmark Oregon Wild and Scenic Rivers Act of 1988.

His contributions to the dialog regarding nuclear disarmament lead, in 1992, to signing the nuclear test ban.

Senator HATFIELD is a prolific author, veteran of World War II, and a devoted father. His faith, compassion, and concern for his fellow beings is legendary.

He, and his wisdom, good humor, and gentlemanly behavior, will be missed by all. I join Mr. OBERSTAR and Mr. GILCHREST in bipartisan support for S. 1636, and urge its passage.

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

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

Before we vote on this legislation, which I strongly support, I would like to say that our staff on both sides of the aisle, on our Committee on Transportation and Infrastructure, is absolutely performing an outstanding job not only on all of the bills which we are moving today but throughout this Congress. Indeed, I want to pay special recognition to Jack Schenendorf, the chief of staff, who is one of the most capable, well-intentioned, intelligent, experienced, sensitive chiefs of staff that we have had the privilege and pleasure of working with in the years that I have been in the Congress.

In fact, he follows in the footsteps of the legendary chief counsel, Dick Sullivan. Dick Sullivan is at home seriously ill, I understand. I think that much of the bipartisanship that we enjoy on our committee, much of the effectiveness of the committee, is very directly related to the foundation that Dick Sullivan helped lay when he was the chief counsel of this committee. I know we all certainly wish Dick Sullivan our very, very best. I think it is appropriate to acknowledge that he, indeed, has been a legendary chief counsel to this committee.

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

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

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding to me. I very much appreciate his recognition of the staff on both sides. Certainly Jack Schenendorf has provided leadership and vigorous initiative, as Dave Heymsfeld has done on our side and have worked together to iron out differences that maybe sometimes Members could not resolve. They have found creative ways.

I do want to express my appreciation for the chairman's recognition of Dick Sullivan. I talked with Dick last Friday. Though his voice was weak, his spirit is certainly strong. I know all of us join in our prayers for his recovery in a bout with cancer and with ongoing chemotherapy. He certainly did set a standard, as the chairman said, for excellence in staff performance.

Mr. TRAFICANT. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Speaker, I would like to associate myself with the remarks relative to Dick Sullivan on behalf of all the speakers here. I also commend the staff and I hope that Dick finds success in his struggle. His work with our committee is legendary, and we all wish him the very best.

Mr. GILCHREST. Thank you, Mr. Speaker. S. 1636 is an act to designate the U.S. courthouse under construction in Portland, OR. as the Mark O. Hatfield United States Courthouse. This designation is a fitting tribute to the senior Senator from the State of Oregon, who is retiring after serving 30 years in the U.S. Senate. Senator HATFIELD has provided thoughtful leadership and pragmatic philosophy to whatever office he has held, be that university president, State representative, Governor, or Senator.

Senator HATFIELD is a native of Oregon, and was educated in Oregon schools. Following service in the Navy during World War II, where he commanded landing craft at Iowa Jima and Okinawa, he returned to civilian life. He became an educator and university dean of students at Willamette University. He began his political career in 1950 in the Oregon legislature. After two terms in the Oregon house and 2 years in the Oregon senate, he was elected secretary of state for Oregon, and in 1958 was elected Governor and served two terms. In 1966, Senator HATFIELD was elected to the U.S. Senate, where he has served with distinction until his retirement this year. His 30-year service is the longest service of any Senator from Oregon.

I am pleased that our colleagues, Mr. BUNN and Mr. COOLEY, cosponsored a companion bill, H.R. 3134, and I am pleased that a Member of the committee, Mr. DEFAZIO was principal sponsor of that bill.

I support the bill and I urge my colleagues to pass the bill.

One final note on this bill. When the other body passed S. 1636, a floor amendment was added to extend the membership of retiring Members of Congress on the Franklin D. Roosevelt Memorial Commission. This Commission was created in 1955, and Senator HATFIELD has been a member of this Commission for 25 years. The Senate amendment would allow Senator HATFIELD to continue his service on this Commission for the dedication of the FDR Memorial in May 1997. The Commission will cease to exist after the Memorial opens.

Ms. FURSE. Mr. Speaker, I rise today in support of S. 1636, which will name a Federal courthouse in downtown Portland for MARK O. HATFIELD. This building lies in the heart of my district, but more importantly, Senator HATFIELD has been my close friend and valued ally for 16 years now.

Senator HATFIELD's commitment to justice issues through the years makes it fitting that this new courthouse be named for him. The achievements for justice we have accomplished together through the years include the founding of the Oregon Peace Institute, restoration of tribal status for several Oregon Indian tribes and bringing increased awareness to Oregonians regarding issues of global harmony.

MARK HATFIELD takes principled stands opposing such items as bloated military budgets and the death penalty. He is one of the Senate's bridge builders, one who helps forge policies that move us forward on so many issues that are important to our constituents.

Oregon has been deeply blessed by the service of MARK HATFIELD. As I bid him farewell from the institution of Congress, I feel immeasurable appreciation for his many contributions, great fondness for him personally, and a degree of sadness for all of us. Senator HATFIELD has been a great statesman, a champion for Oregon in every way, a peace activist and a true gentleman.

My friendship with Senator HATFIELD began 16 years ago when he and I worked on Oregon tribal concerns. Since then, I have continued to work with him closely on issues of peace and justice.

Senator HATFIELD has served the State of Oregon in elected office since 1951—45 years now. He has served as State representative, State senator, Oregon secretary of state, Governor and now U.S. Senator, never losing an election. He has served the State in countless other ways and his courageous leadership on a wide range of issues has truly made the world a better place.

Among Senator HATFIELD's contributions I admire most are his service on the founding board of the Oregon Peace Institute and his early opposition to our involvement in the Vietnam war. He was a champion of peace when it was not a fashionable issue, when it was dangerous politically. MARK HATFIELD voted against the resolution supporting the Gulf of Tonkin Resolution at the 1964 National Governor's Association. As Appropriations Committee chairman during the Reagan-era defense buildup, Senator HATFIELD worked arduously, and with some success, in preventing the increases.

MARK HATFIELD and I have worked together for years in the nuclear weapons freeze movement and I believe he has worked harder than anyone to stop nuclear testing. His success in that quest provided momentum vital to this month's successful adoption of a comprehensive nuclear test ban by the Nuclear Nations. I am confident that with the groundwork laid by Senator HATFIELD, we will eventually rid the world of the scourge of nuclear weapons.

MARK HATFIELD has been my colleague, my adviser, and most of all, my friend in this place called Capitol Hill. I look forward to continuing all of that when he returns permanently to Oregon, the home we both love.

I urge my colleagues to support H.R. 1636.

Mr. DEFAZIO. Mr. Speaker, it is my great pleasure that the House is, today, considering S. 1636, legislation designating the Mark O. Hatfield Courthouse in Portland, OR. Senator WYDEN and I introduced companion legislation earlier this year, with the full and enthusiastic support of the entire Oregon delegation. Passage of this legislation is just a small way of expressing our debt of gratitude to Senator HATFIELD for his lengthy career of public service to the State of Oregon and the Nation.

The State of Oregon has been graced by the representation and leadership of MARK HATFIELD for over 60 years. When Senator HATFIELD retires at the end of this year, it will represent a tremendous loss to the State. He

stands among the giants of Oregon politics. Very few others have rivaled his dedication and service. Senator HATFIELD served in World War II, as a college professor, as a State representative, as a State senator, as Oregon secretary of state, Oregon's Governor for 8 years and finally as a U.S. Senator for the past 30 years.

What's more, MARK HATFIELD's service to the Nation has been equally impressive and few here in Congress have matched the Senator's character and integrity. No matter how unpopular his stand, Senator HATFIELD's allegiance has always been to his principles first and foremost. He has gained respect on both sides of the isle for his thoughtful leadership and pragmatic philosophy. For MARK, his career has been about bringing people together and doing what is right instead of what's popular.

For a building that will exemplify integrity and service to Oregon and the United States, I can think of no better individual to name it after than Senator MARK O. HATFIELD.

Again, I'm very pleased that the House is adopting this measure today.

Mr. BUNN of Oregon. Mr. Speaker, I would like to take this opportunity to thank chairman SHUSTER and chairman GILCHREST for bringing this important piece of legislation to the floor. This legislation is important, it is important to Americans, to those of us in the Congress, and most of all, to my fellow Oregonians. It is important because it honors a man who has served the State of Oregon as well as his country for all of his adult life. I am proud to support Senate bill 1636, a bill that will designate the Mark O. Hatfield Courthouse in Portland.

Mr. Speaker, it is said that the difference between a statesman and a politician is that a politician thinks of the next election while the statesman thinks of the next generation. Senator HATFIELD has been a true statesman of Oregon in every sense of the word. Generations of Oregonians, including my own children, will benefit from the hard work and dedication to Oregon by Senator HATFIELD.

As we designate this courthouse to Senator HATFIELD, generations of Oregonians will be reminded of the long and distinguished career of Senator HATFIELD. From his days as a State senator, to his days as Oregon's youngest Governor, and finally to his career in the U.S. Senate, the courthouse will serve to remind all Oregonians of a man they can be proud of.

Mr. Speaker, it has been my honor to have the opportunity to serve with Senator HATFIELD in the 104th Congress. As a member of the House Appropriations Committee I have had ample opportunity to watch Senator HATFIELD bring both sides of the aisle together in order to do what is right for America. Although I have not always agreed with the positions of Senator HATFIELD, I know that they have always been well thought out and what he believed best for Oregonians. Let me finish by wishing Senator HATFIELD and his wife Antoinette all the best in his retirement. And on behalf of the people of Oregon, offer him a well deserved thank you for all of his years of service.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER], that the House suspend the rules and pass the Senate bill, S. 1636.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

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 in which to revise and extend their remarks and include extraneous material in the RECORD on the bills just considered.

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

There was no objection.

AVIATION DISASTER FAMILY ASSISTANCE ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3923, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 3923, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 401, nays 4, not voting 28, as follows:

[Roll No. 418]

YEAS—401

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blumenauer
Blute
Boehlert
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Johnson, E. B.
Johnson, Sam
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NAYS—4

Cooley
Hancock
Scarborough
Stump

NOT VOTING—28

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Collins (IL)
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Durbin
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Fields (TX)
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Hastings (FL)
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Heineman	Matsui	Torkildsen
Herger	Peterson (FL)	Watts (OK)
Jefferson	Pryce	White
Johnston	Skelton	
Livingston	Solomon	

□ 1230

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

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Ms. GREENE of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 522 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 522

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. BEREUTER). The gentlewoman from Utah [Ms. GREENE] is recognized for 1 hour.

Ms. GREENE of Utah. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to 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 purposes of debate only.

Mr. Speaker, H.R. 522 provides for consideration of the conference report for H.R. 3675. the fiscal year 1997 Transportation appropriation bill. The rule waives all points of order against the conference report. The waiver covers provisions relating to legislation and unauthorized items on a general appropriations bill.

Waivers under the rule are in accordance with previous tradition on appropriations conference reports, and the rule was reported out of committee on a voice vote with no controversy or opposition.

On the bill itself, I would like to commend the gentleman from Virginia, Chairman WOLF, and Ranking Member COLEMAN for putting together an excellent bill that funds this nation's most critical transportation needs.

As my colleagues know, transportation plays a crucial role toward promoting our current and future economic growth and prosperity. This bill plays an important role in improving America's transportation infrastructure, thereby helping to secure our role in the global marketplace and, at the same time, improving our quality of life.

Mr. Speaker, I would like to emphasize that this rule was unanimously reported out of committee without any controversy and that it is in keeping with tradition on conference reports for appropriations bill. I urge my colleagues to support both the rule and the bill.

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

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

Mr. Speaker, I am pleased to join my Democratic and my Republican colleagues in supporting the rule for this Transportation appropriations conference report this morning.

I would like to commend Chairman Wolf and Ranking Member COLEMAN for all of their hard work in getting this bill to the floor today. This Transportation bill addresses some of the very real transportation issues facing our country today.

It allocates $4.9 billion to the Federal Aviation Administration to help make airline travel in the United States even safer than it already is. Thanks to this bill, American airports will be able to hire 500 new air traffic controllers and 367 new safety inspectors.

In light of the recent tragedy in New York and the increasing danger of both international and domestic terrorism, I can not think of anyone who would object to our doing everything we can to make flying safer.

This bill also allocates $35 million for boat safety and $2.3 billion for the operation of the Coast Guard. As a Massachusetts Representative, I can tell you that these funds will mean a great deal to the safety of our Nation's boaters, vacationers, and maritime workers.

The conferees also allocated $115 million for the Northeast corridor improvement project. The Northeast corridor is the most traveled passenger rail route in the country stretching from Boston to Washington. It carries 100 million passengers each year.

Although I still believe this country has a very long way to go in terms of improving its passenger rail system, these funds will certainly help.

So, Mr. Speaker, this bill will improve our air travel, our water travel, and our rail travel.

It is a strong package of investments in our infrastructure and as such it will prove to be a strong economic catalyst.

I urge my colleagues to support this rule and to support this bill.

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

Ms. GREENE of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER] of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to this rule, not because the rule protects a good bill, but because there is a provision in this bill that does not belong in there. It is a provision that is certainly a poster child of why the line-item veto is long overdue.

Section 351 of this legislation turns Congress into a domestic relations court, and a domestic relations court involving one very famous case in the District of Columbia involving Dr. Elizabeth Morgan and her former husband, Dr. Eric Foretich.

By protecting section 351 against the point of order, the Committee on Rules has, in effect, legislated the outcome of a child custody case when the Congress does not have any of the facts, and that is outrageous and it should not be allowed to stand without someone standing up here to object to it.

Let us look at the facts. Drs. Foretich and Morgan were involved in a very messy divorce case. That is not unusual. There are a lot of messy divorce cases that come up in the courts around our country. The divorce was granted.

Dr. Morgan was given custody of her daughter. Dr. Foretich was given visitation rights. Dr. Morgan objected to the visitation rights and went to court, alleging that Dr. Foretich was involved in child molestation. The court did not sustain Dr. Morgan's assertions and continued Dr. Foretich's right to visit. Dr. Morgan then hid the child and prevented visitation, and was jailed for civil contempt.

The gentleman from Virginia [Mr. WOLF] who has put the present provision in the bill, came to Congress, the 101st Congress, and asked us to pass a private bill for the relief of Dr. Morgan, to let her out of jail. When he testified before the subcommittee in the earlier bill, he said, ''The legislation written with input from academic and legal communities took great care to protect the ability of the court to enforce its rulings. While the jury trial provision in my legislation protects the individual from indefinite incarceration, the court can pursue additional remedies. Individuals cannot simply wait out the year-long period and expect to walk away from their obligation to obey the court.''

Under Public Law 101–97, Dr. Elizabeth Morgan technically could still be charged with criminal contempt of court and brought before a jury. The gentleman from Virginia, Mr. WOLF, said that some years ago. The legislation which he has introduced in this appropriation bill, without consideration by a subcommittee in either House, without a vote in either House, negates that provision.

Second, this is a direct assault on the independence of the judiciary, and is bad public policy. Dr. Morgan has access to a judicial body. If she thinks the judicial body has erred, she can either appeal, or if she thinks that the judge is biased, there are provisions in the D.C. civil procedure court to get a new judge. Instead, she has come to Congress to legislate the outcome.

Finally, Dr. Morgan and her daughter are in New Zealand. The New Zealand

courts have ruled that it is not in the best interests of the child to be brought back to the United States. The New Zealand court has possession of the child's passport. If this legislation is passed, our country will be in violation of the Hague Convention relative to child custody, and if the child is brought back to the United States without valid papers, both New Zealand and American law will be violated. Let us prevent this by voting down this rule.

Mr. Speaker, I include for the RECORD an op-ed piece by Paul Kolker in today's Washington Post.

The material referred to is as follows:

[From the Washington Post, Sept. 18, 1996]

CONGRESS AS A DOMESTIC-RELATIONS COURT

(By Peter R. Kolker)

The legislative branch of the federal government is about to become embroiled in a childcustody dispute. Congress would take one case out of the hands of the judiciary and decide it for itself. This unprecedented move has only two problems: It is bad public policy, and it is clearly unconstitutional.

As reported in The Post's Sept. 13 news story, this imminent legislation—a replay of previous efforts by Rep. Frank Wolf(R-Va)—would strip the District's court system of jurisdiction in the bitterly fought dispute between Elizabeth Morgan and Eric Foretich over the custody of 13-year-old Hillary Foretich, (now Ellen Morgan), and it would prevent the D.C. Superior Court from exercising its authority throughout Ellen's minority. Similarly, it would also prevent her father from seeking visitation through the courts, as is the right of every parent.

The Morgans have been in New Zealand since 1990 but now want to return home—but like all other citizens, they would be subject to the courts upon arrival. Morgan has asked Congress to remove her case from the courts and deal with it on the Hill. This would make her the only American parent whose child-custody case was put beyond judicial reach. It would not be the first time Congress did so for her.

When Morgan refused to comply with a D.C. Superior Court order in the custody battle, she was held in contempt of court, and—in a standoff with the trial judge—she spent more than two years locked up at the D.C. Jail. But with well-connected friends, she secured the backing of Wolf, who engineered special legislation to trump the court's ace and thereby gain her freedom. No one else was affected by that legislation. Once out of jail, she headed for New Zealand, where the courts were more accommodating to her. Now, she wishes to return home, but she needs something even more extraordinary to keep the courts from treating her like others, and she has enlisted the aid of Rep. Wolf again to further her exemption from the process of the law.

But this time, bill would affect someone else—Eric Foretich—by effectively stripping him of his parental rights and denying him access to the Superior Court, which is allowed to everyone else whose child resides in the District.

The Framers of the Constitution thought something like this could happen. And they prohibited it. The Constitution forbids ''Bills of Attainder''—laws punishing a specific person or a very narrow class of individuals, constructed to deprive them of the due-process protections available to others.

Not that this subject wasn't raised when Wolf's subcommittee first took up the legislation. George Washington law professor Jonathan Turley appeared at a hearing a year ago and explained to the subcommittee the three hallmarks of the prohibited Bill of Attainder: specificity, punishment and elimination of judicial due process. Turley pointed to the introduction to that early bill, which proudly states that it applies only to the Morgan/Foretich case. Elimination of the father's visitation rights certainly is a punishment (whether deserved or not is another question), and it does so without the protections found in court. Presto! A Bill of Attainder. So why has minimal-government proponent Wolf persisted?

The dramatic Morgan battle has had much media coverage, and one can feel passionately about the story. Who knows the truth of this case: whether or not Ellen, when a very young child, was sexually abused by her father, as Morgan alleged and Foretich denied? If he did, then serious restrictions on visitation, perhaps even prohibitions, are in order.

But what if he didn't? In our legal system, figuring out what happened in a private dispute is for the courthouse, not the Capitol. Our Constitution separates the judicial from the legislative functions for good reason. A political forum is hardly the place to take the testimony of witnesses in a custody case, or to find facts or to fashion custody orders.

Just consider how this remedy was crafted: as a last-minute add-on to a transportation appropriations bill having nothing to do with child custody. If Congress becomes the court of appeals for the Morgan case, will the federal legislature and Wolf be available to every District litigant who feels wronged by the trial court? Or do only the well-connected get to have their cases adjudicated on Capitol Hill?

The judicial process was, and continues to be, fully available to Ellen and both her parents. Whatever the decision may have been years ago, the trial judge is bound to consider the changed circumstances of the intervening years. Ellen, now a teenager, certainly can articulate her views to the judge, who undoubtedly would pay close attention. If there were reason to think the original judge was biased, a mechanism exists to replace him.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. BEILENSON].

Mr. BEILENSON. Mr. Speaker, I thank my friend and ranking member for yielding time to me.

Mr. Speaker, I rise in opposition to the bill and to the conference report on H.R. 3675, transportation appropriations for fiscal year 1997, that it would make in order. Three of the bill's provisions that the rule protects are especially objectionable.

First, the rule provides waivers for the legislative provision in H.R. 3675 that freezes fuel economy or CAFE standards for the second year in a row. That is an unwarranted protection of a controversial and major provision that should not be in an appropriations bill in the first place. This legislative rider weakens an important successful environmental effort that has served us well.

The fuel economy standards freeze weakens our efforts to reduce pollution, to improve our Nation's energy security, and to lower the cost of gasoline for consumers. By reducing oil consumption, CAFE standards have been enormously successful in cutting pollution in this country. By preventing the emission of millions of tons of carcinogenic hydrocarbons into the air, the standards have improved air quality greatly, including those obviously in heavily populated cities like my own of Los Angeles.

In addition, CAFE standards have proved to be successful in saving an estimated 3 million barrels of oil a day, thereby reducing U.S. dependence on imported oil. There is no doubt that without these standards we would be importing far more oil than we already do. We now import about 52 percent of all the oil we use in the United States, which contributes $60 billion annually to our trade deficit.

□ 1245

Of direct importance to consumers, CAFE standards result in savings when these consumers purchase gasoline. Because fuel economy standards doubled between 1975 and the late 1980's, a new car purchaser now saves an average of about $3,300 at the gas pump over the lifetime of his or her car. CAFE standards mean over $40 billion in consumer savings annually.

By continuing this freeze, Congress is preventing full implementation of the law that was enacted back in 1975 that, as I said, has served us so well since.

Specifically, the freeze is blocking improvements in the CAFE standards for light trucks. This means that our constituents who purchase the very popular minivans, sport utility vehicles, jeeps, and pickups are denied the benefits of existing fuel savings technologies.

These vehicles have become the most prevalent example of the gas guzzlers we have sought to do away with. They now comprise over 40 percent of the new vehicle market, expanding the demand for oil and of course increasing pollution.

Second, Mr. Speaker, many of us regret that the bill makes reductions in funding for Amtrak. Compared to the House bill, the conference report is certainly preferable and the conferees are to be commended for restoring much of Amtrak's funding. Still, the legislation before us appropriates $70 million, or 11 percent less than current funding, and 11 percent less than requested. This is, Mr. Speaker, a bad transportation policy.

Instead of reducing funds for Amtrak, we ought to be providing more to improve and expand rail service in the United States. We are now making an investment that is totally inadequate. Our rail system is nowhere near so cost effective or consumer oriented as it should be, but instead of providing the funds to overcome those deficiencies, the action we are taking today represents a big step backwards.

An effective, efficient rail system is essential to the quality of life and the economic vitality of our Nation, and improving rail service should be a top priority. Instead, it has been sadly and badly neglected.

Trains run infrequently; the most popular ones are overcrowded; and passengers have well-founded fears about

safety and the lack of good reliable service. But rather than trying to meet the demands of consumers and would-be customers by improving our rail program, we have relegated rail service to the bottom of our list of priorities, where it takes a back seat to the enormous amount of funding we continue to pour into our multibillion dollar highway system.

Lastly, Mr. Speaker, and here I agree strongly with the gentleman from Wisconsin [Mr. SENSENBRENNER], those of us who believe that the procedural integrity of the House should be maintained are very troubled about the provision added in conference to strip the D.C. Superior Court of jurisdiction over the Elizabeth Morgan child custody case. This legislative rider is an egregious violation of several House rules, including the rule prohibiting legislation in an appropriations bill. It is certainly not germane to the bill and is definitely outside the scope of the conference's jurisdiction, since it was in neither the House nor the Senate version of the bill that was sent to conference.

The provision itself, as we have heard, is very controversial. It is unconstitutional, since the Constitution forbids bills of attainder, or laws that punish a specific person or deprive that person of the due process protections available to everyone else and is bad public policy for Congress to make this move, which is clearly unprecedented. The legislative branch should not interject itself in a domestic family dispute that is in the hands of the Judiciary, where it belongs.

Further, by agreeing to this provision, Congress would be putting itself in the position of passing legislation that encourages a violation of the Hague Convention, which both New Zealand, which has recently issued a ruling in this case, and the United States have signed.

Mr. Speaker, we all agree that there are times when exemptions to House rules are necessary to keep the legislative process moving along. They should not be provided, however, for provisions that represent such egregious violations of those rules as appear in at least, I think, these 3 instances in this particular rule.

Ms. GREENE of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, I thank the gentlewoman for yielding me this time. I rise to support the position that we have heard articulated both by the gentleman from California [Mr. BEILENSON] as well as the gentleman from Wisconsin [Mr. SENSENBRENNER]. It is unfortunate when we allow matters which are not germane to a bill to become a part of the bill. It makes it doubly unfortunate when it is not only not germane, it is totally extraneous, and when it is in violation of the rules of the House that it be legislating in an appropriations bill.

All of this would not shock my conscience given my years of service in the House of Representatives. But indeed it does shock my conscience that we put in this bill or allow to be put in this bill and for the rule to come to the floor making it not subject to a point of order, when it is a flagrant act of unconstitutional interposition of the legislative branch and an abuse of legislative power. There are very strong feelings and emotions about the merits of the Morgan-Foretich child custody case. I am not here to argue those merits. I am here simply to say that it is an abuse of the legislative process and shocks the conscience of this Member that this is being done, to deny to one party who is entitled to access to the courts that access as a narrow and specific legislative act. It is a bill of attainder, it is clearly and fragrantly unconstitutional, and it is an abuse of our processes that it be in this bill or in this conference report without an opportunity to raise the numerous points of objection which lie against it.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I appreciate the gentleman's yielding me this time.

Mr. Speaker, there are several provisions in this bill of particular concern to the area I represent in Colorado, and I wanted to speak to those very briefly.

First of all since I am going to be tied up in a conference committee meeting during debate on the adoption of the conference report itself, I wanted to express my appreciation to the gentleman from Virginia [Mr. WOLF], the chairman of the subcommittee, and the gentleman from Texas [Mr. COLEMAN] for their work on this bill and their efforts to accommodate many, many competing demands for limited funds.

In particular on the positive side, the conference report anticipates substantial funding for further research into aviation-weather safety issues, much of which will be conducted by very skilled scientists and researchers in the area that I represent in Colorado, and I am grateful for the funding for those important public safety activities.

The conference report also includes initial Federal funding toward the construction of a light rail system to handle the transportation needs of the people of metropolitan Denver under the authority of the Regional Transportation District.

This is an absolutely critical need for this major metropolitan area. As with so many places, we cannot continue to handle our commuter traffic merely by building additional lanes of highways, and getting this assistance on a light rail system for this fast-growing area is very important. I want to thank the gentleman from Virginia [Mr. WOLF] and the gentleman from Texas [Mr. COLEMAN] for their assistance there.

The bill also includes some provisions having to do with Denver International Airport. I respect and have had many conversations with the gentleman from Virginia about his concerns about the airport and the future construction of a sixth runway at the airport. I believe that over time we will be able to have a successful dialog about the various concerns that, at this point, anyway, cause there to be some restrictions about that item in the bill. Among those concerns are a widespread feeling in the Denver area about noise violations emanating from airport operations. The FAA and the city and county of Denver have been working, I think, very hard on resolving those problems. We still have a way to go, and I think until those noise issues have been successfully addressed, it would probably be premature to worry about expansion of the airport with a sixth runway. But inevitably that will be needed. I hope that we can proceed in parallel with the resolution both of some very serious noise issues as well as the need ultimately for the sixth runway to be built so that the new Denver International Airport can reach its full potential, including handling trans-Pacific international flights for which that runway will be necessary.

Mr. Speaker, I look forward to supporting adoption of the conference report. I again state my appreciation for the work of the gentleman from Virginia and the gentleman from Texas in dealing with the needs of the State of Colorado.

Ms. GREENE of Utah. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. WOLF].

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

Mr. WOLF. Mr. Speaker, I would like to insert and read a letter at the outset from Congressman CLINGER and Congressman DAVIS. It says:

''Dear Frank, this is to respectfully request that H.R. 1855,'' which is the bill with regard to Dr. Morgan, ''be added to legislation now pending in the conference committee appointed to consider the appropriations bill for the Department of Transportation. As you know, H.R. 1855 was the subject of a hearing in the District of Columbia Subcommittee of the Government Reform and Oversight Committee on August 4, 1995. Subsequently, on February 1, 1996,'' and I will insert that letter in the RECORD, ''a written request was made to Majority Leader RICHARD K. ARMEY that the bill be discharged from the Committee. A copy of this letter is attached for your examination, along with a copy of the bill.

''Thank you for your consideration of this request.''

Signed ''BILL CLINGER, Chairman, Committee on Government Reform and Oversight,'' and ''TOM DAVIS, Chairman, District of Columbia Subcommittee.''

Second, this Congress in the past had voted after Dr. Morgan was incarcerated in prison for over 2 years for not testifying in a case. Many people who are arrested in the District of Columbia for drug use and felonies get out faster than Dr. Morgan got out. And

this Congress has been on record overwhelmingly on this case.

Third, I would also say that I think, and I will submit the full statement in the RECORD, Members should know Dr. Morgan is extremely sick, she has had her rectum removed, she has a colostomy which is on a bag on her side. Her father died several months ago and she was not able to attend her father's funeral. Her mother is 80-some years old. Her mother is living with her in New Zealand, taking care of Dr. Morgan and also taking care of Dr. Morgan's young daughter. Dr. Morgan's young daughter desperately wants to return to the United States. This court has had the case for 9 years. Nine years.

Last, Dr. Morgan is very sick, and I would ask any Member of this body who has either been sick or has a husband or a wife or a son or a daughter, whether or not they would not have wanted them to have the very best health treatment they possibly could, and I know from this body, made up of good and decent people, the answer would be ''yes.'' And Dr. Morgan would like to be able to return, so she could have first-class health treatment.

On January 25 of this year, at a press conference, attended by the gentleman from Virginia, TOM DAVIS, and the gentlewoman from Maryland, CONNIE MORELLA, I promised that if the legislation I cosponsored allowing Ellen to return to America had not been signed into law at this time, I would include it in the fiscal year 1997 Department of Transportation appropriations bill. I said, and I quote:

> I am here to tell you that it is my intention to search for an appropriate vehicle for this legislation and I won't rest until it is passed. I will even attach this legislation to our fiscal year 1997 transportation appropriations bill as a last resort.

I did what I promised to do. The legislation passes no judgment on any of the parties involved. It does not take sides. It does not say anyone is right or anyone is wrong.

I was not elected to Congress to harm people. I was elected to Congress to help people, and I have done what I believe is right. It is unconscionable to me that an American girl has been forced to live in exile away from her family and friends, where the courts have failed for 9 years to find a solution to this situation. Quite frankly, they have failed miserably.

Mr. Speaker, I strongly support the rule.

HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC, July 24, 1996.

Hon. FRANK R. WOLF,
Member of Congress, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR FRANK: This is to respectfully request that H.R. 1855 be added to legislation now pending in the conference committee appointed to consider the Appropriations Bill for the Department of Transportation. As you know, H.R. 1855 was the subject of a hearing in the District of Columbia Subcommittee of the Government Reform and Oversight Committee on August 4, 1995. Subsequently, on February 1, 1996 a written request was made to Majority Leader Richard K. Armey that the bill be discharged from the Committee. A copy of this letter is attached for your examination, along with a copy of the bill.

Thank you for your consideration of this request.

Sincerely,

WILLIAM F. CLINGER, Jr.,
Chairman, Government Reform and Oversight Committee.

TOM DAVIS,
Chairman, District of Columbia Subcommittee.

HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC, February 1, 1996.

Hon. RICHARD K. ARMEY,
Majority Leader, House of Representatives, Washington, DC.

DEAR MR. LEADER: This letter is to request that H.R. 1855, a bill to amend title 11, District of Columbia Code, to restrict the authority of the Superior Court of the District of Columbia over certain pending cases involving child custody and visitation rights, be discharged from the Committee on Government Reform and Oversight. I have consulted with Ranking Minority Member Cardiss Collins and she concurs with this request.

Thank you for your consideration of this matter.

Sincerely,

WILLIAM F. CLINGER, Jr.,
Chairman.

H.R. 1855

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

SECTION 1. TREATMENT OF CERTAIN PENDING CHILD CUSTODY CASES IN SUPERIOR COURT OF DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subchapter II of chapter 9 of title 11, District of Columbia Code, is amended by adding at the end the following new section:

''§ 11–925. Rules regarding certain pending child custody cases

''(a) In any pending case involving custody over a minor child or the visitation rights of a parent of a minor child in the Superior Court which is described in subsection (b)—

''(1) at any time after the child attains 13 years of age, the party to the case who is described in subsection (b)(1) may not have custody over, or visitation rights with, the child without the child's consent; and

''(2) if any person had actual or legal custody over the child or offered safe refuge to the child while the case (or other actions relating to the case) was pending, the court may not deprive the person of custody or visitation rights over the child or otherwise impose sanctions on the person on the grounds that the person had such custody or offered such refuge.

''(b) A case described in this subsection is a case in which—

''(1) the child asserts that a party to the case has been sexually abusive with the child;

''(2) the child has resided outside of the United States for not less than 24 consecutive months;

''(3) any of the parties to the case has denied custody or visitation to another party in violation of an order of the court for not less than 24 consecutive months; and

''(4) any of the parties to the case has lived outside of the District of Columbia during such period of denial of custody or visitation.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 9 of title 11, D.C. Code, is amended by adding at the end the following new item:

''11–925. Rules regarding certain pending child custody cases.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to cases brought in the Superior Court of the District of Columbia before, on, or after the date of the enactment of this Act.

(2) CONTINUATION OF PROVISIONS UNTIL TERMINATION.—The provisions of section 11–925, District of Columbia Code (as added by subsection (a)), shall apply to any case described in paragraph (1) until the termination of the case.

In August 1987, Dr. Elizabeth Morgan, a northern Virginia plastic surgeon, was jailed in Washington, DC, for contempt of court for failing to disclose the whereabouts of her daughter Ellen in a child custody case. Dr. Morgan was never charged with any crime yet languished in prison for over 2 years. Hardened criminals convicted of drug dealing and other crimes often spend less time in District of Columbia prisons. On September 23, 1989, President George Bush signed legislation I introduced prohibiting the District of Columbia courts from incarcerating anyone for more than 12 months in a child custody case unless they are charged with criminal contempt and given a jury trial to determine their innocence or guilt. Because of my legislation, Elizabeth Morgan was released.

Dr. Morgan later joined Ellen who had been living in exile in New Zealand since 1987. On June 15, 1995, I cosponsored legislation, H.R. 1855, permitting Ellen and Dr. Morgan to return home. At that time, Ellen's grandparents were very ill as was her mother. Since that time Ellen's grandfather has passed away and her grandmother's health is rapidly deteriorating. In addition, her mother has undergone emergency colectomy surgery, was forced to live with a bag resulting from an ileostomy, and suffers from a severe intestinal ulceration. Dr. Morgan needs the medical attention she can only receive here at home and Ellen longs to return to America.

Because of the failure of the court system in the District of Columbia, Ellen was prohibited from attending her grandfather's funeral this year. I promised that I would do everything in my power to make sure that she could still live the life of an American teenager that she so desperately yearns for. On January 25 this year, at a press conference attended by Representatives TOM DAVIS and CONNIE MORELLA, I promised that if the legislation I cosponsored allowing Ellen to return to America had not been signed into law by this time, I would include it in the fiscal year 1997 Department of Transportation appropriations bill. I said, ''I am here to tell you that it is my intention to search for an appropriate vehicle for this legislation and won't rest until it is passed. I will even attach this legislation to our fiscal year 1997 transportation appropriations bill as a last resort.'' That is what I have done and it should come as no surprise to anyone. Yesterday, the House and Senate conferees met to resolve the differences between the two Chambers' transportation spending bills and the

agreed-upon conference report includes a provision changing District of Columbia law permitting Ellen, now age 13, and Elizabeth to come home.

The legislation passes no judgment on any of the parties involved. It does not take sides. And it does not say anyone is right or anyone is wrong. I was not elected to Congress to harm people. I was elected to Congress to help people and I have done what I think is right. It is unconscionable to me that an American girl has been forced to live in exile away from family and friends while the courts have failed for 9 years to find a solution to this situation. And quite frankly, they have failed miserably.

The legislation changes District of Columbia law, in this case only, by transferring visitation decisions from the court to Ellen and prohibits the court from enforcing any outstanding civil contempt order on Dr. Morgan resulting from this custody case.

This is the right thing to do and it is the compassionate thing to do.

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

Ms. GREENE of Utah. Mr. Speaker, I yield myself such time as I may consume.

At this time I would simply say that while there are some particular controversies that have been aired on the floor today, this is a good bill. It is a bill that provides for the transportation needs of every State in the Union, and it is a bill that should pass. I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I have no further requests for time, 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.

□ 1300

Mr. WOLF. Mr. Speaker, pursuant to House Resolution 522, I call up the conference report on the bill (H.R. 3675), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BEREUTER). Pursuant to House Resolution 522, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, September 16, 1996, at page H10387.)

The SPEAKER pro tempore. The gentleman from Virginia [Mr. WOLF] and the gentleman from Texas [Mr. COLEMAN] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Virginia [Mr. WOLF].

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 3675 and that I may include tabular and extraneous material.

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

There was no objection.

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

I am pleased to present to the House this morning a conference report accompanying the bill H.R. 3675, making appropriations for the Department of Transportation and related agencies ending September 30, 1997. This conference report is the 6th of 13 appropriations bills in the House that need to be completed before the beginning of the fiscal year just 12 days from today.

Let me first take a few minutes to summarize the conference report that we bring before you today. The bill appropriates $12 billion from the general fund of the treasury and $23.3 billion from the highway and aviation trust funds. The conference report is just $50 million over the House passed version of the bill which passed by an overwhelming vote of 403 to 2.

A few of the high points include, Mr. Speaker, first, $18 billion for the Federal aid highway program, $450 million over the House level and $350 million over the Senate level. This level represents the highest obligation ceiling in the history of the program.

Second, a total of $4.98 billion for the operation of the Federal Aviation Administration. This appropriation represents an increase of 5 percent over the 1996 appropriation and provides funds for 500 new air traffic controllers, 367 new aviation safety inspectors and other regulatory oversight personnel, and an increase of 9 percent for field maintenance of air traffic control equipment.

Third, $1.46 billion for the airport improvement program, an increase of over $110 million over the budget request.

Fourth, $3.5 billion for the Coast Guard with an additional $300 million provided in the defense bill. In total, resources for the operations of the Coast Guard, which does an outstanding job, will increase $41 million over the 1996 appropriation and $100 million over the President's request.

Fifth, $300 million for the National Highway Traffic Safety Administration, an increase of $20 million over the 1996 appropriations.

Sixth, a total of $565 million for Amtrak, an increase of $103 million over the House-passed level. In addition, Amtrak will receive $195 million for the Northeast Corridor Improvement Program, an increase of $80 million over the last year.

Seventh, $2.15 billion for transit formula programs, an increase of nearly $100 million over the 1996 appropriation. In addition, the conference report includes $1.9 billion for transit discretionary programs, an increase of $235 million over the 1996 appropriation and $100 million over the budget request.

Last, the conference report contains no highway demonstration projects, maintaining an important initiative this Congress began last year.

This conference report places its greatest emphasis on our highest responsibility, and that is protecting and enhancing transportation safety, and it provides the resources to improve the Nation's infrastructure.

The conference report was produced in full cooperation with the minority and all indications are that this bill is a bill the President will sign.

In closing, Mr. Speaker, I want to take a minute to thank my friend, the ranking minority member of the committee, the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN has announced his retirement from the House at the end of the session. He and I have worked closely together for the last 2 years and I am sorry to see him leave. It does not mean we have always agreed on each and every issue, but I think he has always had a good sense of humor and we have had a good relationship.

I wish him Godspeed and would tell him that if he does not return to his home State of Texas, we would enjoy it very much if he made his new residence in the great State of Virginia. The great State of Virginia with the Skyline Drive, the Shenandoah Valley, the Appalachian Trail, Monticello, and Mount Vernon, and places like that. And he probably knows about those places because people from Virginia went to Texas but many are returning to live in the great State of Virginia. So if he makes this his place of residence, we clearly would welcome him, and I know he is a very objective man and we would encourage him to register to vote and participate in our politics here.

But I do want to say, quite seriously, that I do want to commend Mr. COLEMAN and wish him well.

Also, Mr. Speaker, in closing, I would like to pay tribute to the staff members. I wish to recognize and thank those staff members who supported the Members of the House in preparation and passage of the fiscal year 1997 Transportation and related agency appropriations bill, H.R. 3675: the Transportation Appropriations Subcommittee's staff, John Blazey, Rich Efford, Stephanie Gupta, and Linda Muir. We could not have done the job without them.

These are four of the finest, first-class individuals, and they have done an outstanding job. They know that I appreciate, and I am sure the minority appreciates the great work they have done.

The appropriations staff, John Mikel, Dennis Kedzior, Elizabeth Morra, Ken Marx, of the majority staff; and Cheryl Smith, who has done an outstanding job representing the minority's interests. I appreciate and salute her.

And also the associate staff of the committee, and I will have all their names in the RECORD. They have done

an outstanding job. We have done about as good a job as one can do, working in a bipartisan way to meet the needs of the Nation. And an indication of that is that the bill passed the House 403 to 2.

Mr. Speaker, I wish to recognize and thank those other staff members who supported the Members of this House in the preparation and passage of the fiscal year 1997 Transportation and related agencies appropriations bill, H.R. 3675: The associate staff to the committee: Lori-Beth Feld Hua of my office, Monica Vegas Kladakis of Majority Whip DELAY's office, Connie Veillette of Mr. REGULA's office, Steve Carey of Mr. ROGER's office, Bill Deere of Mr. LIGHTFOOT's office, Ray Mock and Eric Mondero of Mr. PACKARD's office, Todd Rich and Sean Murphy of Mr. CALLAHAN's office, Sametta Klinetob of Mr. DICKEY's office, Paul Cambon of Chairman LIVINGSTON's office, Michael Erlandson of Mr. SABO's office, Jim Jepsen of Mr. DURBIN's office, Laura McKinney of Mr. COLEMAN's office, Barbara Zylinski-Mizrahi of Mr. FOGLIETTA's office, and Paul Carver of Mr. OBEY's office.

Mr. Speaker, I include additional information for the RECORD.

H.R. 2002 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 1997

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	56,189,000	55,376,000	53,816,000	53,376,000	52,966,000	-3,223,000
Office of civil rights	6,554,000	5,574,000	5,574,000	5,574,000	5,574,000	-980,000
Transportation planning, research, and development	8,220,000	7,919,000	3,000,000	3,000,000	3,000,000	-5,220,000
Transportation Administrative Service Center	(103,149,000)	.....	(124,812,000)	(124,812,000)	(124,812,000)	(+21,663,000)
Payments to air carriers (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(22,600,000)	(21,922,000)	(10,000,000)	(25,900,000)	(25,900,000)	(+3,300,000)
(Limitation on obligations)	(22,600,000)	(21,922,000)	(10,000,000)	(25,900,000)	(25,900,000)	(+3,300,000)
Rescission of contract authority	(-16,000,000)	(-16,678,000)	(-28,600,000)	(-12,700,000)	(-12,700,000)	(+3,300,000)
Rescission	(-6,786,971)	(-1,133,373)	(-1,133,000)	(-1,133,000)	(-1,133,000)	(+5,653,971)
Rental payments	135,200,000	137,581,000	127,447,000	129,500,000	127,447,000	-7,753,000
Minority business resource center program	1,900,000	1,900,000	1,900,000	1,900,000	1,900,000	.....
(Limitation on direct loans)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	.....
Minority business outreach	2,900,000	2,900,000	2,900,000	2,900,000	2,900,000	.....
Total, Office of the Secretary	210,963,000	211,250,000	194,637,000	196,250,000	193,787,000	-17,176,000
(Limitations on obligations)	(22,600,000)	(21,922,000)	(10,000,000)	(25,900,000)	(25,900,000)	(+3,300,000)
Total budgetary resources	(233,563,000)	(233,172,000)	(204,637,000)	(222,150,000)	(219,687,000)	(-13,876,000)
Coast Guard						
Operating expenses	2,278,991,000	2,519,350,000	2,609,100,000	2,331,350,000	2,319,725,000	+40,734,000
Defense function (050)	.....	118,500,000	.....	.....	.....	.....
(Transfer from DOD)	(300,000,000)	.....	.....	(300,000,000)	(300,000,000)	.....
Acquisition, construction, and improvements:						
Offsetting collections	.....	-20,000,000	-20,000,000	.....	.....	.....
Vessels	167,600,000	237,000,000	205,600,000	227,960,000	216,500,000	+48,900,000
Aircraft	12,000,000	21,400,000	18,300,000	19,040,000	18,040,000	+6,040,000
Other equipment	49,200,000	46,700,000	39,900,000	46,200,000	41,700,000	-7,500,000
Shore facilities & aids to navigation facilities	88,875,000	59,500,000	47,950,000	52,900,000	52,350,000	-36,525,000
Personnel and related support	44,700,000	47,000,000	46,250,000	47,000,000	46,250,000	+1,550,000
Rescission, FY 1995	.....	.....	-355,000	.....	.....	.....
Rescission, FY 1996	.....	.....	-3,400,000	.....	.....	.....
Subtotal, A C & I appropriations	362,375,000	411,600,000	358,000,000	393,100,000	374,840,000	+12,465,000
Adjustments	.....	-20,000,000	-23,755,000	.....	.....	.....
Net total, A C & I	362,375,000	391,600,000	334,245,000	393,100,000	374,840,000	+12,465,000
Environmental compliance and restoration	21,000,000	25,000,000	21,000,000	23,000,000	22,000,000	+1,000,000
Port Safety Development	15,000,000	.....	.....	5,000,000	5,000,000	-10,000,000
Alteration of bridges	16,000,000	2,000,000	16,000,000	10,000,000	16,000,000	.....
Retired pay	582,022,000	608,084,000	608,084,000	608,084,000	608,084,000	+26,062,000
Reserve training	62,000,000	65,890,000	65,890,000	65,890,000	65,890,000	+3,890,000
Research, development, test, and evaluation	18,000,000	20,300,000	19,000,000	19,550,000	19,200,000	+1,200,000
Boat safety (Aquatic Resources Trust Fund)	20,000,000	.....	35,000,000	10,000,000	35,000,000	+15,000,000
Total, Coast Guard	3,375,388,000	3,750,724,000	3,708,319,000	3,465,974,000	3,465,739,000	+90,351,000
Federal Aviation Administration						
Operations	4,645,712,000	4,918,269,000	4,900,000,000	4,899,957,000	4,900,000,000	+254,288,000
Offsetting Collections	.....	-150,000,000	-30,000,000	-75,000,000	-75,000,000	-75,000,000
Facilities & equipment (Airport & Airway Trust Fund)	1,934,883,000	1,788,700,000	1,800,000,000	1,788,700,000	1,790,000,000	-144,883,000
Rescission	(-60,000,000)	.....	.....	.....	.....	(+60,000,000)
Research, engineering, and development (Airport and Airway Trust Fund)	185,698,000	195,700,000	185,000,000	188,490,000	187,412,000	+1,714,000
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	.....
(Limitation on obligations)	(1,450,000,000)	(1,350,000,000)	(1,300,000,000)	(1,460,000,000)	(1,460,000,000)	(+10,000,000)
Rescission of contract authority	(-664,000,000)	.....	.....	.....	.....	(+664,000,000)
Aircraft purchase loan guarantee program (indefinite borrowing authority)	50,000	.....	.....	.....	.....	-50,000
(Limitation on borrowing authority)	(1,600,000)	.....	.....	.....	.....	(-1,600,000)
Total, Federal Aviation Administration	6,766,343,000	6,752,669,000	6,855,000,000	6,802,147,000	6,802,412,000	+36,069,000
(Limitations on obligations)	(1,450,000,000)	(1,350,000,000)	(1,300,000,000)	(1,460,000,000)	(1,460,000,000)	(+10,000,000)
Total budgetary resources	(8,216,343,000)	(8,102,669,000)	(8,155,000,000)	(8,262,147,000)	(8,262,412,000)	(+46,069,000)

H.R. 2002 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 1997 — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Highway Administration						
Limitation on general operating expenses	(509,660,000)	(652,905,000)	(510,981,000)	(534,846,000)	(521,114,000)	(+11,454,000)
Highway-related safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(11,000,000)	(2,049,000)	(2,049,000)	(2,049,000)	(2,049,000)	(-8,951,000)
(Limitation on obligations)	(11,000,000)					(-11,000,000)
Rescission of contract authority	(-9,000,000)					(+9,000,000)
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(17,550,000,000)	(17,714,000,000)	(17,550,000,000)	(17,650,000,000)	(18,000,000,000)	(+450,000,000)
(Exempt obligations) (sec. 310)	(2,331,507,000)	(1,314,802,000)	(2,055,000,000)	(2,055,000,000)	(2,055,000,000)	(-276,507,000)
(Liquidation of contract authorization)	(19,200,000,000)	(19,800,000,000)	(19,800,000,000)	(19,800,000,000)	(19,800,000,000)	(+600,000,000)
Emergency appropriations	(300,000,000)					(-300,000,000)
Right-of-way revolving funds (Highway Trust Fund)				8,000,000		
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(68,000,000)	(74,000,000)	(74,000,000)	(74,000,000)	(74,000,000)	(+6,000,000)
(Limitation on obligations)	(77,225,000)	(85,000,000)	(77,425,000)	(79,000,000)	(78,225,000)	(+1,000,000)
Rescission of contract authority	(-33,000,000)					(+33,000,000)
Alameda corridor project loan program		58,680,000				
Alameda corridor project loan limitation		(400,000,000)				
State infrastructure banks (Highway Trust Fund)		250,000,000		250,000,000		
State infrastructure banks					150,000,000	+150,000,000
Total, Federal Highway Administration		308,680,000		258,000,000	150,000,000	+150,000,000
(Limitations on obligations)	(17,638,225,000)	(17,799,000,000)	(17,627,425,000)	(17,729,000,000)	(18,078,225,000)	(+440,000,000)
(Exempt obligations)	(2,331,507,000)	(1,314,802,000)	(2,055,000,000)	(2,055,000,000)	(2,055,000,000)	(-276,507,000)
Total budgetary resources	(19,969,732,000)	(19,422,482,000)	(19,682,425,000)	(20,042,000,000)	(20,283,225,000)	(+313,493,000)
National Highway Traffic Safety Administration						
Operations and research	73,316,570	98,976,000	81,895,000	80,000,000	80,900,000	+7,583,430
Operations and research (Highway Trust Fund)	51,884,430	59,537,000	50,377,000	53,195,000	51,712,000	-172,430
Subtotal, Operations and research	125,201,000	158,513,000	132,272,000	133,195,000	132,612,000	+7,411,000
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(155,100,000)	(191,000,000)	(167,100,000)	(169,100,000)	(168,100,000)	(+13,000,000)
State and community highway safety grants (Sec. 402) (limitation on obligations)	(127,700,000)	(151,200,000)	(127,700,000)	(129,700,000)	(128,700,000)	(+1,000,000)
National Driver Register (Sec. 402) (limitation on obligations)	(2,400,000)	(2,400,000)	(2,400,000)	(2,400,000)	(2,400,000)	
Highway safety grants (Sec. 1003(a)(7)) (limitation on obligations)		(15,000,000)	(11,000,000)	(12,000,000)	(11,500,000)	(+11,500,000)
Alcohol-impaired driving countermeasures programs (Sec. 410) (limitation on obligations)	(25,000,000)	(25,000,000)	(26,000,000)	(25,000,000)	(25,500,000)	(+500,000)
Rescission of contract authority	(-56,000,000)					(+56,000,000)
Total, National Highway Traffic Safety Administration	125,201,000	158,513,000	132,272,000	133,195,000	132,612,000	+7,411,000
(Limitations on obligations)	(155,100,000)	(193,600,000)	(167,100,000)	(169,100,000)	(168,100,000)	(+13,000,000)
Total budgetary resources	(280,301,000)	(352,113,000)	(299,372,000)	(302,295,000)	(300,712,000)	(+20,411,000)
Federal Railroad Administration						
Office of the Administrator	14,018,000	16,883,000	16,469,000	16,739,000	16,739,000	+2,721,000
Railroad safety	49,919,000	51,864,000	51,407,000	51,407,000	51,407,000	+1,488,000
Railroad research and development	24,550,000	24,565,000	20,341,000	20,000,000	20,100,000	-4,450,000
Northeast corridor improvement program	115,000,000	200,000,000		200,000,000	115,000,000	
Railroad rehabilitation & improvement program (Sec. 511 loan guarantees)				4,158,000		
(Limitation on direct loans)				(75,000,000)		
High-speed rail trainsets and facilities		80,000,000	80,000,000	80,000,000	80,000,000	+80,000,000
Next generation high speed rail	19,205,000	26,525,000	19,757,000	26,525,000	24,757,000	+5,552,000
Trust fund share of next generation high-speed rail (Highway Trust Fund):						
(Liquidation of contract authorization)	(7,118,000)	(2,855,000)	(2,855,000)	(2,855,000)	(2,855,000)	(-4,263,000)
(Limitation on obligations)	(5,000,000)					(-5,000,000)
Alaska Railroad rehabilitation	10,000,000			10,000,000	10,000,000	
Rhode Island Rail Development	1,000,000	10,000,000	4,000,000	10,000,000	7,000,000	+6,000,000
Direct loan financing program			58,680,000			
Direct loan financing program limitation			(400,000,000)			
Grants to the National Railroad Passenger Corporation:						
Operations	305,000,000	342,000,000	342,000,000	342,000,000	342,000,000	+37,000,000
Transition costs	100,000,000					-100,000,000
Capital	230,000,000	296,500,000	120,000,000	250,000,000	223,450,000	-6,550,000
Total	635,000,000	638,500,000	462,000,000	592,000,000	565,450,000	-69,550,000
Total, Federal Railroad Administration	868,692,000	1,048,337,000	712,654,000	1,010,829,000	890,453,000	+21,761,000
(Limitations on obligations)	(5,000,000)					(-5,000,000)
Total budgetary resources	(873,692,000)	(1,048,337,000)	(712,654,000)	(1,010,829,000)	(890,453,000)	(+16,761,000)

H.R. 2002 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 1997 — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Transit Administration						
Administrative expenses	42,000,000	43,652,000	41,367,000	42,147,000	41,497,000	-503,000
Formula grants	942,925,000	221,122,000	490,000,000	218,335,000	490,000,000	-452,925,000
Formula grants (Highway Trust Fund) (limitation on obligations)	(1,110,000,000)	(1,930,850,000)	(1,562,925,000)	(1,930,850,000)	(1,659,185,000)	(+549,185,000)
Operating assistance grants	(400,000,000)	(500,000,000)	(400,000,000)	(400,000,000)	(400,000,000)	.....
Subtotal, Formula grants	(2,052,925,000)	(2,151,972,000)	(2,052,925,000)	(2,149,185,000)	(2,149,185,000)	(+96,260,000)
University transportation centers	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	.....
Transit planning and research	85,500,000	85,500,000	85,500,000	85,500,000	85,500,000	.....
Metropolitan planning	(39,500,000)	(39,500,000)	(39,500,000)	(39,500,000)	(39,500,000)	.....
Rural transit assistance	(4,500,000)	(4,500,000)	(4,500,000)	(4,500,000)	(4,500,000)	.....
Transit cooperative research	(8,250,000)	(8,250,000)	(8,250,000)	(8,250,000)	(8,250,000)	.....
National planning and research	(22,000,000)	(22,000,000)	(22,000,000)	(22,000,000)	(22,000,000)	.....
State planning and research	(8,250,000)	(8,250,000)	(8,250,000)	(8,250,000)	(8,250,000)	.....
National transit institute	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	.....
Subtotal, Transit planning and research	(85,500,000)	(85,500,000)	(85,500,000)	(85,500,000)	(85,500,000)	.....
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(1,120,850,000)	(1,920,000,000)	(1,920,000,000)	(1,920,000,000)	(1,920,000,000)	(+799,150,000)
Discretionary grants (Highway Trust Fund) (limitation on obligations):						
Fixed guideway modernization	(666,000,000)	(725,000,000)	(666,000,000)	(725,000,000)	(760,000,000)	(+94,000,000)
Bus and bus-related facilities	(333,000,000)	(274,000,000)	(333,000,000)	(375,000,000)	(380,000,000)	(+47,000,000)
New starts	(666,000,000)	(800,000,000)	(666,000,000)	(800,000,000)	(760,000,000)	(+94,000,000)
Subtotal, Discretionary grants	(1,665,000,000)	(1,799,000,000)	(1,665,000,000)	(1,900,000,000)	(1,900,000,000)	(+235,000,000)
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,375,000,000)	(2,000,000,000)	(2,000,000,000)	(2,300,000,000)	(2,300,000,000)	(-75,000,000)
Washington Metropolitan Area Transit Authority	200,000,000	200,000,000	200,000,000	198,510,000	200,000,000	.....
Violent crime reduction programs (Violent Crime Reduction Trust Fund)	.....	10,000,000	.....	.....	.....	.....
Total, Federal Transit Administration	1,276,425,000	566,274,000	822,867,000	550,492,000	822,997,000	-453,428,000
(Limitations on obligations)	(2,775,000,000)	(3,729,850,000)	(3,227,925,000)	(3,830,850,000)	(3,559,185,000)	(+784,185,000)
Total budgetary resources	(4,051,425,000)	(4,296,124,000)	(4,050,792,000)	(4,381,342,000)	(4,382,182,000)	(+330,757,000)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	10,150,000	10,065,000	10,037,000	10,337,000	10,337,000	+187,000
Research and Special Programs Administration						
Research and special programs	23,937,000	28,169,000	23,929,000	27,675,000	26,886,000	+2,949,000
Hazardous materials safety	(12,650,000)	(12,812,000)	(12,772,000)	(15,572,000)	(15,472,000)	(+2,822,000)
Emergency transportation	(1,022,000)	(993,000)	(993,000)	(993,000)	(993,000)	(-29,000)
Research and technology	(3,288,000)	(7,488,000)	(3,323,000)	(4,269,000)	(3,580,000)	(+292,000)
Program and administrative support	(7,388,000)	(6,876,000)	(6,841,000)	(6,841,000)	(6,841,000)	(-547,000)
Accountwide adjustment	(-411,000)	.....	.....	.....	.....	(+411,000)
Subtotal, research and special programs	(23,937,000)	(28,169,000)	(23,929,000)	(27,675,000)	(26,886,000)	(+2,949,000)
Pipeline safety (Pipeline Safety Fund)	28,750,000	31,500,000	28,460,000	28,750,000	28,460,000	-290,000
Pipeline safety (Oil Spill Liability Trust Fund)	2,698,000	2,528,000	2,528,000	2,528,000	2,528,000	-170,000
Subtotal, Pipeline safety	31,448,000	34,028,000	30,988,000	31,278,000	30,988,000	-460,000
Emergency preparedness grants:						
Emergency preparedness fund	400,000	200,000	200,000	200,000	200,000	-200,000
(Limitation on obligations)	(8,890,000)	.....	.....	.....	.....	(-8,890,000)
Total, Research and Special Programs Administration	55,785,000	62,397,000	55,117,000	59,153,000	58,074,000	+2,289,000
(Limitations on obligations)	(8,890,000)	.....	.....	.....	.....	(-8,890,000)
Total budgetary resources	(64,675,000)	(62,397,000)	(55,117,000)	(59,153,000)	(58,074,000)	(-6,601,000)
Office of Inspector General						
Salaries and expenses	40,238,000	39,771,000	39,450,000	39,700,000	37,900,000	-2,338,000
Bureau of Transportation Statistics						
Salaries and expenses	2,200,000	.....	.....	.....	.....	-2,200,000
Office of Airline Information (Airport & airway trust fund)	.....	3,100,000	.....	.....	.....	.....
Surface Transportation Board						
Salaries and expenses	.....	3,000,000	12,344,000	12,344,000	12,344,000	+12,344,000
Offsetting Collections	.....	-3,000,000	.....	.....	.....	.....

H.R. 2002 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 1997 — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
General Provisions						
Bureau of Transportation Statistics (transfer from Federal-aid Highways)	(20,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(+5,000,000)
Transportation Administrative Service Center reduction	-7,500,000	.....	-10,000,000	-10,000,000	-10,000,000	-2,500,000
DOT field office consolidation (sec. 335)	-25,000,000	.....	.....	.....	.....	+25,000,000
ICC transition (sec. 344)	8,421,000	.....	.....	.....	.....	-8,421,000
Total, title I, Department of Transportation (net)	11,862,519,029	12,893,968,627	12,502,964,000	12,514,588,000	12,552,822,000	+690,302,971
Appropriations	(12,707,306,000)	(12,911,780,000)	(12,536,452,000)	(12,528,421,000)	(12,566,655,000)	(-140,651,000)
Rescissions	(-844,786,971)	(-17,811,373)	(-33,488,000)	(-13,833,000)	(-13,833,000)	(+830,953,971)
(Limitations on obligations)	(22,054,815,000)	(23,094,372,000)	(22,332,450,000)	(23,214,850,000)	(23,291,410,000)	(+1,236,595,000)
(Exempt obligations)	(2,331,507,000)	(1,314,802,000)	(2,055,000,000)	(2,055,000,000)	(2,055,000,000)	(-276,507,000)
Total budgetary resources including (limitations on obligations) and (exempt obligations)	(36,248,841,029)	(37,303,142,627)	(36,890,414,000)	(37,784,438,000)	(37,899,232,000)	(+1,650,390,971)
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	3,500,000	3,540,000	3,540,000	3,540,000	3,540,000	+40,000
National Transportation Safety Board						
Salaries and expenses	38,774,000	42,407,000	42,407,000	42,407,000	42,407,000	+3,633,000
Emergency fund	360,802	.....	.....	.....	.....	-360,802
Total, National Transportation Safety Board	39,134,802	42,407,000	42,407,000	42,407,000	42,407,000	+3,272,198
Interstate Commerce Commission						
Salaries and expenses	13,379,000	.....	.....	.....	.....	-13,379,000
Payments for directed rail service (limitation on obligations)	(475,000)	.....	.....	.....	.....	(-475,000)
Total, Interstate Commerce Commission	(13,854,000)	.....	.....	.....	.....	(-13,854,000)
Panama Canal Commission						
Panama Canal Revolving Fund:						
(Limitation on administrative expenses)	(52,741,000)	.....	.....	.....	.....	(-52,741,000)
Total, title II, Related Agencies	56,013,802	45,947,000	45,947,000	45,947,000	45,947,000	-10,066,802
(Limitation on obligations)	(475,000)	.....	.....	.....	.....	(-475,000)
Total budgetary resources	(56,488,802)	(45,947,000)	(45,947,000)	(45,947,000)	(45,947,000)	(-10,541,802)
TITLE III - GENERAL PROVISIONS						
General Provision 310	.....	(-41,000,000)	.....	.....	.....	.....
General Provision 310(f)	.....	-306,000,000	.....	.....	.....	.....
Sec. 338 - National Civil Aviation Review Commission	.....	.....	2,400,000	.....	2,400,000	+2,400,000
Total appropriations (net)	11,918,532,831	12,633,915,627	12,551,311,000	12,560,535,000	12,601,169,000	+682,636,169
Scorekeeping adjustments	368,676,148	-6,000,000	-1,000,000	-2,513,604	-2,513,604	-371,189,752
Grand total (net)	12,287,208,979	12,627,915,627	12,550,311,000	12,558,021,396	12,598,655,396	+311,446,417
Appropriations	(13,131,995,950)	(12,645,727,000)	(12,583,799,000)	(12,571,854,396)	(12,612,488,396)	(-519,507,554)
Rescissions	(-844,786,971)	(-17,811,373)	(-33,488,000)	(-13,833,000)	(-13,833,000)	(+830,953,971)
(Limitations on obligations)	(22,055,290,000)	(23,053,372,000)	(22,332,450,000)	(23,214,850,000)	(23,291,410,000)	(+1,236,120,000)
(Exempt obligations)	(2,331,507,000)	(1,314,802,000)	(2,055,000,000)	(2,055,000,000)	(2,055,000,000)	(-276,507,000)
Grand total budgetary resources including (limitations on obligations) and (exempt obligations)	(36,674,005,979)	(36,996,089,627)	(36,937,761,000)	(37,827,871,396)	(37,945,065,396)	(+1,271,059,417)
CONGRESSIONAL BUDGET RECAP						
Total mandatory and discretionary	12,287,208,979	12,627,915,627	12,550,311,000	12,558,021,396	12,598,655,396	+311,446,417
Mandatory	582,072,000	608,084,000	608,084,000	608,084,000	608,084,000	+26,012,000
Discretionary:						
Crime trust fund	.....	10,000,000	.....	.....	.....	.....
General purposes:						
Defense (050)	.....	118,500,000	.....	.....	.....	.....
Nondefense	11,705,136,979	11,891,331,627	11,942,227,000	11,949,937,396	11,990,571,396	+285,434,417
Total, General purposes	11,705,136,979	12,009,831,627	11,942,227,000	11,949,937,396	11,990,571,396	+285,434,417
Total, Discretionary	11,705,136,979	12,019,831,627	11,942,227,000	11,949,937,396	11,990,571,396	+285,434,417

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

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

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

I am pleased to rise in support of the conference agreement on fiscal year 1997 transportation appropriations bill.

Mr. Speaker, they say in United States there are really only two kinds of folks, Texans and those who want to be Texans. So for those of us from Texas, while we certainly appreciate Virginia and the great State represented by the chairman of this particular subcommittee, we also believe that in working with the Virginians, we have been able to accomplish a great deal this year for the rest of the country. Indeed, the leadership of the gentleman from Virginia, FRANK WOLF, showed itself to be invaluable once again this year.

This measure is the last transportation appropriations bill that I will be able to manage for the minority on the House floor. It has been a pleasure and honor to work and act as the ranking minority member on the Subcommittee on Transportation appropriations for these last 2 years, a subcommittee on which I have served 8 years of my tenure here in the Congress. The cooperation of the gentleman from Virginia, working not just with me but with other members of the subcommittee, is well known and well documented.

I would also like to thank the minority members of that subcommittee, the gentleman from Wisconsin [Mr. OBEY], the ranking Democrat on the full committee, the gentleman from Minnesota [Mr. SABO], the gentleman from Illinois [Mr. DURBIN], and the gentleman from Pennsylvania [Mr. FOGLIETTA]. Their services on my behalf and on behalf of this transportation bill were also invaluable.

Their insight on various transportation issues that they brought before our subcommittee made their advice both valuable and appreciated by all of us.

I do also want to thank the staff, Mr. Blazey, Mr. Efford, Ms. Gupta, Ms. Muir of the majority staff; and certainly on the minority staff, Cheryl Smith. On my own personal staff Christy Cockburn and Laura McKinney worked very hard to see this bill through.

This conference agreement is certainly one we can all be proud of. It does have strong bipartisan support. This conference report takes the best elements from the respective versions of the transportation appropriations bill as passed by the House and the Senate.

Mr. Speaker, I am pleased to rise in support of the conference agreement on the fiscal year 1997 Transportation appropriations bill. I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, this measure is the last Transportation appropriations bill that I will manage for the minority on the House floor. It has been my pleasure and honor to be the acting ranking minority member on the Transportation Appropriations Subcommittee for the past 2 years, and to have been a member of the subcommittee for the past 8 years.

I would like to thank the chairman, Mr. WOLF, for his cooperation in working with me and the other members of the subcommittee. I especially want to acknowledge the Democratic subcommittee members—Mr. OBEY, Mr. SABO, Mr. DURBIN, and Mr. FOGLIETTA—for their fine work and insight on the various transportation issues that have come before our subcommittee. I have valued their advice and appreciated their collegiality.

I also want to thank the staff—John Blazey, Rich Efford, Stephanie Gupta, Linda Muir of the majority staff, and Cheryl Smith of the minority staff, and Christy Cockburn, Laura McKinney of my staff—for their hard work on this bill.

This conference agreement is one that we all can be proud of. It has strong bipartisan support. This conference report takes the best elements from the respective versions of the Transportation appropriations bill as passed by the House and the Senate.

The conference agreement provides $12 billion in new budget authority, and $37.9 billion in total budgetary resources for important transportation investments. It is well within the 602(B) allocation allotted to this bill.

I am pleased to note that the conference agreement provides significantly increased resources for the major transportation infrastructure programs:

It provides $18 billion in new spending authority for the Federal Highway Program—$450 million more than in 1996.

It provides $1.46 billion in new spending authority for the Airport Improvement Program—slightly more than in 1996.

It provides $2.15 billion in new spending authority for transit formula grants—$100 million more than in 1996 for capital investments and $400 million for transit operating subsidies, the same amount as in 1996.

It provides $1.9 billion for discretionary grants to maintain and expand mass bus and transit transportation for citizens in both urban and rural communities across the country.

It provides $150 million in new funding for state infrastructure banks, an important administration initiative to help States leverage private investment for highway and transit projects.

Mr. Speaker, thousands of Americans use Amtrak and Commuter Rail Transportation to get to work and for leisure travel. We have seen in the past year, growing evidence that keeping Amtrak alive and well is vital not only in the Northeast cooridor, but throughout the country. I am pleased that the conference agreement provides $339 million for Amtrak infrastructure investments in the Northeast corridor and on other Amtrak routes throughout the country. These additional funds are a prerequisite for, but not a guarantee of, Amtrak's survival and future self-sufficiency. Clearly, unless additional funds for infrastructure improvements will have to be provided to Amtrak in the future if it is to become truly self-sufficient.

Mr. Speaker, with the rash of tragic aviation accidents this year, we are all concerned about airline security and safety. The conference agreement provides a 5 percent increase in funding for FAA operations, including the Nation's air traffic control system. The $4.9 billion provided in the bill for FAA operations will enable the FAA to hire 500 new air traffic controllers, and 367 new aviation safety and certification inspectors. The conference agreement also includes nearly $1 million in additional funds to enhance the FAA security office.

This bill does not address the additional $198 million requested by the administration to increase security at our Nation's airports, as part of the administration's larger, $1.1 billion, package to fight terrorism. Nonetheless, I am hopeful that we can include these additional resources in the continuing resolution that must be adopted before we adjourn this year.

In addition, this conference agreement does not include funding as requested by the administration for the Alameda Corridor Rail Project in California—a project that has strong support on both sides of the aisle. However, my understanding is that agreement has been reached to include this project in the continuing resolution when the CR is considered by the House.

Mr. Speaker, this conference report includes other worthy provisions, too numerous to mention now, but they are all detailed in the statement of managers on the conference report.

In closing, let me say that this conference report is a reasonable compromise between the House and Senate bills, while still protecting the priorities of the House. I urge the adoption of the conference agreement and I yield back the balance of my time.

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

Mr. WOLF. Mr. Speaker, I yield 4 minutes to the gentleman from the great State of Alabama [Mr. CALLAHAN].

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

Mr. CALLAHAN. Mr. Speaker, there has been a lot of partisan activity on the floor of this House during the last several months. I know it must be very confusing to the people that are watching C–SPAN. They hear we are going to do things like cut Medicare and then they hear from someone else saying, no, we are not going to cut Medicare. They hear all of this partisan debate, and 90 percent of the debate that takes place on the floor of this House, especially at this time during the election process, is partisan.

We are not trying to convince anyone that this is a good transportation bill or a bad transportation bill. We are talking about whether or not whatever they say is going to be interpreted by some of those Americans listening and making a decision on whether or not to vote for a Republican President or a Democratic President, or whether to have a Republican controlled House or a democratically controlled House.

But behind the scenes, during all of this frivolous activity that takes place on the floor, there are people like the gentleman from Virginia, FRANK WOLF, people like the gentleman from Texas, RON COLEMAN, a Republican and a Democrat, who have a Republican staff and a Democratic staff who are doing

the work that they are supposed to be doing, doing the work that this body is supposed to be doing: Making certain that the Coast Guard is adequately funded to defend our shores; making certain that Amtrak gets a responsible amount of money and does a responsible job with that money that we appropriate for them; making sure that FAA has an adequate amount of money; to make sure that the people who travel on airplanes travel safely; making certain that our highway programs are adequately funded to ensure that we will maintain what we have today, and that is the best transportation system anyplace in the world.

So while we are out here bickering over all these other things, these two guys and their staffs and their subcommittees have been behind the scenes doing their responsible work.

There are some things in this bill that I disagree with. I am sorry that they chose not to ensure that the rail transportation station between Mobile and New Orleans was not funded. But they did the best they could do with the money that they have; ensuring, No. 1, that we are going to reduce the level of deficit spending; and ensuring, No. 2, that they have a fair and equitable report to bring to this committee. Both of these individuals and their staffs have put in literally hundreds of hours to bring us to this point today.

There are no demonstration projects in this bill. When I joined this subcommittee, I thought, boy, this is going to be a great day. Everything that I can dream up, all I am going to have to do, because I am a member of this subcommittee, is bring it to these two guys and smile at them and say I need this demonstration project. But for the first time in a great number of decades, we are doing it and they are doing it responsibly.

They are letting the States decide the priorities of the money that is available, and that is the way it should be. Politically, it might be to my advantage to go home and say, well, I got some special money put in this bill to build a new bridge. But from a responsible legislative point of view, FRANK WOLF and RON COLEMAN did it right.

So I am here to commend them today and to encourage my colleagues to accept this report, because it is the best that we can do. It has nothing to do with whether we are a Democrat or a Republican or whether we are going to vote for Bob Dole or whether we are going to vote for Bill Clinton. This is what we are here to do; that is to fund these programs that are in this bill.

I urge my colleagues to support this conference report.

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Mr. COLEMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Speaker, I rise in strong support of the conference agreement on H.R. 3675. I would like to thank the gentleman from Virginia [Mr. WOLF] and the gentleman from Texas [Mr. COLEMAN], our ranking member, and the Committee on Appropriations staff for their assistance in eliminating an environmental and safety hazard posed by more than 30 abandoned barges in my district.

I would also like to thank city of Baytown Mayor Pete Alfaro, Harris County Commissioner Jim Fonteno, and Texas State Represtative Fred Bosse, along with the San Jacinto River Association and the Banana Bend Civic Association, for bringing this problem to my attention.

Mr. Speaker, the U.S. Coast Guard found in a 1995 study that these long-abandoned barges posed a potential threat to the health and public safety for the people who lived on or used the San Jacinto River in Texas. Furthermore, during the massive flooding that occurred in southeast Texas in 1994, one of these barges caught fire, causing the shutdown of I–10 in east Harris County and resulting in severe traffic problems for many days.

Mr. Speaker this conference agreement provides funds for removing these abandoned barges from the San Jacinto River and the Houston Ship Channel. Last February, I asked the Coast Guard to develop a plan for the disposal of the barges under the authority of the Barge Removal Act. This Federal law, passed by Congress in 1992, grants power to the Coast Guard to remove any abandoned barge after attempts to identify the owners have been exhausted.

Mr. Speaker, the Coast Guard has made every reasonable attempt to locate the barges' owners, and not it is time to stop the search and begin the removal process. I appreciate the hard work of both the chairman and the ranking member in working on this.

Mr. Speaker, I would also like to take this opportunity to thank my colleague, the gentleman from Texas [Mr. COLEMAN]. It has been a real pleasure to work with him as a colleague, because it was about 10 years ago that I had the opportunity to work for him as a staff member on both his personal staff and on the committee staff, and I can tell my colleagues in the House, since this is the last bill that he will be working on as one of the managers, that he has done a great service for not only the people of the 16th District of Texas, but also the people of Texas and the people of the United States.

Mr. Speaker, I commend the gentleman for his service, and I appreciate both his assistance and the assistance of the gentleman from Virginia [Mr. WOLF], I urge my colleagues to support this conference report.

Mr. COLEMAN. Mr. Speaker, I yield 4½ minutes to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman, and I also want to thank the gentleman from Texas [Mr. COLEMAN] for all his work in his tenure here. He has not only developed the expertise and the technical knowledge, but he approaches the job with a sense of balance and a sense of humor that helps us all. I thank him for his friendship and mentoring while I have been a Member.

Mr. Speaker, we all recognize the need that exists to invest in our transportation infrastructure. I, therefore, somewhat reluctantly rise today in opposition to this conference report.

Mr. Speaker, in every State, in every municipality, the need for funds to repair or build new highways, bridges, or public transportation systems far exceeds our ability to pay for these needed improvements. Nowhere is this need more pronounced than for our Nation's regional and short-line railroads. That is why I cannot understand why this conference committee removed the funds that the Senate provided for section 511, the Railroad Rehabilitation and Improvement Program.

Mr. Speaker, this was not a lot of money. The Senate provided only $4 million. But this appropriation would have had a beneficial effect that far outweighs this meager amount.

This small appropriation would have guaranteed a minimum of $75 million in private sector loans. Private sector loans. That is, for every dollar appropriated for section 511 loan guarantees, we would have received almost $20 in much-needed loan guarantees for our regional and short-line railroads.

These are not grants; these are loan guarantees that will be repaid, and these loans do not have a history of default. In fact, this loan program has one of the highest repayment rates of any government loan program. It is not corporate welfare. There were no earmarks. There was no pork. Regional and short-line railroads would have had to demonstrate economic viability to qualify for these loan guarantees. And while there were no earmarks on appropriation, section 511 would have had a tremendously beneficial effect for the economy of southern California.

Mr. Speaker, we have a project that enjoys widespread support, that will create tens of thousands of new jobs in San Diego and Imperial Counties, reestablishing what is called the San Diego and Arizona Eastern Railroad.

The lack of a direct rail link to the east is hampering the real growth potential of the San Diego economy. Currently, San Diego's few commercial rail shipments must first make a several hundred mile detour. Ships which would otherwise use the Port of San Diego are therefore forced to go elsewhere in search of faster rail routes to inland markets. As a result, our communities lose out on business opportunities and our port suffers from serious underuse.

Reestablishment of this San Diego and Arizona Eastern Railroad is one of the top priorities of everybody in San Diego and enjoys bipartisan support. The City of San Diego, the San Diego County Board of Supervisors, the San

Diego Association of Governments, the Port of San Diego, the Greater San Diego Chamber of Commerce, and the San Diego Economic Development Corporation all rank the reestablishment of this rail link as the highest priority for our area's economic development.

Many of our Nation's regional and short-line railroads find it difficult to obtain private financing for rail line improvements due to short terms and high interest rates. Government assistance in the form of loan guarantees often becomes the only viable means to rehabilitate these vital links in our transportation infrastructure.

Mr. Speaker, I believe that this section 511 program, because it is not a grant, because it is not even a loan, but a loan guarantee to leverage private sector loans, is precisely the type of public-private partnership this Congress ought to encourage.

Last year the chairman of the subcommittee joined me and several of my colleagues in a colloquy in support of this program. In that colloquy the chairman stated:

> I concur that these loan guarantees have proven to be reliable and can be a cost-effective and wise use of Federal transportation dollars. * * * I can assure you that I am sensitive to the needs of our regional and short-line rail lines. I will certainly consider funding the 511 Loan Guarantee Program if it is brought before a House-Senate conference.

The Senate came through. They appropriated funding for section 511 loan guarantees, and I congratulate my colleagues in the other body for their vision.

I just want to conclude, Mr. Speaker, by saying that unfortunately the conference committee as a whole did not demonstrate the same vision nor interest in revitalizing our regional and short-line railroads. For that reason, I must oppose the conference report.

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

Mr. OBEY. Mr. Speaker, I will not take as much time as the gentleman has yielded, but I simply want to take this time to urge support for this bill.

Mr. Speaker, I think it is a reasonably good bill in terms of meeting the country's transportation needs. I think it has been worked out in a very reasonable fashion. I think we need to move on and pass the bill.

Mr. Speaker, I congratulate the gentleman from Virginia [Mr. WOLF] and the gentleman from Texas [Mr. COLEMAN] for their work on it. I am also happy with the allocation of the highway funds for a number of States, including my own.

Let me also say that this will be the last time that the gentleman from Texas [Mr. COLEMAN] will be handling the bill for our side because of his ill-advised decision to retire. Let me simply say that I know the House will miss him. I certainly will miss him.

Mr. Speaker, I think he has demonstrated in the years that he has served in this House that he cares very deeply about the people and the district he represents. I think he has also demonstrated a passionate commitment to the needs of people in this society who most need our help. I think he has always dealt with every Member of this House with absolute total honesty and frankness.

Mr. Speaker, it takes about a second-and-a-half to figure out where RON COLEMAN is coming from on an issue. That is the way it ought to be with human beings, especially in this profession. And I want to thank the gentleman for his service to the country, I want to thank him for the many contributions he has made to this institution, and I want to thank both the gentleman from Virginia [Mr. WOLF] and the gentleman from Texas [Mr. COLEMAN] for the good job that they have done on this bill.

Mr. COLEMAN. Mr. Speaker, let me just close by thanking all of my colleagues for the kind words this afternoon. I would only say that it has been a distinct honor and pleasure for me to have had the honor to serve with such fine Members and fine staff that we have produced here in these United States.

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

Ms. HARMAN. Mr. Speaker, I rise today in reluctant support of the conference report on H.R. 3675, the Department of Transportation Appropriations Act, 1997.

I am very disappointed that funding for the Alameda Corridor, a key southern California project with national significance, was not included in this conference report. While the project was supported by Members on both sides of the aisle and was included in both the House- and Senate-passed bills, political gamesmanship during conference led to the removal of this vital project from this legislation.

The Alameda Corridor rail consolidation project is crucial to southern California and the Nation and was recently designated as a high-priority corridor by the Federal Government. The project will bolster our economy by facilitating the movement of goods through the Ports of Long Beach and Los Angeles to American and international consumers. By the year 2010, the Alameda Corridor is expected to create an estimated 700,000 new jobs locally and nearly 6 million nationwide.

This project should have been included in the conference report under consideration today. I am working with my colleagues on both sides of the aisle to ensure that this project is funded this year.

While I am disappointed that Alameda Corridor funding was removed from the conference report, I am pleased to see that the legislation provides nearly $10 million for another key southern California transportation project—the advanced technology transit bus. Also known as the Stealth bus because it is constructed with the same graphite composite material used on Stealth bombers, the ATTB demonstrates how defense and aerospace technologies can be put to use in cutting-edge advanced transportation applications.

Additionally, I am glad that the conference report contains over $72 million for funding for security at our Nation's airports and am especially pleased that the conferees added nearly $1 million in additional security funds to the administration's request. Recent air tragedies in Florida and off Long Island have graphically underscored the need to direct more Federal attention to increasing aviation security. Enhanced aviation security is particularly important to my congressional district, which is home to the world's third busiest airport, LAX. Congress, the administration, airport operators, and airlines must all work together to battle this growing threat to our national security.

In conclusion Mr. Speaker, while this conference report is not perfect, I urge my colleagues to support it today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of the conference report on H.R. 3675, the Transportation appropriations for fiscal Year 1997. This report is an improvement on the already excellent legislation that passed this House. Included in these improvements are: Increased funding for Amtrak, $331 million for mass transit programs, and $450 million more for highways.

This bill provides funds for substantial improvements of service and safety in all facets of transportation across our Nation.

This bill improves safety in our skies by targeting $488 million for aviation regulation and safety certification activities which will allow the hiring of 500 additional air traffic controllers and 367 additional aviation safety inspectors and other oversight personnel. It increases air service by providing $26 million to subsidize airline services to smaller communities.

This bill also improves safety on our roads, especially by providing $18.0 billion from the highway trust fund for Federal-aid highway grants, which provides formula and other grants for the construction and repair of the Interstate Highway System and other primary and secondary roads and bridges.

This is a good bill that represents the work that Congress can accomplish when we work together for the good of the American people. I salute the work of Chairman WOLF and the ranking member, my colleague from Texas, Mr. COLEMAN, and the rest of the committee for the hard work and bipartisanship that produced such a quality piece of legislation.

I urge all of my colleagues to vote for the conference report and keep the American transportation system the best in the world.

Mr. PORTER. Mr. Speaker, I rise in strong support of the fiscal year 1997 Transportation appropriations conference report. This bill includes important report language impacting my district as well as the Chicago area as a whole.

I am very concerned over the implementation of the Swift Rail Act which preempts State rights to ban the blowing of train whistles at highway rail grade crossing regardless of the safety records at the individual crossings. This act does nothing more than apply a Washington-knows-best mandate to a matter of State and local jurisdiction. The impact of this law as enacted could be catastrophic to the Chicago area. Many of the communities I represent have five or more highway rail grade crossings running through them, and if train whistles are mandated to blow at every crossing 24 hours a day, people will be blasted out of their homes. The law does offer supplementary safety alternatives to the train whistles but they consist of costly unfunded Federal mandates. According to the law, communities can

construct four quadrant gates to replace the need for train whistles. However, four quadrant gates are completely unaffordable to most communities and amount to an unfunded Federal mandate.

Mr. Speaker, highway rail grade crossing safety is of paramount importance to me and I believe we can construct a solution to highway rail grade safety that is more palatable to communities than the Swift Rail Act. I am, therefore, pleased that Chairman WOLF supported the inclusion of the whistle ban language which instructs the Secretary of Transportation to consider the safety records of each individual highway-rail grade crossings and provide exceptions to the mandate where risk is limited. The language also asks the Secretary of Transportation to consider comprehensive local rail safety enforcement and public education programs as supplementary safety measures. Finally, the language specifies that where supplementary safety measures are deemed necessary, the particular characteristics of the crossing and the views of the affected community will be considered in determining the practicality of a proposed supplementary safety measure.

The adoption of this language provides the Federal Railroad Administration with an outline of how to develop a notice of proposed rulemaking governing the implementation of the Swift Rail Act and I look forward to a continued dialog with the Department and Chairman WOLF on this issue.

Mr. SHUSTER. Mr. Speaker, I rise in support of the fiscal year 1977 transportation appropriations bill conference report.

First and foremost, I want to thank Mr. LIVINGSTON, Mr. WOLF, Mr. OBEY, and Mr. COLEMAN, and their staff for the high level of consultation and cooperation with the Transportation and Infrastructure Committee in developing this bill.

Overall, the bill balances the need for a strong Federal role in transportation safety with the need to increase investment in our Nation's infrastructure. It increases funding for many important programs, including highway, transit, and aviation. In fact this bill exceeds the President's budget request for infrastructure funding.

The obligation limitation for the Federal-Aid Highway Program is at an all time record of $18 billion. The overall funding level for highways is over $20 billion, more than $1 billion higher than the President's request.

For the Transit Program, the overall level is also increased over the President's request—by almost $100 million. Federal transit funds help modernize, and maintain our transit systems. They also help build new systems. Good transit has an important role to play, especially in our large and congested cities. This bill will dispel the myth that this Congress is somehow hostile to transit and the transportation problems of our cities.

For aviation, the bill funds an increase of $254 million for operations over the fiscal year 1996 level. This increase will fund important safety functions and initiatives. The bill also provides funds to continue the modernization for the air traffic control system—a critical safety issue. Once again, for airport grants, the bill provides more funding than the President's request for $110 million for a total level of $1.46 billion. I believe, however, that there continue to be significant needs for additional Federal investment in our airports for both safety and capacity reasons.

I am particularly pleased at the high level of funds for the critical infrastructure programs funded from the highway and aviation trust funds.

Earlier this year, the House by an overwhelming margin passed a bill I sponsored—H.R. 842—to take these trust funds off-budget. This strong vote in support of transportation is a major reason that we have such high funding levels in this bill. While I applaud the appropriations committee's action in increasing trust fund expenditures, I remain committed to passage of the off-budget legislation to ensure that all trust fund moneys are spent for their dedicated purpose.

For the Coast Guard the committee has ensured that there are sufficient funds to continue all its missions. We strongly support the Coast Guard's important role in Drug interdiction. This is a vital Coast Guard mission that affects every community across this country.

There is report language accompanying this appropriations bill that encourages Amtrak, the Department of Transportation, and the States to explore using funds derived from the Congestion Mitigation and Air Quality Improvement [CMAQ] Program for intercity rail service. The CMAQ Program is part of the Federal-Aid Highway Program and is funded from the highway trust fund. Such a use of CMAQ funds is without statutory authority and is contrary to congressional intent.

The congressional intent in enacting the CMAQ Program was to assist nonattainment areas that do not meet the national ambient air quality standards [NAAQS] by funding projects that contribute to improving air quality. In order to be eligible, a project must either be listed as eligible under section 108(f)(1)(A) of the Clean Air Act or the EPA, in consultation with DOT, must publish information that it has determined that a project or program is likely to contribute to the attainment of the NAAQS. Intercity rail is not listed in section 108 (f)(1)(A) of the Clean Air Act, and, according to the DOT, the EPA has not made any findings that intercity rail is likely to contribute to meeting NAAQS. It is therefore very clear that intercity rail may not be funded under the CMAQ Program.

Last year, the Secretary of Transportation wrote a letter to Members of Congress concerning an application by the State of Oregon to use CMAQ funding for certain Amtrak service. The letter stated that ''since the service operates substantially outside the Portland nonattainment area, it would not normally be eligible for CMAQ funding.'' I fully agree with that statement.

That letter, however, goes on to state that ''given its importance to the area, however, I believe that it could be funded as an 'experimental pilot' * * *'' I believe that this statement is in error. It is not within the Secretary's discretion to waive certain very specific statutory provisions because an area believes its Amtrak service is important.

I certainly understand the concern of communities that are losing Amtrak service. Diverting funds from the highway trust fund and from projects that improve air quality, however, is not the answer. The reason Amtrak is being forced to close routes, such as the Texas Eagle, is that Amtrak is badly in need of reform, without which its ability to continue operating a national route system is very much in question. The freedom to make good business decisions, not more Government subsidies, offers Amtrak the best chance at long-term survival. The reforms contained in H.R. 1788, which was passed by the House by an overwhelming majority of 406 to 4 on November 30, 1995, would afford Amtrak the flexibility it needs to operate like a business and stretch scarce resources further.

These reforms include modifications to Amtrak's extremely costly severance benefits under which employees who are laid off due to a route elimination are eligible for up to 6 years full pay and benefits. H.R. 1788 would also allow for contracting out of work; which, except for food service, Amtrak is currently statutorily prohibited from doing. The bill also reforms Amtrak's liability arrangements. Without liability reform, the costs that Amtrak pays freight railroads for the use of their track are likely to rise substantially, leading to further cutbacks in passenger service. These reforms and others contained in H.R. 1788 are the key to improving and sustaining intercity rail service.

I wish to reiterate that the use of CMAQ funds for intercity rail service is not authorized under the law and language in the statement of managers in the transportation appropriations bill can not authorize such use of CMAQ funds.

Ms. FURSE. Mr. Speaker, I rise today to strongly support the conference report. I want to thank members of the subcommittee, particularly Mr. WOLF, for their work on behalf of the Westside light rail project in Oregon. Of course, no discussion of Westside light rail would be complete without thanking Senator MARK HATFIELD for his relentless support of this project. He is a good friend and has served our State with honor and dignity. It is a dramatic understatement to say that he will be missed.

The conference report today includes $138 million for the Westside-Hillsboro project in Oregon. Westside light rail is one of my top priorities in Congress, and I'm proud that today marks the fourth year in a row that record funding has been provided to this vital project. Previously appropriated funds for Westside light rail have been fully obligated, and the project is on schedule for opening in 1998.

As indicated by the bipartisan and diverse group which I helped organized to testify before the subcommittee earlier this year, light rail continues to enjoy strong support in the Portland area. In the 1990's, Oregon taxpayers have voted to put their money into the South-North and Westside projects by margins of 64 percent and 74 percent.

I am particularly pleased that this conference report also includes an additional $40 million in authorization for the Westside project. Earlier this year, I testified in the Transportation and Infrastructure Committee along with Tri-Met's general manager, Tom Walsh, in support of making this necessary change. I want to thank both Mr. WOLF and Mr. SHUSTER for agreeing to this language.

I'm also delighted that the conference report includes $6 million for the South-North light rail project. Light rail is integral to our region's future. As a region, we have developed a vision for liveable communities with less traffic and vibrant commerce which depends on regional and State land use decisions. The Portland metropolitan area's ability to handle our projected growth is predicated on the completion of light rail, and the South-North project is our region's next step toward making our vision a reality.

I want to thank everyone in the delegation who has supported this project, and urge my colleagues to support the conference report.

Mr. WOLF. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the conference report.

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

The vote was taken by electronic device, and there were—yeas 395, nays 19, not voting 19, as follows:

[Roll No. 419]

YEAS—395

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
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
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
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
Stokes
Studds
Stupak
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
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—19

Barrett (WI)
Beilenson
Berman
Cooley
Filner
Frank (MA)
Hancock
Hoekstra
Jacobs
Klug
Markey
Neal
Neumann
Olver
Royce
Sanford
Sensenbrenner
Stockman
Stump

NOT VOTING—19

Brown (CA)
Collins (IL)
Collins (MI)
Cubin
de la Garza
Durbin
Fazio
Fields (TX)
Furse
Ganske
Gibbons
Hastings (FL)
Hayes
Heineman
Herger
Jefferson
Johnston
Peterson (FL)
Torkildsen

□ 1351

Messrs. NEAL of Massachusetts, BARRETT of Wisconsin, HOEKSTRA, and MARKEY changed their vote from ''yea'' to ''nay.''

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1080. An act to amend chapters 83 and 84 of title 5, United States Code, to provide additional investment funds for the Thrift Savings Plan, to permit employees to gain additional liquidity in their Thrift Savings Accounts, and for other purposes;

S. 1965. An act to prevent the illegal manufacturing and use of methamphetamine;

S. 2085. An act to authorize the Capital Guide Service to accept voluntary services; and

S. Con. Res. 71. Concurrent resolution expressing the sense of the Senate with respect to the persecution of Christians worldwide.

''DEAR COLLEAGUE'' LETTER FROM THE PAST APPLICABLE TO THE PRESENT

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

Mr. HOKE. Mr. Speaker, I would like to read from a ''Dear Colleague'' that was signed by the gentleman from Georgia [Mr. LEWIS] who just spoke, as well as the gentleman from Missouri [Mr. VOLKMER] just a few years ago.

Quote,

As the Ethics Committee prepares its recommendations to the full House, it should release only the information which the committee agrees is relevant and necessary to support its findings. To ask a Member, any Member, to also respond in the court of public opinion to allegations, rumors and innuendo not deemed worthy of charge by the Committee would be totally unfair and a perversion of the process. Especially in a time of press sensationalism.

Public release of material not germane to formal Committee action would be similar to the process used during the Joe McCarthy era: Ignore the discipline of due process and firm evidence, and dump unproven allegations out in public and let the ensuing publicity destroy the person's reputation and career.

Signed, RICHARD GEPHARDT, PAT SCHROEDER, HAROLD VOLKMER, JOHN LEWIS, JOHN DINGELL, MARTIN FROST, et cetera.

Mr. Speaker, I include the following for the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, DC, April 13, 1986.

Re: Wright case raises crucial fairness issue

DEAR COLLEAGUE: Calls by some Members of this House for release of all gathered background material on Speaker Wright—no matter how irrelevant to specific recommendations of the Ethics Committee—threatens every Member of Congress. And it should offend every Member who values this institution and fair play.

We all support the ability and the obligation of the Ethics Committee to take a close, hard look at all responsibly made charges formally brought against any House Member. But, every Member, from the newest freshman up to the Speaker, is entitled to protection and fair treatment at the conclusion of the internal inquiry.

This requires that only supporting material on those charges the Committee decides to proceed on should be released. Releasing

the other material—unsubstantiated charges, rumors, innuendo and speculation—on Speaker Wright would be a terrible precedent for the House, threatens all Members and makes a mockery of fair play.

The Outside Counsel has followed every lead, pursued every rumor, and reported on each to the Committee. Appropriately so,

But as the Ethics Committee prepares its recommendations to the full House, it should release only the information which the Committee agrees is relevant and necessary to support its findings. To ask a Member, any Member, to also respond in the court of public opinion to allegations, rumors and innuendo not deemed worthy of charge by the Committee would be totally unfair and a perversion of due process. Especially in a time of press sensationalism.

Consider this: More than 70 Members of Congress were investigated in the outside counsel's inquiry into the sex/drugs page scandal in 1983, of which only two Members were eventually proceeded against. Would it have been fair to release unedited, unsubstantiated or inconsequential allegations that the Committee considered against the other 68 Members?

For the Ethics Committee to release raw material not deemed by the Committee to be worthy of formal action sets the stage for the ruination of any Member's career—possibly triggered by the political or personal animosity of any other Member or outside group.

Public release of material not germane to formal Committee action in the Wright case would be similar to the process used during the Joe McCarthy era: Ignore the discipline of due process and firm evidence, and dump unproven allegations out in public and let the ensuing publicity destroy the person's reputation and career.

Is that the procedure we want the House to adopt? Is that what this institution and our Ethics Committee stand for? We hope not.

We hope the Committee on Standards of Official Conduct will adhere to its distinguished history of fairness in the matter of releasing unsubstantiated, uncharged items. Fairness to all Members requires the same treatment now.

DAVE NAGLE.
JIM MOODY.
ROBERT T. MATSUI.

Below is a list of 100 Democrats who signed a ''Dear Colleague'' letter asking for the suppression of information in the Wright inquiry.

THESE MEMBERS DID NOT WANT FULL DISCLOSURE OF INFORMATION ON SPEAKER WRIGHT'S ETHICS

Alexander, Bill; Andrews, Michael; Bilbray, James; Borski, Robert; Brennan, Joseph; Brooks, Jack; Brown, George; Bryant, John; Bustamante, Albert; Campbell, Ben Nighthorse; Cardin, Benjamin; Chapman, Jim; Clarke, James McClure; Clay, William; Coleman, Ronald; Collins, Cardiss; Cooper, Jim; Coyne, William; Darden, George; DeFazio, Peter; de la Garza, E; Dellums, Ronald; Derrick, Butler; Dingell, John; Dorgan, Byron; Durbin, Richard; Dymally, Mervyn; Edwards, Don; Espy, Mike; Evans, Lane; Fascell, Dante; Flippo, Ronnie; Foglietta, Thomas; Ford, William; Frost, Martin; Garcia, Robert; Gejdenson, Sam; Gephardt, Richard; Gibbons, Sam; Glickman, Dan; Gordon, Bart; Harris, Claude; Hawkins, Augustine; Hayes, Charles; Hayes, James; Hefner, W.C. (Bill); Hughes, William; Jenkins, Ed; Jones, Ben.

Kaptur, Marcy; Kennedy, Joseph; Kennelly, Barbara; Kostmayer, Peter; Laughlin, Greg; Leath, Marvin; Lehman, Richard; Leland, Mickey; Levine, Mel; Lewis, John; Lowey, Nita; Luken, Thomas; McCloskey, Frank; McDermott, James; Manton, Thomas; Mavroules, Nicholas; Mfume, Kweisi; Moakley, Joe; Neal, Richard; Oberstar, James; Olin, Jim; Ortiz, Solomon; Owens, Major; Owens, Wayne; Payne, Donald; Pease, Donald; Penny, Timothy; Perkins, Carl; Pickle, J.J.; Rangel, Charles; Richardson, Bill; Rostenkowski, Dan; Roybal, Edward; Sabo, Martin; Savage, Gus; Sawyer, Thomas; Scheuer, James; Schroeder, Patricia; Slaughter, Louise; Staggers, Harley; Stenholm, Charles; Synar, Mike; Tallon, Robin; Tauzin, W.J. (Billy); Thomas, Robert; Unsoeld, Jolene; Volkmer, Harold; Williams, Pat; Wilson, Charles; Wise, Robert.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCINNIS). 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 Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

[Mr. DEFAZIO 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 Florida [Mr. GOSS] is recognized for 5 minutes.

[Mr. GOSS 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 Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON 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 Florida [Mr. BILIRAKIS] is recognized for 5 minutes.

[Mr. BILIRAKIS 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 Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

[Mr. SCARBOROUGH 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 Utah [Mr. HANSEN] is recognized for 5 minutes.

[Mr. HANSEN 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 Florida [Mr. WELDON] is recognized for 5 minutes.

[Mr. WELDON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

REVIEW OF TODAY'S HEARING IN THE COMMITTEE ON NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening, or this afternoon, to review a hearing that was held this morning in the House Committee on National Security. I think that this should be of concern to every Member of this body. The hearing this morning, which lasted for approximately 3 hours, had before us Secretary Perry; Secretary of Defense, General Shalikashvili, Chairman of our Joint Chiefs of Staff; and Gen. Wayne Downing, director of the Downing Assessment Task Force. General Downing is the author of the report that was done following the attack that resulted in the deaths of 19 of our troops in that housing complex in Saudi Arabia jut a few short months ago.

Mr. Speaker, this hearing today was important because it revealed some concerns that I raised that I think should be the concern of every Member of this institution. During the discussion by General Downing of his assessment of the attack on the barracks in Saudi Arabia, he made some very critical comments about the Pentagon and the Defense Department and what we should have done and could have done to better protect our troops.

First of all, Mr. Speaker, one of the suggestions that he made was that the Pentagon needed to provide more focus on the operation in the Middle East in terms of protecting our pilots and the enforcement of the no-fly zone for the Iraqis. It was because we did not have it as a separate line item in the budget where we could provide adequate resources, where we could have had the backup materials and equipment in place to better support the command officer in that theater. When he made that comment and that suggestion, I was taken aback, Mr. Speaker, because exactly 1 year ago the House Committee on National Security included as a part of our defense authorization bill a very specific requirement addressing that very concern because a year ago we felt the same thing. We felt there was not enough focus within the Pentagon in terms of prioritizing resources for the Middle Eastern operation. We asked for that, and even though the Pentagon certified to us just a few short weeks ago that they were doing that, in fact they in fact had not done that.

So here we were recommending something that now after the fact we find out perhaps helped cause the loss of life in that barracks.

Secondarily, Mr. Speaker, they said we need more focus on terrorism, and I pointed out in the hearing, and I will point out to our colleagues, that it was our Committee on National Security in a bipartisan manner and this House in cooperation with the other body that included over $200 million of additional funds for antiterrorism initiatives to properly protect our troops, and when we approved that funding this year the President and the Secretary of Defense were criticizing us, saying we were giving the military more money than what they needed. These very dollars that we plused up, $200 million, the technology work in the area of bombs and weapons and antiterrorism, could have helped us in this situation, yet we in fact were criticized.

□ 1400

What bothered me most this morning, Mr. Speaker, and should bother every American is the fact that now we know the Air Force has assigned a three-star general to look at accountability and to possibly instigate a court-martial proceeding against the general in charge of the operations in Saudi Arabia. What is so outrageous about that is that there is no one looking at the general's level above him in terms of culpability, only below him.

When I asked Secretary Perry this morning who is going to look at those above that general, including the CINC commander, including the Secretary himself and his staff, the Secretary of Defense told me that this same three-star general was tasked with that responsibility.

What that means, Mr. Speaker, is that we now have a three-star Air Force general who has been charged with investigating a four-star Air Force general who happens to be his commanding officer, who absolutely had control over these decisions. Mr. Speaker, that is outrageous. I have never heard of a fair process occurring when the person doing the investigation actually reports to the person who may in fact be a subject of the inquiry. That does not even include the Secretary himself.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman for his excellent question to the Secretary this morning. I was reminded, as the Secretary and others talked about responsibility, and responsibility being on the base commander, I was reminded of Stonewall Jackson's comment that defending Harpers Ferry was like trying to defend the bottom of a teacup. Somebody placed those thousands of Americans in the bottom of a teacup right next to public roads where terrorists could drive up or down in large trucks. Then we are charging the base commander with the responsibility for defending the bottom of that teacup.

I think the gentleman made exactly the right questions when he asked whether responsibility could go up as well as down.

NATIONAL SECURITY AND RESPONSIBILITY

The SPEAKER pro tempore (Mr. MCINNIS). Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I want to continue this discussion with my colleague, the gentleman from Pennsylvania [Mr. WELDON], concerning the national security hearings that just took place with the Secretary of Defense, Mr. Perry, and General Shalikashvili, chairman of the Joint Chiefs, and General Downing, the director of the task force assigned by the Secretary to investigate the bombing of the Khobar Towers.

I just want to ask the gentleman from Pennsylvania to go a little further into the assessment as to whether or not we should have an upward evaluation with respect to blame for this incident, as well as a downward direction, which appears to be the way it is going. It appears that blame is going to be laid at the feet of the base commander. Yet, there are a number of indications that show that this was an untenable position that this base commander was placed in.

As General Downing said this morning, he was dealt a fairly poor hand to begin with, because of a number of circumstances that he could not control.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

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

Mr. WELDON of Pennsylvania. Mr. Speaker, I appreciate the gentleman yielding. I would follow up by saying, and I think he would agree, Secretary Perry's statement was an eloquent statement. I think he did accept the responsibility himself for the incident, and I appreciate his candor in that regard.

Let me go further and state that the disappointment that we feel is that what is happening right now in the Pentagon is exactly what the New York Times today editorialized on. That is, they are using one low-level enlisted person as the scapegoat, much like was done in the crash of the Ron Brown airplane. There was a lower-level enlisted person who was held accountable.

As much as we have seen time and again, there is an investigation and there is blame, but it seems as though that blame only goes one way, and that is down. What I suggested today, and what I would ask our colleagues in this body to support me on, is the need for us to have not just the investigation by the Air Force three-star general about those lower who were involved in the chain of command, including the base commander, who has been criticized, and perhaps he deserves that; but I think we also need to know who is culpable above that level.

Is it, in fact, the commander of the CINC operation who, in fact, has the ultimate responsibility for that theater, and who, under the Goldwater-Nichols reform that this body passed a few years ago, reports directly to the office of the Secretary of Defense? Were there, in fact, any preliminary warnings made? Were there, in fact, any assessments of that facility? Why was the security of that facility in Saudi Arabia less than the security currently involved in Bosnia with our troops, where we have gone to great lengths?

These are questions that need answered, not just from the general on the scene, who is being blamed for what occurred and who will likely be, as the New York Times put it, the scapegoat, but who is looking at his superiors and what their role was?

When Secretary Perry says that he is confident that this three-star Air Force general can do this assessment, I say I cannot believe that. I cannot believe that we are empowering a three-star to investigate his four-star boss, and even, if necessary, the Secretary of Defense and his underlings in the Pentagon itself.

Therefore, in thanking my colleague for yielding, Mr. Speaker, I would say that this body needs to make sure that there is an independent assessment, whether it is done by the General Accounting Office, the Justice Department, or whatever. There needs to be an independent assessment so that general who is being targeted right now and may be the subject of a court-martial can feel confident that the same look is being done of those above him.

Mr. HUNTER. I thank the gentleman for his statement, Mr. Speaker.

Let us review the basic facts here. This bombing took place because we had a building housing thousands of Americans literally within feet, within 85 feet, of not only a public highway, down which any terrorist could drive a truck, but also a public parking lot, where the terrorists could park a truck.

This truck, loaded with explosives, with thousands of pounds of explosives, and the Secretary estimated it at 20,000 pounds, and General Downing said between 3,000 and 8,000; but even if you say it is 20,000 pounds, for country boys that is basically half the weight of a hay truck. Any large truck can carry that amount of weight very easily.

That truck was within 85 feet. It was closer to our personnel and their living area than the distance in the House Chamber from one end of the Chamber to the other. That happened. If we were to expand our perimeter, which should have been done, or we should have vacated the site, we would have had to expand out and take out part of the Saudi public road. If we had to do that, we had to do that. But the people who placed this contingent in this indefensible area should be examined.

CONCERNING THE APPROPRIATE PLACEMENT OF RESPONSIBILITY REGARDING THE ATTACK ON KHOBAR BARRACKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. HEFNER] is recognized for 5 minutes.

Mr. HEFNER. Mr. Speaker, I have served on the Subcommittee on National Security of the Committee on Appropriations. We seem to have gotten in a mode here to where we want to take the House floor and we want to blame the President for everything that happens all across the country.

I just want to bring back something that happened a few years ago when Ronald Reagan was President of the United States, and we lost 240 men in their sleep in Lebanon. We were in real secret negotiations and hearings upstairs in this Capitol, it was so secret. We had Navy people there, and we had these people, they had been informed there were three pickup loads of explosives in the area, and nobody acted on that. We did not blame President Reagan for being derelict of duty in that, because that was in Lebanon. We lost 240 Marines in Lebanon.

Mr. Speaker, it just seems that everybody is in the mood here, anything that happens in the world is a problem of the President of the United States. Mr. Speaker, down here in the well yesterday, one day last week, the gentleman from Pennsylvania said if we lose one person, if we lose one person in Iraq, we are going to hold the President of the United States to blame for losing that one person. Mr. Speaker, to me this is going a little bit far.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

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

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my colleague.

First of all, we did not mention the President today. We mentioned a hearing with the Secretary of Defense, and the fact that we do want to find out, as the Secretary has said, who was responsible.

What we are saying is we do not just want to go from the middle down, we want everyone in the chain of command to be looked at. In terms of what happened with President Reagan, I was not here then, so I cannot speak about what you all did when President Reagan was President.

Mr. HEFNER. Let me tell my colleague what we did. When the hearings got real tight, heads were going to roll, guess what we did? We invaded Grenada. All the focus of the hearings went to the invasion of Grenada. We did not hear any more into the investigation of the people who were derelict in Lebanon.

It seems to me when we are kind of getting in the area of politics where elections are coming up, that it is in vogue here to blame the administration or the Secretary for everything that happens on somebody else's foreign soil. We cannot tell the Saudis, they tell us to some extent, because if you remember, when we were trying to keep the Persian Gulf open a few years ago they would not even let us fuel our ships and planes there. The same for Kuwait.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

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

Mr. HUNTER. I thank the gentleman for yielding, Mr. Speaker.

Let me just tell my friend, as a guy who went over to Lebanon shortly before the bombing and who stayed to work with Colonel Garrity, because I thought there were security problems, our problem is this, and not in terms of assigning blame, but you have two bombings. We see that truck bombs are the weapon of choice in the Middle East for terrorists. We had the Riyahd bombing 6 months ago. That showed us where we had public areas, public drive areas near troop concentrations, we were in danger of being hurt.

If this hearing today made people upset, if we got after people and we embarrassed them or made them feel uneasy, if that results in the Pentagon going back and saying, we will not have a troop concentration in the Middle East that is within 85 feet of a public road, then that is good.

Mr. HEFNER. Mr. Speaker, I take back my time.

I am not questioning the fact we need to have hearings, but it seems to me we oversimplify when we say we are going to decide right here what is going to be the policy of the Saudis as far as allowing us to do things for the protection of our troops. To me this goes just beyond where foreign policy ought to end.

Everybody, I do not know of any person in this building that does not want to support our troops and see that they are not put in harm's way. But I just wanted to remind the Members that there was not a hue and outcry in this body when 240 of our fine Marines were killed in their sleep. And we did not personally hold President Reagan, as we should not have done, we did not personally hold him responsible for the deaths of these fine young men.

In this well the other day, the gentleman from Pennsylvania said, if we lose one person, we are going to hold the President of the United States, we are going to hold him personally to blame for losing these lives.

BIPARTISAN PROGRESS ON THE USE OF FIREARMS IN LAW ENFORCEMENT

AMERICA'S PRESENCE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, as we can see, nerves are taut here. One of the things I would just like to put that into context about is I have always thought it was a shame that we had not done more on energy independence so we did not have to be in the Gulf anyway.

One of the problems we have is we are not defending great democracies. I have been very upset about how the Saudis treat our women in the military. They cannot drive, they cannot do this, they cannot do that. I think it is kind of ridiculous that when you are there to protect them, they then make it very difficult and put all sorts of restrictions on. Exactly the same thing had happened in Lebanon. I remember visiting Lebanon as a young member of the Committee on Armed Services, and saying this is an absolute nightmare. They said, this is the only place they will let us be.

That is one of the reasons I get so frustrated about burden-sharing. I keep figuring if we are there to help, we ought to be able to use our best military judgment and not have them say, no, no, we want you just over the horizon. We want you here to help, but we do not want you to be seen, and we do not want women out, or we do not want this or that.

Really, Mr. Speaker, what I came to talk about was something that we did today, I did today with the gentleman from New Mexico, Mr. STEVE SCHIFF. Mr. SCHIFF and I are probably about as far apart as you can be when you come to the issues of firearms. Yet today we had a joint press conference, because we do agree on one thing. I wish we could see more bipartisan types of progress such as this.

The gentleman from New Mexico [Mr. SCHIFF] and I have been working for the last 3 years trying to get money from the Defense Department to transfer it over so we could use it to better the world of law enforcement, to bring that up to speed. Today we had the people from Colt Manufacturing showing a prototype safe gun that was absolutely exciting, because it went from being a glint in our eye to a real thing, a real gun that people could see.

What does this gun do? Guess what, it only works for the owner. When you look at the numbers of law enforcement officers every year that are killed by their own gun, not to mention people who are guards in jail or guarding prisoners or on our border, we have all sorts of people. One of the major fears is your gun is stolen and used to kill you.

This gun would end that fear once and for all, because, as we demonstrated today, it would only go off for the owner. The technology is here and the gun was there, and we could show it. I think that is the type of thing I would hope Republicans and Democrats would work together on, so we could fight crime not only by beating our chest and saying who is the toughest, who is the meanest, who is the gruffest, but also who is the smartest. We have not fought crime as smartly as we should.

When you look at this gun and you look at the very high percentage of

crimes committed with stolen weapons, all of that would go away, because if everybody had this type of weapon, you could steal it, but so what? It would be like a rock, it would not do you any good.

□ 1415

The tremendous number of gun accidents in the home with children, or with despondent teens or whatever finding the family gun, again, those would go away, because it would only work for the family member who was the owner. And, of course, the law enforcement thing was what we really, really put all of our force into.

So Sandia Labs, the National Institute of Justice, and law enforcement officers across the country have all been working to make sure that this gun is every bit as workable as the gun they have today. It cannot be some fancy-schmantsy thing that only works in a perfect climate, in a perfect temperature, with or without gloves, whatever.

This works all the way across the board. It works with a tiny little chip. I got to be ring bearer at this event. It could work with a ring. It can work with something in the watch. It can work with a chip in the hand. It can work any number of ways that sets this off, so that it would work in a certain radius around the person but be absolutely not able to be reprogrammed or worked by someone else unless they had mega, megacomputers that could rewrite the codes.

So my dream would be that we see more of these types of actions. Because while maybe many of the people who support me would like to see a gun-free world, and while many of the people who support the gentleman from New Mexico [Mr. SCHIFF] would like to have no restrictions, we know that there are going to be guns around and that law enforcement is going to need them. So why do we not use whatever we have got to make them as safe, as accident-free and as valueless if anyone steals them as possible. That is today what we did in the safe gun. I would hope we would see that as a model for future action.

MEDICARE

The SPEAKER pro tempore (Mr. MCINNIS). Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, Medicare is bleeding to death. It is losing more money than it ever has before. In 1995 the President's Medicare trustees said that Medicare would be bankrupt by 2002. This year we hear that it is bleeding to death even faster and it is going to be bankrupt by 2000.

In 1993 President Clinton understood that fact and so he proposed that Medicare spending's rate of increase go to 6.9 percent. In 1995 we understood that, so we proposed a 7.1-percent increase. We were absolutely savaged by a minority that was so desperate to get back into control that the truth meant absolutely nothing and they shamelessly demagogued on this issue.

In fact, let me give you a few quotes, not from Republican publications but from publications that have consistently supported the Democratic Party. The Washington Post accused the Democratic minority of shameless demagoguery. Those are their words, not mine.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. SCARBOROUGH. I do not yield.

The SPEAKER pro tempore. The gentleman will not yield for that purpose. The gentleman may proceed.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentlewoman from Colorado

Mrs. SCHROEDER. I was concerned about the words ''shameless demagoguery.'' I think those are words we could have taken down, and I do not really want to do that. But I think that is a very strong word.

Mr. SCARBOROUGH. Reclaiming my time, they are not my words, they are the words of the Washington Post. If you wish to try to take them down, you can, but I am not addressing one person, I am addressing what the Washington Post accused Democrats of doing. They accused them of shameless demagoguery.

An adviser to the President, Matthew Miller, wrote in the Washington Post and in the New Republican, ''The President has taken the low road on Medicare in such a way that only political pundits could call it standing tall.''

The New Republican, a traditionally liberal publication, said that ''The Democrats' demagoguery on Medicare is even worse than we suspected.''

Mr. Speaker, why do I bring this up? Nobody has talked about Medicare in a year. It is because they have been cowed down because they are afraid of hearing more lies in this Chamber. I bring it up because everybody on the Democratic side of the aisle recognizes, like everybody on the Republican side of the aisle, that Medicare is going broke and nobody is doing anything about it. Nobody. When we tried to do something last year, when the President tried to do something in 1993, they were attacked.

Now, I give you the past as prolog. David Broder had a column in the Washington Post this weekend talking to future chairmen if the Democrats were to take power. Let us hear what one such chairman said on Medicare, the same chairman-to-be who called us Nazis. You want to talk about taking down words. Called us Nazis for trying to save Medicare. And this is what he said about Medicare. His committee, and I will not give his name, whose committee has main jurisdiction said, ''The people who have made out best in the last 20 years are the old folks. They have their pensions, Social Security and health care. The explosion in these programs has to be dramatically reduced.''

Mr. Speaker, I harken back to the McCarthy hearings, when at the end of the McCarthy hearings in the dramatic conclusion, the question was asked, ''Have you no shame, sir? Have you no shame?''

I would recommend to any Democrat that comes into the well and stands behind this podium and attacks any efforts to curb spending in Medicare, we suggested 7.1 percent last year and your chairman knows what is going to happen to Medicare next year regardless of who is elected. We are going to have to save it. We cannot afford demagoguery. I have got a 93-year-old grandmother, I have got two parents that are eligible for it, and we have got to put the political gamesmanship behind us. What we have done now by irresponsible actions last year is we have cowed politicians in this election year from talking about it. Bob Dole does not talk about it, Bill Clinton does not talk about it, while Rome is burning. We have got to grow up.

EDUCATION IS THE BRIDGE TO THE FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, we do have to be real when we deal with financial questions, with investment questions, and what America is going to be like in the future.

President Clinton talked about a bridge to the future. Every one of my constituents believes that the bridge to the future is education. Almost every American believes that one of the reasons we have opportunity in America is because we have educational access for every American.

This year, however, when we passed the Labor-HHS-Education appropriation bill out of the House, we cut education very substantially. Democrats wanted to add education funds at the subcommittee makeup. I offered an amendment to add $2.1 billion so that we would not lose Head Start slots, we would not lose Chapter 1 slots, we would not lose Goals 2000 dollars for investment in education.

Today there was an article in the Post written by David Broder, one of Washington's most respected columnists and political observers. It is entitled, ''Empower Qualified Teachers.'' His point is that we are not spending sufficient sums on education.

I want to quickly add that I do not believe that money is the only answer or particularly the answer to solving the educational problems that confront our Nation. Nor, however, do I delude myself—nor should we delude the public—that not spending money, not paying teachers properly, not having Head Start slots, not having Chapter 1 slots,

not doing Goals 2000, not having objectives that will empower our young people to be competitive in a world marketplace, that not doing those things will enhance education in America.

We came to the subcommittee of the Committee on Appropriations and I offered the amendment to essentially keep education even. Even then it would fall behind the very sharply growing numbers of students in our school systems. There are more students in school in America today than ever before in history.

And what did we do in the House of Representatives when we passed the education bill? We sounded retreat. Terrel Bell, the Secretary of Education under Ronald Reagan, did a report on the status of education. The result of that was ''A Nation At Risk,'' in which the Reagan administration said that we were at risk of becoming a nation of mediocrity because our education system was not up to speed.

Very frankly, in the Subcommittee on Labor-HHS appropriations, by a straight party-line vote, the Republicans rejected increasing education. When the bill came to the House floor, which is the process, subcommittee, full committee, and House floor, DAVID OBEY, the ranking member of our committee, again offered my amendment. He said, ''My friends, on both sides of the aisle, let us not abandon our children,'' because they are our bridge to the future.

On an almost straight party-line vote, that amendment was again rejected, notwithstanding the fact that I had a chart that showed that education funding was going down in an era when student population was going up.

Mr. Speaker, that legislation then went to the Senate. And just yesterday, having, I presume, read the polls and figured out what the American public really wants, and talking not about their policies and principles of 1995 but their policies of 1996, Senate Republicans now suggested adding $2.3 billion to education. That is $200 million more than I suggested was necessary to keep education even, that DAVID OBEY suggested was necessary to keep kids from falling through the cracks.

I am pleased that the Senate has seen the light. I hope that the Republicans in the House have done their homework and that this amendment will be accepted when this bill again comes to the floor of the House of Representatives.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. LEWIS of Georgia. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas on December 6, 1995, the Committee on Standards of Official Conduct agreed to appoint an outside counsel to conduct an independent, nonpartisan investigation of allegations of ethical misconduct by Speaker NEWT GINGRICH;

Whereas, after an eight-month investigation, that outside counsel has submitted an extensive document containing the results of his inquiry;

Whereas the report of the outside counsel cost the taxpayers $500,000;

Whereas the public has a right—and Members of Congress have a responsibility—to examine the work of the outside counsel and reach an independent judgment concerning the merits of the charges against the Speaker;

Whereas these charges have been before the Ethics Committee for more than two years;

Whereas a failure of the Committee to release the outside counsel's report before the adjournment of the 104th Congress will seriously undermine the credibility of the Ethics Committee and the integrity of the House of Representatives: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct shall immediately release to the public the outside counsel's report on Speaker NEWT GINGRICH, including any conclusions, recommendations, attachments, exhibits or accompanying material.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair in the legislative schedule within 2 legislative days. The Chair will announce that designation at a later time.

A determination as to whether the resolution constitutes a question of privilege will be made at that later time.

□ 1430

WE NEED TO SUPPORT OUR TEACHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas, Mr. GENE GREEN, is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, Senator Dole, at the Republican National Convention, blamed teachers for the failure of our educational system. Senator Dole attacked teachers and particularly teacher unions and associations.

I stand today to note that Senator Dole's logic disturbs me. Teachers in our schools are now required to do much more with much less, and they do not deserve this kind of treatment. Many resent this attack, because they work hard, day and night, to prepare our children for the future.

In last Saturday's edition of the Houston Chronicle there were several letters from teachers responding to Senator Dole's comments, and I want to read some of their remarks. Senator Dole was talking about unions or associations, and you cannot attack an association without attacking the members. The members, again, are the ones who are providing that opportunity for our children to be citizens, educated citizens for our tomorrow.

JoNell Parker of Humble, TX, wrote, ''In referring to public funding of private schools, Bob Dole said in his acceptance speech before the Nation on August 15th, 'There is no reason why those who live on any street in America should not have the same right as the person who lives at 1600 Pennsylvania Avenue, the right to send their child to the school of your choice.' As a teacher and a member of the teachers' association whom Dole attacked, I have to admit I agree with the right to choose. I just don't believe I should have to pay for his choice. Public support of religious indoctrination is unconstitutional. Taking tax money from public schools and giving it to private, for-profit institutions is financially unsound and elitist at best.''

In a letter to the editor that same day, Judy Hoya of Houston, TX, said, ''Bob Dole's attack on teachers' unions in his acceptance speech tried to place the blame for the problems facing our schools on the people who are trying to solve them,'' and I will repeat, he is placing ''the blame for the problems on the people trying to solve them'' when you attack the classroom teachers. ''Bob Dole is out of touch with the educational mainstream. He would be far wiser to join with the 80 percent of the teachers who are in the unions to help solve problems in our schools.''

Martha Barrett of Kingwood, TX, remarked, ''What a way to launch a Presidential campaign, attack teachers and kids in American schools. Bob Dole said in his acceptance speech that 'Teachers unions nominated Bill Clinton in 1992. They are funding his reelection campaign now and they, his most reliable supporters, know he will maintain the status quo.'''

Ms. Barrett of Kingwood continued, ''I don't speak for all teachers, but I personally feel much better about a Presidential candidate supported and funded by teachers then one supported by tobacco interest.''

Finally, Sherry Mutula of the Pasadena Education Association stated in Pasadena, TX, ''I would like to set Bob Dole straight on the errors in his acceptance speech. Attacking America's schools and teachers, he said, 'Not for nothing are we the biggest educational spenders and among the lowest educational achievers of the leading industrial nations.''' He was wrong according to Ms. Mutula. ''America does not lead the industrial nations in education spending for K–12 public education. We are not even close. Of the top 17, America ranks 12th.

''The American people have been named the most productive workers in the world. Know where 90 percent of those workers were educated, Bob Dole? In the public schools of America.''

The 21st century will bring new challenges for our young people, and we have an obligation to educate them to

deal with these challenges. Democrats believe that education is the key to our children's future and the key to our country's continued success.

Under this Republican Congress, however, education has not fared well. In 1995, Senator Dole supported the largest cuts in Federal education funding in the history of our Nation, and the assault continues. Instead of considering further education cuts, we should be involved in debating increasing Federal commitment to our children's education.

Most of education is paid for at the local and State level, but as a Nation we have to be competitive with the world. It is time to stop blaming teachers for our educational problems and start blaming those who have consistently opposed funding for education. We will be judged by how we treat and educate our children.

Senator Dole, who has a poor record on education, should be judged appropriately on November 5.

COMMUNICATION FROM THE HONORABLE THOMAS J. BLILEY, JR., MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable THOMAS J. BLILEY, Jr., Member of Congress:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 18, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that Reid Stuntz, currently the minority general counsel of the Committee on Commerce and formerly the staff director and chief counsel for the Subcommittee on Oversight and Investigations for the Committee on Energy and Commerce, has been served with a subpoena issued by the U.S. District Court for the District of Columbia in the matter of United States v. Jeffrey M. Levine, Cr. No. 94–034.

After consultation with the Office of General Counsel, I have determined that the subpoena appears not to be consistent with the rights and privileges of the House and, therefore, should be resisted.

Sincerely,

THOMAS J. BLILEY, Jr.

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THE EXAMPLE OF HARRY TRUMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, this is going to be hot stuff.

I said last week I would quote from battling Harry Truman. Everybody wants to be Harry Truman if they are coming from behind in an election, and I said that Harry Truman was tough on adultery, loyal to his Bess.

My dad was Harry Dornan, D Artillery Battalion, World War I, 30th Division. Harry was 34th Division, Battery D, Artillery. Harry. Harry.

Listen to this on adultery, Mr. Speaker, and I bring this up during a Presidential race period for obvious reasons. ''Harry Truman said, 'Any man who was dissolute with women,' Truman believed, 'was not a man to be trusted entirely. He discovered that''—two names from the past—''both loved the ladies and kept telephone girls on the payroll. 'I'll say this for the big boss,'' referring to the Tom Pendergast of Pendergast machine fame, ''he has no feminine connections.''

This is the book called ''Truman'' that won a Pulitzer Prize for an author and biographer of some note, David McCullough. David McCullough.

Listen to this paragraph. It seems that Harry Truman was plagued with headaches, as was my mother, as I was at one point studying for exams, but lucky in my later years. ''Harry Truman says he worried always about possible entrapment with women,'' would have saved a lot of careers in the Senate and this body if people had taken this advice, ''an old device for destroying politicians. Once, responding to a call for a meeting in a room at the Baltimore Hotel,'' this is in Missouri, ''He asked Edgar Hine to go along, just in case. When they knocked at the room, Hine remembered a blond woman was there in a negligee. She opened the door. Harry Truman spun on his heels and ran back down the hall, disappearing around the corner. Hine thought it was a fear verging on the abnormal.'' Or maybe the decent.

''Three things rule a man,' Harry would tell a reporter long afterward, 'power, money and women.'' The great archbishop and evangelist in the Catholic church, Fulton Sheen told me the same thing. Only he put women in the first category, the downfall in the twenties and thirties; then came power, the obsession of men in their thirties, forties, and fifties; and then money, for men in their older years, the accretion of power, money you are never going to get to spend at the end of your life.

Hine wrote this: ''I have been around Legion conventions with Harry Truman. He would have his room there. Naturally, everybody would kind of gravitate to the Senator's room. If some fellow brought a woman in there, or even his wife, I have seen Truman pick up his hat and coat, take off out of there, and that would be the last you would see of him until those women left. He just didn't want women around his hotel room. He had a phobia about it.''

This is not the story of Little Rock, AK, folks. This is the story of Harry Truman and Missouri.

I would like to put in the RECORD, Mr. Speaker, the editorial from the Wall Street Journal on Monday, the 16th, titled ''Will Anyone Believe?'' It is all about the Clintons stonewalling on both their medical records, but particularly the commander-in-chief. Shalikashvili's medical records are out there.

Every combat commander down to a private, the whole chain of command, their whole medical records are out there. It was asked for of Perry before he became Secretary of Defense. But only these doctor summaries.

So the Wall Street Journal says nobody is going to believe because it is a stonewalling pattern, as it was with the tax return commodity trade stonewall, as it was with the health care task force stonewall, as it was with the White House passes stonewall, as it was with the billing records stonewall, as it stonewalled House committees here on Waco, on every other scandal, on Haiti, on Bosnia now, on Somalia, stonewalling on people in drug programs at the White House.

No, if America is going to pass a morality and an IQ test on November 5 in the Presidential race, they had better know something about the full physical records, the actual documents. Not summaries by doctors taking down, as when I get a physical, they say, ''How is your health?''

''Pretty darn good, doc. Generally excellent.'' And they write all that down.

No, no, not testimony from Clinton himself, the medical records.

There are all sorts of ricochets flying around, like the center of the new book by Roger Morris called ''Partners In Power.'' In the middle it has a brother who went to prison for cocaine under a cocaine pusher named Lassiter who got pardoned, saying my brother has a nose like a shovel. Guess of whom he was speaking, Mr. Speaker?

Rule XVIII prohibits me from telling the million or so people in our audience. Use your imagination. Who has a shovel for a nose in Federal Government today?

TEEN DRUG PROBLEM IS NATIONAL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come to the floor again. I have been here just about every day recently, talking about what I consider a national crisis, as a parent, as a father, someone concerned about the future of my children, how I tried to raise my children, and talk about the serious problem of teen drug use and abuse.

What prompted me today to come to the floor is really an ad I have seen which features the President talking about his efforts to curtail drug use, and I just do not think that the President is really dealing with the facts here.

Now, if we listen to the ad, the President says the Republicans cut funding in programs. Now, I just have to remind the Congress and the American people that, in fact, from 1992 to 1994, the House of Representatives was controlled, by an overwhelming majority, 250 Democrats plus, I believe, and the Senate was controlled by the other party, and the White House was controlled by the Democrats. Now, we did not have the power to do anything in that time period except raise concerns.

I came to this floor repeatedly and raised concerns. I had over 100 Members sign a letter to the committee of jurisdiction asking for hearings because we knew then what was starting to happen; that we cannot put all our eggs in one basket in treatment, in the end, treating only the wounded, as it may be in a battle, and not paying attention to education, to interdiction, and also importantly to enforcement.

Here we see the results. Again I bring this to the floor. Twice as many teens using drugs as in 1992. These are the facts. This is not something that the Republicans have manufactured, the new majority has manufactured. It is the result of firing the Drug Czar's office, of hiring a Surgeon General, the chief health officer of the country, who says, ''just say maybe.''

□ 1445

Then we had a President who got on TV, and I still cannot believe it. I was personally offended by it because I have children, and he said if he had it to do over again, he would inhale. What kind of message does that send to our people? And what does it do? And the evidence is here again. These are the statistics and the latest.

Overall drug use by our teenagers 12 to 17, up 78 percent; marijuana use up 105 percent; LSD use up 105 percent during this time frame; and, cocaine use up 166 percent. And heroin is epidemic even in my own community. I brought the headlines from my community.

So what the President has sown, now we are reaping with our children. First of all, they controlled the House of Representatives, the other body, and the White House. Then, to top it off, they killed our interdiction program. And I spoke out against it on the floor. We even met with the President in Miami and we said this is a disaster. We stopped our radar sharing and our information sharing to shoot down drug planes in the Andean region.

They transferred, this administration transferred, and I met with the agents in South America who told me that they transferred, $40 million and left them with a shoestring operation in Haiti for their agenda and nation-building in that country.

So the facts are in that just treatment does not work. You have to have education, you have to have interdiction, and you have to have enforcement. The fact is in. The Republicans expressed concern, I expressed concern on the floor of this House in letters to the chairman and to the administration about what was going to take place.

The fact is that now this new majority is taking steps to restore money in interdiction. We are giving our military and our Coast Guard the tools to stop drugs cost-effectively at our borders and at their sources. So we are taking positive steps. We are providing the leadership that is lacking in the White House.

And, again, the President is wrong when he tells the American people that the Republicans, or the new majority, cut. We did not even have control. We did not have votes to change anything here, but we did express concern and this is the results you see today. Again, a situation out of control, a situation where we have lost our streets, lost our children, and we must turn this around.

ENVIRONMENT MUST BE PROTECTED AT ALL COSTS

The SPEAKER pro tempore. 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, for more than a quarter of a century successive Congresses sought to strengthen environmental law in order to protect our air, water, and land from pollution and other threats, and from the time that Democratic Senator Gaylord Nelson organized the first Earth Day over 25 years ago and Republican President Richard Nixon created the Environmental Protection Agency in 1970, there was a consensus that we needed laws to protect the health of our families and the quality of our natural resources.

It is a consensus, a bipartisan consensus, that led to passage and strengthening of the Clean Water Act, the Clean Air Act, the Endangered Species Act, the Marine Mammal Protection Act, the Solid Waste Disposal Act, Superfund, Safe Drinking Water Act, and many other pieces of pro-environmental legislation.

However, that consensus, that bipartisan consensus that existed, both with the White House as well as with Congress, broke down during the Dole-Gingrich 104th Congress that we are now in, that is now about to end. Under the leadership of Dole and GINGRICH, Congress for the first time in 25 years devoted more time to rolling back environmental protection than to improving the health, safety, and well-being of our families and our Nation.

Now, many in Congress have tried to further environmental protection in ways that would be for the average American. But Bob Dole, NEWT GINGRICH, and their Republican leadership colleagues have instituted a campaign to reward special interests at the expense of the health and environmental heritage of our citizens. From the very first day of this current Congress, we saw the special interests, the polluters, actually sitting down in committee writing legislation that would gut many of the environmental bills that I already mentioned.

Clearly, it is the obligation of those who care about the purity of the water for their children, that their children drink and the air that they breathe, to actively oppose this extremist Republican agenda that we have seen in this 104th Congress. We have to make sure that the disastrous environmental record of this 104th Congress will not be repeated.

Now, I just wanted to say that this effort, if you will, to turn back the clock on environmental protection manifests itself in a major way in terms of the budget cuts that we have seen and have been proposed by the Republican leadership for those agencies that deal with the environment, such as the EPA, such as the Department of the Interior. And I know that we have to make tough decisions if we are going to balance the budget. We have to figure out where our priorities should be.

But I do not believe that environmental protection in this country has to suffer because of belt tightening, or budget tightening if you will.

What we are seeing is that time and time again, Bob Dole and NEWT GINGRICH, the Speaker, have basically deprioritized environmental protection. They have taken money in budget cuts from the EPA and those agencies that protect the environment in order to primarily finance tax breaks for wealthy Americans.

The reason I am mentioning this today is because I am very concerned that with the economic plan that Bob Dole has put forward, that what we will see if he were elected and if that economic plan were put into place is a further deterioration of our environmental protection laws because less and less money would be available for investigation and for enforcement of violations of our environmental laws.

Basically, what we would see, what we would expect if the Dole economic plan went into effect is about a 40-percent cut, if you will, in environmental programs, 40-percent cut in enforcement and investigation against violations of our environmental protection laws.

And these cuts, if you will, these efforts to cut back on these agencies and what they can do for enforcement indirectly accomplish what the Republican leadership tried to do in this Congress by simply gutting the Clean Water Act or the Superfund Program outright. They were not able to make the changes in the substantive law, and so what they do instead is to go after the funding for those agencies that carry out the law because they know that if there is not adequate enforcement then the laws do not mean anything.

I just wanted to give an idea of what kind of impact these cuts would have if they were enacted into law. A 40-percent cut in enforcement would mean that the EPA, for example, would not be able to reach its normal average of 9,000 inspections per year. It would have a significant impact on the 3,700 enforcement actions normally taken by the EPA annually as a result of their inspection programs. So if you do not have the people to do inspection, then you cannot bring the enforcement actions, where you basically slap a fine on those who are violating the law.

Based upon estimates from last year's budget cuts, it is likely that scores of Superfund sites ready for significant new construction would not get funded and, furthermore, the cleanups at many of the hundreds of Superfund sites currently being remediated would be slowed down essentially to a snail's pace.

A 40-percent budget cut would also have a marked impact on the leaking underground storage tank trust fund that was established by the Superfund Amendments and Reauthorization Act of 1986. Leaking tanks have polluted drinking wells in many communities, and the trust fund has proven to be an effective effort to combat the problem. Current funding for this program represent about a 30-percent cut from fiscal year 1995 levels, and a further 40-percent cut would lead States to lay off hundreds of enforcement personnel and greatly reduce their cleanup activities.

So, even with the current appropriation levels we are seeing cutbacks in the enforcement actions and the inspections that these environmental agencies can do. Whatever cuts would come about as a result of the Dole economic plan would simply reduce the ability to enforce the law that much more.

I just wanted to point out some of these facts because I think it is important when we are debating the issue of what Bob Dole's economic plan would mean that we realize and that we take into consideration what the effect would be on the environment.

Now, I just wanted to point out also that interestingly enough, President Clinton has been very proactive in terms of what he says he would do if reelected on November 5. At the Democratic Convention he basically pointed out a progressive, if you will, environmental agenda. He said, for example, that he would accelerate Superfund toxic waste cleanup, nearly doubling the pace of cleanup. By the year 2000, approximately two-thirds of the Superfund priority sites would be cleaned up.

So here we have a situation where one person, the Republican in this case, is talking about cutting funds for some of these agencies that would mean less cleanups of Superfund sites, and President Clinton is actually talking about increasing the pace of cleanup at Superfund sites.

Also, the need to expand the right to know. One of the major reasons why we are able to bring enforcement actions against polluters for various violations that occur is because we have a community right to know law on the books now that allows individual Americans, individual citizens, to know some of the toxic substances that exist in the community around them. And oftentimes they will bring actions on their own or citizen groups will bring actions on their own so that it is not always necessary for the Federal Government to get involved. This supplements the enforcement action of the Federal agency.

Again, what the President has proposed is basically expanding Americans' rights to know about toxics in their community so that the EPA would do more investigation, release more information and individual companies that generate toxic waste, for example, would have to provide more information about what kind of toxic wastes are being generated in their communities.

I wanted to just give some examples about how President Clinton has worked to protect the environment, and how former Senator Dole has worked very hard to do just the opposite.

On August 6, 1996, President Clinton signed a bill reforming the Safe Drinking Water Act, which requires drinking water tests to eliminate dangerous contaminants. President Clinton also vetoed the extreme Republican leadership VA–HUD–EPA appropriations bill, which cut safe drinking water funding by 45 percent from the President's request. On the other hand, Senator Dole, Bob Dole when he was a Senator, in December 1995 voted for the extreme Republican VA–HUD–EPA appropriations bill which would have cut safe drinking water funding by 45 percent. The 1995 Dole regulatory reform bill, which was written by lobbyists for polluters, would have prevented the EPA from instituting effective safety regulations for drinking water.

Let us talk about toxic wastes. Since taking office, the Clinton administration has cleaned up more toxic waste dumps than in the first 12 years of the Superfund Program, increasing the pace of Superfund cleanups by 20 percent and reducing costs, reducing costs by 25 percent. In December 1995, President Clinton vetoed the GOP appropriations bill which cut Superfund toxic dump cleanup funding by 25 percent from his request. So not only has the President increased, accelerated the pace of the Superfund cleanup in this country in the 4 years that he has been in office, but he also vetoed these bills, the Republican leadership bills, that would have made it more difficult to clean up Superfund sites.

On the other hand, then Senator Dole in 1965 was one of only four Representatives, actually when he was a Congressman in this House, to vote against the Clean Air and Waste Disposal Act, which authorized $92.5 million during fiscal year 1966 through 1969 for research and development of methods to dispose of solid waste. The bill passed 294 to 4. Dole supported repealing the Superfund provision which forces polluters to pay for toxic waste cleanup, and he supported repeal of retroactive Superfund liability, which is also supported by his political contributors.

What the Republican leader has proposed and what then Senator Dole has basically supported is this idea that instead of having the corporations that polluted the environment, that caused the toxic waste sites to be created, the Superfund sites, instead of having those corporations clean up the sites, we would have the Federal Government clean up the sites or pay the polluters for the work that they already did to clean up the sites.

□ 1500

Essentially instead of polluter pays, it is government pays the polluters. I see that my colleague from Minnestoa is here. I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentleman for his statement that he has been making, calling attention to the dismal record of this Congress responding to environmental laws and policy.

The last point that Mr. PALLONE was making with regard to Superfund is an especially important one in the end because I think of what I would characterize as extreme positions in Congress, outside the mainstream of the last 20 or 30 years of environmental law, of what we have learned and what we know and have put that knowledge to use in terms of public policy, it has been disregarded and run roughshod over. As I said in the past, I think science to some of the new majority is what the Inquisition was to religion, something to be used basically to undermine and to keep raising questions against and to withdraw from what, I think, had been historically a bipartisan effort to deal with the conservation of our resources, the preservation of what deserves to be and the rehabilitation of our landscapes and air and water, a very important endeavor, one that is strongly supported by the American people. and it reaches back over across Democratic and Republican Presidents and on a bipartisan basis in Congress.

But that has not been what has happened in this Congress. It is a great tragedy, because it meant that we did not do the big things or the little things in this Congress that needed to be addressed with regards to environmental law.

In fact, one example the gentleman was just touching on was Superfund, which means that we are still without a current policy. I think all of us admit that the 1980 Superfund law that was passed has had its imperfections. But as an example, I work on the Committee on Banking and Financial Services. Many financial institutions are saddled with lender liability. And even that fundamental issue cannot be resolved in this Congress because those forces that want to keep all liable, even though a bank may have exercised its right to recover property and the damage that has been done to it has been done by a third party, that was delinquent in terms of their loan transfers the liability to the financial institution. So it is a great tragedy that we cannot focus on that because there has not been an adequate effort to resolve that lender liability issue, the polarized positions that have existed.

Frankly, in the first 2 years of the Clinton administration, a lot of progress was made, in spite of the hand that was dealt to him by his predecessor administration in terms of a host of issues highlighted by the northwest forests. The Clinton Northwest Forest plan, a controversial plan, one that all of a sudden forced everyone to face reality. Before that I think many in congress and certainly in the administration had been in a state of denial with regards to what was happening in the Pacific Northwest with regards to the harvesting of trees and the crashing of the ecosystem in that region.

But the Clinton administration had made a commitment for a positive effort, and all the news was not good news. As we learned more and more about these areas, we realized the fragility of those areas and what had to be done. The tragedy is that Congress on its own in the 1970's and 1980's had mandated cuts in timber harvests in these areas that were excessive over the carrying capacity of those lands in the Pacific Northwest. The truth is that dollars are gone that come from those historic big timber harvests. In so far as we do make some dollars in profitable sales areas, too often we do not have profitable sales but lose money and the forests. Today we are faced with very expensive land management schemes that are necessary to restore and maintain these landscapes in terms of forest restoration, in terms of watershed restoration, in terms of thinning and a whole range of different responsibilities in which the Forest Service itself and those that are involved in that industry could no longer sustain themselves. So they necessarily needed investment.

But beyond that, this administration had worked on the Endangered Species Act, working out significant problems in Florida with the Florida panther, working incidentally in the Everglades with regards to the water problem, arguably a good solution with regards to the sugar farmers there, the gnatcatcher in terms of the west coast in California. All across the Nation we saw a new spirit that existed, even with regards to our industries. This administration put in place something called the XL, XL means excellence in terms of environmental and compliance with rules, leaving industries and businesses to come up with solutions that really exceed the requirements of law that the Environmental Protection Agency may have with respect to air, to water, to other indices that are required. So we had, I think, for some time and throughout this administration a good positive effort embracing pragmatic solutions to problems which had festered for decades.

Unfortunately, that had not all been picked up. The whole idea of brownfield restoration, in other words, changing the whole dynamic and agenda of what we do in terms of cleanup was something that was put forth by this Clinton administration.

Many are now trying to emulate it, and that is good. In politics there is no law that bars us from taking other people's good ideas and putting them into law. I guess that is the idea. The competition of ideas, the competition of debate ought to bring forth the best that we have to offer with regard to solutions, especially I think in issues of the environment.

Of course, in the past 2 years much of that has changed, things are at a standstill here, fingers pointed back and forth. But I think as we look at what happened in the Clean Water Act, where it was an open secret that special interests reported that Washington, DC, K Street lobbyists on the front page of the newspaper had been responsible for writing the Clean Water Act. It turned out to be a very bad bill and that should have been no surprise. Fortunately, that did not pass the Senate. It left the House on almost a straight party line vote, and it has not been heard from in the Senate since.

The fact there were various actions taken on the Endangered Species Act which, incredibly, the policy came out of a committee that is supposed to be the specialists in this issue, which stated that species could exist without habitat, that you could have a living animal or plant without a habitat. So you could protect it in a zoo, I guess, and make a greenhouse for plants. The proponents actually wanted to count zoo populations as protected. But it was really pretty elemental in terms of the differences that existed there. I am sure that the point is well understood.

Mr. Speaker, as we looked, sadly, some measures were not considered by the committee and were enacted such as suspending the Endangered Species Act for a long period of time, and this action did irreparable harm to some of the fostering of biodiversity in our society. Other measures like the timber salvage bill today are still, because it was signed into law and in a must pass appropriation bill; of course many of us feel the President should have vetoed that bill a second time to make the point but the President relented.

Apparently some thought that there was more authority, executive flexibility and that the President could prevent the damage from the timber rider. The courts have ruled to the contrary. Now we see the harvest of not just salvage trees but the harvest of green trees, old growth trees in the Pacific Northwest because of provisions put on the affected section 318 lands.

We areas of Montana that were wilderness study areas at one time. They were administrative wilderness study area, roadless areas that have now been opened to harvest areas like the Yak that Bass has written about, Dick Bass, many other areas that really in a sense should have been set aside and left as the way they left the hand of the creator are now being spoiled because of specific provisions that related to Montana.

Of course, the whole issue of forest health and the science of that forestry, I think, was made a mockery of by the execution of this timber rider, which suspended all the environmental laws and fundamentally provided for expedited harvest of many areas. I think that the administration, frankly, the Clinton administration under Jack Ward Thomas had in fact moved ahead, administratively, with salvage sales.

In fact, that made up a greater part of the harvest in the Pacific Northwest where there was controversy about the limits of what could be cut. It concerned many of us, but they at least had put in place certain safeguards. This measure went far beyond that and has of course as its purpose to invade these green tree areas. It has done

great damage with little money available really to offset that.

As we look at these forest sentinels that have stood for hundreds of years over the past centuries in terms of their evolution, we know that once they are harvested, they will not be back in our lifetime and the lifetime of my grandchild, my one grandchild or many, or any of, maybe perhaps his grandchildren.

Of course, this Congress attempted to put on the bidding block many, many different resources, selling our water resources, the grazing language, all very polarized, obviously we have to come to resolution with that. No one expects we are going to get wealthy as a nation and solve our fiscal problems on the back of ranchers and farmers. But clearly I think we need to expect a higher degree of conservation and stewardship on the part of those that use those lands. That is only reasonable, but not to many in this Congress.

Mr. Speaker, I think we are moving in that direction under the guidance of Secretary Babbitt. He tried very, very hard, I must say. It was partly my fault and others that we did not pick up on some of his work in the last session in 1993–94. We also committed the same trespasses that I suggested in opposite direction that others are doing in this session in despoiling our landscapes. ANWR, the Arctic National Wildlife Refuge, at 1.4 million acres in area on the Buford Sea north of the Brooks Range, was proposed by this Congress to be opened up.

This 1.4 million acres which is the calving area for 160,000 porcupine caribou herd really, I would say, represents a window on the Ice Age. It is the way life existed in North America 20,000 years ago when the glaciers pulled back and retreated from the ocean, the northern arctic oceans the current Buford Sea. It is an area that needs to be preserved.

It is something, I think, that while there may be a 1-in-10 chance of finding oil, there is a 100-percent chance of destroying this arctic tundra, this arctic desert, as it were, in the north of the Brooks Range.

So I think these examples indicate the actions that have taken place in the 10th Republican Congress. Of course it is no wonder that the record of this Congress is reported to be so dismal with regard to the environment. The Members have received such very low grades by objective groups looking at this, that the Republican majority have formed committees and groups on the side to try to restore their credibility.

It sort of reminds me of the story of the two Marx brothers that I adopt from my friend BARNEY FRANK. They said, when Groucho said to Harpo, he said, Harpo, who are you going to believe, me or your own eyes? So we have to look at what this 20-month record is that has occurred, not just the slogans that seems to characterize the election cycles, as we know, where everybody seems as a prerequisite of being elected they must be an environmentalist. But being an environmentalist or being someone that is working on these issues is enormously important not just for the political stump at home or for the political stump on this floor in election years but what happens over the course of our service in Congress.

There are many more things that should be talked about, the rules and regulations game that was played here, suggesting that a Member could be against bureaucrats and rules, the various ways we put laws into effect, ending up with more and more litigation and less and less effectiveness, the result effectively tying the hands of the EPA or departments or agencies that have these responsibilities, which I might say from the land management agencies, from the other agencies that regulate our air and water, we are very fortunate in this country that they are led by professionals, and staffed by professionals from the ground on up.

They are decisions that are not necessarily political, but they certainly are authorities with regard to science and the facts and what has to be done. So we have a great task here. I think Congress has a role, an unchallenged Federal role in terms of working with the States, the significant collaboration that has gone on between the Federal and State government, the great success in terms of turning the corner on solving environmental problems.

We see streams and rivers and landscapes that are being restored because of the 30 years and many decades before that of work that went on with the great Democratic Presidents and Republican Presidents. But this Congress itself obviously had not learned those lessons, it is very clear. Whether they are being educated today in the election cycle remains to be seen.

Mr. Speaker, I just came from committee sessions, at which the Republican majority were trying to strip away the U.S. authority to designate world heritage areas. We are one of 125 countries that participate, 146 signatories worldwide trying to preserve cultural and natural landscapes. All we would have is the power of persuasion, but this new majority on September 17, 1996, want to somehow take away that power, take away whatever authority exists. The United States, which led and created this list of man in the biosphere sites, seek to limit U.S. leadership that voluntarily seeks to build, educate nations around the globe. That did not happen last year. That is happening right now.

That bill has passed out of the Resources Committee today, the committee that holds itself up as your expertise and specialist, that is suppose to be a knowledgeable group of men and women that are to guide this Congress in terms of such issues. That is what they did this day. That is the type of Congress that we have. That is the type of House of Representatives that we have had for 2 long years. I submit that to the American people and to my colleagues in this body. I hold that up as an example of what not to do.

I thank the gentleman for yielding to me and for taking out this special order.

□ 1515

Mr. PALLONE. I appreciate the gentleman's comments, particularly since he brought out what this Republican leadership has been trying to do for the last 2 years on the natural resource issues, because that is the truth. They have basically been selling the store and trying to basically give away all of our natural resources, and I think it has to be brought out.

In addition, I know the gentleman from Minnesota [Mr. VENTO] talked about the record, if you will, by nonpartisan groups in basically analyzing this Republican Congress, and because of the poor record on the environment that was established by the Republican leadership, they put together this Republican Environmental Task Force early in this session in order to try to highlight how they were going to improve things, and the League of Conservation Voters actually gave the members of that task force, of that environmental task force on the Republican side, a 27-percent rating.

In fact, we heard just this past Monday that a group of the most antienvironmental Republicans in Congress had urged the Speaker, NEWT GINGRICH, to remove moderate Congressman SHERWOOD BOEHLERT from his position as cochair of this Republican Environmental Task Force. They were so outraged by his behavior in trying to moderate this terrible Republican antienvironmental agenda that they actually wanted him removed as the cochair of the task force, and if they, of course, had dropped Congressman BOEHLERT from the task force, the rating by the League of Conservation Voters would have even been less than 27 percent.

So this is not something that is going away. The Republican leadership continues to this day, with only a few weeks left in this Congress, to continue to try to turn back the clock on environmental protection.

I would like to yield now to my friend, Mr. MARKEY, the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman very much, and I thank you for calling this special order because it is so important to remind the American people here at the end of this congressional session that the GOP—you know, GOP used to stand for grand old party, but today it stands for gang of polluters. They took the whole first year and a half of this Congress trying their best to undermine the environmental law which were put on the books in this country over the last 25 years. They took the EPA and they wanted to change it from EPA to every polluter's ally.

You know, the American people, they have to ask the question: Is the water

really too clean? Is the air too clean? Is there too little cryptosporidium in our water? Is there too little E. coli in our hamburger? Is the ozone hole too small? Can we really afford to cut the EPA, the Environmental Protection Agency, enforcement budget by 30 percent, which was the Republican proposal?

I do not think so. I do not think the American people want less environmental protection. I do not think they want their water to be dirtier, their air to be dirtier, their food to be less safe. They want it to be more safe. They appreciate the fact that in the 20th century, largely because of Democratic initiatives, we have extended the life expectancy of the average American from age 48 in 1900 to age 70 today. We have added 31 years to the life expectancy of the average American in this country in the 20th century, largely because the Democratic Party health and environmental and job safety initiatives.

What a radical change. We went from the Garden of Eden to 1900, and the life expectancy of the average American male or female was 48 years of age, added 31 years in the last 95 years, and the Republicans look at it, and they say, ''Let's roll back Medicare, let's roll back Medicaid, let's roll back the Environmental Protection Agency, let's roll back all the safeguards we offered to ordinary people so their lives could be protected in ways that no one from the dawn of time until the introduction of these programs had ever been protected if they are working people, if they are ordinary people, white, black, hispanic, Asian, whatever, in our country they all get the protections.''

Then they look at the Superfund Program. As you know, we have hundreds of sites across this country where polluters in the twenties, in the thirties, in the forties, fifties, sixties, they just dumped their chemicals into the water, into the ground near neighborhoods, turning the whole neighborhood into a neighborhood nightmare, but, more importantly, putting the children in those neighborhoods at risk because the water that they drank, the dirt which they might have been playing in, it came back to haunt communities, and so the Superfund Program was put into place. It is not perfect. It needed to be reformed, and the Democrats were more than willing to work to ensure that the imperfections were corrected.

But that was not the objective of the Republican Party. Their objective was to destroy the Superfund Program. In fact, they constructed something which I call the Ed McMahon polluters' clearinghouse sweepstakes, which meant that if you were a polluter, if you had already in a court of law or in an administrative proceeding accepted legal responsibility for having polluted a neighborhood and you had already cleaned it up, you will get a rebate from the Federal taxpayer, and it will be half of all the money which we, as taxpayers, put into the Superfund Program. We give the money to the polluters, but accepted legal responsibility.

And then they had a backup solution. It is the Evian solution: Well, we really cannot afford to clean up your site, but if there is an acceptable alternative for you to get water in your neighborhood, then the site will not be cleaned up. And this is called the Evian solution. That is, if you can go down to the corner store and buy bottles of Evian every day for the rest of your life, that is a good substitute for actually having water that is drinkable coming through the tap.

Now, there is a great innovation. Everyone in America, buy stock in Evian, buy stock in any water, and, by the way, you will get no Federal subsidies for that either.

And then you have the superfence. If there is a way in which you can build a superfence around the site, not cleaning it up, well, that is a good substitute, too, for ensuring that the hazardous waste material has been taken out of the community. It is the superfence superfiction, to be more accurate, because we all know that kids on their bikes are going to go right through these fences within about 15 minutes after they are put up, and they will be riding up and down these hills, these embankments of hazardous materials, not really aware of what the long-term consequences for them and their families will be.

That is the concept that the Republicans brought to environmental reform in our country.

And then I sit on the Committee on Natural Resources. What a great idea they came up with. We have subsidies on the public lands which we give to the mining industry. We have subsidies on the public lands of the United States that we give to the timber industry. We have subsidies; we are talking billions of dollars every year that come out of the Federal taxpayers' pockets. That is money we do not ask mining companies, timber companies, grazing companies to pay the American people for use of the public lands of our country. We just give it away to these Fortune 500 companies.

So the Republicans, they said, ''Well, we have a deficit crisis in America. We're gong to have to do something in order to ensure we raise more money to reduce this deficit.''

So they touched grazing subsidies of the Fortune 500 companies? No. Gas, timber, mining, no. We would not want to touch those people, those people who exploit our resources every day and then go and make a private sector profit on it.

What do they offer as a reform in our committee? Well, we allow grandmothers and grandfathers to get into national parks across our country for half price. What they did was strip out this spring the protection given to grandma to get in with her Golden Age passport into the national parks of America.

That is how we are going to balance the budget, on grandma's back, not the mining, not the oil, not the gas, not the timber, not the grazing industries that are on the public lands. They do not have to pay market price. But grandma, she loses her senior citizen pass.

And, by the way, and the gentleman from New Jersey knows this better than anybody, what a tough year and a half for grandma, huh? Boy, has she had a tough year and a half.

You know we have about 13 million elderly women in America who live on $13,000 or less a year. The Republican proposal was to take their Medicare payment and increase it by $400 a year.

And grandma, of course, has sacrificed throughout her life. A lot of people think she has really been getting too much for free here in America; you know, all these grandmothers living on $13,000 a year and Medicaid. Well, grandpa might be in the nursing home, but the Republicans' proposal was to make grandma sell her home before she would qualify for any Federal help at all to keep grandpa in the nursing home, and we know the average cost of nursing home care in the United States is $55,000 a year in most of the larger States, $40,000 at a minimum even in the smaller States, $40,000 a year.

No matter how hard you try, no matter how many years you save, you cannot save enough money, if one of the spouses has Alzheimer's or Parkinson's, to pay $40,000, $50,000, $60,000 each year to keep them in a nursing home. And, by the way, 50 percent of all people in nursing homes in this country have Alzheimer's, and 70 percent of all people in nursing homes are on Medicaid. But let us make grandma sell the house before she qualifies for anything.

And, by the way, they also propose to strip off the books the regulation which said that grandpa cannot be drugged while he is in the nursing home or tied down just to keep him under control.

Mr. PALLONE. The gentleman forgot when he came to the well and challenged the Speaker on the qualified Medicaid beneficiaries we are going to take away from the poorest widows in the country where Medicaid was paying for their Medicare part B premium. You brought that up. The Speaker said he was going to correct it and he never did. You might want to mention that.

Mr. MARKEY. Again, when they were called on it out here on the floor, they said, ''Don't worry, our intention is not to hurt grandma,'' and they never corrected it. We were forced to vote out here on the floor on the bill with grandma paying 400 extra bucks each year, and, by the way, the same bill giving $25,000 a year tax breaks for people who make $400,000 or $500,000 a year. It would take 70 or 80 grandmas, each kicking in 400 bucks to then turn around and hand away 25,000 tax breaks to people making over $400,000 or $500,000 a year.

Now let me say this about grandma. There was one weekend where she could get grandpa out of the nursing home, and they were so happy. They decided to take the grandkids to a national park, and so they got into the 1974 Ford Fairlane with the grandkids and headed off for the national park, and then the ultimate indignity: The Republicans propose to strip away the Golden Age passport so they can get into national parks.

Now is that right? I mean, yeah, OK, maybe we should look at some of these programs, but do you really think grandma and grandpa are getting too much? You know they took us through the thirties, the Depression, World War II, and then they built us into the greatest country in the world in the fifties, sixties, and seventies that has ever been known in the history of the planet. They have sacrificed to make this the great country it is.

Now is it really fair to tell yuppies who are making $500,000 that you deserve a $25,000 tax break and we are going to turn again to grandma and get $400 out of her in order to make that tax break possible? That is wrong. We should not be giving out those tax breaks to the wealthy.

And within the same bill we should not be telling the mining and the timber and the grazing industries that they should be paying market price. If you are taking coal, if you are taking oil, if you are taking timber, if you are taking grazing materials off of public lands, you should pay the same that you would pay if it was on a private piece of property. We should not be subsidizing you.

Adam Smith is spinning in his grave looking at this policy. We tip grandma upside-down on Medicare and Medicaid, and then we turn a blind eye to the people making $500,000 a year and say, ''No, we're going to give you a tax break this year.'' Well, where is the sacrifice, the shared sacrifice? Grandma will always do what she always has, but is it fair, before you have gone to the people, that you should ask her to sacrifice for tax breaks? That is wrong. So that we do not have to touch the mining or the grazing or the coal or the other companies on—that is wrong.

So the environmental policies of the Republican Party over the last couple of years have been just upside-down, just completely misunderstanding what the American people want.

□ 1530

They want clean water, they want clean air, they want hazardous waste sites cleaned up. They want our national parks to be protected. Again, Americans are willing to sacrifice, but they want it to be fair. They want the priorities to be correct. They do not want it to be all skewed toward the wealthiest in our society. They want it to be balanced. if it is balanced, they will sacrifice. But there is no reason why the environment has to be sacrificed in this entire endeavor.

So my point is that we have a reckoning that has arrived where the American people have to decide whether or not in fact they are going to allow for a continued erosion, and by the way, a lot of the Republicans right now, they are engaging in the moderate macarena, where for about 6 weeks here they are going to pretend that they are as concerned with all these issues as we are. The point is, though, that once they get back in January, we are going right back to where we were over the last 1½ years. We have a 6-week macarena where they are walking around, I see nothing, I hear nothing, I am with you, and they do the little twist, and let us hope we make it through this election. But we are coming right back with the same agenda, cutting, slashing the environment of this country.

Mr. Speaker, I thank the gentleman for bringing this subject up. I think it is very important for us to have the American people know the critical nature of this election and the referendum that has been created on whether or not we should gut the EPA and Superfund and clean air and clean water, right down the whole line, all of these issues. I do not think that they do.

I hope that, working with the gentleman and those who have led this charge across the country, because it has been a grassroots movement, ordinary people in cities and towns all across this country, who have risen up against this environmental radicalism, I think that the day of reckoning is approaching where the voice of the people will be heard on clean air, clean water, and all the rest of the environmental issues.

Mr. PALLONE. Mr. Speaker, I just want to thank the gentleman, because I think he is bringing back the fact that we are talking about real people here when we are talking about these policies, whether they are natural resources, clean air, clean water. We are talking about real lives and individuals that are impacted by it.

We had a hearing today as part of our Democrats' Family First agenda on environmental issues. We had three just regular citizens, essentially, from the DC metropolitan area who talked about their own experiences with health problems or environmental problems that really have not been addressed.

In other words, here we are talking about the Republican leadership trying to turn the clock back, when there are real needs that have not even been addressed, when there is a need for legislation in certain health, safety, and environmental areas that has not even been addressed, that the Republicans have not even yet thought about.

We have one gentleman who actually lives in the District of Columbia who died from Salmonella poisoning, or I should not say died, nearly died from Salmonella poisoning. He went into the whole situation of how he was impacted. He was in the hospital for such a long period of time.

Last night on Dateline there was a whole expose, basically, about Salmonella poisoning, and how eggs, so many of the eggs that are now produced in the country and that people buy in the store have the potential for Salmonella poisoning. There have been hundreds of deaths and thousands of people who may have been made sick because the Federal Government has not addressed the issue of how to deal with eggs, not only producing them, but making sure they are properly processed before they get to the market and before people buy them.

Mr. MARKEY. If the gentleman will continue to yield, Mr. Speaker, it has come to my mind, listening to you, that there was another initiative which was absolutely preposterous. It was a national parks closings bill. We had a military base closings bill, because as the cold war ended, there was clearly going to be a need to consolidate military activities across this country to save a little bit of money.

The Republicans in this Congress, they decided they were going to have a national parks closings bill. They were going to close down national parks across the country. Mr. Speaker, I have been in Congress for a while and I have talked to thousands and thousands of people over my years in public service. I can tell the gentleman this, I have never had a person come up to me yet and say, ''Ed, do you know what the problem with this country is? We have too many parks in this country. Really, we have to shut down the parks in this country.'' That is the preposterousness of their interpretation of what the American people were saying in 1994.

The American people want a balanced budget. We accept that. We are going to go along with it. We heard the message.

Mr. PALLONE. Mr. Speaker, that parks bill, I think they called it the parks decommissioning bill, they were trying to make out that they were going to do a study and see which parks should be decommissioned, and obviously it was a nice way of saying closed. When the bill was originally proposed, the sponsor sent a Dear Colleague to other Members of Congress and he used a national park, the Sandy Hook unit of Gateway National Park, in my district as an example of a park or recreation area that should be closed.

This summer we had somewhere between 2 million and 4 million people that visited Sandy Hook, mostly, pretty much from the New York metropolitan area; New York, New Jersey. Imagine that many people using this facility, and he is proposing to close it, and using it as an example of a national recreation area that should be closed. It is just incredible.

Mr. MARKEY. Again, Mr. Speaker, this bill is not going anywhere this year, but it just sits there right behind

the moderate macarena for the next 6 weeks. They are sending out memos about adopting a tree, or go visit a zoo and show that you are politically sensitive to the environmental concerns of your constituents, but it is the agenda of the Contract With America.

I do not think the American people understood that in 1994, but as it has been outlined in detail, as each week and month has gone by in the last 1½ years, the American people have become quite aware that it is an environmentally radical program that has been put on the books that calls into question every environmental advance we have made over the last quarter of a century. I do not think the American people want to go backwards. I think they want even cleaner water, even cleaner air, even safer areas around hazardous waste sites.

Mr. PALLONE. I think the gentleman is correct.

Mr. MARKEY. In each and every one of these areas I think they have a big decision to make in 1996, and thanks to the gentleman, I think millions are having it explained to them here today.

Mr. PALLONE. I want to thank the gentleman for coming on the floor, Mr. Speaker, and talking about this issue. I think there is no question that if you ask the average person, and certainly all the polling data that both Republicans and Democrats have done shows that people feel that there needs to be more environmental protection and more health and safety protection.

When we had our Families First hearing today and we talked, and we had witnesses that talked about some of the problems they face, we had another gentleman who was infected with Cryptosporidium from tap water, and almost died. We had another woman who helped organize a community effort to reduce toxic waste in her neighborhood. She talked about how we need more right-to-know measures.

So the types of things that the President has proposed, accelerating the cleanup of Superfund sites, providing more right to know for citizens and citizen groups, trying to basically provide better enforcement and more money for enforcement, this is what my constituents are telling me, and I believe when I talk to other members of Congress and other colleagues, what their constituents are telling them, that there should be more protection and more funding where necessary for investigation and enforcement.

I just want to conclude the special order today just giving an idea of what, again, the Dole economic plan would mean in terms of environmental protection. The concern many of us have is that not only many of the environmental programs, whether it be the Clean Water Act, the Clean Air Act, Superfund, that the Republican leadership in this Congress tried to gut that legislation, but even more so, that by deprioritizing funding for environmental protection, by slashing the amount of money that was available to the EPA, to the Department of the Interior, to protect our national resources and protect our health, and to protect our environment, that by allowing those levels of cuts to be proposed and in some cases actually implemented, what we are seeing is the inability, if you will, of the Federal Government and also State governments that depend on Federal dollars to actually do the investigation and the enforcement that is necessary to carry out our environmental laws and to make sure that there is adequate protection of individual's health and safety and environmental concerns.

If the Dole economic plan were to be put into effect, we know that there would be essentially a 40-percent cut in environmental programs. So the types of cuts that were proposed in this last Congress for the last 2 years would even be deeper, and the effect would be that the environmental protection and the 25 years, if you will, of efforts on a bipartisan basis to protect the environment and improve the level of protection by the Federal Government would simply be reversed, because of the inability of Federal agencies to carry out the law.

That is what we do not want to see. That is what we do not think that the average American wants to see.

TRIBUTE TO THE HONORABLE SAM GIBBONS AND THE HONORABLE GLEN BROWDER

The SPEAKER pro tempore (Mr. MCINNIS). Under the Speaker's announced policy of May 12, 1995, the gentleman from Alabama [Mr. CALLAHAN] is recognized for 60 minutes as the designee of the majority leader.

WATCH FOR ELECTION-YEAR SPIN IN HOUSE FLOOR SPEECHES

Mr. CALLAHAN. Mr. Speaker, it must be confusing to the people who are watching this, both in the gallery and on C–SPAN, about what we are talking about today. During this time of our political careers in history, it is an election year. It is like selling Coca-Cola and Pepsi-Cola. You have one side that says Pepsi-Cola is better, and one side that says Coca-Cola is better. What we do is create spin efforts. We try to convince the American people that one side is going to do all of these evil things, and the sky is going to fall if indeed a certain individual is elected President.

You hear things about cutting Medicare. There is not a provision anywhere in Washington where anybody has introduced or even suggested that we cut Medicare. All of this is partisan politics, trying to convince you, trying to manipulate you, the audience, into believing their side or our side of any particular issue.

They just talked about the environment. We are not going to destroy the environment. Not one individual in this entire body wants to do anything to do harm to the environment.

So as you go through these little periods of speeches on the floor of the House, keep in mind that it is that time of year. You are intelligent people. You can make your own mind up. Base it on character, base it on history, base it upon the future, base it on whatever you want. But keep in mind that these are like television ads. They are just a few minutes dedicated to the Members of the House to come here and express their views, and to try to convince you that the future lies in someone else's hands, or the future lies in the hands of those that have it today.

Spin is interesting here in Washington, because, you know, I heard the Secretary of Defense went over to Kuwait. I think all of us in the House knew, and certainly everybody in television land knew, and certainly, Mr. Speaker, you knew, that the Kuwaitis decided they did not want us there, even though we sent 500,000 men over there to save their country. When we tried to send 3,500 men there, they balked. But in any event, the Secretary went over there and he explained it. Finally, they let us come in.

But the spin that came out of it, and I quote the Washington Post, Mr. Speaker, it said that the Kuwaitis are inviting us over there to protect their interests. That is spin.

But for the next hour, we are not going to be partisan. We are not going to be Republicans, we are not going to be Democrats. We are going to be telling you some of the things that have taken place during the last several sessions of the Congress, and about two or three individuals that have been an integral part of that. They are two Democrats, and I am a Republican, but there are two Democratic Members of the House who are retiring from Congress this year.

I have requested 1 hour of this time to come in a nonpartisan sense to talk about these two individuals, these two Members of Congress that have made a tremendous contribution to this country during the time that they have served.

We have not always agreed. We agreed generally only on those things that were very beneficial to Alabama, because in the Alabama delegation, unlike some of the other delegations in this Congress, we work together, whether we are Democrats or Republicans. If we have a problem, if we have a need in the State of Alabama, the delegation meets on a monthly basis and we discuss with each other the needs, and why we need it.

I had a home port in Mobile that I was trying to get and got it, because I brought it to our delegation. I said, I need the help of all seven of you. We have things in Huntsville, we had an Army base in Anniston that one of our Members had some problems with. We always work together.

Some States do not work together on anything. Some Democrats never work with Republicans, and some Republicans never work with Democrats. But in Alabama we have been blessed,

blessed to have seven members of our delegation who do work together; who do not always agree on the national issues, who do not always agree on individual bills, but who do have a guidance and a direction that moves toward a better America and a better Alabama.

The gentleman from Alabama, Mr. TOM BEVILL, from Alabama's Fourth Congressional District, married to Lou, has three lovely children; born in Townley, AL, the son of a coal miner, he attained the rank of captain in the U.S. Army while serving in the European theater during World War II.

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He holds an LL.B. degree from the University of Alabama School of Law. He was first elected to the House of Representatives in 1966.

He was chairman for most of this time of the Appropriations Subcommittee on Energy and Water Development, from 1977 to 1994. As chairman, Congressman BEVILL encouraged substantial development of Alabama's waterways and the Port of Mobile and all the waterways and all of the ports of this entire Nation. For example, he was instrumental in the development of the Tennessee-Tombigbee Canal. This development allowed the United States to assert its full power in international trade. He remains the ranking member of the Subcommittee on Energy and Water Development even today.

The other Member retiring is GLEN BROWDER from the Third Congressional District of the State of Alabama, married to Becky. They have one daughter, I think a student at Auburn. At least they live near Auburn. He holds a Ph.D. in political science from Emory University in Atlanta. He served as a political science professor at Jacksonville State University, served for 4 years in the Alabana State House of Representatives, and was elected to Congress in a special election in 1989. He serves on the House Committees on Budget and National Security. While serving on these committees in the House, Congressman BROWDER has exerted an influential, fiscally responsible philosophy. As I have said, we did not always agree on some national issues. But you could never, never worry about the integrity of these two individuals, or about the word of these two individuals. If they told you they were not going to vote for you, you just as well put it in your hat to know they were not going to vote for you, not because they disliked you, not because I was a Republican, but because they disagreed with me. And that is the way this body works. It is made up of 435 individual men and women from all walks of life, from all of the States. All of us have had some degree of success in our other lives or we would not be here today. You do not elect unsuccessful people to Congress. You elect people that have been responsible people and leaders in their community.

So while there is bickering between these two on all these partisan issues trying to convince you through their statements to vote for either Bob Dole or for Bill Clinton or to tell you that there ought to be a Republican majority versus a Democratic majority in the House, keep in mind that all of that is partisan spin politics. You are the people who make that decision, and I trust your decision.

We have only 1 hour today to talk about these two individuals, these two great Americans, and dozens of people have called and dozens have asked to come and to share with me this 1 hour that we have to pay tribute to these two great American people.

The first is a friend of mine from Indiana, Congressman JOHN MYERS. He is going to retire as well, but now he is chairman of the same subcommittee that TOM BEVILL once chaired.

Mr. MYERS of Indiana. Mr. Speaker, we thank our friend, the gentleman from Alabama, SONNY CALLAHAN, for taking this hour to remember and honor 30 years of service of our colleague.

On November 8, 1966, 72 new Members were elected to Congress, 59 Republicans and 13 Democrats. Today, there are three of us in that class remaining in the House of Representatives, and as has been mentioned already, all three of us have chosen this 30th year in Congress to retire: Congressman MONTGOMERY from Mississippi; the person we are honoring this afternoon, TOM BEVILL of Alabama; and I am from Indiana.

That class, there was another Member who went on, had trouble keeping a job here, served only 4 years in the House, but I talked with him this morning, former Vice President and former President of the United States, George Bush, said for me to extend best wishes and congratulations to TOM BEVILL and SONNY MONTGOMERY for their 30 years of service.

TOM, as I call him, has served 16 years as chairman of the subcommittee where we both have served those 16 years, and I served those 16 years as his ranking member; and the past 2 years, because of the election, I have been given the honor of holding the chairmanship and TOM has been the ranking member. But the relationship never changed; it is completely, absolutely nonpartisan.

TOM is a gentleman. Nothing went into a bill unless we both agreed, when he was chairman. The last 2 years, with the confrontation of a few people, partisanship does not play a role in our subcommittee; it continued the same way. The country was more important.

TOM grew up in Alabama, was born in Alabama. His family had a little country store, and TOM worked as a clerk in that country store, growing up. It was a coal mining area. He went on to graduate from Walker County High School in Alabama, went on to the University of Alabama, where he got his law degree, and then served in Europe in World War II.

He came back and practiced law for 16 years in Jasper, AL, where they still claim home. But the thing in Alabama, and I have visited his district many, many times, both Democrats and Republicans voted for TOM BEVILL because they knew they had a person that was fair, and just as the gentleman from Alabama [Mr. CALLAHAN] mentioned here, would tell you the truth and you knew you were not getting doubletalk. They loved TOM BEVILL and they still love TOM BEVILL.

So he is going to go back home, I understand, and be an Alabamian once again, go back with his wife, Lou. His wife, Lou, my wife, Carol, the two couples have been friends for the 30 years we have had the honor of serving together in this Congress, but TOM and Lou BEVILL are true great people. Their three children and their grandchildren, I know they are going to enjoy.

So today I am pleased to be able to join the many friends that TOM BEVILL has to say thank you, TOM, for your years of service and thank you for your courtesy. Thanks for being a gentleman all of those years when we served together.

Mr. CALLAHAN. Mr. Speaker, I yield to the gentleman from Mississippi, SONNY MONTGOMERY, another gentleman that is retiring this year, who was just mentioned by the gentleman from Indiana [Mr. MYERS].

Mr. MONTGOMERY. I thank the gentleman from Alabama [Mr. CALLAHAN] for giving me this opportunity, and I would like to pay tribute to both TOM BEVILL and GLEN BROWDER on their retirements.

Mr. Speaker, I am pleased to speak today about our longtime friend, TOM BEVILL. TOM and I both, as mentioned by JOHN MYERS, started as freshmen together. We have been friends ever since. That was 30 years ago. During that time, I have to say that there has never been a better representative for Alabama or for this Nation than TOM BEVILL.

Mr. Speaker, he served in the European theater during World War II and attained the rank of captain. We three, TOM BEVILL, JOHN MYERS and I, all three served in the European theater. We did not serve together, but we were there at the same time. So coming to Washington for TOM BEVILL was not a tough, big problem; because he had been in the war, he knew that he could handle the job.

His constituents are very proud of him. He has had an excellent record with the people of his State and his congressional district. Mr. Speaker, he might have had a tough race the first time he ran, the first 2 years, but after that, he has been elected without opposition and really has had no problems coming to the Congress again.

As has been mentioned, he is the senior member of the House Committee on Appropriations and served as chairman of the Subcommittee on Energy and Water Development from 1977 to 1994. He is now the ranking member, as we all know, and he and JOHN MYERS

worked together so well. He did have a lot to do with the Tenn-Tom waterway system which goes between our two States, Alabama and Mississippi.

Mr. Speaker, on the Tenn-Tom, there is a lock and dam that bears the name of Tom Bevill Lock and Dam. And our congressional districts adjoin each other. But the biggest sign in my congressional district is Tom Bevill Lock and Dam and the sign points that way. I tease him a lot about that, but it is the biggest sign in my congressional district.

I have enjoyed having TOM BEVILL be a part of the prayer breakfast group, and PETE GEREN of Texas asked that I would mention about TOM BEVILL, he is known as the assistant to the assistant chaplain at our prayer breakfast. He does not get to act much, but he does come a lot, and we have enjoyed very much working together.

So about TOM, Lou has been wonderful. He has got three wonderful children. I wish him the best.

Moving to GLEN BROWDER, we are very proud of GLEN and what he has done since he has been in the Congress. I serve with him on the Committee on National Security, and he has performed his duties as well as any Member I know. Fort McClellan, AL, is in his congressional district. He has actually himself, with help from the other Members of the Alabama delegation, saved Fort McClellan, AL, from being closed. Fort McClellan has been on the base closure list for a number of years. I know for sure he has saved it for 2 years in a row.

We wish GLEN, his wife, Becky, and their daughter, Jenny Rebecca, the best in the future. GLEN, Washington and the House of Representatives will miss you.

Mr. CALLAHAN. Mr. Speaker, I would like to yield just a few minutes to one of the individuals we are retiring. To show you what kind of individual he is, he is here to give praise to the other Member we are talking about, Congressman TOM BEVILL of Alabama.

Mr. BEVILL. Mr. Speaker, I thank my good friend and colleague, Congressman CALLAHAN.

Mr. Speaker, I rise today to pay tribute to my good friend and colleague from Alabama, Congressman GLEN BROWDER.

GLEN is leaving office with a fine record of service to Alabama's Third Congressional District since 1989. As you know, GLEN was elected after the death of our long-time colleague Bill Nichols.

While no one could replace Bill Nichols, GLEN certainly has done an outstanding job picking up where Congressman Nichols left off. He has made a name for himself as a quietly determined, highly intelligent and well-focused Member of Congress.

Like Bill Nichols, GLEN BROWDER won a seat on the House National Security Committee where he has become a very effective advocate on a wide range of military issues. He fought to keep Fort McClellan off the base closure list and developed broad expertise on the use and storage of chemical weapons.

He has worked diligently on behalf of Persian Gulf veterans who have suffered strange symptoms since returning from the conflict with Iraq. GLEN has pushed the Pentagon to provide more information on their potential exposure to chemical agents.

GLEN BROWDER has always been fiscally conservative and has provided outstanding leadership on campaign reform issues and budget matters.

I have thoroughly enjoyed working with GLEN BROWDER, especially on projects of concern to Alabama. He has always been very dedicated, not only to his district, but also to our entire State of Alabama and our Nation.

Whatever course GLEN BROWDER chooses to pursue, I am confident he will be highly successful. Meanwhile, his accomplishments here in the Congress will always be remembered and appreciated.

GLEN, I wish you and your lovely wife Becky all the best in your future endeavors.

Mr. CALLAHAN. Mr. Speaker, at this time I would like to recognize, he has a conference he must attend, a little bit out of order but nevertheless not out of order with respect to his vitality to this conversation, Mr. ALAN MOLLOHAN of West Virginia.

Mr. MOLLOHAN. I thank the distinguished gentleman and chairman. I appreciate very much his making possible this special order.

Mr. Speaker, I thank you for allowing me to take the floor today for this fitting tribute to our distinguished colleagues from Alabama, TOM BEVILL and GLEN BROWDER. I am pleased to add my personal words of appreciation for their contributions to this House and to offer my best wishes to each of them as their terms come to a close and as they look to their future.

I had the great pleasure of serving with GLEN on the Committee on the Budget. He is particularly distinguished, bright, makes a wonderful contribution to that committee and brings a lot of common sense to the process. I know that he will prosper as he leaves the House and I certainly wish him well.

Naturally as a member of the Committee on Appropriations, I will acutely feel the absence of the gentleman from Alabama [Mr. BEVILL] and the leadership that he has provided to that committee as chairman and the ranking member of the Subcommittee on Energy and Water Development.

□ 1600

He is one of the most respected members of our Committee on Appropriations and the entire U.S. House of Representatives, and it saddens me greatly to see him go.

For a long number of years, my father, who served in this body, served with TOM BEVILL, and dad always considered him to be as close as you could come to the ideal of a Member of Congress.

Since taking up the responsibilities of representing the First Congressional District here, I have found that dad is absolutely right. TOM BEVILL is bright, he is disciplined, he is full of integrity, and not only courteous but he is kind. These are the qualities that have made him an effective, popular Representative of the people of Alabama's Fourth Congressional District. They are the same qualities that have made him a widely admired Member of the House.

Of course, he has made his mark through his years of leadership of the Energy and Water Development Subcommittee. That can be a tough job. There are so many worthy projects brought to the attention of this subcommittee, real needs, urgent needs in communities all across the Nation, yet even in the best of times there are simply not enough resources to go around.

Being able to take up as many of them as possible and blend them into a thoughtful national policy, well, that is a real legislative art, and TOM BEVILL is the master of it.

Mr. Speaker, I doubt there is a district anywhere that has not benefited in some measure from TOM BEVILL's commitment to meeting America's energy and water development needs. His good work will be remembered long after he leaves this body. So, too, will his gracious manner and the good will he has consistently shown to Members on both sides of the aisle.

That is a real hallmark of his service. In fact, he has worked hand in hand in a real bipartisan spirit with another very distinguished and retiring Member of this House and of this committee, the gentleman from Indiana, JOHN MYERS.

JOHN MYERS has been equally an outstanding servant of the people. They are both wonderful men and a powerful legislative team.

TOM BEVILL is a true gentleman, as well as a distinguished legislator, and he will be missed sorely. Thank you, Mr. BEVILL, and thank you, too, Mr. BROWDER, for your faithful service to this House and to the people of West Virginia, and my best personal best wishes go with you.

I also want to share with you the great expression of appreciation from the constituents of the First Congressional District of West Virginia for all your consideration of their needs over these many years. God bless.

Mr. CALLAHAN. Mr. Speaker, at this time I would like to recognize one of the gentlemen we are talking about today so he can pay honor to the other gentleman we are talking about today. I am talking about Mr. BROWDER of Alabama.

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

Mr. BROWDER. Mr. Speaker, I want to thank SONNY CALLAHAN, my good

friend and fellow Alabamian, for arranging this special order and for all who are participating here.

I was in the gallery with my wife, Mr. Speaker, and I heard TOM BEVILL speaking about me and now it is my turn to speak about him.

For the past 30 years, TOM BEVILL has been representing our State and our country with distinction and dedication. His sincere interest in the betterment of this great land of ours has meant a great deal to many of our districts.

In my own district of east Alabama, for example, TOM BEVILL has exercised his leadership to help Alabama, Georgia, and Florida avoid a nasty scrap over the water resources we share. Because of the work and studies he sponsored, we seem to be moving toward a regional understanding on this vital issue.

TOM served 14 years as chairman of the House Appropriations Committee's Subcommittee on Energy and Water Resources. There is not a State in this country that is not a better place because of TOM BEVILL's work and his knowledge. Without a doubt he will leave an indelible imprint on our country that cannot be erased and will not be duplicated.

TOM has always been a special friend. He introduced me to the House when I was sworn in as a Member after a special election in 1989. At a time like that, it is nice to have a man of his stature speaking for you.

TOM has the respect of Members on both sides of the aisle. He has earned this respect by his hard work, his attention to detail, and his willingness to help another Member, even when there is no political gain for himself.

On this occasion I also want to mention TOM's lovely wife, Lou, who is as strong and caring a person as TOM. I wish them both the best for all they have done for Alabama and the rest of the country.

Mr. CALLAHAN. Mr. Speaker, I thank Mr. BROWDER for his kind words and for his service.

I want to now introduce my next-door neighbor, the man who represents the congressional district next to mine, Congressman TERRY EVERETT, of Alabama.

Mr. EVERETT. Mr. Speaker, I would like to first thank my colleague, SONNY CALLAHAN, for giving me and the rest of us this opportunity to offer a personal tribute to two of my colleagues who leave this House having earned very distinguished records of service. TOM BEVILL, the Fourth District of Alabama, and GLEN BROWDER, of the Third District, are well-known to the people of Alabama for their active leadership to Alabama and the Nation.

TOM BEVILL is the dean of the Alabama delegation here in Washington, having been elected to this body 30 years ago. TOM's gentlemanly manner, his character, and his great legislative skills have earned him the respect of his peers.

Having served as a long-time chairman of the House Appropriations Subcommittee on Energy and Water Development, TOM's influence has, as has already been noted here, today has been felt over the entire Nation for decades in major energy research development and public works projects from coast to coast.

At home in Alabama, Chairman BEVILL led the drive to build the Tennessee-Tombigbee Waterway. We heard Mr. MONTGOMERY talk about signs in his district, in Mississippi, naming something after Mr. BEVILL. There is a joke that you cannot travel through a single town in Mr. BEVILL's district in north Alabama without seeing the Bevill name on a building somewhere. And while that may be true, let it also be known that there is a Bevill building on the campus of Sparks State Technical College in Eufaula, AL, down in my district in southeast Alabama.

TOM and his wife, Lou, will be missed here in Washington after January, but they certainly deserve a much earned rest back home in Jasper. I wish them both the very best, and I know that TOM will have more opportunities to meet with my good friend, our mutual friend, Doug Pearson, for coffee more often.

Mr. Speaker, I also want to speak about another departing colleague, GLEN BROWDER of Alabama of the Third District. GLEN BROWDER came to Congress in a special election in 1989 to fill the unexpired term of the late Congressman Bill Nichols.

GLEN, who sits with me on the House Committee on National Security, quickly proved his mettle in successfully blocking three out of four Base Closure Commission attempts to close Anniston's Fort McClellan Army base.

GLEN also made a name for himself as a budget hawk by gaining a seat on the House Committee on the Budget and adding focus to the congressional effort to reach a balanced budget. GLEN's fiscal conservatism and hard work in support of our Nation's military and veterans will be very, very much missed.

I wish him and his wife, Becky, the very best as they return to Jacksonville, AL.

Mr. Speaker, both these gentlemen have given great service to Alabama and to the Nation and have extended great courtesy to me personally and I thank them. God go with them.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman from Alabama, and at this time we are going to go outside the State of Alabama, Mr. Speaker. I yield time to the gentlewoman from Arkansas, Mrs. BLANCHE LINCOLN.

Mrs. LINCOLN. Mr. Speaker, I thank the gentleman from Alabama for yielding. I, too, Mr. Speaker, rise today to pay tribute to two fine gentlemen from the State of Alabama. I am also proud to be here among the other folks that are here paying tribute. I find myself in excellent company.

I have had the privilege of serving with these two gentlemen for my tenure here in the Congress. I feel like it has been a real honor to be along their side.

Congressman TOM BEVILL has served the Fourth District of Alabama with distinction since 1966, but in many ways he has served all of our districts at one time or another. As chairman of the Energy and Water Appropriations Subcommittee from 1967 to 1995, Congressman BEVILL has probably been more instrumental than any Member in protecting, preserving, and managing America's water resources.

His charge has not been an easy one in distributing an ever-shrinking amount of funds to an ever-increasing number of worthy projects from around the Nation. Yet he has always been fair and nonpartisan in his work, and his word is ironclad.

When I first came to Congress 4 years ago, the appropriations process was an unintelligible maze to me. In an effort to understand the process better and to serve my district, I went to TOM BEVILL for advice. It could have been a very intimidating experience, a young woman, new on Capitol Hill, visiting a powerful chairman, but it was not. TOM BEVILL welcomed me as an equal and treated me with the utmost of respect. He helped me learn more about the process and was instrumental in guiding several landmark Arkansas water projects through the Congress, one on behalf of the people of the First District of Arkansas. I want to thank him for his hard work on our behalf.

I know that Mr. BEVILL's best days are ahead of him as he leaves Congress to return to his life of a private citizen. I want to wish him and his wife Lou the best.

There is one story I think that I must share with the rest of my colleagues, and I think it says a little bit about Mr. BEVILL that we all really know.

Not only has he served the people of this country and of Alabama and all of our other districts well, he has done so in a very wise and gentlemanly way, but he has not forgotten the important things in life. One day as we sat on the floor here, Mr. BEVILL and I were visiting, and I had on a red jacket. And he looked at me and he said: I see you in that red jacket and, he said, I am reminded. My wife was wearing a red jacket the day that we first had our—I think it was the day you proposed to her, perhaps? Or maybe it was your first date.

TOM BEVILL does not forget, and he does not forget the most important things in life. He has served us all very well in this institution. He served our Nation and the folks of Alabama. We would all do well to follow the example of his career, commitment, fairness, grace, and humility. TOM BEVILL is the kind of Member and person that we all strive to be, and I am proud to have served here with him and to have learned so much.

Mr. Speaker, I also want to say a word about my fellow Congressman, GLEN BROWDER, from Alabama's Third District. I have had the true honor of serving as a blue dog with GLEN during the 104th Congress. GLEN, like myself, is a founding member of this notorious band of independent Democrats. We have worked hard for that name and have had a great deal of fun with it.

The blue dog mission, however, has been about meeting two principal goals: balancing the budget in a fiscally responsible as well as a fair way, and bringing commonsense solutions to Washington, DC.

Since coming to Congress in 1989, GLEN has never swayed from those goals. He was instrumental in crafting the blue dogs' balanced budget and had an active voice in all of our policy decisions.

I am not sure what GLEN's plans are for the future, but I certainly know he will bring the same dedications and honor to his new endeavors as he has to his work here in Congress. I join my colleagues in honoring these two gentlemen, and I wish them Godspeed in the future ahead for both of them.

Mr. CALLAHAN. Mr. Speaker, I thank the gentlewoman from Arkansas, and I now recognize the gentleman from north Alabama, Mr. CRAMER.

Mr. CRAMER. Mr. Speaker, I thank my colleague from Alabama. I, of course, want to stand here today to pay tribute to two of my best friends, TOM BEVILL and GLEN BROWDER. I joined this Alabama team in 1991, so I have been here for 6 years. During that time the entire Alabama delegation taught me that Alabama has a notorious reputation for sticking together. We put Alabama's issues first, we put our party labels second.

□ 1615

And they demonstrated that all of the time that I was here. Of course, TOM BEVILL and I represent all of north Alabama. I have many industries in north Alabama that are dependent for their jobs on Federal budgets, like the NASA Marshall Space Flight Center and the Army presence at Redstone Arsenal. I have the Tennessee Valley Authority in north Alabama, as well.

We have so many connections to the Federal budget that if any part of it is squeezed, we feel part of the pain from that squeeze. TOM BEVILL jumped from the get-go when I got here to make sure that I had available to me his position of power, as I would put it, not as he would put it, there on the Subcommittee on Energy and Water and on the Committee on Appropriations, as well.

Whenever I needed to fight a battle, I could fight that battle with the presence of TOM BEVILL, literally. Tom and his wife Lou, his daughters Patty and Susan, and his son Don, are like family members to me, so it is very difficult for me to think of losing TOM BEVILL to this institution, much less as part of my professional life here in the Congress.

But as I stand here today in the presence of JOHN MYERS, and SONNY MONTGOMERY who left here, and listen to them talk, as I have both today and days before today, about their experiences here together and separately in this Congress, it makes me think that they just do not make people like that much anymore. They are all three illustrations to those of us here now that the behavior that we sometimes fall into does not have to be fallen into.

These are men who work well together. They put their partisan politics to the side. There is an appropriate place for that, but they bring into this institution daily a professionalism that would be hard to match this day and time. We are going to miss all three of them.

My colleague, GLEN BROWDER, was slightly behind me in his tenure here. I should say ahead of me; he came here slightly before I came here. And GLEN was, as well, an Alabama team member available to me when I got here; from Jacksonville State University, where he served on the faculty at that fine Alabama educational institution. He served also in the Alabama State House. He was Alabama Secretary of State as well. He brought that Alabama background to our Alabama team.

Of course, when you come to Congress you do not get to be on every committee you want to be on. GLEN was on the Armed Services Committee and, as I said, with our presence in north Alabama at the Redstone Arsenal, with the jobs that we had there, often I had to go to GLEN and say, ''We in the Fifth District need your help.'' And he was available to me just as the rest of the Alabama team was available to me. And because I have the kind of district that I have, I was often turning to GLEN for advice about how do I get ready to fight NASA's battles on the floor or how do I help my district with the weather service issues that we constantly have there? And he was always available to help me, whether that meant meeting with constituents there or whether it was joining with me to lobby on the floor to win the victories that we needed to win.

GLEN, to you and your wife Becky, and daughter, I will lose you as family members, as well. I have enjoyed your presence and your moral support here in Congress. You, as well as TOM BEVILL, represent the kind of personality and professionalism that I want to be a part of while I am here. We will miss you, but we will look forward to seeing you and working with you in different ways. TOM BEVILL, GLEN BROWDER, we will miss you. Alabama thanks you, as we should.

Mr. CALLAHAN. Mr. Speaker, I now yield time to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding and for taking out this special order to honor two of the very distinguished Members of this body who happen to be from the great State of Alabama.

GLEN BROWDER, whom we have known since he came here, one of the great and distinguished Members of this body who has served our country so very, very well in his tenure. And GLEN, we wish for you the best in your future endeavors, and we are going to miss your service around here. We hope we do not miss your company. We hope you will come back and be with us all the time that you can.

Of course, the other Member who is being honored here today, TOM BEVILL, whom I have had the pleasure of serving with not only in this body but in the committee and on his subcommittee of recent years, I do not know how I can summarize this man's life in Congress in 2 or 3 minutes. In fact, I do not think I can. But I am reminded of something that was written some years ago that I think applies to TOM BEVILL as well as anything that I could say, and I am just going to quote it.

The writing was, ''Real generosity is doing something nice for someone who will never find it out.''

And, Mr. Speaker, there are thousands of people in my district and in every district in this country who would not know TOM BEVILL's name and yet who have benefited magnificently from his work here in this body. He has been so many things to so many people, touching the lives of millions of people who would not know his name if they heard it and likely never will.

And that is the nature of the labors of TOM BEVILL. To his colleagues, he is both the quiet, genteel, gentle man who served as chairman of a very powerful subcommittee of this body, and he is a very caring southern gentleman in the corridors of this Capitol.

To his constituents back home, he was and is a man and leader who rose to one of the most powerful positions in the Federal Government and yet never forgot where he came from, where he lives, who he is, who sent him here, and what he could do for his district and his Nation.

And as has been said, the evidence of his devotion to his people back home is evident in every corner of his district in Alabama. And not just in his home district, as TERRY has said, but throughout the State of Alabama and certainly throughout the Nation.

His support for higher education is symbolized by the tremendous assistance he has been to the University of Alabama. His appreciation for his State's lands and rivers. I mentioned the Little River Canyon National Preserve as one star in his crown. And, of course, as has been mentioned, the Tennessee-Tombigbee Waterway. I will not forget going down to the dedication of that great economic boost to the entirety of the Southeast United States, and being so proud to stand there as TOM BEVILL was lauded by the people of his home region and the rest of this country for that signal improvement to the Southeast.

And of course I have been a very close friend with TOM over the years on

so many fronts, but one comes to mind immediately, and that is his tremendous work on behalf of the Appalachian Regional Commission, a region that we share, and the ARC would not exist today had it not been for the work of TOM BEVILL. It would have been done away with years ago; certainly the funding would have been sliced to a negligible amount.

The same can be said of the Tennessee Valley Authority, which has meant so much to the economic growth of the entire South. And since TOM BEVILL has been here, the TVA has had no bigger and better or more effective supporter and promoter than TOM BEVILL.

We could talk about the silent work that he has done for which there is no notoriety or credit, even dating back to his very first days in the Congress, on this committee responsible, among other things, for the Nation's nuclear capability. It is this subcommittee that TOM BEVILL chaired for so many years that funded the Nation's nuclear weaponry, and of course that had to be done in supersecrecy.

And I know personally of the long hours that TOM BEVILL has sat and worked with the most powerful weaponry known to mankind, being sure that this Nation was prepared in the eventuality of that awful event of Armageddon. And through most of the cold war era it was TOM BEVILL who sat in the hall and decided how much money would be spent and for what in the Nation's preparation for our nuclear protection. That is a thankless job that TOM BEVILL did with great effectiveness and pride.

But my personal point of view, my district's point of view, there are literally thousands of people today in my district who are now protected from the ravages of nature, flooding, that TOM BEVILL saw to. And I suspect a great many Members of this body can say exactly the same thing, but I can say it with feeling, as can they, that TOM, our people thank you for your dedication to their well-being; people who never saw, people probably that would not recognize your name, except when I tell them who did it, that are now protected from these almost annual ravages of having their homes washed away, their family Bibles destroyed, their family pictures washed away. Everything they have would be gone. Today they can say they are safe because of your service to your country and to them in this great body. The infrastructure of our country has done well because of your tenure.

I am reminded of two stonecutters who were asked the same question, and I say this because TOM BEVILL kept in mind why he was here all the while. He did not waiver. He did not wander, he was always there. Two stonecutters were asked the same question: What are you doing? The first one said, ''I am cutting this block into two pieces.'' The second one, though, said, ''I am on a team and we are building a cathedral.''

TOM has been on the team, and he has been building not a cathedral but a much, much better America, and for that we are eternally thankful to him.

I have to say this in closing, too. His wife, Lou, was one of my and my late wife Shirley's best friends. These two people, as his close friends and even distant friends know, are two of the best people that God ever created. Lou, an accomplished musician among other things in her life, is a true American and a great American, and someone that we are going to miss almost as much as TOM, if not more so. But we are going to miss the service of a gentle man. He was gentle, and yet when it came to the things that he believed in, a better America, he was tenacious and he persevered and at times was even ferocious in his defense of these things so important to him, his district, and our people across the country.

I know that TOM and Lou are going to enjoy the next phase of their life. We hope for the very, very best. We hope that they will at least come back and honor us with their presence, because we are going to sorely miss their personal friendship in their absence from us for what time they are absent.

So, TOM, in your next phase of your life, we wish you Godspeed.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman from Kentucky. And I now recognize the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Speaker, I thank Mr. CALLAHAN.

Mr. CRAMER mentioned the Alabama delegation and what a special group I think we are. I think he said it better than I would have said it when he said that party labels come second. We put the interest of the State first.

We have not had the partisan wrangling that we have sort of seen in this Congress in our delegation. We really like each other, we work well together, we cooperate together. It is the sort of bipartisanship that this country needs, and you see it in the Alabama delegation. And I think that the two gentleman we are here to give tribute to today are two of the big reasons for that.

GLEN BROWDER and TOM BEVILL, you all were here before I came. You worked well together. You worked well with SONNY CALLAHAN and Bill Dickenson, and you sort of established that tradition in the Alabama delegation, something that I benefited from, something that the State of Alabama has benefited from, our delegation, working together for the good of the State and for the Nation. And, first of all, I think that is a legacy that you all will leave with those who stay behind, that we will continue as an Alabama delegation to put aside petty politics and party labels for the best interests of our State.

□ 1630

So I compliment you first for that.

Second, I compliment you for the fact that you have been a good example to me, both of you. When I came here, I came into a Congress where I was a Member of a minority party. And probably the first month I was here, the first legislation that I decided to sponsor, a little piece of legislation, saved a little bit of money in the total picture, but I went to TOM BEVILL. I am not sure at that time I appreciated that he was a powerful cardinal on appropriations. I probably did not even know that I was not supposed to be approaching him at the time, but I approached him and I asked him to cosponsor my bill with me.

He could have said, I am not going to cosponsor a bill with you. You are a little Republican freshman and I am not going to give you the benefit of my reputation. It is too small a bill. It is just too inconsequential. I am working on important issues that affect this country every day. I do not want to give a young Republican Congressman anything that might give him an advantage.

But, no, Mr. Speaker, he put all of that aside. He saw that it was good legislation, and he cosponsored it with me. I was able to get Members on both sides of the aisle to join with me in that legislation because TOM BEVILL's name was on that legislation.

I will never forget that, TOM. Mr. ROGERS from Kentucky, his district and your district are very much alike. One is in Kentucky; one is in Alabama. But they are Appalachia. They are hard-working people. They are God-fearing people. And he much better than I could describe, he served with you here longer. He has known you and Lou, he and his late wife Shirley. You all were good friends. He knows you man to man. He can much better talk about your legacy than I can. I enjoyed listening to that. I can simply say that I second everything that he said in that regard. He certainly gave a wonderful tribute to you.

I would only add to that by saying that I have been so impressed with your wife, Lou Bevill. She sort of, I guess if you pick out someone that you want your wife to sort of use as a role model, because she is here, she is up here and she, as my wife is, they are both here with us during the week. I am so impressed with her, her and Mike Heflin. It is hard to talk about GLEN BROWDER and TOM BEVILL without thinking about Senator HEFLIN because that is sort of a dynamic trio that we are going to be without. I am going to miss you; I am going to miss Lou. I am going to miss Senator HEFLIN, and I am going to miss Mike. It is hard to think of you without thinking of Lou. It is hard to think about Senator HEFLIN without thinking about Mike. I wanted to tell you how much I appreciated her and her example.

Mr. EVERETT mentioned the joke about every building in north Alabama having a Bevill center. I told you about a year ago at a reception that we had, I was actually trying to describe a town in your district to someone. And

I described it as having a railroad that ran through it and about two traffic lights. It was on Highway 78. That really did not give them much of an indication.

I remembered that there was a building in the town that said the Bevill Building. I said, it has a building named after TOM BEVILL. And actually this person's remark back to me was, You have not eliminated one town on Highway 78 by saying it had a Bevill Building in it.

So you have left behind in your district a better place and something that you can be proud of.

They mentioned the University of Alabama. You have been committed also to our community colleges in Alabama. Even as a member of the State legislature, GLEN and I preceded you several years later, but you were one of the first in Alabama to recognize that not everybody could go to the University of Alabama; not everybody could go 120 miles to Auburn University. So some people had to go in their communities. If they had to travel over 20 or 30 or 40 miles, they simply would not get an education. And you were one of the people in Alabama who led the fight for community colleges. Thousands and literally millions of Alabamians owe that part of their education to your insight and your wisdom and your participation in that.

GLEN BROWDER, I will tell you a tribute, once a man asked me if I would recommend him for a job. I said that I would recommend him because he had coached my little boy in Little League and he had done a good job. You learn something about somebody when they coach your son in Little League baseball. You get a real insight into them. And I remember that when I came up here and GLEN BROWDER and I were going to serve together, I knew GLEN, as we had been in the State legislature together. You had been a constitutional officer in the State. I had been. But I knew you as capable. I knew you as articulate. I knew you as a good man. But Randy Dempsey, one of my law partners, he had been in your class. You taught him at Jacksonville State. And you had evidently been a mentor to him and you had encouraged him.

He shared with me what a fine teacher you were and how you really cared about your students and how your students really enjoyed your classes. You did a good job and you really cared about the students. GLEN, that has always impressed me, that someone who was there in your classroom had such a wonderful opinion of you.

Becky, your wife, people like Becky, people are impressed with Becky. There, again, both of you, you all have several similarities. One is that you are committed to your family. You are committed to your marriages. I commend you. You are a good example in that regard.

GLEN, you are going to leave a legacy to our gulf war veterans. That is something that I came about 25 minutes ago and I had not heard anybody mention. But I am not sure if you are not the first person to go over to the Pentagon and say, we have got people that have returned from the gulf war. They are sick.

Mr. CALLAHAN. Mr. Speaker, I hate to interrupt the gentleman from Birmingham, but we only have 4 minutes left and we have two more distinguished speakers.

Mr. BACHUS. I will simply say this, GLEN. That is a devastating illness. You have been at the forefront of that and you are to be commended on that. And all our gulf veterans and all of us who support the military owe you a debt of gratitude for that.

Mr. CALLAHAN. I certainly hate to interrupt the gentleman.

Mr. Speaker, I yield to the gentleman from Minnesota, Mr. VENTO.

Mr. VENTO. I thank the gentleman, Mr. CALLAHAN, for this special order and wanted to commend my friends and colleagues, Congressmen TOM BEVILL and GLEN BROWDER. I think that what we see epitomized in these two good national policymakers is the magic of what happens in Congress.

People are elected with many different talents and they assume responsibility here, and although they are not specialists in national security or specialists in the role, they grow into that role and do yeoman's service. That certainly is the case with our friend GLEN BROWDER, and TOM BEVILL has grown really to be a giant in the work he has done in trying to hold together programs like the Corps of Engineers.

Over 30 years we have seen that evolve from a far different role than what it has played before. It really shows up when you work with him on a different project, as we did with a park unit in his district. It was one of the easier jobs I have had chairing the committee because I did not have to ask anyone to help. TOM did all the work, and he had helped so many Members of Congress and had had such an impact that it was obviously with acclaim that that was enacted. TOM, it was a tough job for you but we commend you and Lou and GLEN and Becky, and we wish you well. I know in the case of GLEN it is just an interruption in terms of his public service. We look to see him back in action quite soon. Best wishes to you all. Thank you for your services for the country.

Mr. Speaker, let me congratulate TOM BEVILL and thank his colleague from Alabama for sponsoring this special order in TOM BEVILL's and GLEN BROWDER's honor. These are really two good Members who will be missed and reflect very positively upon the Congress, their good State of Alabama, and the Nation.

GLEN BROWDER a teacher, farmer, Alabama State legislator, and State official served in Congress for 8 years, and has made an impressive contribution in national security and congressional reform issues. GLEN sought election to the other body, and for the moment is sidelined from public service but I've every expectation that our friend GLEN BROWDER will be back in public service in the near future. My best to GLEN, Becky, and their family as they make a transition within public service.

TOM BEVILL for over 30 years has labored and contributed in his role of representing the people of Alabama in the U.S. House. His work on the Appropriations Committee has been very important, in the last years he has reformed and guided this program of projects based on merit not just legislative clout.

TOM has been my neighbor in the Rayburn Office Building these past 10 years. We've spent many days walking back and forth to the floor to vote, he has been a good counselor and friend. I was pleased to work with TOM on the Little River Canyon National Park Unit in the authorizing process as I led the Parks and Public Lands Subcommittee, one of the easier tasks I had because TOM really did the heavy lifting. He had more friends, both Democrats and Republicans, that were interested in helping which is a real tribute for TOM BEVILL. Naturally this become the first national park unit in Alabama, a legacy that will hopefully be in Alabama forever a testament to Congressman BEVILL.

My colleague, my friend, you have well earned your place in our affection and best wishes to you TOM, Lou and the family in the years ahead as you enjoy your free time from the duties of service in the Congress.

Mr. CALLAHAN. I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank my friend, Cardinal CALLAHAN, for yielding.

Mr. CALLAHAN. You may approach.

Mr. HOYER. I have just a few minutes. Two decent Americans are leaving the service of the people's House at the end of this year. This House will be a lesser body for their departure. Alabama will have suffered a significant loss.

Each of us individually in this House will have lost good friends. GLEN BROWDER is a relative newcomer relative to Mr. BEVILL but then again, most of us are relative newcomers relative to Mr. BEVILL. GLEN BROWDER, as SPENCE BACHUS indicated, is someone who cares about people, who is a capable, able, regular guy that you would be proud to have as your dad or your brother or your uncle or as your Congressman. I have been honored to serve with him.

TOM BEVILL is a giant. TOM BEVILL helped America invest in its future. One of the first votes I cast was on the Tennessee-Tombigbee when I came here to Congress. It was a controversial vote. It was the right vote. TOM BEVILL stood and said if America is to grow, if we are to create jobs, if we are to have economic viability and be competitive in world markets, we need to invest in America.

TOM BEVILL is my friend and he is an historic figure in this body. Few Members who have ever served in this House will be able to look back on their record of making America better. That is TOM BEVILL's. God bless you, TOM.

Mr. CALLAHAN. Mr. Speaker, I yield to the gentleman from Alabama, Mr. HILLIARD.

Mr. HILLIARD. Mr. Speaker, I am very appreciative for the time to both

of my friends, TOM BEVILL as well as GLEN BROWDER. I am very happy to have had the pleasure to serve with both of them. I have known GLEN BROWDER for about 20 years. We served together in the Alabama State Legislature, and it was indeed a pleasure to have had the opportunity to serve with him there as well as here.

But to my good friend TOM BEVILL, he has been a true Alabamian, he has been a true American. He has been true to the cause. He has been fantastic in what he has done for this country. I congratulate him for his length of service, and I thank you for giving me the opportunity of being here with you.

I will surely miss both TOM BEVILL and GLEN BROWDER. We have been lucky, and yes, blessed, to have had two such strong Congressmen as these men, they are able and true. First, I must mention my good friend, TOM BEVILL of Alabama's Fourth District. Mr. BEVILL, as chairman of the Appropriations' Energy and Water Development Subcommittee created the Tenn-Tomm Waterway which flows through the length of my district. Just last week, TOM helped me in my efforts to stop the flooding along Birmingham's Village Creek, an area which is not even close to Mr. BEVILL's district, but that is the kind of man he is, kind and caring, a real gentleman.

Also, Mr. Speaker, allow me to say how much I will also miss Alabama's GLEN BROWDER, of the Third District. GLEN, a former political science professor, as well as a member of the Alabama Legislature, brought a professionalism to the House and to the Armed Services Committee which is hard to beat.

We will miss both of you, Congressman BEVILL and Mr. BROWDER.

Mr. CALLAHAN. Mr. Speaker, in closing, let me thank the Speaker for his patience. I recognize our time has expired. The gentleman from Louisiana, I think, is next going to be recognized and he has indicated since so many Members want to pay homage to TOM that he may yield some time to them. But this is not a eulogy. This is just an appreciation ceremony to two great Americans.

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentleman from Alabama, SONNY CALLAHAN, for reserving this special order. We gather today to pay tribute to retiring members of the Alabama congressional delegation. I am honored to join my colleagues in saluting Congressman GLEN BROWDER, who represents the Third Congressional District of Alabama.

GLEN BOWDER was elected to the U.S. Congress in a special election in 1989. Prior to his election, GLEN served in the Alabama State House of Representatives from 1982 to 1986. In 1986, GLEN BROWDER won election as Alabama's Secretary of State, and served with distinction in that capacity. Thus, he came to this legislative body armed with strong political skills and a commitment to public service. During his 7-year tenure in the Congress, the Nation has benefited as a result of his leadership on important issues.

Mr. Speaker, GLEN BROWDER has served with distinction on the National Security Committee where he is a member of the Subcommittee on Military Installations and Facilities, and Military Readiness. In addition, he is the ranking minority member of the Subcommittee on Morale, Welfare and Recreation. GLEN has also served with distinction as a member of the House Budget Committee.

During his career in the House, we recall GLEN BROWDER's efforts to serve his constituents by keeping Fort McClellan Army Base operational. He has pushed the Defense Department to be more forthcoming on the use of chemical weapons during the Persian Gulf war. GLEN BROWDER has also gained respect for spearheading efforts to reform our Nation's campaign finance regulations. His hard work has earned him the respect and admiration of his colleagues and others across the Nation.

Mr. Speaker, as he departs this legislative Chamber, we pause to pay tribute to GLEN BROWDER. He is a skilled legislator whose voice will be missed in the Halls of Congress. We also extend our good wishes to his wife, Becky, and members of the Browder family. GLEN is a good friend who will always be remembered.

Mr. RICHARDSON. Mr. Speaker, I rise today to join my colleagues in acknowledging one of the finest Members of the House of Representatives, TOM BEVILL.

As a Member of this House since 1966, TOM has been a respected and intellectual leader. His work as chairman of the Subcommittee on Energy and Water Appropriations has produced the Nation's major energy research programs and America's water resource projects. TOM has also been a true advocate for senior citizens by working hard in defense of Social Security.

I want to specifically mention that TOM always found time amidst his extremely busy schedule to consider the concerns of other Members. I remember a time when TOM came to my home State of New Mexico to study the irrigation needs of the Hispanic communities in my district. Because of TOM's assistance and support, many of New Mexico's centuries old irrigation ditches, so-called acequias, have received critical congressional funding for needed repair and restoration. Not only did TOM devote his energy and skill to his constituents, but he also found time to care about mine.

TOM added dignity to this House by working in the spirit of bipartisanship, and he will definitely be missed. Good luck, TOM and thank you for all you have done for this great institution.

Mr. RAHALL. Mr. Speaker, I feel particularly privileged to be able to say farewell to Representatives TOM BEVILL and GLEN BROWDER of Alabama as friends as well as beloved colleagues in the House. I have learned much from them, and I appreciate their having allowed me to grow as a Member by drawing from the wealth of their experience and their knowledge.

TOM BEVILL was elected a full 10 years ahead of my election to the House, in 1966, and he has been reelected by overwhelming margins ever since by the folks he represents in Alabama's Fourth Congressional District.

As chairman of the Energy and Water Appropriations Subcommittee, TOM has stood with me many, many times on behalf of the people I serve in southern West Virginia as we worked together to facilitate development of West Virginia's waterways and energy development projects. My constituents have benefited greatly through TOM's willingness to listen and to understand and to respond to the needs of my congressional district with respect to water resources development and Corps of Engineers projects throughout southern West Virginia.

TOM BEVILL's mastery of the appropriations process is legendary. The people of the Fourth Congressional District of Alabama are indeed fortunate to have had such a champion fighting for their needs all these years, and he will be long remembered by all of us who remain behind here in this body as the man who helped each of us better serve our own constituents. He is a man who believed that every dollar he ever appropriated was spent on a worthy cause—to help someone down on his luck, to help a community grow, to help a university educate its young people, to ensure that a small child had enough to eat. And he believed that money for these purposes needed to be spent in Alabama, and in West Virginia, and in every State in the Union.

TOM BEVILL has served with distinction, pride, integrity and style. He will be sorely missed in the years to come by this House of Representatives.

GLEN BROWDER, elected in 1989, has served with distinction on the National Security Committee, formerly the Armed Services Committee, where he has labored to fulfill a responsibility to assure that our Nation's military readiness is second to none in the world.

While many of us in the House never served on committees with jurisdiction over out national security, I knew, and my colleagues knew, that we could rely upon GLEN's knowledge and expertise in the area of national defense in keeping us strong as a nation and ready to defend our country, its people, and our allies abroad. We knew that GLEN's thoroughness and his vast knowledge about our armed services and military readiness, would lead to a reasonable and responsible use of our vast military resources where they would do the most good.

GLEN also served his constituents in the Third Congressional District of Alabama, not only by making wise decisions of our Nation's security, but by taking great care to see to the domestic needs of the people in Alabama's Third Congressional District. He combined his natural leadership skills with his innate sensitivity to their socioeconomic circumstances in order to improve the lives of his people.

Above all, both TOM and GLEN deeply believed in good Government throughout their tenures in the House, and their years of service and commitment to good government is visible across this great country. I commend them for their diligent service to Alabama and to the United States.

I wish them both Godspeed.

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentleman from Alabama, SONNY CALLAHAN, for reserving this special order. We gather today to pay tribute to retiring members of the Alabama congressional delegation. I am honored to join my colleagues in paying special tribute to TOM BEVILL, who will depart the U.S. Congress at the end of this legislative session.

TOM BEVILL was first elected to the U.S. Congress on November 8, 1966. His retirement brings to a close a 30-year career in public service. I share the sentiments of many others who state that TOM is one of the most respected and effective Members to have served in this legislative body.

Mr. Speaker, TOM BEVILL is a senior member of the House Appropriations Committee

and the former chairman of its Subcommittee on Energy and Water Development. He is also a member of the Appropriations Subcommittee on the Interior. Through these assignments, TOM BEVILL has been instrumental in funding the Nation's major energy research programs and our Nation's water resource development projects.

The Fourth Congressional District of Alabama has benefited as a result of TOM BEVILL's commitment and hard work. I recall working closely with TOM BEVILL on the Tennessee-Tombigbee Waterway project. It was an important initiative that could not have gone forward without his strong leadership. During his tenure in Congress, TOM has also demonstrated a steadfast commitment to education. A leading defender of Social Security and Medicare, as well as a a strong advocate for health care, TOM has earned the support of our Nation's seniors.

Mr. Speaker, I have been privileged to serve in the Congress with TOM BEVILL. He is a skilled lawmaker and a dedicated public servant. He is also a gentleman and a close personal friend. Throughout our Appropriations Committee and floor deliberations, he as been the voice of reason and compassion. Members on both sides of the aisle will agree that over the years, TOM BEVILL has taught us valuable lessons about working together and public service. I am proud to share a very special relationship with TOM BEVILL. He is someone whom I greatly admire and respect.

Mr. Speaker, as he departs this legislative Chamber, I join my colleagues in saluting TOM BEVILL for a job well done. I also extend my best wishes to his charming wife, Lou, and members of the Bevill family. TOM BEVILL will be missed in the Halls of Congress. We take pride in knowing, however, that he leaves behind a record of legislative achievement and service that will stand in the years to come.

AFFIRMATIVE ACTION

The SPEAKER pro tempore (Mr. QUINN). Under the Speaker's announced policy of May 12, 1995, the gentleman from Illinois [Mr. JACKSON] is recognized for 60 minutes.

CONTINUED TRIBUTE TO TOM BEVILL AND GLEN BROWDER

Mr. JACKSON of Illinois. Mr. Speaker, with that I yield to the distinguished ranking member, the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I thank the gentleman from Illinois for yielding to me. I will just take a couple of moments of his time. I am sorry that I did not arrive earlier to be able to speak on Mr. CALLAHAN's special order on behalf of TOM BEVILL and GLEN BROWDER. Mr. OBEY and I have been in a House-Senate conference on the VA-HUD bill, and we just got a chance to get here to the floor.

I will just take a moment, but I do want to say that with reference to TOM BEVILL, with whom I have served almost all the time that I have been in the Congress, that I have established a lot of friendships in this Congress but no greater friendship have I had than that I have had with TOM BEVILL. I do not know of any Member of Congress who is respected any more highly than he is, nor do I know of anyone who has made a greater contribution to this Nation than he has.

We have worked on a lot of projects together over the years and it has been a real privilege and honor to serve with him, to get to know not only him but members of his family, his lovely wife and members of his family. I want to say we are going to miss TOM here.

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His level of leadership has been something that we can all point to as a model and with great admiration.

In the same vein, I want to take just a second to say what a pleasure and privilege it has been to serve with GLEN BROWDER. He too, following in the footsteps of TOM BEVILL and other leaders from Alabama, has been a real model here. He has had a long and distinguished record legislatively and is someone whom all of us not only admire, but we will miss greatly when he leaves this body.

And just lastly, TOM, I might say that I am sure that our good friend, Bob Jones, is watching this special order this afternoon and I am sure there is a smile on his face with the knowledge that you and I shared a special friendship over the years.

Mr. JACKSON of Illinois. I thank you, Mr. STOKES.

Mr. Speaker, I yield to the distinguished ranking member of the Committee on Appropriations, Mr. OBEY.

Mr. OBEY. I thank the gentleman. I do not want to impose on his time. I would simply ask unanimous consent that the remarks I made about our good friend, TOM BEVILL, when we considered the energy and water appropriations bill be incorporated in my remarks at this point in the RECORD and to simply say again, TOM, how much I have enjoyed the opportunity to serve with you and how grateful we are for the service you have given the country.

And I want to say to GLEN that you have, I think, performed tremendous service in this institution with good humor and with grace, with understanding of other people's points of view and with deep commitment to the things that you believe in. That is what makes this country strong, and that is what makes this institution what it is supposed to be, and I thank you both for your service here.

Mr. JACKSON of Illinois. Mr. Speaker, I certainly want to take this opportunity to thank TOM BEVILL and GLEN BROWDER, as well, for their years of service to this institution, and while I have not had the privilege of knowing and working with them at the level that I wish I could have, their reputations in this institution as genuine public servants certainly precedes them and I am just honored to have the privilege to be from the State of Illinois, to follow in their tradition of public service. The roles that they have represented in this institution are not without great distinction and without the kind of merit that truly needs to be bestowed upon public servants in this institution.

AFFIRMATIVE ACTION

Mr. JACKSON of Illinois. Today, Mr. Speaker, I am joined by the distinguished gentleman from Louisiana [Mr. FIELDS] to talk about an issue of critical importance during this electoral season, the issue of affirmative action, and with that, Mr. Speaker, I would like to ask the gentleman to engage with me in colloquy for the remainder and the balance of our time.

Mr. FIELDS of Louisiana. I thank the gentleman, and I, too, would like to add to the accolades that have been bestowed upon both TOM BEVILL and GLEN BROWDER for their years of service. As a young Member of this Congress, I want to thank each of you for the leadership that you have shown on the floor of the House. You have always conducted yourselves in a very professional manner, and I would hope that people outside of this Chamber have had the opportunity to watch the two of you on the floor, and also in committee. Hopefully, the Congress is better served because you had an opportunity, the two of you had the opportunity, to serve. And as a young Member, I say to you, I appreciate the leadership that you have given to others such as myself.

I want to thank the gentleman from Illinois [Mr. JACKSON] for yielding to me. I want to apologize to the gentleman. I had intended to be a part of this entire hour. I will not be able to participate the full hour, but I want to thank the gentleman for bringing such an important issue to the forefront, and that is affirmative action.

Today, the Small Business Committee held hearings which assessed the value and the continued need for the Small Business Administration's 8(a) program—one of the most successful programs for helping the socially and economically disadvantaged to become self-reliant entrepreneurs. It is no surprise that we find ourselves addressing the issue of affirmative action during this political season—for despite what all of the macroeconomic indicators may describe, many in our Nation find themselves dominated by economic anxiety. We know from past experience that in such a climate politicians use the fear-driven dynamic of scapegoating and blame to divide us from each other.

We are at a critical juncture in the way our Nation addresses issues of race and gender. The greatest civil rights gains were achieved in the 1950's and 1960's at a time of economic health, prosperity, and growth. Today, as we face the results of the globalization of the economy, the downsizing of Government and corporate America, fear-driven political divisiveness abounds and threatens the gains we have made.

There is probably no issue in current political discourse that speaks more to the Nation's acceptance or denial of the existence of race and gender discrimination than affirmative action.

After his review of existing affirmative action programs, President Clinton strongly endorsed the principle of equal opportunity and the means to achieve it—strongly and adequately enforced affirmative action programs.

Opponents of affirmative action, who use the issue as a wedge to divide society for the sake of political expediency, uniformly deny that discrimination continues to be a pervasive evil—a fact of life for a majority of Americans. Opponents perpetuate the idea of achieving a colorblind society despite overwhelming evidence of discrimination against people of color. When opponents present their rationale for eliminating affirmative action as a remedy for such discrimination, they often take Dr. King's quote about ''judging people by the content of their character and not the color of their skin'' out of context. What Dr. King actually said was that ''He looked forward to the day'' that people would be judged by the content of their character, not the color of their skin. We know that such a day has yet to arrive.

In order to understand why we are discussing affirmative action today, it is important to place the development of affirmative action programs in their proper historical context. To this end, today we would like to first trace the history of affirmative action in America. Second, we will attempt to dispel the myths surrounding this complex arena, and finally, we will specifically address the merits of the 8(a) program and the positive effects it has had and will continue to have on our Nation's small businesses if we sustain this valuable program.

Mr. JACKSON of Illinois. Contrary to popular opinion, the concept of affirmative action has a very long and protracted history in the United States. The longer, more pervasive form has been exclusive affirmative action which established and perpetuated the dominance of white male Anglo-Saxon landowners. For a brief period following the Civil War and then not again until the Civil Rights era of this century, a positive inclusive affirmative action was enacted into law in an effort to end the institutionalized racism and sexism in our society.

The highest law of the land, the U.S. Constitution, codified State-sanctioned preferential treatment for white male landowners, guaranteeing the slave trade, the return of fugitive slaves and the counting of African descendants as three-fifths human. African descendants were prohibited from learning to read, from marrying or giving their children names. Women were not allowed to vote. Native Americans, the original inhabitants of the land, were decimated as a people, and survivors were stripped of political and human rights. Tenant farmers and other nonlandowners lacked political rights. While white male landowners reaped the tremendous group benefits of the Homestead Act and the land reclamation laws which provided them with oil and soil-rich land they earned purely by luck of birth, those who had worked the land, mostly Mexican-Americans and Asian-Americans and immigrants, were prevented from owning land by anti-alien laws which were on the books until the 1950's. Asian men were imported to work on the railroad in the West while Asian women were employed in menial positions and Asians were often not allowed to marry.

The judicial branch also enforced exclusive affirmative action. In the 1857 Dred Scott ruling, the Supreme Court made the strongest possible statement of white males' preferred treatment and status, that a black man had no rights that a white was bound to respect. It was not until the Emancipation Proclamation that the concept of inclusive affirmative action originated with the Civil War amendments to the Constitution. The first major Reconstruction legislation was enacted specifically for the benefit of African Americans as a group. The Freedman's Bureau Act of 1865 allowed for provisions, clothing, and for land and for lease of land and sale to descendants of slaves. It also set up schools to educate freed slaves who had previously been denied access to education. This healing period, however, was short-lived.

In 1873, just 8 years later, the Supreme Court narrowly redefined the 14th amendment, giving States broad authority to reestablish second-class citizenship for former slaves. The Tilden-Hayes Compromise of 1877 cut short the potential reconstruction by eliminating the promise of ''40 acres and a mule,'' taking land away from freed slaves, redistributing plantations to original Confederate owners, pulling out Federal troops who were sent in to protect the freed slaves and allow the Ku Klux Klan to reign by terror and oppression.

Then, in 1896, the Supreme Court in Plessy versus Ferguson codified American apartheid with its mandate of separate but equal, legally sanctioning the segregation of the races. Jim Crow laws strictly segregated African Americans in every facet of life from public transportation and accommodations to schools. The disparities were beyond severe with white schools spending more than 10 times the amount of money per pupil than black schools.

Mr. FIELDS of Louisiana. African Americans were not the only group to have suffered at the hands of white male supremacy. White women and women in general did not gain the right to vote until the 19th amendment afforded them suffrage in 1920. Mexican Americans in the southwest were subjected to widespread discrimination in housing, education, and employment. They were murdered, executed without trial, and lynched. Asians were denounced for taking white men's jobs, and the feat of yellow peril led to anti-Asian immigration laws on the books in 1924 and 1945. Japanese Americans were illegally confined to detention cams during World War II and lost most of their property while wrongfully incarcerated.

Exclusive affirmative action remained the law of the land until Brown versus Board of Education in 1954. Brown rejected ''separate but equal'' as inherently unequal and laid the legal basis to end segregation across the country. Momentum for this milestone had been building since the 1940's and had its roots in educational opportunity. Following WWII, the GI bill laid the groundwork for the first affirmative action plan in education. Upon their return from the war, veterans of all races were offered home loans, job training and a free college education. Veterans of all backgrounds benefited from the college waiver and lower interest requirements that were given extra points on entrance exams and provided extra help for education. Veterans prospered, and so did the Nation. It was in the spirit of equal opportunity that President Truman 47 years ago desegregated, not integrated, the Armed services in 1948. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. President Kennedy was the first to coin the phrase of ''affirmative action'' in his Executive order of 1961 which barred discrimination in Federal employment and in private firms that entered into contracts with the Federal Government. His premise was that those who had been historically locked out by law or by practice would have the opportunity to prove themselves on the job. This order though had no enforcement powers.

In 1964, Lyndon Baines Johnson and Congress passed the Civil Rights Act—the first truly effective piece of civil rights legislation since Reconstruction. Title VII prohibited public and private employers from discriminating based upon race, gender, national origin, or religion. It specifically outlawed the use of ''preferential treatment'' to any protected group. The act established the right of courts to order affirmative action plans to remedy widespread practices of discrimination.

However, after its passage, individual victims of discrimination found it difficult to prove their cases in court since employers were able to craft counterstrategies which hid their bias. For example, how do you prove that the job has not already been filled, or that you would've received the job on your merit if the employer hadn't hired his son-in-law; or that the employer, upon finding that the most qualified applicant was a person of color, internally filled the slot; or that you were barred from tenure-track position because of your gender?

□ 1700

The reality is that it is really hard to do so, especially for unemployed victims of discrimination who are trying to find a job to survive.

It became clear to policymakers of that day that a proactive government strategy would be necessary to overcome the vestiges of discriminations

past. It was not enough to merely cease discriminatory practices. We needed measures to undo or compensate for the effects of past discrimination. We needed an affirmative action to overcome a negative action.

Mr. FIELDS of Louisiana. Mr. Speaker, to that end, in 1965, President Johnson issued Executive order 11246, which required all employers with Federal contracts to file written affirmative action plans with the Office of Federal Contract Compliance Programs, giving a Federal Government review of one-third of the private work force. Announcing his rationale in his famous ''to fulfill these rights'' speech at Howard University commencement, he stated:

> You do not take a person who, for years, has been hobbled by chains and liberate him, bring him to the starting line of a race and then say, ''You are free to compete with all others,'' and still justly believe that you have been completely fair.

He recognized that merely outlawing discrimination and equalizing the law of competition was not enough. He called for ''equality as a result, not as a philosophy.'' In 1967 the order was extended to women.

By the end of his administration, LBJ was mired down by the Vietnam War and unable to carry out his enforcement and promise of his economic justice agenda. Interestingly, it was under President Richard Nixon that the parameters of modern affirmative action programs were set. Several hundred large corporations recommended use of a management by objective concept of goals and timetables, not quotas. The order required that employers make a good-faith effort to hire women and people of color by setting targets and timetables to achieve these goals. Penalties were not invoked if employers made good-faith efforts to make their goals, and the Executive order specifically prohibited the use of quotas.

This standard remains the state of the law today. In 1973, affirmative action was extended to people with disabilities, and in 1974, to veterans.

Mr. JACKSON of Illinois. Mr. Speaker, in 1978 a divided Supreme Court in University of California versus Bakke struck down a UC Davis admission program, which set aside 16 out of 100 slots for disadvantaged students, as an impermissible quota. The Bakke court did, however, affirm the use of race or ethnicity as a factor to be considered, along with many other factors.

It is commonplace for schools to seek out students with special talents or skills or leadership ability or unique geographic origins, to consider whether they are veterans, or promising athletes, or children of alumni. Significantly, the court recognized a diverse student body as a compelling State interest. The vote by the UC regents, however, has circumvented the Supreme Court's recognition of the public schools' ability to enrich their educations and the educational environment. We now sit in fear of the long-term implications that this will have, not only in California, for California residents, but for the students of other States who have followed suit.

Two decades of constitutional law have defined lawful affirmative action plans in employment, in contracting, and education, which include activities from recruiting and special outreach to goals, targets, and timetables, not quotas. The court requires that the following five guidelines are met when implementing an affirmative action plan:

No. 1, race, national origin, or gender is one of several factors to be considered;

No. 2, relevant and valid job or educational qualifications are not compromised;

No. 3, numbers do not amount to numerical straitjackets or quotas and reflect the relevant pool of applicants;

No. 4, timetables for achieving the goals are reasonable, and there is an appropriate review of the plan's continuing value;

No. 5, the rights of nonbeneficiaries are respected.

The court has held a plan is illegal if any of the following five situations occur:

An unqualified person receives a benefit over a qualified one;

Second, numeric goals are so strict to the degree of being inflexible;

Third, the numeric goals do not reflect the available pool of qualified candidates, and thus easily become a quota;

Fourth, the plan is of indeterminate length, causing it to outlast its objectives; and

Fifth, innocent bystanders are impermissibly burdened.

One year ago the Supreme Court dealt a blow to affirmative action policies. The court, in the Adarand versus Pena decision, made it more difficult to implement Federal affirmative action programs as it raised the level of review to the highest measure of scrutiny. Significantly, seven out of nine justices, excepting Scalia and Thomas, rejected the notion of color-blind justice. Prior to Adarand, the court would defer to Congress and to Congress' expertise in crafting programs to ensure that victims of past governmental or societal discrimination were able to benefit from the educational opportunities and business of the Federal contracts that their tax dollars actually went to support.

Mr. Speaker, while strict scrutiny is certainly a higher threshold, the Department of Justice has studied affirmative action programs and is promulgating regulations to ensure that existing programs are narrowly tailored to meet their ''compelling government interest.''

Prior to the Adarand decision last year, the Supreme Court likewise declined to overrule a lower court decision which outlawed the University of Maryland's Banneker scholarships. This was a program which attracted high-achieving African-Americans to the university, leaving minority targeted scholarships severely jeopardized. Earlier this year, in the April Hopwood decision, the Fifth Circuit Court of Appeals ruled that the use of racial diversity as a remedy for past discrimination is not enough of a compelling Government interest to justify an affirmative action program.

Prior to Hopwood, the University of California dismantled its affirmative action programs, and several State universities are following suit. We are pleased to hear that the extremist Dole-Canady bill will not come to the floor for a vote due to the lack of support for the outright dismantling of this very effective mechanism for equal opportunity, and note that the same opposition applies to the so-called California civil rights initiative and other State efforts to undermine equal opportunity, whether in employment, in education, or in contracting.

Mr. FIELDS of Louisiana. Mr. Speaker, I want to talk a moment about dispelling the myths of what affirmative action is and what it is not.

Today most discussions of affirmative action start at the end, discounting the entire history of affirmative action by claiming that affirmative action really means quotas and preferential treatment. I thought it was important to start at the beginning and not at the end.

After 250 years of slavery, 100 years of apartheid, the 1954 decision ending segregation, nondiscrimination laws—negative action to offset negative behavior, and then positive action to overcome the vestiges of a discriminatory past—we are not yet to the day of Dr. King's rainbow. It is a myth that affirmative action is no longer necessary.

The Glass Ceiling Report, a study commissioned by the Department of Labor and created by the 1991 Civil Rights Act by a bipartisan majority in this Congress, and a Republican administration, found that women in the largest corporations hold less than 5 percent of the top management posts, while African-Americans, Latinos, and Asian-Americans, hold less than 1 percent of these positions. White males comprise 43 percent of the work force, yet hold 95 percent of these jobs.

The unemployment rates of African-Americans and Latinos are twice that of whites. Women are 53 percent of the population, African-Americans are 13 percent, Latinos, 10 percent. Yet, in the 1994 labor market 22 percent of all doctors were women, 4 percent African-American, and 5 percent Latino. Twenty-four percent of all lawyers were women, 3 percent African-American, and 3 percent Latino. Thirty-one percent of all scientists were women, 4 percent African-American, and 1 percent Latino.

The well-documented pay gap between white men, and women, and people of color persists. In 1993, on the average, for every dollar a white man

earned, an African-American man made 74 cents, a white woman 70 cents, a Latino man 64 cents, and an African-American woman 63 cents.

Mr. JACKSON of Illinois. Divisive forces claim Asian-Americans no longer affirmative action protections against current discrimination. Yet, whites with high school degrees make up almost 11 percent more than Asian-Pacific-Americans with college degrees. As a group, whites make almost 26-percent more than Asian-Pacific-Americans. Asians remain vastly underrepresented in many occupations. Furthermore, many groups within the Asian community, the Vietnamese, the Laotians, and Filipinos, are characterized by high rates of illiteracy and poor job skills.

Asian-Americans are rarely seen in tenured faculty or administrative positions in academia, comprising only 4 percent of all full-time professors. It is manipulative to claim that Asian-Americans are the model minority in an effort to eliminate race-conscious inclusion policies.

A 1990 Urban Institute study stands as empirical proof of the pervasive nature of discrimination in the workplace. Comparing African-Americans and white job applicants with identical credentials, the study found unequal treatment was entrenched and widespread. In nearly a quarter of these cases, whites advanced further through the hiring process than blacks. A similar study with Latinos found whites received 33-percent more of the interviews and 52-percent more job offers than equally qualified Latinos. Even when African-Americans and Latinos are hired, they are promoted and paid less.

In 1992, Manufacturers Hanover Trust rejected 18 percent of loan applications from high-income whites, yet rejected twice as many, 43 and 45 percent, from high-income African-Americans and Latinos. In 1994, the Chevy Chase Federal Savings Bank agreed to an $11 million settlement of a lawsuit for redlining in mortgage lending, refusing to serve neighborhoods predominantly comprised of people of color.

Last summer the Chicago Federal Reserve Bank reported that African-Americans are twice as likely to be denied home loans, and Latino applicants one and one-half times more likely to be rejected as equally qualified whites.

Less than 2 weeks ago, on September 5, 1996, the Long Beach Mortgage Company paid a $3 million settlement to African-American, Latino, female, and elderly borrowers who were victims of unlawful pricing practices. The settlement resulted from allegations of race, gender, and age discrimination, in violation of the Equal Credit Opportunity Act and the Fair Housing Act.

Mr. FIELDS of Louisiana. Mr. Speaker, academia is not immune to discrimination. A study of faculty hiring practices found that once a hiring goal was met, departments would stop seeking out people of color, pulling their ads from relevant publications, despite the number of vacancies that subsequently arose. People of color, and in particular women of color, remain clustered on the lower tier of professorship as assistant professors and non-tenure track lecturers.

In 1989, for example, a study showed that 30 percent of all faculty members were women, 26 percent were white, with women of color making up about 4 percent. Without affirmative action, the precarious position of women of color in higher education is seriously threatened.

As in most States across the country in higher education, it is the perception or fear, rather than the reality of loss of which make opportunities. And I think that is something we must deal with, because that is what many people talk about today.

Even though more African-American, Latinos, Asian-Americans, Native Americans students have enrolled in higher education, whites still constitute 75 percent of the student body nationwide, earn 88 percent of the Ph.D.'s awarded to American citizens, are 87 percent of college administrators, hold 87 percent of full-time faculty positions. The Chronicle of Higher Education, for example, listed the racial composition of 3,400 schools across America and their student bodies. Thirty-two percent of the schools proved to be more than 90 percent majority.

Many have claimed that we do not need affirmative action any longer because we still have title VII in the statutes of the Civil Rights Act, and nondiscrimination laws to punish violators. Title VII is good, but it is not enough. It only kicks in after an instance of discrimination is claimed.

Affirmative action means taking positive or proactive and preemptive steps to root out the pervasive discrimination as we know exists. Rather than waiting for an after-the-fact lawsuit, it is there to provide an opportunity for people before they are faced with such problems. It provides a far less costly and disruptive alternative to a protracted litigation.

Mr. Speaker, I want to thank the gentleman for this special order. I want to thank the gentleman for basically putting together the historical context of affirmative action, because all too often, the gentleman is absolutely right, people view affirmative action as two parallel lines, where you take somebody who is not qualified and elevate them to the level of somebody who is. As the gentleman has stated over and over again, that is not affirmative action, it is a circle. The first requirement is one must be qualified to do the job.

People in America must realize this. People do not get jobs because of affirmative action, they only get a chance to compete because of affirmative action. I want to thank the gentleman for this special order today.

Mr. JACKSON of Illinois. I thank the gentleman, who has represented the people of the Fourth Congressional District of Louisiana with great distinction. I am really going to miss the gentleman from Louisiana, Mr. CLEO FIELDS, in the 105th Congress. He has opted not to return to this institution, in light of serious redistricting that is being challenged, that is not inconsistent with some of the history that we have discussed on this occasion.

☐ 1715

I want to deal with some more myths concerning affirmative action. The distinguished gentleman from Louisiana spoke of just one myth, but there are others out there.

Some have suggested that affirmative action means quotas. Affirmative action has never been about quotas. It has always been about providing women and people of color with full educational and workplace opportunities. Quotas are illegal and they should be illegal.

What affirmative action programs do is provide a measurement of their own effectiveness. School admission officers and employers must only prove that they have made a good faith effort to achieve the flexible goals that they have set. If employers persist in illegal discrimination, then a court can impose a rigid quota to bring them up to the level of a nondiscriminating employer. Quotas are only imposed as a last resort and they are imposed only by the courts, not schools or employers or by the government.

Is it a myth that affirmative action is preferential treatment for the unqualified over the qualified? Now, this is one of the biggest myths of affirmative action. Affirmative action does not demean merit. In school admissions, race and gender are considered along with many other factors. Where two equally qualified applicants have applied for a job, then and only then can race or gender be considered. This is the only one, and I emphasize, very limited situation where preference arises.

Affirmative action is a conservative legal remedy. If affirmative action policies truly granted group preferences, African-Americans would have long ago received the proverbial 40 acres and a mule, native Americans would be governing vast areas of the country, and women would be at the helm of half of the country's major corporations, maybe even President of the United States and Speaker of this institution. Affirmative action is indeed a conservative form of redress when one takes into account that true reparation for past discriminations entail.

Practically, poor management on the part of an employer may have led to the hiring or promotion of an unqualified person. These abuses must be corrected and punished. We do not need to throw the baby out, however, with the bath water. These violations do not indict the overall effective mechanisms for achieving equal access for all.

What just amazes me about affirmative action, oftentimes when we look

at the NCAA and we look at professional basketball, we see Michael Jordan and Toni Kukoc on the Chicago Bulls playing together, we see equal opportunity and we see fairness. As the football season begins, we see African-Americans and we see Anglo-Americans enjoying equal opportunity and playing because of their merit and their ability to play professional or college athletics.

But what do we not see as Americans? We do not see in the NCAA the vast recruitment mechanism that goes into finding qualified basketball players. The booster clubs all across our country send in newspaper articles to coaches and they say, listen, here is a qualified person who can shoot, here is a qualified person who can dribble, here is a qualified center, someone who can rebound and grab the ball and pass the ball.

We find qualified people based on merit until we get to the area of coaching, and then we have a problem when we suddenly cannot find coaches all across our country who may be female or who may be African-Americans. Suddenly when we are no longer on the football field, in the NCAA and colleges across our country, suddenly when we are no longer playing basketball where blacks and whites play together, and we start looking at the classroom, at these major universities, suddenly the same aggressive recruitment that went into looking for qualified basketball players and football players did not go into looking for qualified people who can write, people who can think, people who can administrate and run these institutions.

Here is another myth. It is a myth that affirmative action amounts to reverse discrimination against white males. Reverse discrimination is not only unlawful, it is also very rare. Of the 91,000 cases before the Equal Employment Opportunity Commission, less than 2 percent are reverse discrimination cases. A Rutgers University study commissioned by the Department of Labor found that reverse discrimination is not a significant problem in employment, and a high proportion of claims brought by white men are without merit. Many of the claims were brought about by disappointed job applicants who are found by the courts to be less qualified for the job than the successful applicant.

White men are 33 percent of the population and 48 percent of the college-educated work force, but they hold 90 percent of the top jobs in the news media, are over 90 percent of the officers of American corporations. They are 88 percent of the directors, they are 86 percent of the partners in major law firms. They are 85 percent of tenured professors. They are 88 percent of the management level training jobs in advertising, in marketing and public relations. They are 90 percent of the House of Representatives, 90 percent of the U.S. Senate, 100 percent of all Presidents. I fail to see why some of them could be so angry. Affirmative action has not caused jobs to go from white to black to brown.

It is also a myth that programs for the economically disadvantaged can substitute for race and gender-conscious programs. This nonsolution cynically rejects the notion that plain old-fashioned racism and sexism are alive and well.

I do not need to repeat the data above to drive in the point that such proposals would not rectify the realities of the glass ceiling. Women are sexually harassed no matter their income. Women and people of color are still denied promotion, job opportunities or access to credit and equal opportunities in education based upon their race or their gender, not their income.

Is it a myth that affirmative action has not benefited the Nation as a whole? Everyone has benefited from fair employment practices. Everyone has benefited from the Voting Rights Act of 1965 which desegregated this Congress. It has allowed 39 African-Americans who represent majority-minority districts to come to this floor of this Congress and represent the disenfranchised, the locked out, points of view different than traditional Anglo-American points of view.

It was the desegregation of these laws and the desegregation of these institutions that were the goal of the civil rights movement of the 1960's. Since the standard of living started falling in 1973, fathers and husbands have benefited from two-wage-earner households. Pre-affirmative action, Mississippi State troopers were also adjusted under affirmative action laws. It is really a myth to assume that affirmative action has only helped African-Americans. It has ushered in a broad-based body of equal employment opportunity laws.

For example, there was a time in Mississippi where in order to be a State trooper you had to be 6 feet tall. Now, as a result of equal employment opportunity laws, as a result of affirmative action, you can be a 5 foot 8 white male applying for that job. You can be 5 foot 4, 5 foot 2. You do not have to be 6 feet tall to be a State trooper in Mississippi any longer. That law did not just help African-Americans. It made it possible for short white males in Mississippi to become State troopers.

Now with the elimination of such irrelevant job classifications, even African-Americans and women can also serve as State troopers in Mississippi.

Diversity in professional schools has been good for America. With the inclusion of women in medicine, strides have been made in breast cancer research and other areas of women's health. Recruitment and training of women police officers, of judges and prosecutors have led to treatment of domestic violence for the crime that it is. The enrollment of people of color in higher education has increased from practically zero percent to 20 percent over the last 20 years. But we still have a long way to go. Public services have benefited from the increase of African-Americans, of Latinos and Asians and native American personnel who more genuinely reflect the diversity and the needs of the communities that they serve. A diversified corporate America has become more competitive in this increasingly globalized economy. They have opened up new markets in the African-American community, in the Latino community, by advertising with not only African-Americans but also with female advertisers. Upgrading the educational and employment skills of a majority of the Nation has been good for the country. To turn back the clock on equal opportunity for the sake of political gain is not only immoral as public policy but it is also misguided. It is counterproductive, and it does not bode well for the future of our Nation.

To that end, today we began discussions in the House Committee on Small Business. In that particular committee, we are talking about the 8(a) program which was a program that has really been used to serve as an incubator for businesses, particularly businesses that affect minorities. But it is not limited to minorities. If white women can demonstrate that they qualify as a disadvantaged business, they can apply through the 8(a) program. White males can also apply through the 8(a) program. But there has been a history of Federal contracts that have historically denied African-Americans, women and those who have been historically disadvantaged the opportunity to participate. There is a movement afoot in this body to eliminate the 8(a) program. I am asking Democrats and Republicans on both sides of the aisle, particularly in this church-burning climate, to thwart that movement. We need not engage during this electoral season in race-based politics, and that is what challenging the 8(a) program really is.

One of the myths about the 8(a) program is that it is no longer necessary. Programs like 8(a) have not outlived their usefulness because discriminatory treatment of certain groups of Americans is really not a thing of the past. The burning of churches with predominantly African-American congregations is just one tragic example of this discrimination that persists. I have only been a Member of this institution for 10 months. Usually I do not wear this little pin right here which I do not particularly care that much for but it is a little identification that lets everyone around Capitol Hill know that you are a Congressman. Not long ago I was speaking to a group of African-American interns here in the U.S. Congress and I told them, when you walk down the halls of the U.S. Congress without this pin on, no one ever mistakes you for being a Member of Congress. But every time I see an elderly white gentleman with a briefcase or with gray hair in this institution, I have to assume first that they are a

Member of Congress, and then second, I assume that maybe they are a lobbyist or maybe they are the head of some corporation coming to meet with some significant Member of Congress in this institution. But never, as a young African-American in this institution, am I ever mistaken for being a Congressman except for by my colleagues who know me.

Toward that end, I got up one morning a few months ago, at 7:30 in the morning I came to work determined to serve my country and the people of the Second Congressional District that day, and stayed here until 11:00 that night. After I got off work, the same time most Members of Congress got off work, I decided to go to my office and check for my schedule tomorrow to find out what time I had to come back to the institution. Once I got ready to go, my assistant asked me if she could give me a ride home, and I said ''No, that's quite all right, I will just go outside and catch a taxi.'' Well, I went outside to catch a taxi. The first taxi passed me by at 11:30. I waited for a couple of minutes and another taxi passed me by. I could have just gone and asked someone from the Capitol Police to give me a ride home, but I just decided to wait as a young Member of Congress to find out how many taxis were going to pass me by in the District of Columbia. That night more than 17 taxis passed Congressman JESSE JACKSON, Jr., by. They did not see a Member of Congress first, they saw a young African-American first.

So why is it that the 8(a) program is so necessary? Because there are Federal agencies out there that engage in almost any kind of business, from selling widgets to selling bolts to selling airplanes, to selling F–22's, we sell everything to the Defense Department. The Defense Department must buy everything. There are hundreds of Federal agencies that make purchasing decisions in our Nation. The only issue really before us when we consider eliminating a program like the 8(a) program is whether or not those Federal agencies are going to drive right past qualified Latinos, qualified women, qualified African-Americans, or whether or not we are going to slow the Government down long enough to help people who have been historically locked out. Discrimination is not gone. If it is gone, it is only underground. Discrimination is insidious because it affects the individuals with whom one associates, the businesses one patronizes, the perception of who gets a job and when they get a job.

I was talking to another group of businessmen not along ago. They were very proud to hear from a young African-American, a Member of Congress, and so we began talking about affirmative action. Some of them began questioning whether or not affirmative action was necessary. And so I asked them, I said, ''How many of you do business with the Federal Government?'' A significant number of them raised their hand. I asked them how many of them did business with local municipal governments. A significant number of them raised their hands. I then turned around and asked them, ''How many of you have an African-American that is a lawyer with your firm or with your business and general counsel?'' Very few hands went up. How many of you have women that head up your accounting department or your finance department? Or how many of you put money in banks that are owned or operated by women or by African-Americans or by Latinos? How many of us spread the wealth out from the benefits that we have received from these local municipalities and the Federal Government? Very few hands went up. So what are we suggesting? We are suggesting that these businesses and that these individuals continue to drive by at 11:30 at night, no matter who serves their country, they just drive right by in search of their friend who went to school with them.

□ 1730

They drive right by in search of someone who went to Harvard or someone who went to Yale or someone who went to North Carolina A&T State University.

How do we break up the good old boy network? One way to do it is to have programs on the books like the 8(a) program that make it possible for minorities to participate. It does not mean they do not compete. Of course they compete within the 8(a) program. But a lot of these businesses that have been in this incubator for 9 years and then subsequently leave the 8(a) program, they end up facing the same kind of discrimination that the 8(a) program sheltered them from and, therefore, beyond the 8(a) program many of these businesses, quite frankly, cannot survive.

It is a myth. The 1994 Federal Acquisition Streamlining Act, FASA, addresses all concerns of those seeking to assist the socially and the economically disadvantaged. FASA will expire in 2000, and it has not been implemented because all affirmative action programs have been attacked since the 1995 Adarand versus Peña Supreme Court decision.

Fact: While FASA regulations have not even been promulgated to avoid Adarand roadblocks, 8(a) has survived strict administration reviews because of its focus on business development.

Another myth: Many businesses see 8(a) as an end in itself. SBA rarely or never graduated businesses out of the 8(a) program.

Fact: Businesses participate in the 8(a) program for a maximum of 9 years and must withstand annual reassessments of their eligibility every year. This is a 4-year developmental stage, and then there is a 5-year transitional stage for these businesses that are being groomed to do business with the Federal Government.

In 1987, Alfred Ortiz, for example, went into business for himself and found Source Diversified Inc. in Laguna Hills, CA. His company customizes computer hardware. Now Source Diversified has $21 million in sales and employs 15 workers.

Alfred is just one successful graduate of the 8(a) program who attributes the strong and rapid growth of his business to the program.

Myth: If you teach a man to fish, he can feed himself for a lifetime. Well, I really like this one. Here are the facts. 8(a) participants do not have any fish handed to them. These minority-owned businesses competed with each other for those procurements which have been set aside. The 8(a) program teaches businesses to fish. It teaches businesses to fish. This is not about a handout, this is about a helping hand. It teaches businesses to fish.

When minority-owned businesses start out looking for contracts in the private sector, their proven ability to win a Government 8(a) contract is actually their diploma, or their doctorate in fishing, and in that way they can come back and approach the Federal Government or they can approach the private sector after having developed a proven track record under the shelter of the Government's protection, because racism, discrimination, and sexism exist outside of that shelter which does not allow those businesses the opportunity to foster, to grow and to develop.

Myth: The 8(a) program does not foster the free enterprise system. Nothing could be further from the truth.

Here are the facts. The free enterprise system flourishes when there is full participation, and without the 8(a) program there would not be as much participation for minority-owned businesses.

Supporting a development of minority-owned businesses through the 8(a) program puts market forces and the free enterprise system to work for all Americans because those minority-owned businesses eventually buy supplies and services from other businesses. Moreover, last year 8(a) participating firms paid more than $100 million in Federal taxes.

Myth: The 8(a) program does not encourage opportunity for everyone to compete. Nothing could be further from the truth. Here are the facts. The 8(a) program is precisely the ray of hope which encourages all Americans, regardless of ethnicity, gender, or economic condition. Those opponents of 8(a) who accuse it of excluding certain Americans from procurement opportunities are guilty of scapegoating.

The answer is not to turn one group of Americans against the other. Rather than dismantle 8(a), we need to improve and augment educational and training opportunities for all Americans so that no one in this country can complain about being overlooked.

The 8(a) program exists to provide opportunities for everyone to compete, opportunities many have not had and would not have without this program.

Here are three quick myths: 8(a) wastes money through reliance on sole source contracting. This is not true; 8(a) is riddled with fraud and abuse even after 3 congressional attempts to reform it. That is not true; and 8(a) has failed to help fledgling minority businesses and is primarily a rich-get-richer program for Beltway bandits. That is not altogether true.

Here are the facts. Total 8(a) contracts in 1994 represented only 3.2 percent of all Federal contracts. We are talking about only 3.2 percent of all Federal contracts.

And in this institution we have a budget of $1.7 trillion every year and we are talking about 3.2 percent of Federal contracts. That does not include the entire $1.7 trillion. It is even smaller than that, 3.2 percent of Federal contracts. Just 3.2 percent. The total 8(a) program received less than half of the actual contract dollars than were awarded to either of the top two defense contractors. The total program received less than half.

Reforms to further bring 8(a) into compliance with the strict Adarand standard are included in proposed regulatory changes that have been published in the Federal Register. The Department of Justice believes that these changes will, one, allow agencies to use race conscious tools to assist disadvantaged businesses, enable agencies to assess what level of minority procurement would be probable in the absence of discrimination, require agencies to implement measures that do not rely on race to broaden opportunities for small minority firms, tighten certification and eligibility requirements.

Mr. Speaker, I hope today that with our brief colloquy between the gentleman from Louisiana and myself on the issue of affirmative action, 8(a) programs, and the need to offset years of historical discrimination against African-Americans, minorities, women, and people of color in this country will not go unheeded and unheard by the membership in this august and esteemed body.

The challenges before us are great as a nation, and I am more convinced than ever if we can move beyond racial battle ground to economic common ground and on, as my father would say, to moral higher ground, we can make sense and make sense for all of America.

Many Americans still long for the day when they can say, ''My country 'tis of thee, sweet land of liberty.'' That day has not yet arrived, and many African-Americans and disadvantaged businesses in our Nation need a helping hand. Not a handout, a helping hand. It would serve this institution well, it would serve all of us as Democrats and Republicans if we could move beyond the politics of divisiveness and expand programs that make sense for the most people.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the special order today by the gentleman from Alabama [Mr. CALLAHAN].

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

JOINT ECONOMIC COMMITTEE SETS OUT TO DISCOVER SOURCE OF PESSIMISM REGARDING ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. SAXTON] is recognized for 60 minutes.

Mr. SAXTON. Mr. Speaker, I have had the pleasure for the last 2 years of serving as the vice chairman of the Joint Economic Committee, and I found it to be quite an interesting task because I am not an economist and, in fact, I do not think any of the members of the Joint Economic Committee are true economists, although some studied history and some courses in economics, but none of us are truly economists.

Our job is, however, to try to understand as best we can, as Members of the House who are former schoolteachers or real estate salespeople or car salespeople or doctors or housewives or lawyers or whatever we may be, we need to understand the process of our Nation's economy so that when we enact laws here we will know, hopefully before we enact those laws, what effect those laws have on the performance of our country's economy.

And of course in order to do that we do talk with economists and we do read things that they have written and we try to understand ourselves and explain to our colleagues what it is that we have done or are about to do or may do in the future that will help our economy grow, help to provide jobs, help to provide a larger set of opportunities for people who are involved in the economic sector, as we all are as we make our daily livings.

And to the extent that we can be successful in doing that, and to the extent that we can successful in imparting what we think we have learned to our colleagues on both sides of the aisle, then we are successful as Members of the Joint Economic Committee in carrying out our function.

Now, as I have gone about the business of this task over the last couple of years, I have also talked with lots of American people who are involved every day in the economic system; people that work, people looking for jobs, people looking to advance, people looking to get wage increases and people just looking to go to work every day so they can earn a wage to bring home to their families.

And I have noticed in the last several years that there has been a marked upturn in people who know that I do this job here and who have come to me and have said, well, this year I am not making as much as I made last year. What is wrong? And people who have said, well, when I go to look for a job, like my son or daughter did when they graduated from college, all they could find was a temporary job because employers did not want to pay benefits. When other people go looking for a job or go into the workplace they say, well, gee, I have not been able to advance as I thought I would.

All of these kinds of things have made people nervous about the economy and nervous about opportunities, and for the first time public opinion polls show that it is the opinion of the younger generation that they probably will not do as well as the former generations.

This is unique in our country's history, because always before the new generation aspired to do better than the older generation and thought they would and were optimistic about it. But today that is not the case.

And so the Joint Economic Committee set about trying to find out what it was that was causing this aura of pessimism about our economy. We had a lot of research, read a lot of books, listened to a lot of economists and we began to see that there was, in fact, a trend that is occurring, and that trend was not necessarily good news for Americans.

I brought some charts with me today to try to demonstrate what it is that we have found about our economy. This chart has two lines on it. I hope those who are further away can see it has a solid line and kind of a dotted line. The dotted line shows what economic growth has been in our country and how well the economy has done since World War II.

It is a rather steady increase. That increase is actually about 3.5 percent, on average, each year. In other words, the economy grows. There are more jobs by a substantial margin each year since World War II than there were the year before. As the economy grew, wages went up and people prospered and everybody was happy.

The black line shows what actually happened in the economy at any given point along that trend, and we can see that at some point the black line, in terms of what was really happening, was above the dotted line and that other points, when there was a recession, it fell back to or below the dotted line. But by and large, until this point, the lines tracked along pretty well together.

Where the dark line begins to fall below the dotted line, that happens to be in 1993. And the Congressional Budget Office here, which does all kinds of economic projections and forecasts and estimates about money and what is going to happen and economic growth, has forecasted here that the outlook

for the future is different than it has been since World War II.

□ 1745

The outlook in terms of economic growth actually falls off in the next decade or so, according to the Congressional Budget Office.

They say we will not grow at the traditional 3.5 percent any longer. It will be closer to 2.2 percent. That gap widens as we go out into the years beyond the year 2000, and once we get to about 2005 or 2007, our economy actually will be performing at 15 percent less on total performance than it is today.

And so, this is evidence that we see for the first time of what is making American workers nervous, have not been able to do so good on the job. I see direct evidence of it, says the worker. My wages have not gone up this year. In fact, they have gone down. I have not been able to find that new job that lets me advance. My kids graduated from college and can only find a temporary job. Companies are downsizing and rightsizing and merging and trying to find ways to do things because CBO's and managers of businesses, big businesses as well as small businesses have discovered that the CBO and other economic projectors, people who do projections, are saying that we probably, given these situations that we find ourselves in today's economy, we are probably not going to grow at the traditional 3.5 percent. We are probably going to grow at more like 2.2 percent. So this has caused concern throughout our economy.

Mr. Speaker, if we look at where this began to happen, it began to happen about 1993. Well, what does this mean to the American people? If we look at different segments of the economy we can see here, for example, what effect does this have on small businesses? I should say at this point that what happened in 1993, we think, is that we had a big tax increase. We had a tax increase that took more out of the pockets of the folks who have money to spend in the private sector who go to the grocery store, who buy appliances, who buy clothes for their kids when they go to school. Took money out of their pocket—and it was the Clinton tax increase—and said, send that money to Washington because we need to have more money to spend in Washington. We need to balance the Federal budget, as it was said. I think it was called the Deficit Reduction Act, which actually was the biggest tax increase in our country's history.

When we found out what happened, and all of you have heard about small business. You know, it has been said in our country year after year after year after year for decade after decade that small business is the economic engine that pulls the train. When we begin to look at what the Clinton tax increase did in the beginning of 1993, we find out that it had a tremendous effect on small business. This is one of the factors that we have identified as being bad for the economy, bad for new jobs, bad for economic growth, bad for wages, bad for opportunities.

Young people have started to say for the first time in our history we cannot aspire to do better than the last generation because things have gone awry. This is what happened to small business. The tax increase, the income tax increase that occurred is paid, 70.3 percent of it is paid by small business. And so no wonder those small businesses that provide the incentive, the engine that drives our economy, all of a sudden 70 percent of this new tax increase that this House passed—I am proud to say I did not vote for it—70 percent of those revenues are paid by small business.

So it has had a tremendous effect on the free enterprise system in our country. The young people who would like to get jobs at the corner grocery store, those jobs are not there; and if they are, they are temporary. All the folks that take part in that part of the economy are having a more difficult time, but it also had some other effects. It had some effects on all Americans or on most Americans. We can look at this next chart, and it shows what happened during this period of time to wages in our country.

Wages in our country have not done particularly well since that large tax increase because small business was directly affected by it. The median income has also suffered.

In 1992, the median weekly income in our country was $493. In 1993, the year the Federal Government increased taxes with the Clinton tax increase, in 1993 for the last time we saw growth in median family income, weekly income, I should say. It grew from $493 in 1992 to $498 in 1993. Then the rest of this chart is self-explanatory. Median weekly income for American workers has gone down consistently ever since.

It is more evidence that things are not going well for workers and another reason why today's young generation is not as optimistic about the future as they once were.

In fact, I stood right here at this podium in 1993 when that tax increase was being debated and said that this tax increase would be bad for our economy, and others of my colleagues did the same. But the tax increase went through anyway. So what do we do about this? Of course, this is one of the functions of Members of Congress who are interested in making our economy grow. Not only do we need to identify the problems, but we need to make some suggestion about how we can remedy the problems.

Mr. SMITH of Michigan. Would the gentleman yield?

Mr. SAXTON. I am pleased to yield.

Mr. SMITH of Michigan. I think one example is the taxes that we put on businesses that buy new equipment and machinery to put better tools in the hands of the American work force. So, we call it neutral cost recovery. But the fact is that Government, this Federal Government in an effort to get more taxes out of people says to a business, if you buy machinery and equipment, we are going to penalize you on the way we tax you because we make that business spread out that depreciation over 5, 15, 20 years, and that depreciation and inflation eat up the value of that deduction.

So if we were to allow a business to deduct the full amount of their purchase of machinery and equipment and state-of-the-art tools to make our workers more productive, that is going to increase that average weekly income of those workers. If we were to allow a business to deduct the full amount, it would reduce the cost of that equipment by 16 percent. I just use that as one example to show how tax penalties can discourage business efficiency and business productivity.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for pointing that out. It is certainly one of the elements of things that we ought to get done around here to get business going again.

Obviously there are other people in this town who have similar ideas. For example, we all know that there is a Presidential campaign underway. One of the candidates, who happens to be Bob Dole, has suggested something similar to what Mr. SMITH has suggested. He has suggested that, as we saw in 1993 when this tax increase was imposed by the Clinton administration and primarily by the Democrats in the House, that we reverse that, that we begin to put in place something that we like to call growth policy.

So, Bob Dole has suggested that we ought to cut income taxes, that we ought to cut the capital gains tax, that we ought to have a family child tax credit and that other tax changes such as the one that Mr. SMITH just suggested might be part of the package as well, although in the case of the specific one, that is not part of his particular package.

But Dole has suggested that significant tax decreases would help to remedy the problem that we have identified in terms of the speed or the rate of growth of our economy. Bob Dole has suggested, for example, that under his program, a family making $35,000 a year in gross income would save $1,374 a year in tax savings under his plan, and a family making $45,000 a year would actually save $1,603 a year. This pumps money back in the economy and relieves the tax burden on families and small business and helps to get the economic engine fired up and going again.

Mr. Speaker, I am going to say something that some of the Members on this side of the aisle may have forgotten. I can remember in 1984, which happens to be the first time I aspired to run for Congress and come here and be a Member of this body, I can remember it was the time when Ronald Reagan was running for his second term. I was so proud to be on the ticket with Ronald Reagan because he talked about a

growth policy. I went through that campaign, and I talked about the Reagan tax cuts that went into place in 1981 and 1982 and 1983 and how the economy began to grow. And then I came here and I began to study Reagan's policies. I found out that there was somebody before Ronald Reagan who had the same kinds of ideas and he was not from our party; he was from the other party. His name was John Kennedy. Surprising.

In 1963 John Kennedy said in his State of the Union Address from that podium: We cannot for long expect to lead the cause of peace and freedom around the world if we fail to set the economic pace at home.

He recognized that the economy was slowing down. He recognized that there were problems. He recognized that wages were not increasing the way they should be. And John Kennedy, the member of the other party, the Democrat President, went on in that speech to outline a series of tax cuts much like Bob Dole's, not exactly, but much like them. Unfortunately, his death occurred. But after his death, LBJ and the Democrat controlled Congress put in place those tax cuts, and guess what? The economy grew. The economy grew.

We took off again. We had good growth in jobs and good growth in wages, and it was a wonderful experience to have watched that.

So when I ran in 1984, I was so proud of Ronald Reagan. One of the first conclusions that I made here when I got my feet on the ground and began to understand a little bit about this growth policy, and I kind of laugh to myself now, I think Ronald Reagan read John Kennedy's speech. So this does not have to be a partisan issue. This does not have to be a part of a Presidential campaign. It just happens to be the truth. It happens to be what works.

And so what Bob Dole has suggested here really can work. And the experience that we had in the 1980's proves that it works. Did we do everything right in the 1980's? No. We did not do everything right in the 1980's, but we did some things right in the 1980's, and tax policy is part of what we did right.

Mr. Speaker, let us talk about what we did right for a minute. This next chart shows what happened in 1981, 1982, and 1983. This is where Ronald Reagan got elected. Our economy was flat, much the same condition only maybe a little bit worse than it is now. We are experiencing about 2.2 percent growth. I have forgotten exactly what the growth was, but we had a recession, which means we had negative growth, and Ronald Reagan said: I know how to fix this. We are going to reduce taxes and put in place growth policy like Bob Dole is talking about in today's campaign. And in 1982 when the second installment of that tax cut went into place, the economy started to grow. It grew astonishingly throughout the decade of the 1980's.

So, not only did John Kennedy understand what it is that Bob Dole has suggested and why it works, we see in the 1980's that Ronald Reagan did much the same thing in terms of tax policy.

Let me just show what happened to wages during that period of time. We talked about what is happening with wages today. They are going down. During the Carter years, remember the years of malaise and inflation and high interest rates and the lousy economy, wages were going down during those Carter years, too. But as soon as Reagan's policies went into effect, wages started to go up again. It was better for families. People were optimistic again. We believed in our selves, and it was in large part of the economic policies that both Kennedy and Reagan have at different time in our history subscribed to and have helped to bring about changes in our country.

I mentioned a minute ago though that we did not do everything right in the 1980's, and we did not. We all know that, because we continued, collectively, and I think there is enough blame to go around for this, we continued the spending spree during the 1980's. In spite of the fact that the economy grew and in spite of the fact that we had economic growth, we did not balance the budget. But it is not because of the tax cuts that we did not balance the budget.

A lot of people will be very surprised to see this. This is a chart with a red line on the top and a blue line on the bottom.

□ 1800

The blue line shows what happened with our Federal revenue. When the economy grew, more people went back to work. They made higher wages, so they paid more in taxes, and that meant Washington had more money available to spend. And as the economy grew through the 1980's, this blue line shows that revenues went up. In fact, in 1980 we had at our disposal $517 million to spend in 1980. By 1990 we had $1.03 trillion. In other words, we had increased by $514 billion the money that we had to spend.

Let me say that again. We had tax cuts, that is right, tax rate decreases. And when the economy began to grow because of it, our revenues that we had available to us doubled between 1980 and 1990. Pretty astonishing. What did we do wrong? We kept right on spending.

Mr. WAMP. Mr. Speaker, will the gentleman yield?

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

Mr. WAMP. Mr. Speaker, I had to get up and pipe in here if I could, and I appreciate the gentleman yielding, because many people have asked me about these years in the 1980's. I am a freshman Member of this body. I have participated in the first Congress in 26 years that actually voted to cut spending. Not a single Congress for 26 straight years actually voted to cut spending. People ask me, how did this happen in the 1980's, if Reagan's tax policies actually worked? And you are, right here, right now, showing us exactly how that happened.

Frankly, I believe that if this Congress, the one we have now that has cut spending for the first time in 26 years, would have been the Congress under Ronald Reagan, the growth here, coupled with the spending cuts, would have achieved a balanced budget, because the two coming together is what you do. You cannot have spending rising above income. Income was going up. Spending was going up even higher. A lot of Members were getting reelected by giving away the ranch, so to speak, and continuing to do that. And we have just now accepted our fate as a nation and come to these tough votes to reduce spending for the first time.

The country does have a choice this fall. We cannot have President Reagan and this Congress, but we can have the next best thing. That is somebody who believes in Reagan's growth policies, tax policies, and this Congress. And what you will see, I believe firmly in my soul, is growth and spending reductions and the most responsible coming together of those two forces in our budget process, and achieve a balanced budget and help all families create more wealth and keep more of their take-home pay, as we make progress towards a balanced budget.

Mr. SAXTON. Well, the gentleman is exactly right. As your class, 70 freshman who came here, 71 freshmen who came here on the Republican side have clearly demonstrated that we can reduce the rate of growth in spending and that we can move these two lines closer together.

President Clinton, incidentally, Mr. WAMP, President Clinton has talked a lot during his campaign appearances about reducing the deficit. And it is kind of funny to say, but it seems to me that it was the Congrss that actually put in place the provisions and the budget process in the appropriations bills last year. And now, of course, we are following suit again this year, with the 71 freshman, with people like JOHN KASICH who have led us in the budget debate, like our majority leader, DICK ARMEY, who believes so much in what we are talking about here on the floor tonight. It is kind of interesting that President Clinton has found it possible, seemingly possible, to take credit for that.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Just to expand a little bit on why balancing the budget is important with this whole tax reduction to motivate economic and job expansion, if we can balance the budget at the same time, that means that the demand for borrowing money from the Federal Government will reduce the pressure on interest rates. Right last year the Federal Government borrowed 41 percent of all of the money lent out in the United

States. Just think back to your Economics 101. If you lower that demand with Government borrowing 41 percent of the money, if you can balance the budget and have Government borrow less money, it is going to mean interest rates go down.

In our Committee on the Budget, Alan Greenspan, chairman of the Federal Reserve, came to our Committee on the Budget and said, look, if Congress balances the budget, we could see interest rates go down up to between 1½ and 2 percent. That means that if interest rates go down, every business in this country finds that whatever they are going to buy in terms of tools, in terms of expansion, they see a significant reduction in their costs. So interest rates going down means a tremendous stimulant to the economy.

A combination, like ZACH WAMP says, a combination of stimulating economic and job expansion, at the same time that we start pinching those pennies here at the national level and making sure we balance that budget, is going to see the greatest economic and job expansion this country has ever seen.

Mr. SAXTON. The interesting thing about what you say is that by reducing the tax burden on American families, by making it possible, again, to achieve this 3.5-percent growth that we have seen since World War II on average, and by balancing the budget by continuing the policies that we started during the last year in terms of reducing expenditures, by putting together a program like that it makes it better for all families in America. It makes it better for people who are workers. It makes it better for people who are entrepreneurs. It makes it better for people who are in all kinds of businesses across our country. It makes it better for the labor unions and the working folks because they can expect once again to see wages on the increase and our standard of living go up.

It is not extreme importance that we as Members of Congress and the American people generally come to grips with what it is that we have been attempting to do here the last 2 years and what it is that Bob Dole has suggested that we do, which is very similar to what John Kennedy and Ronald Reagan each in their time suggested.

I yield to the gentleman from Tennessee.

Mr. WAMP. I thank the gentleman for yielding. You have given a great historical perspective of how we got into this dilemma and what forces are necessary to pull us out of this dilemma with our debt and this issue of taxes. I think it is very important. We need tax reform. We need tax relief and tax reform, I think, at the same time.

I grew up as a member of the Democratic Party. Ronald Reagan and his tenure is what brought me to the Republican Party on some simple principles of exactly how large the Federal Government was going to be in our lives, exactly how intrusive. I remember he said at one time, I do not think it was an original quote, but he said a government big enough to give you everything you want is a government big enough to take from you everything you have. And I just wonder how far we are going to go down this road toward big government and more and more of our resources and our rights taken from the big central government.

Our Founding Fathers, I am sure, are rolling over in their graves, but it is this principle. I am not a partisan person, really becoming less and less partisan the longer I am involved in public policy. I think, though, that there are some stark differences between the Democratic agenda in 1996 and the Republican agenda.

One of them is a very simply issue of whether or not we are going to stand on the side of the American taxpayers, that they are already overtaxed.

Let me give you a historical perspective. We all know that the average family now, the mother and the father are both having to work. That is happening because one of them is working for the government and the other one is working for the family. And we know that is not right.

And just in my lifetime, this has happened. This has not been going on for a long time. In 1957, when I was born, my father paid less than 10 percent of every dollar that he made to the government combined. State, Federal, and local governments combined was 10 cents of the dollar, about what you are supposed to tithe in church. the Federal tax rate was between 3 and 4 percent. The whole thing was less than 10 percent.

Today, one generation later, that figure is roughly half of every dollar an American makes goes to the government. My son is 9 years old. Then he is my age, just going through one more generation. That figure is going to be about 84, 85 percent of every dollar he makes. Let me tell you, we cannot sustain our freedom going in this direction.

I have been to fundraisers. I have heard wealthier people say, we do not need tax relief. It is okay, just hold the line. Well, those wealthy people may not need tax relief. It is the people in the middle and at the bottom who need tax relief the most, and they are the ones that are having a hard time keeping their heads above water.

I constantly think of single moms who are working to get their kids ready for school during the morning and they are going to work, and they have no hope of ever getting ahead. They are barely keeping their heads above water, day in, day out.

I think of parents, both working, and they just have a little hope anymore in our society, knowing that as the government grows they are going to have to take an extra job. Many two-parent families are working multiple jobs because the government is taking a larger and larger chunk of our resources.

So this issue, fundamental issue, as we make measurable progress toward a balanced budget and our President continues to say, and this is one thing we agree on, we have got the lowest budget deficit in 15 years because this Congress cut spending for the first time in 26 years, and because the economy, albeit 2-percent growth versus 3-percent growth, has grown somewhat, we have this low budget deficit.

Is it reasonable and logical to give the American people some of their money back as we make real and measurable progress toward a balanced budget, give them some tax relief and tax reform, simplify the system and at the same time give them some of their money back? Yes, it is reasonable and logical. Why? Because we are at 50 percent, and we are climbing, of every dollar we make.

Our Founding Fathers warned us that the big central government could get bigger than the people that are supposed to control it. We have already passed that day in America. We need to go back slightly, ever so slightly, and give them some tax relief.

I am not going to endorse any plan. I am not going to endorse President Clinton's plan. I will not unilaterally endorse Mr. Dole's plan. I am going to endorse the notion of giving the American people some of their hard-earned money back and try to give it to everybody.

The Kemp Commission made some excellent recommendations about how to create growth and opportunity by using our Tax Code. We ought to go to that Kemp Commission recommendation.

We talked about what hourly workers make in this country just a few months ago in this body. But we talked about what 2 percent of the workers make, and that is minimum wage. We did not talk about what the other 98 percent of workers make. The other 98 percent of workers should have a pay increase now. We should do that by making that Social Security tax, that FICA tax deducted from their paycheck, fully deductible, so we are not taxing the tax, and putting money back in the pocket of every working American. That is a recommendation of the Kemp Commission, which worked for months to establish pro-growth policies, and there is tax relief that can return more money to the Federal Government.

A capital gains tax is a tax on inflation. It is an unfair tax to begin with. And if you reduce the rate, it is a pro-growth policy. When we reduced the capital gains tax rate in this country previously, the history shows the revenues for capital gains increased each and every year to the Federal Government. We return more revenues.

There are people out here pent up with assets, many of them poor to middle income, not rich, not wealthy, regular folk that are waiting to sell some stock that they may have inherited because the appreciation, the inflation that has set in made that asset worth so much. Why should we as a Nation

tax inflation? Inflation on other things with Federal Government, we actually index them and compensate people for inflation. But with an investment we actually tax the investment. No wonder we do not have enough savings and investment in this country like they do in other industrialized countries.

Japan and Germany, they know not to overtax investment and savings. We need a pro-growth policy. We need some tax relief to be done in a reasonable way. This Congress, early next year, is going to address this issue, I am quite confident.

There is a big difference between the two parties on this issue of how much of your money you get to keep every time you get paid. We want you to keep more of your money and we are willing to make those tough votes to shrink the Government so you can keep more of our money. It is a defining issue, Mr. Speaker. I hope that the people in this country will wake up to these issues and realize there is a big difference and our future is at stake, because I want my son to keep more than 15 cents of every dollar he makes when he gets my age.

I thank the gentleman for yielding to me.

Mr. SAXTON. Mr. Speaker, I would just like to emphasize one of the things that you have correctly and articulately pointed out. I guess I would do it this way.

During the last 3 or 4 years we have gotten ourselves into a situation where wages have shrunk and taxes have increased. And so when you have shrinking wages and increased taxes, you get people in a pinch. You get people in a crunch. And, of course, that has happened during the Clinton administration, and there have been some around here who have called that Bill Clinton's crunch. In other words, we have got these lowering wages, increasing taxes, which means for every family in America less disposable income.

□ 1815

Tougher to get a loan, tougher to get the kids clothes in September when they go back to school, tougher to go to the Acme Market or the Super Saver Market or whatever market you go to every week, and this issue of less disposable income is one of the primary reasons why the generation that you just spoke about, your kids, are looking at their adult life and saying: ''Wow, did my parents have more opportunity than I did for the first time in the history of our country?''

Mr. SMITH of Michigan. If the gentleman will yield, you know it is so disconcerting that government is so hell bent on having more control over peoples' lives is disrupting and making those lives worse by having a bigger government and by having more and more taxes, because it hurts those jobs.

You know, I am an economist by education, but I always through the school of economics might be better in social studies because it is human reaction, economics is human reaction. If we want more and better jobs in this country, we have to decide what products the people in this country and other countries want to buy, and we have got to make a quality product at a competitive price. When we tax investment and saving more than any of these other countries because in government's eagerness to be bigger and do more things for more people, we have increased the tax.

You know, we heard a lot of discussion: How are we going to pay for the Dole Tax cut? It is $540 billion.

It is interesting to note that this liberal Congress in the last 5 years, not in the last 1½ years of Republican control, but in the last 5 years has increased taxes $540 billion, and so that tax increase is now being offset with a suggestion: ''Let's reduce taxes by $540 billion.''

The liberal press says, ''Well, how are you going to pay for it?''

I like the Speaker's reaching in the pocket and bring out six pennies, because we have go a pinch pennies if we are going to pay for the tax cut.

But the fact is that if we can cut down the waste and the fraud and the abuse of Federal Government by just 6 cents out of a dollar, we are going to pay for that tax cut.

I mean, Mr. Speaker, if I could ask the American people right now how much fraud and abuse and waste do you think is in government, you know we could have a bidding process. We could say, I bet most of the people of America think we could cut out 10 percent, or even 15 percent.

But what we are talking about is pinching pennies in the Federal Government, just like every family has to do, and cutting down this budget by 6 percent and reducing those taxes by 15 percent, leaving more money in every citizen's pocket.

That is what we are interested in, take-home pay. We have got to have more and better jobs, but at the same time, if we can reduce those taxes by 15 percent, what we are talking about is for a family, for a man, a husband and wife and two kids, making $30,000, they will have $1.264 more in their pocket if we have this tax cut, and that is just what government and a liberal Congress has taken out of their pockets in the last 5 years.

So let us offset it, let us move ahead. It is ridiculous having bigger and bigger government that not only taxes more but takes over more of your freedom and more of your liberty.

Mr. SAXTON. I thank the gentleman for pointing that out, and certainly savings and finding ways to pinch pennies, as you have correctly pointed out, is crucial to our getting the job done that we need to get done. Because we can get more revenue through economic growth policies, but if we do wrong again, that which we did wrong in the 1980's, it will all be for naught because this has got to be a two-pronged program. We can do right, what we did in the 1980's, but we also have got to pinch pennies.

I saw the Speaker of the House, Mr. GINGRICH, give a speech on television the other day, and he was talking about this very subject. He did not have six pennies, but he had an ice bucket, and I thought what in the world is the Speaker going to do with this ice bucket? And he held it in his hand, and he pointed that when we took control of this House 2 years ago, or a year and a half ago, the Republican Party decided to do things differently around here, and prior to the time we took over every office, every Member of Congress had two buckets of ice delivered to his or her office every day.

I just kind of took it for granted in the 10 years or so that I had been here that ice showed up. I do not know whether anybody used it or not. I did not. But when we took over, we decided it was something we did not need to do, and let me tell you we saved.

According to the Speaker, from what I heard him say the other day, we saved $400,000 by pinching ice buckets, I guess, and not doing the foolish things that happened back in the days before we had refrigeration, back in the days when we maybe needed to put lunch on ice, literally. Today, every office has a refrigerator in it, and the Congress was continuing to spend $400,000 every year on ice.

Mr. SMITH of Michigan. If the gentleman would yield again, it is interesting because it is very personal. When I came to Congress in 1993, first thing, I told my staff, ''Look, stop the delivery of ice,'' and they—after 5 days I said, ''The ice is still coming,'' and they said, ''Well, we can't stop it.'' They said it is in the labor contract, and they are required to deliver two buckets of ice to every congressional office.

So I wrote a letter to the Speaker, the Democratic Speaker at that time, and suggested that this was pretty ridiculous, that we had a small refrigerator, we had all the ice we needed. If we wanted cold pop, we had cold pop.

But, you know, there are so many examples like that.

The post office, the post office is another half a million dollars. Instead of the Government running its own post office and feeding out the stamps and allowing the kind of corruption that existed in the past, when this Congress, when this new Republican Congress, came in, we said the U.S. Postal Service is responsible for running the post office. That saved another half a billion dollars.

This, JIM, is so amazing. I wish everybody could know some of the things that have happened.

You know, when we took office in our term in Congress, we cut out 270 different agencies and programs. On the first day of the session when we came into session in 1995, on January 5 or something, what we did is did away

with 23 subcommittees, four full committees; we cut legislative staff by almost 32 percent in an effort to do exactly what we are talking about, pinch pennies, and that is what we are going to continue to do.

And, you know, I for one, and I suspect you for another, and many of us in the Republican Caucus, among the Republican Members of Congress, are not going to vote for a tax increase unless it is paid for with spending cuts, because we are very determined that we are going to have a balanced budget.

Mr. SAXTON. I would just like to reclaim my time here for just a minute. I will be happy to continue the discourse, the dialog, with the gentleman.

One of the things that we have done on the Joint Economic Committee, and I am sure that, as the gentleman knows, we have done a number of studies to try to identify where we ought to be and how we ought to get there, and one of the things that surprised me—I had no idea this had happened, probably should have known.

When I was elected to Congress, the Federal Government was consuming something like 19 percent of the gross domestic product, and since I have been here, and I am not proud of this, since I have been here, usually voting against these policies, but since I have been here, in the 12 years we have grown so that our government today consumes 23 percent of the gross domestic product. In other words, over this short period of time, relatively short period of time, we have gone from consuming 18 percent of GDP to 23 percent of GDP. That is dangerous.

We talk about big government a lot around here and about how to make it smaller, and if there is anything that I think points to the necessity of remaining serious about the things that we have started here in the last 2 years, it is that statistic, because as government grows bigger and more expensive, obviously it take more money away and more freedoms away from the people that elect us to come here to safeguard those very freedoms and to run our government as economically as we can.

So when I saw that study which showed that kind of growth in government, it frightened me to death, and I hope that when people hear about it, it will sober some of our friends on the other side of the aisle as well.

Mr. SMITH of Michigan. I think it is important that we point out that under the Republican budget resolution that we passed, by the end of this 6-year effort to balance the budget we will be back down to 8 percent of GDP. So the effort is there.

It takes a lot of conviction. It is not easy for politicians to make those cuts. We have seen so much demagoguing as Republicans have tried to pinch pennies that the demagoguery to criticize Republicans for cutting any of this spending has resulted in an attitude among many Americans that, well, gosh, maybe those Republicans are too cruel and maybe they are putting burdens and pinching pennies for tax breaks for the rich.

JIM, I see you have got a chart down there, and I think this tax break for the rich idea is so ridiculous as we try to give middle-class tax breaks, and that is exactly what the Dole plan does, that is exactly what the Republican plan does. But I believe this is a recollection of what happened in the 1980's under Ronald Reagan.

Mr. SAXTON. This shows clearly what happened in terms of various income groups under the Reagan tax policies beginning in 1981 and going through the year 1988. The claim by some on the other side of the aisle always is that, well, Reagan was great for the rich people because their taxes were cut and they all profited, you know, the rich people, and Reagan took care of them.

Nothing could be further from the truth, and these statistics prove that.

There are three colored lines here which represent taxes paid by various income groups. Here in 1981 this green line shows that people who were in the top 1 percent of the wage-income earners in this country paid 17.6 percent of the total tax burden. People who were between the 51st and the 95th percentile paid 57 percent, and the bottom 50 percent of the taxpayers in the United States in 1981 paid 7.5 percent.

Now, if we jump all the way to the other end of this chart—of course each year goes across, 1982 and 1983, all the way over to 1988, we find that in 1988 the people who were in the top 1 percent of the income class in our country no longer paid 17.6 percent of the total taxes, but paid over 27 percent of the total taxes, an increase of nearly 10 percentage points. Conversely, people who were in the bottom 50 percent, who paid 7.5 percent of the taxes in 1981, by 1988 paid only 5.7 percent, and so they dropped almost 2 percentage points over the 8 years of the Reagan administration.

So this is a clear indication that once again these growth policies that we talk about, the Dole suggestion that we ought to once again reduce tax rates, the Dole suggestion that the capital gains tax is too high, the Dole suggestion that people ought to get a $500 tax credit for each child in the family to reduce the burden of taxes on families, is not only a nice thing to do for families, it not only makes them feel better and not only gives them a little bit more money to spend each year, it is a significant amount of money to spend each year; but more importantly, or at least equally importantly, it makes the economy do better, it makes the economy grow as we have historically done since World War II. It gets us out of the 2.2 percent rate of growth back on track toward 3.5 percent, which is so important to job creation, which is so important to increasing wages, which is so important to opportunities for young people to progress and move up.

So that is what the Dole program is about. If we can continue, as we have, under this leadership in the Senate to reduce spending, to continue, as we have, in this House to reduce spending and still get this growth policy in place, we will certainly do so much better for families than we have during the past 3 years since the huge Clinton tax increase went into place.

Mr. SMITH of Michigan. I would just say, JIM, it is true that American workers are currently the most productive in the world, but we cannot continue that kind of efficiency and productivity because the other countries are increasing their rate of productivity faster than the United States.

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Part of these reasons is because we make it so expensive under our Tax Code for people to save and invest. We penalize.

I am just reading some of the statistics here, where the average tax in the United States is 28 percent, compared to France at 18 percent, and this is for savings and investment; 28 percent in the United States, 18 percent in France. Canada has 23 percent, and Japan has 20 percent. So here the United States is making it more difficult to save and invest, and like we mentioned before, the capital gains tax relief means if the American family buys a home, for example, and it goes up with inflation but does not go up any faster than inflation, when they sell that house we penalize that family for the increased value of their house because of inflation.

So if we have some capital gains tax relief, then we say, look, if that house would only buy the equivalent of, say, five cars when you bought it, it doubles in price over 15 years, but it still only buys five cars, if we are going to tax on increased wealth, then we should not be taxing that inflation. That is what we are trying to do when we talk about capital gains tax relief.

Mr. SAXTON. Exactly. That is what the Dole suggestion is all about, about reducing the rate of taxation in order to promote this type of economic growth that we have seen before.

I would like to thank the gentleman for taking part in this special order, and just conclude by saying that it has been proven since the 1960's, when John Kennedy was President, he gave that famous speech right here at the podium where he said taxes are too high and the economy is suffering because of it, and Lyndon Johnson, his successor, actually put those programs into place and the economy grew. Then Ronald Reagan got elected in 1980 and said almost the same thing, almost the same words, almost the same policies, very similar, similar enough to promote the kind of growth that we got during the 1980's.

If we today, in 1996, can look at the examples set by Kennedy and Reagan, and if we can look at what they did right, and if we can duplicate, as nearly as we can in today's situation, the

policies that they did which were so right for our country and so right for economic growth, and at the same time recognize what this House and the other House and the President did wrong in the 1980s; which was a failure to control spending, if we can do those two things and do them right, we will leave a legacy for our children that we can be very proud of.

I would like to thank both the gentleman from Michigan [Mr. SMITH] and the gentleman from Tennessee [Mr. WAMP] for taking part in this special order.

COMMUNICATION FROM THE HONORABLE JOHN D. DINGELL, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. QUINN) laid before the House the following communication from the Honorable JOHN D. DINGELL, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 18, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that a subpoena (for documents and testimony) issued by the U.S. District Court for the District of Columbia in the matter of *United States v. Jeffrey M. Levine*, Cr. No. 94–034, has been served on me.

After consultation with the Office of General Counsel, I have determined that the subpoena appears not to be consistent with the rights and privileges of the House and, therefore, should be resisted.

Sincerely,

JOHN D. DINGELL,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today, on account of illness.

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT), for today, on account of illness.

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 Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. HANSEN, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HEFNER, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. SERRANO.
Ms. DELAURO.
Mr. KANJORSKI.
Mr. HAMILTON.
Mr. KLECZKA.
Mr. VISCLOSKY.
Mr. FILNER.
Mr. ACKERMAN.
Mr. DELLUMS.
Mr. STARK.

(The following Members (at the request of Mr. WELDON of Pennsylvania) and to include extraneous material:)

Mr. FIELDS of Texas.
Mr. LARGENT in two instances.
Mr. BURR of North Carolina.

(The following Members (at the request of Mr. SAXTON) and to include extraneous material:)

Mr. VENTO.
Mr. WELLER.
Mr. WELDON of Pennsylvania.
Mr. ROTH.
Mr. WHITFIELD.
Mr. PASTOR.
Mr. LAHOOD.
Mr. GILMAN in two instances.
Mr. STARK.
Mr. DELLUMS.
Mr. VISCLOSKY.
Mr. BAKER of California.
Mrs. MEYERS of Kansas.
Mr. SOLOMON in two instances.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 67. Concurrent resolution to authorize printing of the report of the Commission on Protecting and Reducing Government Secrecy; to the Committee on House Oversight.

ADJOURNMENT

Mr. SAXTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Thursday, September 19, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5185. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Limes and Avacados Grown in Florida; Relaxation of Container Marking Requirements [Docket No. FV96–911–4FIR] received September 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5186. A letter from the Administrator, Rural Utilities Service, transmitting the Service's final rule—Use of Consultants Funded by Borrowers (RIN: 0572–AB17) received September 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5187. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of September 1, 1996, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104–265); to the Committee on Appropriations and ordered to be printed.

5188. A letter from the Under Secretary of Defense, transmitting the Secretary's certification that the survivability and lethality testing of the UH–1N variant of the USMC H–1 upgrade program otherwise required by section 2366 would be unreasonably expensive and impractical, pursuant to 10 U.S.C. 2366(c)(2); to the Committee on National Security.

5189. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the annual report to Congress by the Division of Compliance and Consumer Affairs of the FDIC, pursuant to 15 U.S.C. 57a(f)(6); to the Committee on Banking and Financial Services.

5190. 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. 3845, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–578); to the Committee on the Budget.

5191. A letter from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting the Department's final rule—Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite Final Rule: Corrections (RIN: 1218–AB25) received September 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5192. A letter from the Administrator, Energy Information Administration, transmitting the Energy Information Administration's ''Annual Energy Review 1995,'' pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Commerce.

5193. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Topical Guidelines for the Licensing Support System (Regulatory Guide 3.69) received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5194. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer

and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96–78), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5195. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96–77), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5196. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of Pacific Whiting Regular Season [Docket No. 951227306–6117–02; I.D. 090696E] received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5197. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Reef Fish Fishery of the Gulf of Mexico Amendment 13 [Docket No. 96061317–6247–02; I.D. 050996C] (RIN: 0648–AI71) received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5198. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Northern Anchovy Fishery; Quotas for the 1996–97 Fishing Year [Docket No. 960903241–6241–01; I.D. 081996B] received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5199. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Closures from the U.S.-Canadian Border to Cape Alava, WA, and from the Queets River to Leadbetter Point, WA [Docket No. 960126016–6121–04; I.D. 090696B] received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5200. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments from the U.S.-Canadian Border to the Queets River, WA [Docket No. 960126016–6121–04; I.D. 090696C] received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5201. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South America; Consolidation of Regulations [Docket No. 960313071–6237–03; I.D. 050996D] (RIN: 0648–AI20) received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5202. A letter from the Program Management Officer, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Allowing Quota Shares and Individual Fishing Quota to be Used on Smaller Vessels [Docket No. 960612171–6227–02; I.D. 060496A] (RIN: 0648–AI57) received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5203. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 960129018–6018–01; I.D. 090996A] received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5204. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Islands Subarea [Docket No. 960129019–6019–01; I.D. 090696D] received September 17, 1996, to the Committee on Resources.

5205. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to amend title 18, United States Code, to extend certain statutes of limitation; to the Committee on the Judiciary.

5206. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that the Court will open the October 1996 term on October 2, 1996; to the Committee on the Judiciary.

5207. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for Presidential determination regarding the POW/MIA military drawdown to Cambodia, pursuant to 22 U.S.C. 2348a; jointly, to the Committee on International Relations and Appropriations.

5208. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting obligation of funds for additional program proposals for purposes of nonproliferation and disarmament fund activities, pursuant to 22 U.S.C. 5858; jointly, to the Committees on International Relations and Appropriations.

5209. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 1998, pursuant to 45 U.S.C. 231f; jointly, to the Committees on Transportation and Infrastructure, Appropriations, and Ways and Means.

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 calender, as follows:

Mr. SOLOMON: Committee on Rules. H.R. 3024. A bill to provide a process leading to full self-government for Puerto Rico; with an amendment (Rept. 104–713 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 2988. A bill to amend the Clean Air Act to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency rules; with an amendment (Rept. 104–807). Referred to the Committee of the Whole House on the State of the Union.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker, filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 3153. A bill to amend title 49, United States Code, to exempt from regulation the transportation of certain hazardous materials by vehicles with a gross vehicle weight rating of 10,000 pounds or less.

H.R. 2988. A bill to amend the Clean Air Act to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency Rules.

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. EWING (for himself, Mr. BUYER, Mr. POSHARD, Mr. BARCIA of Michigan, Mr. HASTERT, Mr. LATHAM, Mr. MANZULLO, Mr. LAHOOD, Mr. GANSKE, Mr. BEREUTER, Mr. BUNNING of Kentucky, Mr. GILLMOR, Mr. WELLER, Mr. MCINTOSH, Mr. DEAL of Georgia, Mr. LIGHTFOOT, Mr. COBLE, Mr. BOEHNER, Mr. LEACH, Mr. MILLER of Florida, Mr. NETHERCUTT, Mr. BARRETT of Nebraska, Mr. PETERSON of Minnesota, Mr. ROSE, Mr. LUCAS, Mr. COMBEST, Mr. MCHUGH, and Mr. TOWNS):

H.R. 4102. A bill to provide regulatory relief for certain farm transportation of hazardous materials; to the Committee on Transportation and Infrastructure.

By Mr. BILIRAKIS:

H.R. 4103. A bill to amend title 10, United States Code, to provide limited authority for concurrent payment of retired pay and veterans' disability compensation for certain disabled veterans; to the Committee on National Security, and in addition to the Committee on Veterans' Affairs, 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. BRYANT of Tennessee:

H.R. 4104. A bill to amend title 10, United States Code, to establish a sentence under the Uniform Code of Military Justice of confinement for life without eligibility for parole and to provide that a decision to deny parole for a military offender serving a sentence of confinement for life may be appealed only to the President; to the Committee on National Security.

By Mr. GRAHAM (for himself, Mr. FUNDERBURK, Mr. KASICH, Mr. LARGENT, Mr. SENSENBRENNER, Mr. STOCKMAN, Mr. MILLER of Florida, Mr. TALENT, Mr. HAYWORTH, Mr. DORNAN, Mr. SCARBOROUGH, Mr. BARTON of Texas, Mr. INGLIS of South Carolina, Mr. ROHRABACHER, Mr. HOKE, Mr. HERGER, Mr. LAHOOD, Mr. SMITH of Michigan, Mr. ISTOOK, Mr. BARR, Mr. SHADEGG, Mr. HILLEARY, Mr. HOSTETTLER, Mr. BOEHNER, Mr. FORBES, Ms. DUNN of Washington, Mr. BRYANT of Tennessee, Mr. CHAMBLISS, Mr. MCINTOSH, Mr. WICKER, Mrs. MYRICK, Mr. RADANOVICH, Mr. SOLOMON, Mr. COOLEY, Mr. JONES, Mr. WAMP, Mr. CHABOT, Mr. WATTS of Oklahoma, Mr. SAM JOHNSON, Mr. BURTON of Indiana, Mr. NORWOOD, Mr. KNOLLENBERG, Mr. LAUGHLIN, Mr. BARTLETT of Maryland, Mr. HASTERT, Mr. THORNBERRY, Mrs. SMITH of Washington, Mr. MCKEON, Mr. TAYLOR of North Carolina, Mrs. SEASTRAND, Mr. STUMP, and Mr. DEAL of Georgia):

H.R. 4105. A bill to repeal the Goals 2000: Educate America Act to allow local areas to develop elementary and secondary education programs that meet their needs; to the Committee on Economic and Educational Opportunities.

By Mrs. JOHNSON of Connecticut (for herself, Mr. CASTLE, Mr. CLINGER, Mr. HOUGHTON, Mr. SERRANO, Mr. BACHUS, and Mr. LEWIS of Georgia):

H.R. 4106. A bill to amend the Internal Revenue Code of 1986 to provide that 0.5 cent of the general revenue portion of the highway motor fuel taxes shall be deposited into an

intercity passenger rail trust fund and to deposit the remainder of such portion into the highway trust fund; to the Committee on Ways and Means, and in addition to the Committee on 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. PETERSON of Minnesota:

H.R. 4107. A bill to direct the Administrator of the Environmental Protection Agency to revise water quality criteria for ammonia, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RICHARDSON (for himself, Mr. SCHIFF, Mr. CRAPO, and Ms. FURSE):

H.R. 4108. A bill to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire; to the Committee on Government Reform and Oversight, and in addition to the Committee on Agriculture, and National Security, 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. ROTH:

H.R. 4109. A bill to extend the authority for certain export programs, and for other purposes; to the Committee on International Relations.

By Mr. STARK:

H.R. 4110. A bill to amend the Internal Revenue Code of 1986 to require that group health plans and insurers offer access to coverage for children and to assist families in the purchase of such coverage; to the Committee on Ways and Means.

By Mr. STUDDS (for himself, Mr. FOX, Mr. MOAKLEY, Mr. TORKILDSEN, Mr. KENNEDY of Massachusetts, Mr. FRANK of Massachusetts, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. MARKEY, and Mr. OLVER):

H.R. 4111. A bill to provide educational assistance to the dependents of Federal law enforcement officials who are killed or are permanently and totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. TAYLOR of North Carolina:

H.R. 4112. A bill to provide for the settlement of claims of Swain County, NC, against the United States arising under the agreement entered into on July 30, 1943, by the Tennessee Valley Authority, the State of North Carolina, Swain County, NC, and the United States; to the Committee on Resources.

By Mr. VENTO:

H.R. 4113. A bill to regulate the use by interactive computer services of personally identifiable information provided by subscribers to such services; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 559: Mr. LANTOS.

H.R. 580: Mr. CUMMINGS.

H.R. 789: Mr. MARTINI, Mr. MYERS of Indiana, and Mr. STENHOLM.

H.R. 1130: Mr. HERGER.

H.R. 1148: Mr. CANADY.

H.R. 1386: Ms. DANNER.

H.R. 1434: Mr. KLECZKA.

H.R. 1462: Mr. ROMERO-BARCELÓ, Mr. BONO, and Mr. NORWOOD.

H.R. 1619: Mr. SPRATT.

H.R. 1889: Mr. LAHOOD, Mr. WARD, Mr. BROWDER, and Mr. KENNEDY of Massachusetts.

H.R. 2011: Mr. MCHUGH.

H.R. 2400: Mrs. CHENOWETH, Mr. DEFAZIO, Mr. BAKER of Louisiana, Mr. HINCHEY, and Mr. LONGLEY.

H.R. 2508: Mr. BRYANT of Tennessee, Mr. BISHOP, Mr. SENSENBRENNER, Mrs. MYRICK, and Mr. KASICH.

H.R. 2579: Mr. CALVERT

H.R. 2900: Mr. DAVIS, Mrs. CHENOWETH, Mr. KIM, Mr. SKELTON, Mr. SISISKY, Mr. BURR, Mr. LINDER, Mr. BRYANT of Tennessee, Mr. HUNTER, Mr. ROHRABACHER, Mr. HOBSON, Mr. PORTER, Mr. GOODLATTE, Mr. PACKARD, and Mr. MANZULLO.

H.R. 2976: Mr. BAKER of Louisiana, Mr. BROWNBACK, Ms. DANNER, Mr. GRAHAM, Mr. KING, and Mr. PAYNE of Virginia.

H.R. 3052: Ms. SLAUGHTER.

H.R. 3059: Mr. GREEN of Texas.

H.R. 3142: Mr. GILCHREST.

H.R. 3239: Mr. HUTCHINSON.

H.R. 3307: Mr. CRANE.

H.R. 3356: Mr. HUTCHINSON.

H.R. 3391: Mr. BURTON of Indiana.

H.R. 3393: Mr. OLVER.

H.R. 3401: Mr. NORWOOD and Mr. LONGLEY.

H.R. 3462: Mr. WAXMAN and Mr. KLECZKA.

H.R. 3508: Mr. SALMON.

H.R. 3514: Mr. NORWOOD.

H.R. 3551: Mr. SERRANO and Ms. ROS-LEHTINEN.

H.R. 3645: Mr. CLINGER, Mr. HOUGHTON, Mrs. KELLY, Mr. HAYES, Mr. BLUTE, Mr. SCHAEFER, Mr. MCHUGH, and Mr. BARRETT of Wisconsin.

H.R. 3714: Mr. BLUTE, Mrs. THURMAN, Mr. LAUGHLIN, Mr. ABERCROMBIE, Mr. COMBEST, Mr. SKAGGS, Mr. HERGER, Ms. LOFGREN, Mr. HILLIARD, and Mr. LAZIO of New York.

H.R. 3733: Ms. LOFGREN.

H.R. 3787: Mr. JOHNSTON of Florida.

H.R. 3895: Mr. GREEN of Texas, Mr. BARRETT of Wisconsin, Mr. BAKER of Louisiana, and Mr. BACHUS.

H.R. 4027: Mr. RAMSTAD and Mrs. MYRICK.

H.R. 4056: Mr. ABERCROMBIE.

H.R. 4062: Mr. GINGRICH.

H. Con. Res. 21: Mr. HOYER, Mr. KENNEDY of Massachusetts, Ms. DANNER, Mr. PASTOR, and Mr. TORRES.

H. Con. Res. 51: Mr. BEREUTER.

H. Con. Res. 63: Mr. HASTINGS of Florida.

H. Res. 423: Mr. QUINN and Mr. FOX.

H. Res. 490: Mr. UNDERWOOD and Mr. LIPINSKI.

H. Res. 515: Mrs. SMITH of Washington, Mr. SOUDER, Mr. FRANK of Massachusetts, Mr. DORNAN, Mr. CLEMENT, Mr. DURBIN, Mrs. MORELLA, Mr. LIPINSKI, Mr. PORTER, Mr. WATTS of Oklahoma, Mr. EVANS, Mr. LANTOS, Mr. HOYER, Mr. BUNN of Oregon, and Mr. HOKE.