HOUSE OF REPRESENTATIVES—*Thursday, July 9, 1992*

The House met at 10 a.m.

The Reverend Kirk Monroe, Mount Zion United Methodist Church, Washington, DC, offered the following prayer:

Good morning, God.

O Eternal Father strong to save, we love You. And once again this morning we resume our daily ritual of asking for Your omnipotence, mercy, and righteousness to circle us. We hope that if it is Your will we would be so inspired to go about our business today as servants of the people of America. Bless our Nation and help us to work together and to get along with each other. Bless those who are now working to repair our cities but whether city or suburb, valley, plain, or mountain bless America's children.

When we are confused and sorrowed by circumstances beyond our reach, let us be mindful that when we lift up our dilemmas unto You, You reach down with solutions unto us.

Help us to walk the hallways of peace, as we stride them may our canter be one of integrity and our gait one of justice. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from West Virginia [Mr. WISE] come forward and lead the House in the Pledge of Allegiance?

Mr. WISE 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.

A SUMMIT CONFERENCE FOR AMERICA

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

Mr. WISE. Mr. Speaker, the President is returning from the G–7 Conference, attended by President Yeltsin of Russia, and while the President is returning from the G–7 Conference I would like to suggest that he convene a US–50 conference, the 50 States, Mr. Speaker. Just as there has been a summit with President Yeltsin and there has been a summit with the G–7 leaders, so it is time to have a summit here at home on the same things they talked about abroad.

In Munich they talked about investment. I would like to talk about investment here at home, investment in our public transportation, investment in our schools, the public investment that has fallen so far behind in our country.

Did the President realize as he talked to the G–7 leaders that every one of those nations has some kind of national health care plan? Perhaps he could have asked advice for here at home. When they talked about jobs and unemployment in all the other countries, did he say that the unemployment had gone up in this country?

The fact of the matter is, Mr. Speaker, until the President holds those kinds of summit meetings at home with our leaders, then we are not going to be able to promise much at summit meetings abroad.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces he will limit to 10 Members on each side the number of 1-minute requests.

TRUST FUND SAVINGS CAN CREATE JOBS, BUILD ASSETS FOR AMERICA

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

Mr. SHUSTER. Mr. Speaker, today we have the opportunity to keep faith with the American people by fulfilling a commitment we made last year when we overwhelmingly passed the transportation bill. We can keep faith and begin to rebuild America, America's infrastructure, by supporting the bipartisan Obey-Gephardt-Roe-Hammerschmidt-Mineta-Shuster amendment which will be on the floor today, which reduces foreign operations spending and applies that money instead to transportation, to create 125,000 real jobs.

Many of the Members have come to us and asked for our help in projects and efforts that were important to them in their districts. Today, we are asking them, and especially to my conservative colleagues, I say do not be a knee-jerk naysayer. Listen to the logic of our argument. We hope they will read the "Dear Colleague" letter which we sent out which indicates that this is trust fund money. The money is there. It should be spent to create real jobs to build assets for America.

We urge the Members to carefully consider this and do what is right for America.

THE COMPASS SHOULD POINT HOME TO AMERICA

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

Mr. FROST. Mr. Speaker, once again George Bush has demonstrated where his heart is and it is not here in the United States.

President Bush has spent the past few days playing world leader while our pressing domestic needs continue to be neglected. He is busy at work dealing with the economic problems of our allies and of our new friend Russia but he has no program to put Americans back to work.

And equally distressing, this administration may be on the edge of getting the United States involved in a civil war in what used to be Yugoslavia.

This administration has broken its political compass. The Bush administration's compass needle keeps pointing east and west when it should be pointing home.

Mr. Speaker, it is time to park Air Force One and pay attention to the unemployment rate in the United States. It is time for this President to come home and stay home. The American people need a President who cares about America.

IT'S ELEMENTARY, WATSON

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

Mr. ROTH. Mr. Speaker, the Sherlock Holmeses of the Committee on the Judiciary are going to demand a special prosecutor, costing our American taxpayers millions to dredge up the ancient history of the Iraq policy. Seven committees in Congress, three U.S. attorneys, and the entire Justice Department have spent untold tax dollars and countless hours of staff probing and have come up empty-handed; nothing, cipher, zero, zip.

"Well, Sherlock, why are they doing this?"

"Elementary, my dear Watson. Trying to smear Ronald Reagan for

Irangate fell through, and the election is less than 4 months away. We Democrats have to find an issue somewhere."

"But Dr. Holmes, didn't the Congress know about the Iraq policy?"

"Hush, Watson, the election is coming."

"My dear Watson, that is the great mystery."

GOVERNOR CLINTON'S VISIONARY ECONOMIC STRATEGY FOR AMERICA

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

Mr. PRICE. Mr. Speaker, Bill Clinton has made a serious and substantial contribution to this year's political debate with his proposal of an economic plan that would massively reduce the Federal deficit by cutting nonessential spending, paring the Federal bureaucracy, closing corporate tax loopholes, making the wealthy pay their fair share of taxes, and implementing rigorous health care cost control. At the same time, it would make carefully targeted national investments in jobs, education, and improved health care.

This is a well-conceived and persuasive blueprint for our economic future, and Bill Clinton is the only candidate for President who has put such a plan on the table. From the other candidates we get the same old smoke-and-mirrors and evasion.

On television last Sunday Richard Darman, the President's Budget Director, had the gall to criticize Governor Clinton for relying on "favorable growth projections." We get this from the fellow who has made an art form of blue-sky growth projections over the past 4 years.

Mr. Darman also suggested that the President had a comparable plan that had been "subject to serious scrutiny"—presumably in Congress—"for over a year." I would like to know where this plan has been hiding. Is Mr. Darman talking about the President's 1993 budget, which was a mere $352 billion in deficit and which drew a grand total of 42 Republican votes on the House floor? And where is the President's plan for investment here at home? If the President's plan is so convincing, why is it we read in this morning's paper that Mr. Darman has ordered a rewrite of the midsession review of the budget as part of the administration's "election year effort to blame the Congress for the economy"?

Mr. President, such rhetorical obfuscation cannot hide the fact that this administration has nothing remotely comparable to Governor Clinton's economic strategy. The American people understand that. That is why they are responding so favorably to this visionary plan to get our Nation's priorities in order.

ANOTHER ONEROUS FEDERAL REGULATION BURDENING SMALL BUSINESS

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

Mr. RAMSTAD. Mr. Speaker, I rise today as part of the regulatory relay of the gentleman from Texas [Mr. DELAY] to call attention to a particularly onerous Federal regulation that is affecting a constituent small business.

The Fritz Co. is a third-generation small business that has been in existence in Minnesota for over 50 years. Recently they received a letter from the FDA threatening to seize their candy. What is the crime? Fritz calls its candy Fritzie Fresh. It has been their brand name for over 50 years. The name has been trademarked and received a U.S. patent registration, but the FDA decided that "fresh" was misleading the public. The candy was simply not sufficiently fresh for the FDA's taste.

Mr. Speaker, there has not been a single consumer complaint to Fritz or to the FDA about the use of the word "fresh," and removing this brand name from this small business would simply kill the business.

Certainly the original intent of the law to prevent fraudulent labeling is correct, but interpreting the statute in this ludicrous way is a clear departure from this intent. It is another example of the bureaucracy run amok, an unaccountable bureaucracy which could destroy this small business and the many jobs that go with it.

It is no wonder the American people are turned off by government which seeks to impose its will through such capricious and ridiculous rules.

□ 1010

BRIBES FOR WAR

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

Mr. TRAFICANT. It is bad enough, Mr. Speaker, that America exports jobs, but now it appears that America exports war. That is right, war.

According to recent indictments, the U.S. Ambassador to Bahrain and William Kennedy, former owner of the Conservative Digest, got 8 million dollars' worth of bribes in cash to promote American involvement in the war.

Then comes Hill & Knowlton, powerful public relations firm that gets $12 million from Kuwait to promote the war.

Mr. Speaker, let us get out of Disney World. Are we trying to make the American people believe that the CIA does not know what is going on around here? I think there should be a thorough investigation.

It is bad enough when American soldiers have to die to protect liberty, but die for money and bribes? Congress should find out if this was naked aggression or stone-cold cash bribes that put America at war.

LEGISLATION TO DISCONTINUE PAYMENTS TO FORMER SPEAKERS

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

Mr. THOMAS of Wyoming. Mr. Speaker, Speakers, as well as Members of Congress, earn a good salary while they are working here. You can easily question the results, but we work hard for it, through long days, heavy schedules, and busy weekends. But there is no reason the taxpayers should continue to pay for administrative benefits to those who no longer serve the people of their State. Unfortunately, the taxpayers are continuing to foot the bill for expenses for former Speakers of the House—and that is wrong.

In 1970, the House gave the retiring Speaker an account to finance office space, mailing privileges, and staff salaries to conclude his official duties. This is in addition to regular retirement benefits. Well, these official duties have gone on for 20 years and that is too long.

I am the cosponsor of a bill that will stop payments to former Speakers after 3 years. This is an effort to halt an annual bill of over $500,000 to maintain staffs and offices for former Speakers. While some expenses after leaving the House may be legitimate, I am sure most would agree that Speakers should not be able to collect indefinitely.

Once again, though, the leadership is depriving Americans of having a say in how their taxes are spent by not even allowing the full House to vote on this issue. I call on the leadership to be fair—let the representatives of the people vote.

THE VICE PRESIDENT'S COUNCIL ON COMPETITIVENESS DOES NOT LISTEN TO THE PEOPLE

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

Mr. MAZZOLI. Mr. Speaker, last week along with a very large majority of the House I voted against the Vice President's Council on Competitiveness. The Council may have begun with a benign and useful purpose of having the regulations of this Nation evaluated for their burden on business, but it became very quickly a means and a mechanism for very heavy financial hitters, big donors, to have entree to rulemakers and to get their ears.

I represent a community in southwest Jefferson County, Mr. Speaker,

which would love to have the same opportunity to bend the ears of the regulation makers, particularly in the environmental field, about the processes by which hazardous waste is burned for heat in the cement making process. I would be willing to believe, Mr. Speaker, that my people would make a very compelling case that such burning should not be permitted in their area.

However, these are very modest people, blue collar people. They will never be invited to the White House, certainly never to the Council on Competitiveness.

Mr. Speaker, if the American people are ever going to have a revived interest in the body politic, they have to be convinced that all rules and all regulations are made with the interests of the public broadly at heart, and not of a few heavy hitters.

HONORING RETIRING CAPITOL POLICE OFFICER, SGT. LEROY GARFIELD TAYLOR

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

Mr. ALLEN. Mr. Speaker, I rise to pay tribute to one of our own Capitol Police officers, Sgt. Leroy Garfield Taylor, who will soon enter his retirement after 43 years of faithful, dedicated service to the Navy and the U.S. Congress.

Born in 1928, Sergeant Taylor enlisted in the U.S. Navy at the age of 17, where he served honorably for over 20 years, attaining the rank of chief bosun's mate. Sergeant Taylor met and married his wife Yolanda, affectionately known as Paddy, 24 years ago. They lived in her native Ireland for a short period, then returned to the United States where he joined the Capitol Police in 1970. Spending his entire career at the Capitol Building, Sergeant Taylor became increasingly indispensable as his knowledge of the building and the workings of Congress grew. Always ready to serve, Sergeant Taylor's extensive knowledge and experience made getting around in this building much easier, whether one was a Member of Congress, staff member, or visitor to the Capitol.

Now, after 22 years of service as a Capitol Police officer, with a total of 43 years of Government service, Sergeant Taylor will retire. We all wish him the best and I know that his presence will be greatly missed. Congratulations on a job well done, Sergeant Taylor.

CONGRATULATING TURKEY ON EXTENSION OF OPERATION PROVIDE COMFORT

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

Mr. BILBRAY. Mr. Speaker, this morning, I would like to take the opportunity to congratulate the people of Turkey and in particular their parliament under the leadership of Prime Minister Suleyman Demirel for their courageous vote to extend Operation Provide Comfort. By a vote of 228 to 136, coalition forces will be allowed to continue their overflights and provide safety and security for the hundreds of thousands of Kurdish refugees that remain in northern Iraq.

This vote continues to show Turkey's desire to be a partner with the United States and to join forces with us to bring democracy and stability to the region. Their acknowledgement of the Kurdish situation and their efforts to alleviate and resolve the problem have clearly placed them as a leader of a democratic and peaceful Middle East.

Again, my thanks and those of all the Members of this Congress who have joined me in supporting the Kurdish people go to the people of Turkey. I look forward to the continued partnership between our two countries and to Turkey's assistance as we strive to find a peaceful and democratic solution for the future of the Kurds.

AGRICULTURE DEPARTMENT THROWS QUITE A PARTY

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

Mr. HEFLEY. Mr. Speaker, many of us are very concerned about the spending habits of this institution, and in order to focus on this each week I give on a radio program I do a porker-of-the-week award, and I would like to share these with my colleagues from time to time.

This week I could not resist the opportunity of giving the award to the Agriculture Department for a party they threw for their employees last month. The party that they claim was needed to boost employee morale cost the taxpayers a whopping $500,000. We paid over $400,000 for transportation to and from Washington, $8,000 for key chains, pens, lapel pins, tote bags, and mugs; $24,000 for hotel costs and reception; $8,000 for plaques; $13,000 for badges, agendas, certificates, signs, and banners; and thousands more on miscellaneous expenses.

With the economy in a slump and the Nation's deficit on the rise, I find it hard to believe that the Agriculture Department would dump this kind of money into a party. I think employee morale is important, and that those who do an effective job should be commended. But throwing a big party at taxpayers' expense is not the way to do it.

The Agriculture Department gets my vote for the porker-of-the-week award.

THE MEANING OF LIFESTYLE

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

Mr. ABERCROMBIE. Mr. Speaker, the newspapers have been quoting the President with respect to lifestyle and sexual orientation of individuals such that a requirement about the lifestyle of the President and the Vice President would be the way in which we should conduct ourselves; otherwise, our lives are not normal. A statement was made that he could not see that people could be parents if they were gay or lesbian.

Mr. Speaker, I regret that the President and the Vice President in all of their discussions of family values could not have attended the funeral of a young child in the District of Columbia recently, a child who was born into this world the victim of crack, the victim of addiction, afflicted with AIDS. No one would take this child, no one would love this child, no one would help to raise this child for the life that it had before it, and this child died before the age of 4, but brought great love and affection into this world, and was given love and affection by the foster care of a gay couple.

If you want to talk about family values, if you want to talk about being a Christian, if you want to talk about compassion in this country, do not require that lifestyle be the criterion upon which you judge another person. If you genuinely believe in family values, Mr. President, take a look at the people who are raising the children in illness, take a look at the children who need love and compassion and are being given it not by someone who has a particular lifestyle, but someone whose heart is filled with love.

□ 1020

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The PRESIDENT pro tempore (Mr. McNULTY). Members are reminded to address their remarks to the Chair.

ACCEPT THE BLAME FOR THE UNEMPLOYMENT PROBLEM

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

Mr. BALLENGER. Mr. Speaker, for some time now the other side has talked about the unemployment problem as if this was unexpected. They do not understand that this was largely created by Congress.

This is the result of defense cuts, ask the people in California, and other budget cuts. We did it.

They call it the peace dividend. If we had invested this money in job creation, things would not be so bad, but we in Congress put money into things like the bureaucracy.

If you want to place the blame for unemployment problems, look in the

mirror. You tax, you spend, you regulate.

Accept the blame.

A TRIBUTE TO SENATOR GORE, DEMOCRATIC PARTY VICE PRESIDENTIAL NOMINEE

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

Mr. MILLER of California. Mr. Speaker, it is with great pleasure that we learn that a former colleague of ours, Senator AL GORE of Tennessee, will be the Vice Presidential nominee of the Democratic Party this fall.

Senator GORE brings to the ticket an extraordinary amount of experience and expertise—on the environment, on foreign policy, and on national security.

Senator GORE and I headed the Senate and House delegations to the recent Earth summit in Rio de Janeiro, and his role at the conference was enormously impressive.

He is an American leader who is known, respected, and listened to by the leaders of the world community. They have read his insightful book on the global environmental crisis. They listened carefully to his keynote speech to the parliamentary summit meeting. And they sought his advice on the issues of global warming, biodiversity, and forest protection.

I cannot help contrasting the warm reception given this American environmental leader with the aloof response to President Bush that same week.

In AL GORE, the world, and the American people, have a leader for the future; a thoughtful and serious legislator who understands the seriousness of the crises facing the future of our planet; a bold activist who is willing to propose dramatic changes whether on arms control or the environment, to protect our children and the world they will inhabit.

By selecting AL GORE, Governor Clinton has drawn a clear distinction between his ticket and the inactive, business-as-usual, indifferent administration of George Bush and DAN QUAYLE.

The American people will recognize that difference, and vote for the future in November by electing Bill Clinton and AL GORE.

WE CANNOT AFFORD TO BAIL OUT THE CIS

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

Mr. DUNCAN. Mr. Speaker, when we return after the Democratic Convention, we will be asked to vote on a package of Russian aid. We will have to borrow billions to finance this at a time when our own Nation is losing over a billion dollars a day on top of a $4 trillion national debt.

There are three things I would hope that we would consider in this regard: First, the head of the International Monetary Fund, the strongest supporter of this aid, estimates that the former Soviet states will require $100 billion in additional aid over the next 4 years. We simply cannot afford this. Second, Russia and the other CIS states combined have greater natural resources than we do. Forbes magazine recently estimated Russian oil reserves as being equal to those of Saudi Arabia. Yet they cannot develop these resources because they still have a Government-run system rather than free enterprise. Third, the Russian national debt is just a small fraction of our own.

If we keep spending billion after billion after billion that we do not have, we are going to crash. I wonder who will send us foreign aid then. Will the Russians? I doubt it.

THE GILDERNEW ARREST

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

Mr. FISH. Mr. Speaker, on April 16, 1992, my constituent, Mr. Francis Gildernew was arrested by FBI and INS agents. With guns drawn, they shackled him in Poughkeepsie, NY, and jailed him in New York City.

Why was he arrested?

The INS warrant charged him with fraud. Applying for a green card in 1984, he denied ever being convicted of a crime in his home country of Northern Ireland.

In 1976, Gildernew had been arrested by the British police, charged with planting a land mine and of being a member of the Irish Republican Army. He was convicted and imprisoned. The conviction was based on a confession extracted from him after brutal interrogation under torture. Under British law, Gildernew was a special status or political prisoner. He was released from prison in 1984.

Gildernew maintains his innocence. I believe him.

Why after 8 productive, law-abiding years in America, did the INS suddenly discover his so-called fraud, handcuff him and haul him away to a jail cell in New York City?

Gildernew believes his activities to win passage of the McBride principles made him a high profile target of the British Government.

The McBride principles would penalize United States firms doing business in Northern Ireland unless they adhere to certain nondiscriminatory practices toward the Catholic minority.

As the author of the McBride principles bill in the House of Representatives, I am sensitive to the British dislike for the idea. What concerns me is the possibility that the failed and brutal British policies in Northern Ireland may have enjoyed as willing handmaidens our own Department of Justice, FBI, and INS. There must be no special relationship with Britain which blunts our sense of justice. After waiving in millions of illegal aliens under special legislation, we should cease harassing and attempting to deport a hardworking, respected businessman, like Francis Gildernew.

While my outrage at the handling of Francis Gildernew by our Government agents is new, my sense of the injustice of the British handling of the Catholic minority in Northern Ireland is not. My outrage is ever greater when the civil rights conflict which has tragically torn the social fabric of Northern Ireland bears its bitter fruit in my congressional district in upstate New York.

AL GORE, DEMOCRATIC VICE PRESIDENTIAL NOMINEE

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

Mr. SCHEUER. Mr. Speaker, I rise in a sense of absolute delight and pride and joy at the announcement that AL GORE will be the Vice Presidential candidate of the Democratic Party.

I think this reflects enormous credit on Governor Clinton for having picked a running mate of such distinction.

I served with AL GORE at the Rio environmental conference along with the gentleman from California [Mr. MILLER], and I can attest to the respect and the credibility that AL GORE has engendered with experts in the environment, people who care about the Earth, this fragile planet we live on. He is highly respected, and he and I and the gentleman from California [Mr. MILLER] spend most of our time trying to explain the President's dismal performance in shooting down the biodiversity treaty.

The contrast between the great respect and affection with which AL GORE was held and the rage and resentment at the President's role was palpable.

Two years ago, long before any Presidential campaign, AL GORE was elected as chairman of Global Legislators' Organization for a Balanced Environment [GLOBE] composed of legislators from Europe, Japan, and the United States. He has served in that role for 2 years with great knowledge, great expertise, and great distinction.

He adds luster and dignity and credibility in the very important field of environment to the ticket, and I look forward with great pleasure to working with him and Governor Clinton.

INTRODUCTION OF EDUCATION SAVINGS PLAN LEGISLATION

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

Mr. CHANDLER. Mr. Speaker, I am introducing legislation today that will help and encourage thousands of young Americans to save money for college.

For the student who works after school in the grocery store, or during the summer on the farm, my bill makes the money they earn go farther.

My goal is to reward students who go the extra mile to earn money for college. It is not a handout, but a program that says to those students who work and save for college: "Your hard work will not go unnoticed."

Under my plan, working students could save up to $2,000 tax free, and have those savings partially matched by the Federal Government, as long as the money is used for college expenses.

Mr. Speaker, with college expenses expected to rise rapidly in the coming decade, it is vital that we begin planning now for the higher education costs of our children.

My education savings plan provides a positive incentive for children to work and save money for college, and invest in their future.

I urge my colleagues to help families plan for the future by cosponsoring the education savings plan.

□ 1030

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). According to an agreement with both sides of the aisle, the Chair will entertain up to four more 1-minute statements from each side of the aisle.

A SAD LOSS FOR THE AMERICAN AIRCRAFT INDUSTRY

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

Mr. GLICKMAN. Mr. Speaker, this morning's Wall Street Journal has a story that United Airlines has ordered as many as 100 Airbus jets valued at about $3 billion in a blow to Boeing, United's long-time jet supplier.

The carrier, United, will lease the planes from a group of financial companies that will actually buy the aircraft.

The Wall Street Journal said that for Airbus, a French-European consortium, the deal is a major victory in the European consortium's campaign for recognition in the U.S. market.

Then this morning, the Wichita Eagle, the newspaper in my hometown, says that the Boeing Co. faces the loss of $5.7 billion of its commercial aircraft orders as the world's largest airline buyer seeks to withdraw from commitments for 129 Boeing planes.

The fact of the matter is that tens of thousands of jobs in America's dominant export industry, aviation, are threatened to be lost to Airbus and other companies perhaps because of preferential financing provided by those foreign governments that our Government cannot provide, jobs in Wichita, jobs in Seattle, jobs all over the country.

Mr. Speaker, it is time that our Government fight for the interests of American aircraft workers, and today I will be asking for the Special Trade Representative, Carla Hills, to do a formal review of the financing that Airbus has provided to United Airlines in this deal to see if it violates our trade laws.

NEW CHILD POVERTY STATISTICS

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

Mrs. COLLINS of Illinois. Mr. Speaker, this week new figures were released by the children's defense fund that are both disturbing and inexcusable. The figures indicate that while some people were prospering and living well during the last decade, the number of children who live in poverty actually rose in most States.

Now maybe I should consider myself and my constituents lucky because Illinois is not among the top 10 States with astronomical poverty rates. Maybe I should even consider my State fortunate because it ranks only 27th instead of 1st or 2d. But instead of feeling lucky, Mr. Speaker, I am angered.

I am angered that the number of kids living in destitute conditions increased not only in my State, but 32 others during the Reagan-Bush administration. Such statistics are a blemish—no, a cancer on the face of America.

While the White House is busy attacking social programs from past years, and repeating the same old nonsense about aiding the rich as a way to help the middle class and the needy in our country and keeping up with appointments and meetings around the globe, the children of America are sinking deeper and deeper into poverty. They are malnourished, without heat, without adequate medical care, without even the hope of a brighter future.

A BAD NOMINATION TO ELEVENTH CIRCUIT COURT OF APPEALS

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

Mr. CONYERS. Mr. Speaker, * * * the Senate Judiciary Committee has recommended by a 10-to-4 vote the approval of the nomination of Edward Carnes to the 11th Circuit Court of Appeals.

The simple fact is that Edward Carnes is unfit to serve on the Federal bench. His executioner mentality and active support for racial discrimination with the Alabama criminal justice system and his failure to understand the concept of equal——

Mr. SENSENBRENNER. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman's reference to the Senate committee in a derogatory fashion is not permitted under the House rules, the Chair would advise the Member.

Mr. CONYERS. Mr. Speaker, if there is any impropriety——

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SENSENBRENNER. Mr. Speaker, has the Chair ordered the words objected to stricken from the RECORD?

The SPEAKER pro tempore. That is what the Chair would suggest to the gentleman.

Mr. SENSENBRENNER. Mr. Speaker, I demand that the gentleman's words be taken down.

□ 1035

The SPEAKER pro tempore (Mr. McNULTY). The Clerk will report the gentleman's words.

The Clerk read as follows:

> In continuing its downhill slide, the Senate Judiciary Committee has recommended by a 10-to-4 vote approval of the nomination of Edward Carnes to the 11th Circuit Court of Appeals. The simple fact is that Edward Carnes is unfit to serve on the Federal bench. His executioner mentality and active support for racial discrimination with the Alabama criminal justice system, and his failure to understand the concept of equal * * *.

The SPEAKER pro tempore. According to Jefferson's Manual section 371, page 175, the Chair rules that critical references to the Senate or committees of the Senate are not permitted under the rules of the House.

Without objection, the Member's words will be stricken.

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman may proceed in order for his remaining time, for 15 seconds.

There was no objection.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to revise and extend my 1-minute statement.

The SPEAKER pro tempore. Without objection.

There was no objection.

Mr. CONYERS. Mr. Speaker, I wish to personally apologize to the sensibilities of the gentleman from Wisconsin [Mr. SENSENBRENNER], who apparently

was offended by my reference to the Senate Judiciary Committee. But in Mr. Carnes's own testimony before the Senate Judiciary Committee Mr. Carnes admitted that as the chief of the capital litigation division of the Alabama Attorney General's office, he played the key role in an effort to protect a pattern and practice by Alabama prosecutors of using peremptory strikes to remove blacks from trial juries, in clear violation of the 1986 Supreme Court decision in Batson versus Kentucky.

Mr. Carnes is following the Clarence Thomas scenario. This administration will reward those young lawyers who demonstrate the most disregard for the rights of African-Americans, other racial minorities and women with elevation to the Federal bench.

It is no accident that Mr. Carnes' nomination comes up in the midst of the Presidential campaign. With the economy in shambles, this nomination is part of the President's new strategy to get the Southern white vote in the general election by once again, playing the crime and race card, as he did during the last general election with the Willie Horton campaign.

But Democrats are playing into the President's hands by bringing this nominee to the Senate floor for a vote. The Congressional Black Caucus and its friends plans to make this nomination a central issue at the Democratic Convention next week.

RUSSIAN JAILED FOR "SPECULATION" UNDER OLD SOVIET LAW

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

Mr. SKAGGS. Mr. Speaker, I welcome President Boris Yeltsin's visit to the United States last month, and commend him for his pledge to transform Russia into a country where individual rights, economic freedom, and the rule of law are honored and protected. President Yeltsin came here hoping to convince the administration, the Congress, and the American people that he is serious about reform and that, with our help, he can be successful.

I want to believe him; I believe we all want to believe him. But a case that has recently come to my attention makes me concerned about the future of economic reform in Russia.

In May, 19 of my colleagues joined me in writing to President Yeltsin about Mark Glizer, a Russian Jew, who had been incarcerated for 10 months in a Moscow jail for allegedly arranging the sale of a privately owned automobile for profit. I received word last week that Mr. Glizer has been sentenced to spend 5 years at hard labor for breaking an old Soviet law against capitalistic activities.

There are many aspects of this case and the Moscow court's decision that concern me. Mark Glizer was sentenced under a Soviet law that supposedly has been taken off the books in Russia. The so-called crime of speculation was pushed through the U.S.S.R. Supreme Soviet in October 1990, by the eventual leaders of the unsuccessful coup. However, the law was invalidated by the Charter of the Commonwealth of Independent States, which purported to abolish all laws of the former Soviet Union. Further, the action by the Russian Federation Government to eliminate the crime of speculation from the Federation criminal code clearly indicates that the Government of Russia no longer considers such acts a crime.

If this antifree enterprise Soviet law does not exist anymore according to the Yeltsin government, then how can Russian citizens still be prosecuted for its violation? For Mark Glizer, 5 years confinement will be the price for introducing a friend interested in selling his car to a prospective buyer. That is not a crime, it is an activity that occurs on a daily basis in driveways and auto dealerships around the world. President Yeltsin has promised to encourage this kind of entrepreneurship in Russia.

Now, President Yeltsin has come to America to enlist support for a major aid package under consideration by Congress. One of the central selling points being made by the Bush administration and by Mr. Yeltsin himself is that this aid is necessary to safeguard economic reform in Russia. There is also much talk of the tremendous opportunities that liberalization will provide American investors. But how can United States companies or individuals feel confident about entering the Russian marketplace when their Russian partners may be jailed for engaging in normal business activities?

Today, many of my colleagues have joined me in sending President Yeltsin another letter, asking that he answer these concerns by releasing all economic prisoners, and by guaranteeing that Russian courts will respect the rights of all citizens under the law. Good intentions will not suffice; real reform requires real action. Economic assistance can provide seed money; but without the ground of freedom, neither democracy nor market economics can take root and flourish.

LIFE IMPRISONMENT FOR EGREGIOUS RECIDIVISTS ACT

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

Mr. LIVINGSTON. Mr. Speaker, studies show that 6 percent of all violent offenders actually commit 70 percent of all violent crimes. So I have introduced a bill that is intended to get to the root of violent crime in America. It is called the Life Imprisonment for Egregious Recidivists Act. That is a fancy name, but the acronym is the LIFER Act, H.R. 5567.

My LIFER Act would impose a mandatory life sentence on anyone convicted of a Federal violent felony if that person has two previous violent felonies, Federal or State, on his record. The evidence is clear, these violent criminals are far gone enough to make violent crime a habit and, if so, they will keep preying on our families again and again throughout this country unless we stop them. Stop them we must. It is true our country optimistically puts great stock in rehabilitation of criminals, but even those with the highest hopes along those lines should recognize that three strikes means you're out. Three convictions, and it is sayonara. Let us make our streets safe again, pass H.R. 5567.

PERMISSION FOR OBSERVANCE OF DISTRICT OF COLUMBIA DAY ON WEDNESDAY, JULY 29, 1992, INSTEAD OF MONDAY, JULY 27, 1992

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that the District of Columbia Day be observed under clause 8, rule XXXIV, on Wednesday, July 29, of this year instead of Monday, July 27, 1992.

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

Mr. BLILEY. Mr. Speaker, reserving the right to object, under my reservation I yield to the chairman of the Committee on the District of Columbia to explain his request.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, I am sure the Members of the House are aware, the rules of the House permit that the second and fourth Mondays are designated as "District Days" on which our committee can bring local legislation to the floor of the House. However, we are making this request for District Day to be on Wednesday, July 29, because the House will not be in session on Monday, July 27, 1992, the fourth Monday of the month.

Mr. Speaker, at this time it would be my intention to call up four pieces of legislation on July 29. They are:

First, H.R. 2694, a bill to amend title 11, District of Columbia Code, to remove gender-specific references;

Second, H.R. 3581, a bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to eliminate congressional review of newly passed District laws, to provide the District of Columbia with autonomy over budgeting its locally raised revenues, and for other purposes;

Third, H.R. 5520, a bill to authorize to be appropriated a Federal payment to the District of Columbia of an additional $30,798,600 for crime and youth

initiatives in the District of Columbia, which has already been included by the Appropriations Committee; and

Fourth, H.R. 5540, a bill to waive the congressional layover period for certain council acts authorizing the issuance of revenue bonds for nonprofit organizations.

Mr. BLILEY. Mr. Speaker, further reserving the right to object, let me say to my colleagues that not all of these bills that the chairman of the Committee on the District of Columbia intends to bring up are bipartisan and noncontroversial. This will not be a District Day where the committee is unanimously in support of all the legislation brought up and where matters can be resolved with voice votes.

The minority strongly opposes H.R. 3581, which would completely do away with the congressional review of District acts before they become law, and remove the majority of the District budget from review and approval by the Congress. This bill contains issues of the utmost importance to this House and its constitutional responsibilities under the District clause of the Constitution and its obligation to 250 million Americans who all share citizenship in our Nation's capital.

Mr. Speaker, I intend to fully debate these issues, and I urge defeat of the legislation.

Further reserving the right to object, Mr. Speaker, just yesterday the House passed a fiscal year 1993 appropriations bill for the District of Columbia. That bill included a number of important amendments addressing congressional concerns over crime and certain taxes. It would be ironic if this House were to give up legislative authority that it found frequent need to exercise by passing H.R. 3581.

Mr. Speaker, I do not intend to object to this unanimous-consent request. In fact, I support the request because I look forward to a vigorous debate and serious consideration by this House.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield briefly?

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

Mr. DELLUMS. I thank the gentleman for yielding further to me.

Mr. Speaker, first I would concur; at least three of the four pieces of legislation are indeed noncontroversial and will be presented to my colleagues on the floor of the House in a bipartisan fashion.

With respect to the fourth piece of legislation, the bill that will be controversial, I simply say to my colleague that I appreciate working with him, and I look forward to a vigorous discussion and debate to allow the House to work its will on that piece of legislation. I thank my colleague.

Mr. BLILEY. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

□ 1050

EXPRESSING CONTINUED SUPPORT FOR THE TAIF AGREEMENT

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 129) expressing continued support for the Taif Agreement, which brought a negotiated end to the civil war in Lebanon, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

Mr. GILMAN. Reserving the right to object, Mr. Speaker, I do not intend to object, but under the reservation I yield to the gentleman from Indiana [Mr. HAMILTON], the distinguished chairman of our Subcommittee on Europe and the Middle East.

Mr. HAMILTON. Mr. Speaker, I rise in support of Senate Concurrent Resolution 129, a resolution expressing continued support for the Taif Agreement, which brought a negotiated end to the civil war in Lebanon, and for other purposes.

Senate Concurrent Resolution 129 is almost identical to House Concurrent Resolution 339, introduced in the House of Representatives by our colleague from Michigan, Mr. BONIOR, and cosponsored by the gentlewoman from Ohio [Ms. OAKAR], and the gentleman from West Virginia [Mr. RAHALL]. I appreciate their leadership in working to help Lebanon and ensure that issues involving Lebanon receives proper attention and consideration in the House.

Mr. Speaker, the Taif Agreement concluded in 1989 was an important document for Lebanon. It is not a perfect agreement in the eyes of many Lebanese, but it is a compromise and it provides the best hope for that country which has endured so much pain and conflict over the last two decades. The Taif Agreement provides the basis for promoting greater reconciliation, pace, and security in Lebanon.

This resolution supports the Taif Agreement and its full implementation. The resolution stresses three points. First the resolution highlights the importance of the withdrawal of Syrian troops by the end of September 1992, from most of Lebanon and the redeployment of those Syrian troops to the Biqa Valley as a prelude to complete withdrawal from Lebanon. Second, the resolution supports the development of alternative means to ensuring security in Beirut, including a UN presence or another multinational force. Finally, the resolution urges the holding of free and fair elections in Lebanon, witnessed by international observers, and conducted after a Syrian withdrawal to the Biqa Valley.

I urge adoption of this resolution.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I am pleased to support Senate Concurrent Resolution 129, a resolution expressing continued support for the Taif Agreement, which brought a negotiated end to the 16-year civil war in Lebanon, and for other purposes.

Permit me to commend the distinguished chairman of our Europe and Middle East Subcommittee, the gentleman from Indiana [Mr. HAMILTON], as well as the distinguished majority whip, the gentleman from Michigan [Mr. BONIOR] for their efforts in providing expeditious consideration of this measure.

Mr. Speaker, as we all know, the Taif Accord brought a negotiated end to 16 years of civil war in Lebanon. The purpose of that historic agreememt was to lead to full restoration of Lebanon's sovereignty, independence, and territorial integrity. Unfortunately, Syria continues to maintain undue influence upon the Government of Lebanon and maintains over 40,000 troops in that strife-ridden nation.

Under the Taif Agreement those troops must be redeployed to the gateway of the Bakaa Valley by September 1992. This is the only possible way to ensure free and fair elections in Lebanon.

This resolution calls upon Syria to live up to its responsibilities, as articulated in the Taif Agreement and urges the consideration of alternatives to ensuring Lebanese security, such as a United Nations, or other multinational means to guarantee an end to the violence that has plagued Lebanon for far too long. In addition, it calls for free and fair elections to be held in the presence of international observers.

Mr. Speaker, this is an appropriate, timely measure and accordingly, I urge its unanimous adoption.

Mr. BONIOR. Mr. Speaker, I am pleased to join my colleagues, LEE HAMILTON and BEN GILMAN, in bringing this resolution to the House floor. I'd like to thank the Foreign Affairs Committee for acting so expeditiously.

Lebanon is emerging from years of terrible civil war and foreign intervention. The world must stand together with the people of Lebanon as they struggle to rebuild their country and restore their sovereignty. The Taif Agreement, which ended the bloodshed, must now help Lebanon to full independence.

Under the Taif Agreement, Syria is scheduled to withdraw its armed forces to the Bekaa Valley in September. The resolution before us today calls upon Syria to honor the terms of the agreement.

This will allow truly free and fair elections to take place without outside interference. It is my sincere hope that soon, all foreign forces will be removed from Lebanon, and true sov-

ereignty will be achieved. I urge my colleagues to support passage of this resolution to express our support for a free and independent Lebanon.

Mr. BROOMFIELD. Mr. Speaker, I want to salute my colleagues on the Foreign Affairs Committee, Chairman FASCELL and Congressman HAMILTON, for expeditiously bringing this resolution to the floor. Also to be commended are Senators MITCHELL and DOLE for their work in crafting this important resolution.

Senate Concurrent Resolution 129 is an important resolution which supports the Taif Agreement and calls for further steps in bringing a lasting peace to Lebanon.

Since 1975, when civil war caused widespread destruction and paralyzed Lebanon, we have witnessed the terrible agony of the millions who were forced to flee. In recent years, progress has been made to stop the fighting, expand the authorities of the Government, and fulfill the promises of the Taif Agreement.

Before further progress can be achieved, however, major decisions have to be made by the Government of Syria if Damascus is truly committed to peace. Lebanon can never truly be sovereign if Syria continues to maintain 40,000 troops there. Free elections cannot be held in areas of foreign military control. In a sense, the ball is in Syria's court, and I hope that the Syrian military will withdraw their forces to the Bekaa Valley by September—in keeping with the Taif accords.

Resolving the longstanding Lebanon crisis will also contribute to the Middle East peace process and will clearly show that disputes can never be resolved through the barrel of a gun, but only through the process of negotiations.

I know that the Lebanese-American community has been saddened by the terrible devastation of their motherland. I share their deep concerns and hope that peace and stability can return to that long-suffering nation.

I urge my colleagues to join me in supporting this timely resolution.

Mr. RAHALL. Mr. Speaker, I rise in support of Senate Concurrent Resolution 129, as passed by the Senate. I appreciate my colleague, Representative LEE HAMILTON, for his seeking unanimous consent to bring this resolution up and to urge its adoption today. I am a cosponsor of the House companion resolution, House Concurrent Resolution 339, which was introduced by Representative DAVID BONIOR, and which is cosponsored by the gentleman from Indiana [Mr. HAMILTON], and others.

Mr. Speaker, the resolution calls for free and fair democratic elections in Lebanon.

On October 22, 1989, the Arab League brokered what is known as the Taif Agreement, ending Lebanon's 16-year civil war. The Taif Agreement is intended to lead to the full restoration of Lebanon's sovereignty, independence, and territorial integrity.

While Syria did assist in restoring peace in Lebanon, that country still continues to exert significant and perhaps inappropriate influence upon the Government of Lebanon. It does so in many ways, but none more effective than keeping an estimated 40,000 Syrian troops there—a presence not easy to ignore, and one that does not lead to a true sense of independence, much less than Lebanon has been or soon will be recognized as a sovereign nation.

Under the Taif Agreement, Mr. Speaker, it was clearly understood that Syria would withdraw its troops to the gateway of Bekaa Valley by September 1992, and the success of any reforms under the agreement, and particularly the scheduling of timely, free, and democratic elections, depends solely upon that withdrawal.

It stands to reason that truly free and fair elections in Lebanon cannot take place in areas of foreign military control, such as that reflected by the presence of Syria's 40,000-strong troop deployment.

It has been broadcast about, in the print media and in other forums, that Syria remains in Lebanon, and expects to remain in Lebanon, until after elections are held, and that Syria's remaining in Lebanon until then has been decided based on a request from Lebanon's Government. This is not true, and should not be accepted by the United States Government, but seen for what it is—Syria's continued intent to remain in Lebanon for purposes of influencing the outcome of those elections—in direct contravention of the Taif Agreement.

After 16 years in which Lebanon was bowed down by civil strife, its economic circumstances deteriorated in the extreme. Those 16 years saw the Lebanon pound plunge to unprecedented levels against the dollar, yet it managed to honor its financial dues and obligations on loans from the United States and other international organizations.

Lebanon has no debts in arrears with the IMF or the World Bank with which it has had dealings since 1955. Lebanon has paid in full its foreign military sales loans to the United States. Lebanon has honored and continues to honor its housing loans from AID, and will have paid all installments in full by the year 2000.

Lebanon, Mr. Speaker, is not a beggar nation, but a proud one. Lebanon is not seeking extraordinary economic assistance from the United States, unlike some in the region.

With its history of honoring its debts to others while being shackled by the economic straitjacket brought about by a protracted civil strife, a situation greatly exacerbated since 1985 by economic sanctions imposed by our own Government and which remain in place today, and in doing so causing Lebanon's social and human suffering to continue—it is within all reasonable expectations for Lebanon to hope that the United States Government will call upon Syria to withdraw its presence there, as agreed to under the Taif Agreement, so that free and fair elections can be scheduled expeditiously.

Mr. Speaker, I call upon the Congress to express its continuing support for the Taif Agreement, signed in 1989, and to call for Syria's withdrawal of its troops to the gateway of the Bekaa Valley not later than September 1992 as required by that agreement.

I further call upon my colleagues to urge the Arab League to consider immediately the possible alternatives to ensuring security in Beirut following the Syrian departure, including the establishment of an Arab League presence in Beirut if necessary.

I call upon the Congress to urge the Government of Lebanon to hold elections only if they can be free and fair, conducted without outside interference and witnessed by international observers.

For Lebanon to attempt to reform its election processes and to hold those elections as agreed to under Taif, the Syrian presence must be removed. To do otherwise, or even seem to support a theory that first elections be held as a condition for Syria's withdrawal, is counterproductive in the extreme, and most assuredly there is little that would be free and fair about elections held under those circumstances.

I call upon Congress to urge Lebanon's Government to delay scheduling of its elections until Syria's withdrawal, even as difficult as it might be to take a position against elections there, because it has now become a question of timing and a question of control over those elections, which must be left in the hands of only Lebanon—not her occupiers.

Mr. Speaker, as we continue in our quest for peace in the Middle East, it is well to recognize that Lebanon has a huge stake in the outcome of the peace talks now going forward. So does Syria. Free and fair elections, duly held under the Taif Agreement, are widely viewed as one of the key steps in the overall peace process. Hopefully, the peace talks will produce a real peace and freedom in Lebanon as well.

As Americans, we recognize fully that truly free and democratic elections require freedom of speech and assembly, freedom of political expression and party affiliation, freedom for candidates to come forward without fear and campaign, and that they have unimpeded access to print and broadcast media, freedom of movement, and, above all, guarantees of their physical security.

It is understandable that the people of Lebanon would be more at ease and more assured of those guarantees if Syria withdraws in strict accordance with terms agreed to under the Taif.

Lebanon expects nothing more, and nothing less.

I strongly support the resolution calling for free and fair elections in Lebanon, and I urge its adoption.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 129

Whereas Lebanon's sixteen-year civil war finally was ended by the Taif Agreement, brokered by the Arab League on October 22, 1989;

Whereas the Taif Agreement is intended to lead to full restoration of Lebanon's sovereignty, independence, and territorial integrity;

Whereas Syria continues to exert undue influence upon the government of Lebanon and maintains an estimated 40,000 Syrian armed forces in Lebanon;

Whereas truly free and fair elections in Lebanon will not be possible in areas of foreign military control;

Whereas under the Taif Agreement the Syrians must withdraw their armed forces to the gateway of the Bekaa Valley by September 1992; and

Whereas the success of the Taif Agreement depends upon timely Syrian withdrawal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring)—

(1) expresses continuing support for the Taif Agreement, signed in 1989;

(2) calls upon Syria to withdraw its armed forces to the gateway of the Bekaa Valley in September 1992, as required under the Taif Agreement, and as a prelude to complete withdrawal from Lebanon;

(3) urges immediate consideration of possible alternatives to ensuring security in Beirut following the Syrian withdrawal, including the establishment of a United Nations or other multilateral presence in Beirut, if necessary; and

(4) urges the government of Lebanon to hold elections if they can be free and fair, conducted after the Syrian withdrawal and without outside interference, and witnessed by international observers.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 7 legislative days to revise and extend their remarks on Senate Concurrent Resolution 129, the Senate concurrent resolution just concurred in.

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

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 5518, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. GORDON Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 513 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 513

Resolved, That during consideration of the bill (H.R. 5518) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes, all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with "*Provided*" on page 4, line 24, through page 5, line 2; beginning on page 63, line 20, through page 64, line 24; and beginning on page 67, line 4, through line 16. Where points of order are waived against only part of a paragraph, a point of order against matter in the balance of the paragraph may be applied only within the balance of the paragraph and not against the entire paragraph. Unless otherwise specified in the report of the Committee on Rules accompanying this resolution, debate on each amendment to title I or title II of the bill, and any amendments thereto, shall be limited to twenty minutes. It shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution. Each amendment printed in the report may be offered only by the named proponent or a designee, shall be considered as read when offered, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. The amendments specified in the report to be offered by Representative Oberstar of Minnesota or his designee may be considered en bloc. The amendments specified in the report to be offered by Representative Obey of Wisconsin or his designee may be considered en bloc. The chairman of the Committee of the Whole may recognize for the consideration of the amendments printed in part 1 of the report at any time, but not sooner than one hour after the chairman of the Committee on Appropriations announces from the floor a request to the effect. The amendments printed in part 1 of the report shall be considered in the order printed. If both of the amendments numbered 1 and 2 in part 1 of the report are adopted, then only the second to be adopted shall be considered as finally adopted and reported to the House.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. MCEWEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. GORDON. Mr. Speaker, House Resolution 513 waives all points of order against provisions of the bill for failure to comply with clauses 2 and 6 or rule XXI with three exceptions.

If a point of order is made against a partially protected paragraph, the point of order will apply only to that portion of the paragraph which is unprotected.

While this resolution does not limit amendments, debate on each amendment to title I and II of the bill, and each amendment to an amendment, is limited to 20 minutes.

All amendments printed in the report which accompanies this rule shall be considered as read and are debatable for the time specified in the report which is to be equally divided between the proponent and an opponent. The amendments printed in the report are not subject to amendment, and are not subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order are waived against the amendments printed in the report.

The amendments printed in the report which are to be offered by Representative OBERSTAR of Minnesota and Representative OBEY of Wisconsin or their designees shall be considered en bloc. The Michel and Obey amendments are debatable for 60 minutes each.

The amendments in part 1 of the report—the Michel, Obey, and Tauzin amendments—will be considered in the order in which they are printed in the report, and will be considered no sooner than 1 hour after the floor manager announces the House his intention to consider such amendments.

Finally, if both of the amendments numbered 1 and 2 in part 1 of the report are adopted, then only the second to be adopted will be considered as adopted and reported to the House.

Mr. Speaker, the chairman and members of the Transportation Appropriations Subcommittee and their staff should be commended for bringing this comprehensive bill to the floor. In considering this bill, the subcommittee received testimony from hundreds of witnesses which is contained in over 8 published volumes totally over 8,300 pages.

Each year Chairman LEHMAN and his subcommittee have the task of producing a bill which maintains the current transportation system and provides for new technologies which will make our Nation's transportation system intermodal, efficient and cost effective. This year, all of this had to be achieved with a much tighter budget.

Before I yield to my friend from Ohio, Mr. MCEWEN, I would like to acknowledge the chairman, BILL LEHMAN, and ranking Republican on the subcommittee, Mr. COUGHLIN. Both men will be retiring at the end of this Congress. They both will undoubtedly be missed and have led their committee well.

I would also like to express my sincere thanks and gratitude to BILL LEHMAN. His friendship and advice have been important to me, and I want him to know how much I appreciate both.

□ 1100

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

Mr. Speaker, it is a pleasure to rise and join the gentleman from Tennessee [Mr. GORDON] in support of this rule.

House Resolution 513 is an open rule that will permit the House to consider the Fiscal Year 1993 Transportation Appropriation Act in a fair and open manner.

I would like to recognize the fine work of the chairman of the Rules Committee, Mr. MOAKLEY, and the distinguished ranking member from New York, Mr. SOLOMON, for their fine work in crafting this rule that respects the rights of the members of the House, and permits us to effectively address the many important issues encompassed by this appropriation measure.

As the gentleman from Tennessee has described, following general debate, the bill will be open to amendment. Points of order are waived against six amendment which are printed in the report,

including the Obey amendment to bring down the budget firewalls, and the amendment of the minority leader, Mr. MICHEL, to reaffirm our commitment to deficit reduction.

The rule waives clause 2, rule XXI against provisions of the bill, except for three sections—one dealing with the Office of Commercial Space Transportation, section 328 continuing the Collegiate Training Initiative Program, and section 338 reducing random drug testing.

Mr. Speaker, I am pleased that this rule does not restrict the essential right of the Republicans to offer a motion to recommit with instructions. The rule also permits the minority leader to offer his responsible alternative to tearing down the spending firewalls. Finally, motions to strike funding from this appropriations bill are not restricted by the rule.

Again, I thank the chairman and ranking member of the Rules Committee for their fine work.

This Transportation appropriations bill is one of the most important measures that we deal with each year. Our national infrastructure, especially our transportation network, lies at the very heart of our economic and international competitiveness.

The chairman and ranking member of the Appropriations Subcommittee on Transportation have each served with tremendous distinction in this body. We will greatly miss Chairman LEHMAN and Mr. COUGHLIN, who have decided that they will return to Florida and Pennsylvania respectively.

They have always worked exceptionally hard in bringing excellent pieces of legislation before us to effectively meet the needs of our Nation. They have consistently exercised fiscal responsibility, working within their budget allocations, and prioritizing as best they could. They have not only protected our interests, but those of our children and grandchildren, who will inherit the national infrastructure we build.

Chairman LEHMAN and ranking member COUGHLIN have always been exceedingly fair, and we will miss you both greatly next year.

H.R. 5518 appropriates $13.036 billion for transportation purposes, within the 602(b) budget allocation. This represents a decline of 8.8 percent from last year's appropriations, is a mere .6 percent more than requested by the President.

I do regret that one of the most important accounts within this bill, highway spending, is $1.2 billion below the 1992. Highways remain the primary arteries of our great Nation. Highway spending of $14.4 billion is $3 billion below authorization and $2 billion below the request.

Mr. Speaker, there is likely to be an amendment offered to this bill to eliminate the budget firewalls that were established in the 1990 budget deal to establish spending ceilings for domestic, defense, and foreign assistance spending. The amendment will take savings that we recently achieved in the foreign aid appropriation, and shift it to transportation programs.

Yes; this sounds appealing. For many years, I have been a strong advocate of using the highway and airport trust funds for their intended purposes—to improve infrastructure. It can and should be done. I have always supported full funding for infrastructure improvement.

However, we should not need to use transportation as an excuse to eliminate the last vestige of fiscal responsibility that the 1990 budget agreement established.

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

Mr. MCEWEN. I am pleased to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I thank my friend for yielding.

The gentleman referred to eliminating the firewalls. I would ask the gentleman, would it not be more accurate to say that the Obey amendment does not eliminate the firewalls; rather, it opens and closes the door to permit one specific amendment to be dealt with in this House? Once that is dealt with, the firewalls are back up and just as firm as they always have been, and if anybody tries to do something else to take down the firewalls, it would require a fight on this floor to accomplish that.

So I would respectfully suggest to my friend that the Obey amendment does not eliminate the firewalls. The firewalls will still be in place. It does in the meantime open the door and then closes the door just as quickly and just as firmly.

Mr. Speaker, does the gentleman not agree with me?

Mr. MCEWEN. Mr. Speaker, the gentleman is absolutely correct.

Mr. SHUSTER. I thank the gentleman.

Mr. MCEWEN. It lets the cow out of the barn, and then it closes the door behind the cow.

Mr. SHUSTER. And it keeps all the other cows in the barn so they cannot get out. But, of course, if the gentleman is against highway spending, I find it rather inconsistent that my good friend would start his speech out by saying we are not spending enough money on highways and in fact refer to the President and Mr. Darman, by the way, who sent a letter up here complaining that the Transportation Appropriation Bill does not spend enough money on transportation, and then we try to correct that by taking money away from foreign aid and spending it on America's infrastructure, and we find people with a Pavlovian response opposed to it. I think that is inconsistent, I would say to my good friend.

Mr. MCEWEN. Mr. Speaker, I thank the gentleman, and I am more than willing to yield because he makes his point so well, and the question, very simply, is this:

In October 1990, Mr. Darman and Mr. Brady led the President into the slaughter in which he made a deal with this side of the aisle which said this: "Mr. President, you said that if the Congress pushed you would say no, and if the Congress pushed for more taxes, you would say no, and then when the Congress pushed again, you would say, 'Read my lips, no new taxes.'"

So Mr. Darman and Mr. Brady and the leadership of the other side of the aisle came with this marvelous package that said this: "Mr. President, your goal and desire is to keep the Government out of the borrowing market, to leave money out in the marketplace to buy homes, and to buy automobiles, and to buy refrigerators, and to decrease the deficit. So we have a deal with you, Mr. President. If you will just go back on your commitment for no new taxes, if you will just allow this to be crammed down your throat and you will swallow this pill of no new taxes, we have got a great deal for you. Here is what we will do, Mr. President: You are committed to two things: You are committed to standing for freedom and democracy internationally, and you are committed to keeping America free in the area of defense, and, of course, we want to spend unlimited amounts of money on domestic ideas. So here is what we will do: We will categorize those in three specific areas, and, Mr. President, we will put what we will call caps—they are not floors; they will be ceilings—we will put ceilings on defense spending, and we will put ceilings on domestic spending, and we will put ceilings on foreign aid. And, Mr. President, if you will allow those taxes to go through, then any savings that take place in defense, we guarantee you, because we are committed to cutting defense as rapidly as possible, that anybody that has got a career in the Army, the Navy, or the Air Force, we are committed to throwing them out on the street as fast as we can get there, as well as we can cancel any programs.

"And so, Mr. President, any savings we make in defense, we promise not to squander that in some domestic spending. We give our word that we will build a firewall between those two ideas, and, therefore, anything that is saved in defense will go to the taxpayer, it will go to reduce the deficit, and it will go to reduce the borrowing, and, Mr. President, we also know you are committed to standing for freedom and democracy around the world, and we know you have reduced over the last few years significantly the percentage of money going to aid those causes, but if there is any savings also in aid to Israel or any other area, that any savings there also will not be squandered on some inner-city program

that has proven to be wasteful. We guarantee you that that savings will go directly to the taxpayer and to the deficit, and for that commitment we will establish these firewalls."

Now, this year, 2 years later, there are some—and I will say to my good friend, the gentleman from Pennsylvania, that he is just like me, he has been here long enough to know that they "ain't going to honor that commitment." As soon as they get the taxes——

Mr. SHUSTER. Mr. Speaker, will the gentleman yield? The gentleman referred to me.

Mr. MCEWEN. I am trying to respond to the gentleman.

We knew that once they got their taxes, they were going to go whole hog, and that commitment and that promise, that promise that they would allow those savings to go to the taxpayer, once they got those taxes in 1990, come 1992, come July 1992, they were going to take that money and they were going to cut defense and they were going to leapfrog and open the door and let that savings not go to the taxpayer but allow to go to domestic spending. And then on foreign aid, with the bill we just passed last week in which we saved at least $800 million, rather than allowing it to go to the taxpayer, we are going to open the door and allow it to go to domestic spending.

□ 1110

Of course, it would not go to inner city spending, it would go for some very noble cause. And what is the most noble cause? The gentleman knows that my commitment has always been as to what Government can and should do, and that is for infrastructure. It is to do the things that people cannot do for themselves. It is to build highways, bridges, and that sort of thing. So they will do it for a very noble cause, and they will do what? They will refuse to abide by the commitment and the word which they gave.

We said, you said, I said, we all said, that, guaranteed in 1990, they are going to come back in 2 years, and that is exactly what they will do, and that is exactly what they are trying to do at this moment.

Mr. SHUSTER. Mr. Speaker, if the gentleman will yield further, I think I hear the gentleman from Ohio [Mr. MCEWEN] saying that the noblest of causes is building America's infrastructure, but today the gentleman is standing here opposing our doing that.

Mr. MCEWEN. Mr. Speaker, reclaiming my time, the gentleman from Pennsylvania [Mr. SHUSTER] knows that is not what I said. I did not say I oppose infrastructure at all. I just say that you should abide by your word. Having already snookered the American people, now the gentleman should abide by it.

Mr. SHUSTER. Mr. Speaker, is the gentleman from Ohio [Mr. MCEWEN] for the so-called budget summit that passed 2 years ago?

Mr. MCEWEN. Absolutely not.

Mr. SHUSTER. The gentleman voted against it, and I voted against it.

Mr. MCEWEN. Absolutely, because we know this would happen.

Mr. SHUSTER. So why should we today support what was a bad deal then and is a bad deal today?

Mr. MCEWEN. Mr. Speaker, the reason we support it now is because the American taxpayer every April 15 has to pay for that mistake, and I am going to make sure that any savings that take place goes back in their pocket and not to increase spending, which was part of the deal that we knew would not be honored when the time came.

Well, Mr. Speaker, we will have ample time to get into all of this. I support this rule, and urge Members to join with me and the gentleman from Tennessee in support of its passage. I look forward to thoughtful consideration of the Transportation bill, and I again commend Mr. LEHMAN and Mr. COUGHLIN for their work. They have left a lasting bright mark on this House.

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

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to my friend, the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Speaker, I thank the gentleman for yielding. I want to thank the gentleman for his leadership in the Committee on Rules and all members on the Committee on Rules, on both sides of the aisle, for giving us this rule.

Mr. Speaker, I rise in support of the rule. I only want to rise right now to take a very small exception to the rule, and it is probably the fault of some of us who should have gotten to the Committee on Rules and made a more forceful explanation of why we thought one particular section should have been protected from a point of order.

Mr. Speaker, I am referring to that section of the bill, section 332, for which the point of order was lodged essentially by the gentleman from Minnesota [Mr. OBERSTAR]. The Committee on Rules enables the gentleman to come to the floor with an amendment. We are going to be debating that amendment. I am not going to take the time on the rule right now to debate the merits of that amendment. All I want to say, however, is that we ought to correct something in the authorization statute that has a dire consequence for the appropriations of money for our Federal Government.

In that particular section, in the wake of the Pan Am 103 disaster, the authorization committee, in its wisdom, included a section which would require background criminal checks and fingerprinting of all airline employees. That is 500,000 employees throughout the United States.

Mr. Speaker, anyone who knows anything about criminal background checks and fingerprinting knows that the value of work that would have to be done to fingerprint and do criminal background checks on all 500,000 airline employees, from CEO's down to ramp and maintenance personnel, knows that the Federal Government right now does not have the staffing capable of doing those background checks.

While the authorization bill did say that the Government's work in background checks and fingerprinting would be reimbursed by the airlines, we know that there is no way that it would be totally reimbursed. So speaking not just for the Transportation Appropriations Subcommittee, but the other subcommittees on which I serve, the Subcommittee on Commerce, Justice, State Department, and the Judiciary, we simply in these tight budget times do not have the money to ramp up the sections in both FAA and the FBI that would be necessary to engage in such a massive, massive check of people and fingerprinting.

Mr. Speaker, with that sole exception, I rise in support of the rule and recommend its adoption.

Mr. MCEWEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. COUGHLIN], the ranking member of the Subcommittee on Transportation.

Mr. COUGHLIN. Mr. Speaker, the bill the Subcommittee on Transportation is bringing before us today is basically a good bill. It is not everything all of us might want. It is not everything that I might want. It is a tough bill because we are under spending restraints because of the budget deficit that we have. Not every program that I would like to see funded was funded at the level that I would like to have seen.

Mr. Speaker, it is a good bill, but I am going to vote against the rule and I urge my colleagues to vote against the rule because an amendment has been allowed, the Obey amendment, which is yet another example of the chicanery that we used to get around our own self-imposed limits on spending and the deficit.

Mr. Speaker, all of us would like to spend more money on our transportation infrastructure, as well as many other well-meaning programs. But we have a problem. We have a problem of a deficit that is eating us alive.

The Obey amendment would transfer $400 million in foreign aid outlays to transportation projects and this is a clear violation of the 1990 budget agreement, the law that we passed to help control deficit spending. This contravenes the law which says any savings in the foreign aid category will be applied to reducing the deficit, not to other spending programs.

In addition, the $400 million in outlays transferred by the Obey amend-

ment will result in some $2.6 billion in increased budget and obligation authority, further exacerbating the deficit in future years.

Mr. Speaker, the tight spending limits in the appropriations bill are not the result of a dispute over favorite programs between the authorizing and appropriations committees. They result from tight budget allocations necessary to restrain the deficit.

Regardless of the worthiness of the spending programs, we should not scrap the firewalls which provide the only hope of using funds saved from defense and foreign aid to reduce the deficit rather than provide new spending.

Mr. Speaker, I do not understand how any Member can say they give a hoot about the deficit if they vote for the Obey amendment. I am going to say this again and again as we go through this today. This is a travesty on the budget process if we vote for the Obey amendment.

Do we not have one ounce of courage to resist the siren call of more spending? Not one ounce?

Do we not have one shred of shame over the deficit we are leaving for our children? Not one shred?

Do we not have one iota of honor for the agreements we have made to control the budget deficit?

If we have one ounce of courage, if we have one shred of shame, if we have one iota of honor, then we have to vote against the Obey amendment, and I hope we will vote against the rule as well that permits that amendment.

Mr. GORDON. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

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

Mr. Speaker, I would simply like to respond to the gentleman from Pennsylvania [Mr. COUGHLIN] by saying this: The Obey amendment which I will offer today is very, very simple. It simply says that we will take $400 million in outlays which my committee last week cut out of foreign aid, and instead use it to fund high priority job creation programs in our own country by accelerating construction for highways and accelerating construction for transit.

This amendment has absolutely no effect on the deficit. It is a red herring to pretend that if this money is not used here, that it will be somehow applied to the deficit.

First of all, CBO will not score it that way. Second, OMB will not score it that way.

□ 1120

I know, because last year I cut $135 million out of the foreign aid bill and I tried to apply it to the deficit, and CBO said, "Sorry, fellows, nice try but it does not work, because this money is still available for expenditure for other programs."

Where is the money going to be spent if it is not used here for job creation on our transportation programs? The Senate is set, the administration is set, to wipe out the $1.3 billion in cuts which we made last week in foreign aid and put that money right back into the foreign aid bill. They want more military aid for Turkey, they want more military aid for Greece, they want more military aid for Portugal, they want more military aid for our NATO allies, they want at least $1.3 billion in additional spending.

We eliminated the free lunch for our NATO allies by saying, "No more are you going to get give-away military assistance for Uncle Sam." We saved that money.

The fact is, despite the fact that the Michel amendment which will be offered will pretend that that money will be dedicated for deficit reduction, under the budget rules it cannot be done that way. You know that as well as I do. We were told that last year by CBO and OMB, who are the official scorekeepers. We have no control over that.

The second point I want to make is that I have insisted that this amendment be kept clean. There is not one project in this amendment. There is not 1 ounce of pork in this amendment. However the money is spent, it will be spent in accordance with the authorization bill of last year, and we have insisted, despite numerous efforts, that we keep all pork out of the amendment, so the issue is very simple. If you want to leave this money available for the other body to glom onto to restore foreign aid, vote against the Obey amendment. If you want to dedicate it to job creation here at home, vote for it.

Mr. MCEWEN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BROOMFIELD], the distinguished ranking member of the Committee on Foreign Affairs.

Mr. BROOMFIELD. Mr. Speaker, I oppose this rule because it makes in order an amendment to take unused budget authority and spend it on transportation. Based upon action already taken in the House, it is clear that this measure will add to the deficit.

Let there be no mistake about it—this amendment is not going to cut one cent from the foreign aid. The foreign aid spending level was decided last week in an appropriations bill.

What this amendment will do is force the U.S. Treasury to borrow more money from foreign banks to pay our bills.

One month ago we debated, voted, and were defeated on a balanced budget amendment to the Constitution. It is a grave matter to amend the Constitution, yet many of us felt it was this Nation's only hope for fiscal responsibility.

We moved that legislation forward knowing that it was the last desperate step that we could take.

There were several arguments against this measure—many by the supporters of the Obey amendment. They said the President's budget is not balanced. They said that Congress can balance the budget without an amendment to the Constitution.

In the course of the debate one Member stated that the balanced budget amendment would add to the confusion, add to the frustration, and add to the public cynicism. The result, it was said, would be less faith by the American people in the system.

Well, here we are—just 1 month after defeating the balanced budget amendment—and to nobody's surprise, we are busting the budget. I hope the American people are taking note.

In 1990 Congress and the President negotiated a painful but necessary budget agreement to protect ourselves from measures such as this. At that time the President was widely criticized, especially from my side of the aisle, for raising taxes in exchange for limits on spending. Today we and the American people have the opportunity to see the proof of the President's leadership and the failure of the Congress.

The Congress must live by its agreements. We must balance the budget. I urge my colleagues to vote no on the rule, and no on the Obey amendment.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 1 additional minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I have a great deal of respect and affection for the gentleman who just spoke, but I would respectfully urge him to read the amendment. If he reads the amendment, he will see that it cannot add one cent to the deficit. I read subsection (c):

> The Congress reaffirms that the deficit reduction assigned to the Committees on Appropriations in the 1993 Concurrent Budget Resolution (H. Con. Res. 287) shall be achieved. The total of the first four domestic discretionary appropriations bills passed by the House is $154 million below their outlay targets. Additional savings are expected to be made from the six remaining non-defense bills. The Congress intends and commits that the final appropriations bills for fiscal year 1993 sent to the President will fully comply with their existing deficit reduction target.

That is the language of the amendment. It makes quite clear the budget resolution spending limits are not changed one dime. We will fully comply with them. We are required to do so by the language of the amendment, so there is no legal way that any dime can be added to the deficit. I repeat, there is no way under this amendment that any dime can be added to the deficit.

Mr. GORDON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I would ask the gentleman from Wisconsin [Mr. OBEY], is it not true that if his amendment passes we will be reducing spend-

ing out of the general fund and will be spending a like amount of money out of the highway trust fund?

So we are not simply talking here, and the gentleman makes an excellent point, we are not talking about increasing deficit spending. It is beyond that. We are talking about reducing general fund spending and spending the money, a like amount, out of the trust fund, which has enormous multibillion-dollar balances.

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

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

Mr. OBEY. Mr. Speaker, that is the important point. I want to read from the administration's letter to show the Members what will happen to this money if we do not pass this amendment. The administration's letter to the Congress last week reads as follows on foreign aid:

> The administration hopes that the bill will move forward through the legislative process so that necessary changes can be made to gain administration support for final passage.

Among the changes they list is the restoration of the $1.2 billion in cuts which we made last week, and a restoration of the $800 million in free military aid which we ended in that bill last week.

Mr. McEWEN. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Speaker, this is a rule where it is everything that is wrong with politics and politicians in the view of the American people. We often as politicians lament the fact that we are not trusted. This rule represents one of the reasons why we are not trusted. We cover up what we are doing with a lot of gobbledygook on the floor, trying to convince people that what we are doing is not what we are doing, and what we are not doing is what we are doing. It just makes absolutely no sense and it is the reason why people are just absolutely disgusted with what they see here.

Last week when the Committee on Rules was on the floor with appropriations bills attempting to keep the minority from even offering amendments on bills, I said that I thought that they were behaving like Nazis and they were behaving like Bolsheviks and they were behaving like slaverunners and so on. I apologized for those remarks because I have decided here that I was wrong. That is not the problem. The problem is that the Democratic leadership and the Committee on Rules that they control are so weak and pathetic that they cannot stand up for honor and they cannot stand up for law.

The fact is that we are operating here under an agreement that was made with the President of the United States back in 1990.

□ 1130

The President of the United States has suffered a good deal politically both in the primary season and throughout this political year for having broken his word, and it is received by the American people as he having said, "No new taxes," and then going back on it. And the Democrats are delighted with the fact that the President is suffering that way, and in fact have even had the gall to use it against him in a couple of instances.

And do the Democrats want to suffer at all for that? No. Whenever the deal, whenever the question of honor comes up for them they simply change it. There is no honor. We are not to be trusted. Everything you said in that agreement is being broken right here in this rule.

What we are saying here is that there is no law which is enforceable because it can be done away with by the Rules Committee in the House of Representatives. There is no word of honor that is too sacred to break, and we can break it with any rule we want to pass in the House of Representatives.

That is just wrong, and we have got to do something better than what we are doing here.

Now I am not talking about the appropriations process. I will say to the gentleman from Florida [Mr. LEHMAN] for whom I have the deepest respect and affection, and for my friend, the gentleman from Pennsylvania [Mr. COUGHLIN] they have tried their best to bring a bill to the floor which works within the limits that they were given, and I think that they have done on the whole a pretty good job. And I thank them for the work that they did.

What we have here though is a case where a subcommittee chairman who just a week or so ago did not want any amendments to his bill brought to the floor, now comes back with an amendment to their bill which totally breaks the agreement that was made with the President of the United States. I just do not understand why the Rules Committee cannot stand up for what their leadership had told us they would do just a matter of a few months ago. Why can you not at least have the guts to stand up for real deficit reduction and for the budget process? But that is not happening.

And then to hear that there is no pork in this, that there are no projects and so on. Let me tell you what the Members are being told. The Members are being told that unless you vote for the Obey amendment there probably will not be enough money available to do your project that you got in the authorization bill last year. So to suggest that this is going to follow the authorization process, oh, yes, it may. But the fact is that what the Members are being individually told is you probably have to vote for this in order to get your project that was in last year's authorization bill.

Now do not tell me what is going on here. Once again we weasel a word, we use gobbledy-gook. It is a shame we are breaking out past the budget agreement. This rule should be defeated, the previous question should be defeated, and obviously the Obey amendment should be defeated.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Members are reminded to refrain from characterizing the actions or motivations of other Members of the House.

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

Mr. Speaker, I find it a great irony that the gentleman from Pennsylvania, who comes to this floor almost daily ranting and raving about having the opportunity to debate more, to open up issues to discuss, now comes today and says no, please, let us not talk about some element of this bill. No, cut off debate. No, we cannot talk about that. We cannot talk about a bill that I voted against a few years ago, a great irony indeed.

Mr. McEWEN. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for his remarks a minute ago. This gentleman does believe that we ought to have wide-ranging debate in the House. But this gentleman also believes that we have an obligation to the rules that you adopt. I do not vote for the rules; you do.

And the point is that what you are doing is doing an end run around your own rules process, an end run about the law, and an end run around the word given by your leadership to the President of the United States.

Now I think that those questions of honor ought also to be addressed, and I do come out here. I think we ought to have a very open debate, and the fact is the Obey amendment would not be eligible under the regular processes of the House, an open rule. If you had brought us just a simple open rule to the floor, we could have had the broadest-ranging debate on what the gentleman from Florida and the gentleman from Pennsylvania are bringing us. But no, you crafted a rule that goes even further than that, that breaks your honor, that breaks your word, that breaks your law, and breaks your own rules, and that is wrong.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to characterize the actions or motivations of other Members of the House.

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

Mr. Speaker, once again the gentleman from Pennsylvania gets it wrong. The Rules Committee does not set the rules for this House, this House does, this body will set the rules with the majority vote which we will soon

have. Once again the gentleman is wrong.

Once again the gentleman shows that he defines an open debate as a debate on matters that he wants to discuss, not that the House wants to discuss. So, once again we see that he is wrong.

Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I long for the day when I hear the gentleman from Pennsylvania offer a contribution to the debate of this House which elevates the debate rather than doing something else with it.

But I simply want to say that when someone suggests that it is an offense of honor for Members of Congress to want to reduce spending in foreign countries and use that to create jobs here at home, I find that definition of honor to be quaint indeed.

The fact is that this amendment is very simple. It simply says let us bring a little bit of the money home that we are spending abroad and use it to respond to our own economic problems.

Last week we were told that we had added another 150,000 people to the unemployment rolls in this country. This institution has an obligation to do something other than to offer incense to a budget agreement that was designed 2 years ago before this country's economy went into the toilet.

It is about time that we recognize that the economy has changed, that our requirements have changed, and we need to change with them.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I am glad to yield 30 seconds to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, I just want to respond to the gentleman from Wisconsin and say that what we are concerned about is honoring the budget agreement. This does not honor the budget agreement. There is no question about the fact that this takes money from one category under the budget agreement and puts it in another. That is not honoring the budget agreement.

Mr. GORDON. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I would much prefer to honor our obligation to put American citizens to work than to be worrying and to put on an accountant's eye shade and blindly adhering to an agreement which is 2 years out of date and needs adjustment. This retains the firewalls. It makes a tiny adjustment in them, and I see nothing whatsoever wrong with that.

Mr. COUGHLIN. I am glad we have admitted we have not honored the budget agreement.

Mr. MCEWEN. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, the reason we have high unemployment is because the private sector does not have the capital necessary for expansion to create jobs. It is because of the regulation the Federal Government continues to put on the back of the businessman and the entrepreneur that his counterparts overseas do not have to deal with.

We pass those regulations. The bureaucracy puts those regulations on the businessman. We are the ones that take the money away from him in higher taxes, and that is why they cannot create jobs.

The way to get control of the economic problem we have today is to cut spending and apply the cuts in spending to deficit reduction.

I do not know how many of my colleagues have read this, but this is the state of the economy as put out by several Government agencies. I want my colleagues to see this. The growth in Federal debt, right now we are at $4 trillion plus in debt. The interest on the national debt is over $300 billion a year. If Members look at the projections for the next 8 years, it shows that we will be $13.5 trillion in debt if we do not get control of our appetite for spending.

That is why these kinds of rules are so bad, because they put in report language that you cannot get to, and additional pork barrel projects and wasteful spending that these guys want to take back home to their districts so that they can get reelected.

□ 1140

Let me just give you some other information. A lot of my colleagues say, "Well, as long as GNP to debt is OK, we are going to be all right." The fact of the matter is that that is a percentage of our gross national product, and that is what we collectively produce in this country, and that was 33 percent in 1980. It is 57 percent today. That means we are incurring so much debt that no matter how much we produce as a nation, we are not going to be able to survive economically in the next 10 years if we do not get control of spending in this place.

In this bill we have 52 demonstration projects that are in the report language that are going to cost $152 million. Ten years ago, in 1982, we had 10 total projects totaling $386 million. Last year we had $5 billion in demonstration projects scattered over the next 5 years, and today we are adding to that another $153 million.

Those are all special pork-barrel projects going back home to their district so that guys can say, "Look what I did for you," and then they get reelected.

This deficit is out of control. It is out of control. If we do not get control of it, our kids are going to really reap the whirlwind.

Do you know what the interest on the Federal debt is going to be by the year 2000, and that is just 8 years from now, well, it is 7½ years from now? Right now the interest on the debt we are paying is $304 billion a year. That is the biggest expense in the budget, bigger than health insurance, health care, bigger than the military, it is bigger than anything, just the interest. That is just the interest.

Do you know what it is going to be in 7½ years if we do not change? I will tell you that most appropriations are higher than last year. It is going to be $1.2 trillion.

I know that these figures are so large that the American people and many of my colleagues cannot comprehend it, but let me just tell you this: It will take more than 100 percent of all the personal income taxes paid in this country just to pay the interest on the debt in 7½ years.

What does that mean? It means that we will not be able to pay the interest on the debt, so the Federal Reserve Board is going to have to get rid of the cause of the interest. That means that they are going to have to pay off part of the debt. If we are at $13 trillion in debt, they are going to have to say that we are going to have to print more money to pay off half the debt to cut the interest down, because we will not have to pay interest on the part that we do not owe.

So if they put $6.5 trillion in new currency into the system, do you know what that will do to people on Social Security, on fixed incomes and everybody else? They will have plenty of money, but it will not buy anything. You will be paying $20 for a loaf of bread or worse.

We have got to get control of spending around here.

Mr. MCEWEN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, this is basically a pretty fair rule. It accomplishes and it protects as many efforts as were made to prevent legislating on an appropriation act. It gives the minority an opportunity for a motion to recommit stating our cause.

As the debate has centered here on the rule, it is a very cleverly crafted amendment. It is an amendment that absolutely appeals to the heart of many of us, that is, we believe Government should do a limited number of things, and one of the things that it can do is to increase our productivity by increasing our infrastructure.

It is something that has been tremendously reduced over the last decade. During the 1960's and early 1970's, there was a tremendous increase in infrastructure. America's competitiveness increased dramatically.

And now, as we face the 1990's, we see a crumbling of that infrastructure.

I am strongly, strongly committed to seeing that that happens. That is why I oppose every year the effort to put caps on the trust funds. Nine cents out

of every gallon of gasoline that is purchased at a pump every day, every time you buy a gallon of gasoline, 9 cents goes in the trust fund for highways. Every time you purchase an airline ticket, 8 percent goes into the airport trust fund. Both of those funds are very massive. There are tremendous amounts of money in those funds for the very purpose for which we have paid the taxes, and that is what we ought to do.

Therefore, when the amendment is suggested that we take money from foreign aid and use it for that purpose, it pulls at the very heart of many of us that believe that as one of the handful of things that Government should be doing and of which we should be doing more; however, when we are speaking of domestic spending, we think of everything that is being spent domestically.

In the three categories of which the agreement was made in which the words were given, in which many of us sat here very skeptical and said that the day will come in mid-1991-92, "You watch, every dime that we save from tearing down the walls in Berlin, every dime we save from bringing troops home from Europe, every dime we save from canceling the B-2 bomber and the other defense programs, there will be an effort to break down that firewall and continue the spending and increasing the deficit," and every dime that is saved in foreign aid, just as we did just last week, whether it be $800 million or $1.2 billion, that every effort to save money from foreign aid will not go back to the taxpayer and the deficit, but it will go for a purpose.

Now, in this middle purpose, you can choose anything you want, but naturally, it is just like at the local level when you want to increase taxes, what do you increase taxes for, only one thing, it is always for schools. Every time you want to increase local property taxes, always for schools. And so when you want to increase spending on a domestic level, we are not going to talk about the tea tasters down at the Department of Commerce that have been there since 1883 still testing tea or whatever it is that they do, we are not going to talk about those programs this Congress refused to cut.

We are going to talk about one of the most responsible, necessary items that America needs to be involved in, and that is making sure our crumbling highways are working, our airports that are overcrowded and way behind development are progressing.

And so, therefore, this amendment is so clever. It is so good. It is so noble. It is something that I would strongly, strongly support, increasing the spending for the domestic level, but I do not want to destroy the package, that is, I want the deficit's benefit to go to the taxpayers and, therefore, this firewall that is established here was given our word. Now what do people say? "Well, we are only tearing down the firewall for a little bit. We are going to just let the fire in for a little bit, and then after the fire takes off and consumes the $1.2 billion of America's tax dollars, we are going to build a firewall back up until the next time we need it."

There are only three categories: defense, foreign aid, and domestic. We went through this fight with defense. We are now going through it with foreign aid.

If anyone has any word at all, if anyone has any belief in the word that they gave in 1990 that if they would only get more taxes from the pocketbooks of the American people, we promise to not increase spending; that was the word that was given, and we should honor it today by opposing the Obey amendment when it comes before us.

In the meantime, I say we should support the rule.

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

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

Mr. Speaker, let me just quickly agree with my friend, the gentleman from Ohio, in his categorization of this rule as a fair rule.

I think that anytime you have a bill on the floor there are going to be some amendments that could very well be controversial. That is the case today.

In this body we will have the opportunity, in fair and open debate, to make that determination so we can deal with the amendments as they come forward, but for right now, I agree with my friend from Ohio that this is a fair rule.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. SHUSTER].

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

Mr. Speaker, we have heard much today about honor and honoring our commitments.

I would point out that we have made a commitment to the American people, and that was that we told them, "When you pay your gasoline tax dollars into the highway trust fund, and you pay your aviation tax into the aviation trust fund," we said, "we are going to spend that money to improve highways and to improve aviation." So we have a trust with the American people.

Unless we spend the money that is there, we are not keeping our trust with the American people.

In conclusion, I say: Which is better, to keep our trust with the American people or to supposedly honor here an agreement that was a bad agreement when it was made? Many of us voted against it then. It was bad then. It is bad now.

Let us honor our commitment to the American people and spend highway and aviation trust fund dollars where the money is supposed to be spent.

Mr. GORDON. 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 SPEAKER pro tempore. Without objection, the previous question is ordered.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 269, nays 149, not voting 16, as follows:

[Roll No. 277]

YEAS—269

Abercrombie	Davis	Hayes (LA)
Alexander	de la Garza	Hertel
Anderson	DeFazio	Hoagland
Andrews (ME)	DeLauro	Hochbrueckner
Andrews (NJ)	Dellums	Horn
Andrews (TX)	Derrick	Horton
Annunzio	Dickinson	Hoyer
Anthony	Dicks	Hubbard
Applegate	Dingell	Huckaby
Aspin	Dixon	Hughes
Atkins	Donnelly	Jacobs
AuCoin	Dooley	Jefferson
Bacchus	Dorgan (ND)	Jenkins
Bateman	Downey	Johnson (SD)
Bennett	Durbin	Johnston
Berman	Dwyer	Jones (GA)
Bevill	Dymally	Jones (NC)
Bilbray	Early	Jontz
Blackwell	Eckart	Kanjorski
Boehlert	Edwards (CA)	Kaptur
Borski	Edwards (TX)	Kennedy
Boucher	Emerson	Kennelly
Boxer	English	Kildee
Brewster	Erdreich	Kleczka
Brooks	Espy	Kolter
Browder	Evans	Kopetski
Brown	Fascell	Kostmayer
Bruce	Fazio	LaFalce
Bryant	Feighan	Lancaster
Bustamante	Fish	Lantos
Byron	Flake	LaRocco
Campbell (CO)	Foglietta	Laughlin
Cardin	Ford (MI)	Lehman (CA)
Carper	Ford (TN)	Lehman (FL)
Carr	Frank (MA)	Levin (MI)
Chandler	Frost	Levine (CA)
Chapman	Gaydos	Lewis (GA)
Clay	Gejdenson	Lipinski
Clement	Gephardt	Lloyd
Clinger	Geren	Long
Coleman (TX)	Gibbons	Lowey (NY)
Collins (IL)	Glickman	Luken
Collins (MI)	Gonzalez	Manton
Combest	Gordon	Markey
Condit	Guarini	Martinez
Cooper	Hall (OH)	Matsui
Costello	Hall (TX)	Mavroules
Cox (IL)	Hamilton	Mazzoli
Coyne	Hammerschmidt	McCurdy
Cramer	Harris	McDermott
Darden	Hayes (IL)	McGrath

McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shuster
Sikorski
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (FL)

NAYS—149

Allard
Allen
Armey
Baker
Ballenger
Barrett
Barton
Beilenson
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Coble
Coleman (MO)
Conyers
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Engel
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Packard
Paxon
Porter
Pursell
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Scheuer
Schulze
Sensenbrenner
Shaw
Shays
Sisisky
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Zeliff
Zimmer

NOT VOTING—16

Ackerman
Archer
Barnard
Bonior
Hatcher
Hefner
Lent
Lowery (CA)
McCloskey
Owens (UT)
Oxley
Riggs
Savage
Solarz
Traxler
Washington

□ 1212

Mrs. ROUKEMA, Mr. ENGEL, and Mr. RAY changed their vote from "yea" to "nay."

Messrs. DAVIS, PETRI, and OWENS of New York changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and that I may include extraneous and tabular material, on H.R. 5518, the bill about to be considered.

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

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. LEHMAN of Florida. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5518) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. COUGHLIN] and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

□ 1215

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5518, with Mr. BOUCHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Florida [Mr. LEHMAN] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a pleasure to submit for the consideration of the Committee of the Whole House the bill, H.R. 5518, making appropriations for the Department of Transportation and related agencies for fiscal year 1993.

Before I get into the details of this particular bill, let me express my appreciation to the Members who serve on the transportation appropriations subcommittee. The gentleman from Michigan [Mr. CARR], the gentleman from Illinois [Mr. DURBIN], the gentleman from Minnesota [Mr. SABO], the gentleman from North Carolina [Mr. PRICE], and the gentleman from Texas [Mr. COLEMAN] all provided valuable insight and perspective during the 4-month in-depth review we gave to Federal transportation programs and policies during our hearing process. It is my privilege and good fortune to serve with them.

The subcommittee minority members are also very special. We are pleased to have on the subcommittee, as an ex officio member, the ranking minority member of the full Appropriations Committee, the gentleman from Pennsylvania [Mr. MCDADE]. The gentleman from Virginia [Mr. WOLF] and the gentleman from Texas [Mr. DELAY] have both been on the subcommittee for several years, and display determination and a strong commitment to a safe and effective transportation system for this Nation. I believe we are as bipartisan as a committee can be, and I appreciate very much the hard work of every member. The bill before you today is a bipartisan one.

Let me now make special mention of our ranking minority member, the gentleman from Pennsylvania [Mr. COUGHLIN], who has for many years spent long hours in hearings doing the difficult and time-consuming work of our committee. As a result of this tireless effort, he has developed a strong and comprehensive understanding of our transportation programs and policies. With this bill, LARRY and I have now had the honor to bring before this body, on behalf of the committee, 10 regular transportation appropriations bills. We have served together on the subcommittee since 1979. I have the highest admiration for his knowledge, dedication, and character, and I want him to know of my sincere appreciation for his work over these many years. He is a class act, and he is my special friend. The House will lose one of its greatest, most valuable Members when LARRY retires at the end of this Congress.

Now I want to thank our full committee chairman, the gentleman from

Mississippi [Mr. WHITTEN] for his efforts on our behalf. As he often reminds us, our Nation's public works represent the real and lasting wealth of this country. Our transportation system has served our country well—and we must continue to preserve and enhance it.

Mr. Chairman, in preparation for this bill the committee reviewed 2,247 pages of budget and grant justification documents and developed a hearing record contained in six published volumes amounting to 6,063 pages. Testimony was received from hundreds of witnesses in over 8 weeks of hearings. Requests were received from a large number of Members of Congress representing all geographic areas of this Nation.

SUMMARY OF THE BILL

Let me take a brief moment to summarize the bill. In total, it provides spending for Federal transportation programs of about $35.1 billion, of which approximately $13 billion is new budget authority, $2.6 billion is for highway programs exempt from the Federal aid-highways obligation limitation, and $19.2 billion is comprised of various limitations on contract authority obligations.

In total obligational authority, the bill is $369 million below the amount provided in the Transportation and Related Agencies Appropriations Act in fiscal year 1992.

BUDGET RESOLUTION TARGET

I would direct the Members' attention to page 185 of the committee report, which shows that this bill does not exceed our section 602(b) allocation for discretionary budget authority or outlays. As the Members know, under the Budget Act, the committee is provided a lump sum allocation pursuant to section 602(a), and the Appropriations Committee then subdivides that among its 13 subcommittees. The 602(b) totals are within the limits set forth in the 1990 budget summit agreement with the White House. Let me repeat: This is a fiscally responsible bill which meets the requirements of the House-passed budget resolution in both discretionary budget authority and outlays.

BUDGET REQUEST

Mr. Chairman, some Members here will undoubtedly feel that this bill is inadequate because it provides less funding than the President requested for highways. Let me point out to those Members that the funding available for transportation spending is less than last year, and less than the outlays in the President's budget. Some of you may recall my "Dear Colleague" letter of March 18, 1992, in which I advised Members that without passage of the firewalls bill—H.R. 3732—we would not be able to provide funding for highways even close to the levels approved in the Surface Transportation Act. The House did not bring down the firewalls—and now we are faced with the consequences of that decision, as I forewarned.

But let me also point out that the President's budget was only able to include large growth—$1.6 billion—in the highway program by making dramatic reductions in two other areas which have historically been rejected by the Congress: Amtrak and mass transit. The cuts proposed by the administration would result in the termination of Amtrak and pose an additional financial burden on mass transit systems in our urban areas. This body has overwhelmingly rejected past proposals to shut down Amtrak, and I see little sentiment to do that now that Amtrak is improving its financial performance. Seeing the lack of transportation alternatives, the economic problems, and recent social unrest in our inner cities, it makes no sense to cut transit spending so low that cities are forced to raise fares, cut bus routes, and reduce service.

I would have preferred additional funding for highways. I know additional funds are needed to solve the serious economic development, congestion, and safety problems facing us in many States. However, as I have stated in past years, we have the responsibility to provide a balanced transportation system within the funding available. All segments of our transportation system are vital to the prosperity of this country. The bill before you restores funding for a balanced transportation system. This was not easy to accomplish.

SELECTED MAJOR RECOMMENDATIONS

With respect to the major recommendations in this bill, I would call the attention of the Members to pages 2 and 3 of the report. A table comparing the bill to fiscal year 1992 and the President's request appears beginning on page 188 of the report. The major highlights of this bill include:

First, a 2-percent increase in total FAA funding—$162 million more than last year's level. This includes $1.8 billion for grants-in-aid for airports, $4.5 billion for FAA operations—a 4-percent increase—and $2.4 billion for facilities and equipment—a 2-percent increase.

Second, obligational authority of $17.1 billion for Federal-aid highways and exempt programs, an increase of $100 million over fiscal year 1992;

Third, funding for the Mass Transit Formula Grant Program at a level of $1.8 billion;

Fourth, obligations of not to exceed $1.6 billion for the Discretionary Grants Program of the Federal Transit Administration, including $320 million for buses and bus facilities, $640 million for fixed guideway modernization, and $640 million for new systems;

Fifth, $405 million for grants to the National Railroad Passenger Corporation [Amtrak], which is $208 million above the level for comparable expenses in the President's budget request;

Sixth, funding of $120 million for operations and research activities of the National Highway Traffic Safety Administration, a reduction of $2.5 million from the fiscal year 1992 level;

Seventh, an increase of $58.2 million—2 percent—over the fiscal year 1992 appropriation for overall Coast Guard funding, excluding Department of Defense funding; and

Eighth, funding of $165 million for construction of the Washington, DC, metrorail system, an increase of $41 million over the fiscal year 1992 level.

OFFICE OF THE SECRETARY OF TRANSPORTATION

Mr. Chairman, for salaries and expenses of the Office of the Secretary of Transportation, the bill provides a total of $63 million, which is less than the fiscal year 1992 enacted level. In addition, office-by-office dollar breakdowns are specified in the bill as has been one in the past. The bill also provides an obligation limitation of $38.6 million, as requested in the budget, for payments to air carriers and $111.9 million for GSA rental payments.

Payments to air carriers. With respect to the "payments to air carriers" appropriation, the committee has tried to strike a fair balance between the transportation needs of rural America and the need to rid this program of the excess subsidies that have taken place in the past. The committee remains concerned over the continuing high levels of subsidy in this program. Therefore, the bill continues a limitation against expanding the program unless certain criteria are met, or for upgrading service levels.

COAST GUARD

With respect to the Coast Guard, we recommend a total program level of $3.5 billion. Including $206.6 million to be transferred from the Department of Defense, this total level is $58 million more than the total Coast Guard program level for fiscal year 1992. The bill specifies that $48.8 million be derived from the oilspill liability trust fund, which was established by the Oil Pollution Act of 1990.

Operating expenses. For Coast Guard operating expenses, the bill provides a program level of $2.5 billion for fiscal year 1993, including $156.6 million to be transferred from the Department of Defense for the defense readiness activities of the Coast Guard. This total amount is $39 million, or 2 percent, more than the amount appropriated for similar activities in fiscal year 1992. It is $102 million below the budget request. The reduction from the budget request is primarily due to budget constraints, and the committee has targeted many of the reductions to areas in which the Coast Guard could reduce or eliminate the impact by making management changes or other program efficiencies.

Acquisition, construction, and improvements. For acquisition, construc-

tion, and improvements, we are recommending an appropriation of $384 million for fiscal year 1993. The total program level is comprised of $104.5 million for vessels; $122.5 million for shore and aids to navigation facilities; $53.4 million for aircraft; $67.6 million for other equipment; and $36.5 million for personnel. The recommended level includes funding to begin procurement of a new coastal buoy tender, continue the 210-foot cutter overhaul, and continue the procurement of essential search and rescue and drug interdiction helicopters. The recommended level provides sufficient funding to allow the highest priority, most well justified projects to proceed.

Alteration of bridges. The bill also includes $11 million to alter or remove bridges that may be unreasonable obstructions to the waterborne commerce of the United States. This sum will support the alteration of five railroad and highway bridges over the Mississippi, Pascagoula, and Brunswick Rivers.

Retired pay. The sum of $519.7 million, as requested in the 1993 budget, would be appropriated for the pay of retired military personnel of the Coast Guard and Coast Guard Reserve. This is based on an average of 27,293 personnel on the retired rolls.

Reserve training. For reserve training, the bill provides a program level of $74.1 million, including $50 million to be transferred from the Department of Defense. This is approximately the same as provided in fiscal year 1992, and will provide for a Ready Reserve of 18,500, including a Selected Reserve of 10,850.

Research, development, test, and evaluation. The bill includes $27.9 million for the applied scientific research, development, test, and evaluation projects necessary to maintain and expand the technology required for the Coast Guard's operational and regulatory missions. This is a $1.2 million, 4-percent decrease from the fiscal year 1992 level.

Boat safety. For the State recreational boating safety program, we have included $30 million, which is $5 million less than the level provided for fiscal year 1992.

FEDERAL AVIATION ADMINISTRATION

For the Federal Aviation Administration, we are recommending a total program level of $9 billion, including a $1.8 billion limitation on the use of contract authority for fiscal year 1993. This is $162 million—or 2 percent—more than the fiscal year 1992 level. While this is larger than many other parts of the bill, I believe it is essential to continue safe operation of the air traffic control system, continue modernization of the national airspace system, improve our airports, and continue important safety regulatory and research initiatives.

Aviation trust fund. The bill before you specifies that approximately 50 percent of the funding for FAA operations is to be derived from the aviation trust fund. In total, the amounts in the bill are estimated to result in total trust fund spending; that is, outlays, of approximately $6.4 billion, which is approximately $800 million higher than estimated trust fund tax receipts in fiscal year 1993.

Operations. For FAA operations, we recommend a total program level of 4.5 billion. This represents an increase of $178 million over the fiscal year 1992 program level. This would provide for 52,251 positions including 22,863 controllers, supervisors, and support personnel for air traffic centers and towers, and 4,120 flight service station personnel.

Controller staffing: Under the committee recommendation, actual air traffic controller end-of-year employment would increase to the requested level of 17,871 personnel by September 30, 1993. This is 150 controllers above the level projected for September 30, 1992.

Facilities and equipment: For facilities and equipment, the bill contains $2.4 billion for fiscal year 1993—an increase of $65 million—2 percent—over fiscal year 1992. This account finances modernization and improvements to our air traffic control system. I want to stress that, although the FAA's capital investment plan [CIP] is behind schedule, those delays are due to technology development and contractor deficiencies—not to lack of funding. For example, the General Accounting Office reports that 10 of the CIP's 12 largest programs experienced either cost growth or schedule delays in the past year alone. Two particular programs account for about one-third of all facilities and equipment funding in the fiscal year 1993 budget, and both are experiencing delays. To provide a larger increase, given the state of individual F&E programs and the deficit problems facing the Nation this year, would not be fiscally responsible. However, as the equipment is developed, adequately tested, and ready to purchase, the funds will be provided—and our record proves this. I direct the Members' attention to pages 64 and 65 of the committee report for a detailed discussion of the status of the FAA's modernization program.

Research, engineering, and development: With respect to FAA research, engineering, and development, we recommend $237 million, an increase of $7 million over the budget request and $19 million over fiscal year 1992.

Airport improvement program: The bill also includes a $1.8 billion obligation limitation for airport development and planning grants. This represents a decrease of $100 million from the fiscal year 1992 level. This is consistent with funding for other grant programs in the bill, which were virtually all reduced from the fiscal year 1992 level due to budget constraints.

Aircraft purchase loans: We also recommend continuing the FAA's authority to borrow from the Treasury to pay defaulted aircraft purchase loans at the requested level of $9.9 million.

FEDERAL HIGHWAY ADMINISTRATION

Under the Federal Highway Administration, the bill provides for a total fiscal year 1993 program level of $17.4 billion in highway aid. The limitation on Federal-aid highway contract authority obligations and funding for obligations exempt from this limitation total $17.1 billion, which is $132 million above the fiscal year 1992 funding for those programs.

Mr. Chairman, this is one of the most important transportation programs that we have. Over 90 percent of total interstate passenger-miles and 20 percent of total interstate freight ton-miles move on the Nation's highway system. As I mentioned earlier, congestion delays on our highways are in the billions of hours each year. Despite its importance, however, the severe budget restraints facing the committee this year prevent us from providing a higher level of funding. The administration's proposal, while proposing a greater increase in highway spending, would do so only at the expense of other critical transportation programs, which is unacceptable and does not provide adequately for a balanced national transportation system.

Federal-aid highways: Mr. Chairman, for the Federal-aid highways obligation limitation, we are recommending a ceiling of $14.4 billion. The budget proposed $18.8 billion. However, the budget included funds for minimum allocation, $1.1 billion, and for ISTEA demonstration projects, $450 million, under this head. The committee's recommendation exempts such funds from the obligation limitation, consistent with fiscal year 1992 congressional action.

Administrative expenses: Mr. Chairman, the bill also provides a total of $351.2 million for FHWA administrative expenses, $67.8 million less than the fiscal year 1992 level. Of the recommended amount, $30 million is for the intelligent vehicle highway systems [IVHS] program. When combined with $113 million in contract authority provided in the ISTEA legislation, the committee's recommendation would provide a total program level of $143 million in fiscal year 1993 for IVHS.

Miscellaneous highway programs: The bill also contains an appropriation of $4.5 million for railroad-highway crossings demonstration projects at three different locations. For highway-related safety grants, an obligation limitation of $10 million is recommended, a 7-percent increase over the fiscal year 1992 funding level. We also recommend a limitation on direct loans for the right-of-way revolving fund of $42.5 million and appropriations totaling $167 million for a number of

specific highway projects, all of which have been funded in a previous Transportation Appropriations Act.

Motor carrier safety: For motor carrier safety, the bill includes $51.5 million to continue the activities of the Office of Motor Carrier Safety. This is an increase of $3.9 million over the fiscal year 1992 level. The bill also provides a $65 million limitation on obligations for the motor carrier safety grant program, the same as the fiscal year 1992 funding level.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

For the National Highway Traffic Safety Administration, the bill includes a total program level of $258.1 million. This is $2.5 million less than the level provided for fiscal year 1992. The bill specifies that $181.2 million of this amount is to be derived from the highway trust fund, with the balance from the general fund.

Operations and research. Mr. Chairman, the committee's recommendation of $120.1 million pares down the excessive growth requested in some areas of this appropriation in order to reduce or defer low priority activities and to fund critical but unbudgeted activities in the areas of rulemaking, emergency medical services, and trauma research. The largest reduction, $9.4 million, would defer additional funding for the national advanced driving simulator.

State and community highway safety grants. We also recommend a limitation on obligations for the State and community highway safety grant program of $138 million, the same as the fiscal year 1992 level. While this is less than the authorized level, it is more than the funding recommended for some other grant programs, which due to budget constraints were funded below the fiscal year 1992 level.

FEDERAL RAILROAD ADMINISTRATION

Mr. Chairman, for the Federal Railroad Administration, major recommendations include $40 million for railroad safety, $14.8 million for railroad research and development, $146 million for mandatory rail passenger service payments, $17.3 million for Office of the Administrator expenses, and $7 million for Conrail commuter transition assistance.

Amtrak. We are recommending $331 million for Amtrak operating expenses in fiscal year 1993. The President's budget proposed $123 million for comparable expenses, and assumed significant savings from legislation which has not been enacted. The committee's recommended level represents the same operating subsidy as provided in fiscal year 1992. Mr. Chairman, the Members should know that Amtrak's financial performance continues to improve. Despite the economic downturn which has negatively affected business revenues in all modes of transportation, Amtrak is requesting no increase in its operating subsidy. I would direct the Members' attention to the discussion and graphs on Amtrak's financial performance on pages 139 and 140 of the report.

In addition, the committee's recommendation includes $74 million for Amtrak's capital program, which is the same amount as the administration's proposal, but far below last year's level of $175 million.

Northeast corridor improvement program. No funding is recommended for this program due to budget constraints. No separate appropriation for this purpose was included in the President's budget proposal. Funding of $205 million was provided in fiscal year 1992. The committee remains concerned that an overall plan has not been developed to allow the reduction of Amtrak travel time to 3 hours between New York and Boston, and that cost estimates and ridership projections need further refinement. Because of these concerns, the committee has directed the Department to conduct a study of the costs and ridership potential of 3-hour New York to Boston service.

The bill also includes a loan of not to exceed $3.5 million for track work in Illinois. This will be of direct benefit to Amtrak, and continues a project funded in several prior appropriations acts.

FEDERAL TRANSIT ADMINISTRATION

For the Federal Transit Administration, a total program level of $3.8 billion is recommended for fiscal year 1993. This is $789 million more than the budget request, and $27 million more than the fiscal year 1992 program level.

Formula grants. Under the formula grant program, we recommend an appropriation of $1.8 billion. This is $280 million more than was provided for fiscal year 1992.

Operating assistance. The committee recommends that $720 million of the formula grant appropriation be made available for operating assistance. This is $82.2 million less than the level provided last year and $503 million above the budget request.

Discretionary grants. The bill also includes language limiting obligations for transit discretionary grants to $1.6 billion. This is $600 million above the budget estimate. This account is financed from the mass transit account of the highway trust fund. I invite the Members' attention to pages 151 through 154 of the report for a detailed description of how these funds are to be distributed. The bill includes separate funding levels specified for each new start transit program.

Interstate transfer—transit. The bill also includes $75 million for transit projects that have been substituted for interstate highway projects. These funds will be distributed as outlined on page 159 of the report.

R&D/administrative expenses. The bill also provides a total of $125.5 million for research and administrative expenses of FTA.

Washington Metro. The bill provides $165 million to continue construction of the Washington, DC Metrorail system. This is $41 million, 33 percent, above the fiscal year 1992 level, and $17 million below the budget request.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The bill includes an appropriation of $11.1 million from the harbor maintenance trust fund to finance operations and maintenance of the St. Lawrence Seaway, a 5-percent increase over the fiscal year 1992 level.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

For the Research and Special Programs Administration, the bill contains appropriations totaling $36.6 million. This represents an 8-percent increase over the fiscal year 1992 level. Of this amount, $14.1 million is provided for the pipeline safety program, including funding for the State grants-in-aid program at the requested level of $7 million. The recommended level includes $850 thousand to develop a training curriculum for a new emergency preparedness grants program—funded in other legislation through a permanent appropriation—and $360 thousand for salaries and expenses of the Alaska pipeline task force.

INSPECTOR GENERAL

For the Office of the Inspector General, the bill includes an appropriation of $38 million, a 3-percent increase over the fiscal year 1992 level.

TITLE II—RELATED AGENCIES

Title II of the bill contains new budget authority for six transportation-related agencies and commissions. Specifically, we recommend $3.2 million for the Architectural and Transportation Barriers Compliance Board, $36 million for the National Transportation Safety Board, $43.9 million for salaries and expenses of the Interstate Commerce Commission, limitations on the Panama Canal Commission of $51.1 million for administrative expenses and $530 million for operating and capital expenses, $10.4 million for the Department of the Treasury to rebate St. Lawrence Seaway tolls, and $51.6 million for the Federal share of interest payments for the bonded indebtedness of the Washington Metropolitan Area Transit Authority.

TITLE III—GENERAL PROVISIONS

Mr. Chairman, there are a number of general provisions in this bill that will be of interest to the Members, and I direct their attention to pages 176 and 177 of the report for a discussion of these provisions.

CLOSING

Mr. Chairman, the bill before the body is a fiscally responsible one which provides balanced funding for our transportation programs and will significantly improve the infrastructure of this Nation. It restores adequate funding for Amtrak and mass transit operating subsidies, and at the same time provides overall increases for

aviation and the Coast Guard. I say again that it does not exceed the section 602(b) ceiling for discretionary budget authority and outlays. I ask for its favorable consideration and approval.

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

Mr. WHITTEN. Mr. Chairman, I want to pay tribute to the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] and my other colleagues on the Transportation Subcommittee for the great job in putting together this bill.

TRANSPORTATION BILL IS INVESTMENT IN OUR FUTURE

We are recommending a bill which provides nearly $35 billion in investments for our Nation's future. Money in this bill is indeed an investment in America—in the real wealth of our country. It will produce both immediate and long-term dividends. It will help us to compete in the world marketplace and regain our normal share of domestic and world markets. Transportation is vital to a strong nation and economy, and we must make every effort to maintain a high level of investment in national assets—highways, railways, and airports.

I am proud to be a member of the subcommittee which recognizes the importance of transportation in a strong nation on which all else depends.

Within this bill there are programs of special interest to my area and State.

This bill provides continued funding for the highway safety and economic development demonstration projects for east-west highways. Funding is included to continue the alteration of the railroad bridge over the east Pascagoula River. For aviation, high priority consideration for funding of improvements is provided for the airports at Philadelphia and Meridian.

Mr. Chairman, this bill is important to maintaining America's wealth. I strongly urge its adoption.

□ 1220

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

Mr. Chairman, as we all know, Chairman LEHMAN and I have sung a pretty good duet for a number of years, and I only wish the finale could be in harmony. Chairman LEHMAN has left his mark on this Congress. He has left his mark on transportation, and he has left his mark on this country.

All one has to do is look at transportation and transit in his city of Miami, in his State of Florida, and indeed across the Nation to see that mark. It has been a great mark. But more than that, he has left his mark on people with an abundance of warmth and thoughtfulness, and with great integrity. I cannot tell the Members how much it has meant to me personally and professionally to have had the opportunity to work with the chairman of this subcommittee and, as I have said before, with the other members of our subcommittee.

As I have said before, I strongly believe that the Subcommittee on Transportation has worked on a bipartisan basis and in the best interest of this great country. Its members and its staff are professionals in the best sense of the word and we are grateful to them for the work they do and the service they provide to our country.

□ 1230

I salute the gentlemen from Pennsylvania, Mr. MCDADE, Virginia, Mr. WOLF, Texas, Mr. DELAY, Michigan, Mr. CARR, Illinois, Mr. DURBIN, Minnesota, Mr. SABO, North Carolina, Mr. PRICE, and Texas, Mr. COLEMAN. It has indeed been a pleasure to serve on our subcommittee with them, but a particular pleasure to work with you, Chairman LEHMAN, my very dear friend and colleague.

Let me also thank the staff for the good work they have done on the bill: Kenny Kraft, Lorraine Howerton, and John Blazey for the minority. Tom Kingfield, Rich Efford, Lucy Hand, Linda Muir, and Zee Latif for the majority. They are also true professionals.

This bill is different from last year's bill in many respects.

It is different because last year we received a generous 602(b) allocation. This year we did not.

It is different because last year there was something for just about everyone. This year, every program, excluding FAA, was either frozen at last year's level or received a cut.

It is different because last year we had $141.9 million for new highway demonstration projects. This year there is no funding for new starts.

Some refer to these projects as pork, but in reality they are projects that are going to be built, and are going to be built from the highway trust funds.

This year the bill represents $13 billion in new budget authority, an increase of $84 million over the almost $13 billion requested in the budget. But when you take into account obligation ceilings, this year the bill represents $35.2 billion, which is $1.5 billion less than the budget request, and $4 billion less than fiscal year 1992. So it is a very tight bill indeed.

The chairman has outlined some highlights. Let me just go through a couple. It has $3.6 billion overall for the Coast Guard budget, including $206 million in transfer from DOD. This represents $2.5 billion in operating expenses, which is $133 million less than the budget request and $58 million more than fiscal year 1992.

It has $4.5 billion for FAA operations, an increase of $178 million over fiscal year 1992. It has $2.5 billion for facilities and equipment, and $1.8 billion for airport grants, $17 billion for the highway obligation ceiling, $405 million for Amtrak grants, $1.8 billion for the Federal Transit Administration, $165 million for the Washington Metro, and $162 million for existing highway demonstration funds.

This is not a perfect bill. There are things I would change if I could. In fact, two issues are of great concern to me. One issue is language in the bill that is legislative in nature which reduces the Department of Transportation's airline employee drug and alcohol sampling rates from 50 percent to 10 percent. At a time in which we are trying to ensure a safe travelling public we are simply moving too far too fast. We cannot afford to grossly reduce the only safeguards we have to deter and detect illegal drug and alcohol use in safety sensitive positions and I would hope this will be rectified.

The other issue is the big hit the Coast Guard took. We are proposing a funding level of $3.6 billion which is $133,161,000 less than the budget request. I think we all remember what happened in 1988 when we underfunded the Coast Guard, and it was not a pretty picture.

Mr. Chairman, I am most concerned about two amendments that are going to be introduced to this bill. One, the so-called Obey amendment which was discussed in connection with the rule, would transfer money from the foreign operations account to the transportation account, in flagrant violation of our own self-imposed rules of the firewall that we ourselves established, and in a time of tight spending limits, would not use money to reduce the deficit, but again to increase spending.

Mr. Chairman, if we are ever going to get any kind of a grip on the deficit, any kind of grip on the budget, we cannot simply ignore the rules we impose on ourselves every time they pinch a little bit. The Obey amendment, Mr. Chairman, should be defeated.

The second is an amendment which would impose bill legislation in regard to flight attendant work rules. Those flight attendant work rules are the proper subject of either legislation through the legislative committee or negotiation between labor and management. They do not belong in this bill.

So, Mr. Chairman, I would urge my colleagues to resist the attempts to amend this bill and adopt what is a very good bill, the very best bill that we could produce, by voting for the bill as it is now, by voting against the amendments, and voting for the bill that we have produced.

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

Mr. LEHMAN of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I rise in support of this bill which, as the other bills which have come out of the Committee on Appropriations, this is

the ninth of 13 annual appropriations bills, and this bill meets the targets that were established by the budget resolution and by the budget agreement. As a matter of fact, it provides about $301 million less on the 602(b) spending subdivision in budget authority and it is right on with regard to outlays.

Mr. Chairman, while I share some of the concerns about the amendments that were made here that will be coming up, I think the bill itself does an outstanding job of meeting the targets that we have established.

It is not easy, but I commend the chairman and the ranking member for the job they have done in meeting the targets provided by the budget resolution.

I rise in support of H.R. 5518, the Department of Transportation and Related Agencies appropriations bill for fiscal year 1993. This is the ninth of the 13 annual appropriations bills to be considered by the House.

The bill provides $12.499 billion in discretionary budget authority and $33.375 billion in discretionary outlays, which is $301 million less than the 602(b) spending subdivision for this subcommittee in budget authority and equal to the subdivision in estimated outlays.

I commend the chairman and ranking member of the subcommittee for bringing this bill to the floor in a timely fashion.

As chairman of the Budget Committee, I will inform the House of the status of all appropriations bills compared with their 602(b) subdivisions as they are considered on the House floor.

I look forward to working with the Appropriations Committee on its remaining bills.

[Fact Sheet]

H.R. 5518, Department of Transportation and Related Agencies Appropriations Bill, Fiscal Year-1993 (H. Rept. 102-639)

The House Appropriations Committee reported H.R. 5518, the Department of Transportation and Related Agencies Appropriations Bill for Fiscal Year 1993 on Wednesday, July 1, 1992. The bill is scheduled to be considered by the full House on Thursday, July 9, 1992, subject to a rule being adopted.

COMPARISON TO THE 602(b) SUBDIVISION

The bill provides $12,499 million of discretionary budget authority, $301 million less than the Appropriations 602(b) subdivision for this subcommittee. The bill provides $33,375 million of discretionary outlays, which equals the discretionary outlay subdivision for this subcommittee. A comparison of the bill with the funding subdivisions follows:

[In millions of dollars]

	Transportation and related appropriations bill		Appropriations committee 602(b) subdivision		Bill over (+) under (−) committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	12,499	33,375	12,800	33,375	−301	.....
Mandatory[1]	564	566	564	566	.....	.....
Total	13,063	33,941	13,364	33,941	−301	.....

[1] Conforms to the Budget Resolution estimates for existing law.
Note.—BA—New Budget Authority; O—Estimated Outlays.

The House Appropriations Committee filed the Committee's subdivision of budget authority and outlays on June 11, 1992 in House Report 102-556. These subdivisions are consistent with the allocation of spending responsibility to House committees contained in House Report 102-529, the conference report to accompany H. Con. Res. 287, the Concurrent Resolution on the Budget for Fiscal Year 1993, as adopted by the Congress on May 21, 1992.

PROGRAM HIGHLIGHTS

Following are the major program highlights for the Department of Transportation and Related Agencies Appropriations bill for Fiscal Year 1993, as reported:

[In millions of dollars]

	Budget authority	New outlays
Department of Transportation:		
Coast Guard operations[1]	2,292	1,834
Coast Guard acquisition, construction and improvement	385	65
Reserve training[1]	24	22
Federal Aviation Administration:		
Operations	4,538	3,993
Facilities and equipment	2,460	492
Research and engineering	237	142
Airport improvement programs (obligation limit)	(1,800)	288
Amtrak	551	488
Northeast Corridor Improvement Program.		
Urban Mass Transportation Administration:		
Formula grants[2]	755	487
Interstate transfer grants	75	2
Washington Metro	165	3
Discretionary grants (obligation limit)	(1,600)	32
Federal-aid highways: (obligation limit)[3]	(14,440)	2,588

[1] Assumes transfer from Department of Defense of additional budget authority: $156.6 million for operations and $50.0 million for reserve training.
[2] Additional obligational authority of $1,065 million is also made available for total formula grant obligations of $1,820 million.
[3] Additional $2.7 billion in obligations exempt from limit also available.

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. WOLF].

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

Mr. Chairman, I rise in support of the fiscal year 1993 transportation appropriations bill and I want to commend the chairman, Mr. LEHMAN, and the ranking member, Mr. COUGHLIN, for their hard work in crafting this bill. It is a bill that does address our Nation's infrastructure needs without violating, and I stress that word, the fiscal limitations that have made this appropriations cycle extremely difficult for every subcommittee.

Of course, not everyone is happy with this bill. Everyone, myself included, would like to have more funds to apply to roads mass and aviation. But this is a bill that balances competing interests for limited funds as well as honoring obligations from previous years. This is a bill that takes a balanced approach to the intermodal infrastructure system that is so critical to the economic well-being of our country and the quality of life for citizens.

To achieve this fairness and balance in tough economic times is testimony to the effective leadership of our chairman and ranking member, both of whom are bringing their last transportation bill to the floor today. I want to take this opportunity, Mr. Chairman, to salute Mr. LEHMAN and Mr. COUGHLIN for the effective, bipartisan way they have conducted the operations of the transportation subcommittee.

As has been observed in the minority, that is very important, because many times in this body the minority does not get treated very fairly. Yet on this subcommittee, they do.

Mr. Chairman, I have been honored to serve on this subcommittee with this kind of leadership. Both of these gentlemen will be tough acts to follow.

I also want to commend all the members of the subcommittee for their willingness to work together to achieve this bill. I would be remiss if I did not express appreciation for the outstanding staff. There is not a finer subcommittee staff in the Congress, and I want them to know we appreciate their knowledge of the subject matter and their yeoman's work.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ANDERSON].

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

I rise to address a question to my good friend, the chairman of the subcommittee. In the 1989 Transportation appropriations bill, you and I worked together to get Long Beach Transit an exemption from the UMTA charter service rule. That exemption is enshrined in Public Law 100-457, section 330(a) which explicitly states, "Notwithstanding any other provision of law or regulation, the Urban Mass Transportation Administration charter service rule and any subsequent Federal regulations shall not apply to the Long Beach Public Transportation Company." Recently, the Federal Transit Administration has ignored this law and has forced Long Beach Transit to halt charter service, with the threat of the loss of Federal funding if they do not comply with FTA's dictates. I find FTA's actions outrageous as the law is perfectly clear on this matter. But in the search for absolute clarity, and to reverse FTA's actions, I ask you these questions. Is it your understanding that Long Beach Transit's exemption from the charter service rule is statutory law, notwithstanding the objections of FTA? Furthermore, is it your understanding that Long Beach Transit is also exempt from 49 CFR 604, subsection 604.9(b) which states that a public transit operator may provide charter service with UMTA funded equipment and facilities to the extent that there are no willing and able private charter operators?

Mr. LEHMAN of Florida. Mr. Chairman, if the gentleman will yield, the gentleman from California is absolutely correct.

Mr. ANDERSON. Mr. Chairman, I thank the subcommittee chairman very much for that clarification and for his help. I compliment him on his leadership on this bill, especially considering the difficult fiscal situation. It has always been an honor and a pleasure to work with the gentleman.

□ 1240

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the gentleman from

New Jersey [Mr. GALLO], a member of the committee.

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

I rise for the purpose of entering into a colloquy with the gentleman from Florida [Mr. LEHMAN].

Mr. Chairman, as the gentleman knows, I offered an amendment during full committee markup on this bill to freeze the salaries of FAA employees who are responsible for Federal air noise policies until the FAA releases its mandated environmental impact statement on air noise over northern New Jersey and the tristate area.

Although my amendment was not included in this legislation, I want to take this opportunity to thank you, and my colleagues on both sides of the aisle for understanding my strong feelings concerning the importance of gaining FAA cooperation in our 5-year fight against aircraft noise in the skies over northern New Jersey.

The problem has gone on for too many years without a viable solution coming from the FAA.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. GALLO. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, I thank the gentleman for his kind words, and appreciate his frustration with the delays that he has experienced. I know the gentleman would not offer an amendment of this type unless he felt that he had exhausted all other avenues in his efforts to resolve the situation.

Mr. GALLO. That is correct, Mr. Chairman. The people of New Jersey have been looking for a reduction in air noise levels since 1988, when the FAA changed the traffic patterns over our area without taking into account the impact that these changes would have on our area.

In 1990, Congress required a study, which was to have been completed in May 1991. We are still waiting for that report.

Given the continuing delays, Mr. Chairman, may I solicit the gentleman's support for our continuing efforts to solve this problem, if these delays continue?

Mr. LEHMAN of Florida. Mr. Chairman, if the gentleman will continue to yield, I understand the gentleman's concern, and I stand ready to work with him to push for an appropriate and timely resolution to this longstanding item of concern to the people of New Jersey.

Mr. GALLO. Mr. Chairman, I thank the gentleman for his understanding of our situation and his cooperation. I have no further questions.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Chairman, I thank the gentleman for yielding time to me, and I want to associate myself with the remarks of the gentleman from Virginia [Mr. WOLF] regarding the work that has been done by our distinguished chairman and ranking member.

I do not think the Congress or the country for that matter fully appreciates the time and effort that these two gentlemen, in particular, assisted by our able staff, have put into putting this bill together.

The meetings and the hearings were long, but outside the hearing room, we know that there were many other meetings, visits by people from all over the Nation, visits by Members of Congress to their offices, trying to do what is best for the transportation of the country.

A lot of that focused in the offices of the gentleman from Pennsylvania [Mr. COUGHLIN] and the gentleman from Florida [Mr. LEHMAN]. So they made our job very easy, and we are in their debt.

I would also just like to say, Mr. Chairman, that in the past several years there is a new buzzword in transportation, "intermodalism." And we talked about it a lot in the last few transportation authorization bills, last year in the IST bill in particular. The word "intermodal" was one of the most frequent words in the entire debate.

I would just like to remind our colleagues that this committee, this Appropriations Subcommittee on Transportation, in fact, is really the only truly intermodal committee in the Congress of the United States. We have good friends and able leadership on all the authorizing committees that we work with.

Airways and highways are authorized out of the Committee on Public Works and Transportation. Railways are authorized out of the Committee on Energy and Commerce. The maritime and Coast Guard is authorized out of the Committee on Merchant Marine and Fisheries. Commercial space and the various modes of research and development is authorized out of the Committee on Science, Space, and Technology. But when it comes to money and when it comes to allocating the country's scarce resources, this is the only committee where all the modes are in the jurisdiction of one committee.

That makes our job very tough because our authorizing committees set very high standards, many of which we agree with, in charting a course for America and its transportation needs.

Nonetheless, our friends in the authorizing committees are spared the difficult duty of trying to prioritize between the modes, trying to figure out how efficiently to spend the money between highways, transit, airways, railways, waterways, and research and development.

The prioritization of all of these competing demands comes to rest before the Appropriations Subcommittee on Transportation, the only committee in the Congress that has that jurisdictional responsibility. As a result, particularly in these tough budgetary times, with allocations which are conservative, to say the least, we have not been able to meet the demands of our friends in the authorizing committees. We are going to hear some amendments from some members of those committees here on the floor later on in the day.

We would plead with our colleagues throughout the Congress to support the work of this committee. We have tried to be fair. We have looked at the intermodal needs of the country.

□ 1250

We have tried to be fair. We have tried to do what is in the best interest of all America, not segmented pieces of the transportation system, so we plead with the colleagues now throughout the country to support this bill.

One final and very quick word. There are going to be a number of amendments on specific projects. I would like to just have the RECORD show that there were a lot of projects proposed to this committee. This committee looked at those individual projects with a great deal of care. We took testimony. We did investigations. We did research. While some of the projects may be criticized, and it is valid for any Member to amend to try to delete those projects, we support those projects. I would support them by saying that for every project that made it into the bill, there were 10 or 20 projects which we found lacking.

This committee has done its stewardship in trying to bring to the committee a bill that is fair and can be substantiated.

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana [Mr. MYERS], the second-ranking member on the Committee on Appropriations.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. COUGHLIN] for yielding time to me.

Mr. Chairman, I compliment both the chairman and the ranking member, the gentleman from Pennsylvania, as well as members of the committee for bringing as good a bill as is possible under these conditions. As has already been expressed, we all realize the budgetary restraints that the entire Committee on Appropriations has worked under this year. It has made it really difficult.

I particularly have had discussion both with the chairman and with the gentleman from Pennsylvania [Mr. COUGHLIN] about a problem in Indianapolis with the Indianapolis airport. The Indianapolis Airport is built on Interstate 465, which is the beltway around Indianapolis. Traffic going into

the airport and out of the airport has to come off of this very high-density, congested area. It is becoming an increasing safety hazard.

Recognizing this, Indianapolis Airport Authority has engaged in a study how they might remedy this. The recommendations have come up, and it has been approved, to move the terminal to the other end of the airport, away from this congested area off of I-465. The entry would have to be off of Interstate 70 about 2 miles west of the present location, which would necessitate some expense, of course, to the Federal Government as well as the State of Indiana and the city of Indianapolis to locate an access off of I-70.

I realize this year it is just impossible for this committee to fund this and I compliment again the fine job the Members have done. A lot of good projects have been pushed aside. I realize we just did not have the money. The only thing I am asking is that we be able to work with the subcommittee as we try to develop plans for the future and be able to relieve this hazard to the Interstate 465 and the city of Indianapolis and those who must drive continuously in this traffic, that we will be able to work together.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, I thank my friend, the gentleman from Indiana, for yielding to me.

Mr. Chairman, myself and our subcommittee are well aware of the congestion problems at the Indianapolis Airport, and we are just sorry that our limited budget prevented this subcommittee from including funds for the new interchange in our bill. In fact, to the best of my knowledge we did not have any new highway demos in this bill that were not already underway. Nevertheless, let me say to the gentleman that I am prepared to listen to him and other parties in advance of construction of the new I-70 interchange. If people cannot get to the airport, they cannot fly.

Mr. MYERS of Indiana. Mr. Chairman, I thank the chairman, and I yield to my friend, the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, I thank the gentleman for yielding time to me. The gentleman has been very diligent in representing his great State and in bringing these matters to our attention. We want to work with him in any way that we can, as we have in the past. We will continue to do that in the future.

Mr. MYERS of Indiana. Mr. Chairman, I thank each of the Members for their cooperation in the past on so many projects that we have worked together on. If there is any place that we should not or could not afford to cut for the infrastructured, this is it. This committee has given through the years attention to the transportation needs of our country. This is the last place, looking to the future, which we should reduce. However, realizing that we had no choice, I compliment the Members, and I thank them for their testimony.

Mr. LEHMAN of Florida. If the gentleman will continue to yield, I would ask him, is everything all right in Terre Haute?

Mr. MYERS of Indiana. It was when I left it last. I will be back there tomorrow.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. PRICE].

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

Mr. Chairman, I rise today in support of H.R. 5518, the Department of Transportation and related agencies appropriations bill for fiscal year 1993.

This bill is a testimony to the strength and ability of our chairman, Mr. LEHMAN. He is an outstanding chairman, and I am honored to have had the opportunity to work closely with him. We will miss him on the subcommittee next year, but he will leave a legacy of good work in Congress and for the country.

We also will miss LARRY COUGHLIN. He has been a good defender of the administration's priorities and interests, but he has also been fair and willing to work with Members from the other side of the aisle. Both LARRY and BILL have made the subcommittee a very good and productive place to work.

I also want to thank the staff of this subcommittee. Tom Kingfield, Rich Efford, Linda Muir, and Zee Latif, are a very talented and professional group of staffers, and I have enjoyed working with them. I also want to thank Lucy Hand of Chairman LEHMAN's staff, who is of great assistance to members of the subcommittee.

This bill is one of the most important bills we will have before us in this Congress because of its direct impact on our Nation's economic competitiveness. This bill provides the funding necessary to maintain and improve our Nation's infrastructure, which is critical to our continued economic prosperity. I am especially pleased that the bill responds to the needs of large urban areas and interurban areas like the research triangle area of North Carolina which are growing rapidly and face the challenge of minimizing traffic congestion, meeting clean air standards, and planning intelligently for the future.

Safety is also a primary concern of this subcommittee, and we have taken steps to make certain that travel, whether by car, rail, or air, is made safer. Research on important safety questions as well as enhanced facilities and equipment will help protect every American who is traveling.

This bill has not been crafted easily. Our subcommittee faced severe constraints this year, and this is reflected in reduced funding levels from FY92 for the Federal Highway Administration, the Federal Railroad Administration, and the National Highway Traffic Safety Administration. In general, we worked to minimize the damage to any one agency, making tough but fair cuts and ensuring that each agency could perform its critical functions.

I would also point out to Members that the subcommittee cut the Office of the Secretary by more than $9 million from the President's request and about $1 million below the fiscal year 1992 level. The subcommittee has already responded, then, to the concerns that many Members have expressed about the Administration's ever-increasing appetite for headquarters pencil-pushers and bureaucrats. In particular, our bill cuts or eliminates travel, overhead costs, and free fitness facilities from the President's request. It is a very responsible package.

I urge my colleagues to support this bill. It is a well-crafted and balanced bill and deserving of every Member's support.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY], a member of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. DELAY. Mr. Chairman, I thank the ranking member of the Subcommittee on Transportation for yielding this time to me.

Mr. Chairman, I rise in support of the Transportation appropriations bill for fiscal year 1993.

I would just like to say at the outset that we will miss two of the finest gentlemen that have ever served this committee. My chairman, the gentleman from Florida [Mr. LEHMAN] and my ranking member, the gentleman from Pennsylvania [Mr. COUGHLIN] will be sorely missed. The work these two gentlemen have put into this bill and their efforts over the years have many times been a very thankless job, but I believe that this Nation's transportation system is better off because of the efforts of these two gentlemen. They might be leaving, but they certainly will not be forgotten.

Mr. Chairman, last year during this same exercise I took the floor, oddly enough, in opposition to a transit project that was in my own district. The Houston monorail was a project that in my opinion would have strapped onto the backs of my constituents a financial burden that was simply unacceptable. The city was not united in support of this monorail project, nor were the State and local politicians. Most importantly, the people were not behind this major undertaking.

Since that time, and in just a matter of a few short months, the city of Hous-

ton has developed a strong consensus from all sides on a regional mobility plan including a comprehensive regional bus plan program. As a result of this support, the committee approved the release of Houston's previously earmarked funding for this project in 1993.

As the Federal Transit Administrator, Brian Clymer, has stated during hearings earlier this year, Houston is the leader in mass transportation and intelligent vehicle highway systems. They serve as a model for the rest of the Nation. I could not agree more. Houston has the most technologically advanced traffic management programs, has more enhanced city street maintenance programs, neighborhood infrastructure systems, such as hike-and-bike trails and street and sidewalk improvements, than any other city in America.

As the members can tell from that list of transportation programs, Houston addresses its transportation efforts in a very comprehensive manner. All of the projects are designed to support this core bus system and improved vehicular and pedestrian mobility.

□ 1300

They do not just look at one problem area and try to fix it with a Band-Aid. It is this comprehensive philosophy that has enabled Houston to provide the best service for the lowest cost, and I commend their efforts.

Mr. Chairman, I just want to say I am one who opposes the already discussed Obey amendment. I think it is very unfortunate that this amendment is going to be considered to this bill. I think Members ought to seriously look at the Obey amendment and consider what is in the bill for them, because I feel that the President will veto this bill if the amendment passes.

Other than that, I support this bill and I urge my colleagues to do so.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. SABO], a member of the subcommittee.

Mr. SABO. Mr. Chairman, I just want to rise in support of this bill and to pay my compliments to the chairman and ranking member. They have been two outstanding Members to work with for the last 14 years. They take a bill that requires lots of choices and where one has to set lots of priorities and they do an exceptional job in guiding this bill through the committee and to the floor. There are lots of good provisions in here and I want to simply say thank you to both of them, and it is a good bill.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in favor of the bill and in the hopes that we can do more for programs of truck safety.

Mr. Chairman, I rise in support of the Transportation appropriations bill for fiscal year 1993. Residents in the Washington Metropolitan area will experience less traffic congestion and improved air quality in the region thanks to metro funding provisions in the bill. I thank the committee members who had the difficult task of deciding which requests to fund.

I do have a reservation, however, about the reduction in funding for the Federal highway safety grant programs. I understand that funding for many domestic discretionary programs will be reduced in fiscal year 1993, but a 24-percent reduction in Federal nonconstruction highway safety grant programs is a disproportionately large amount. Many States, facing financial problems of their own, will not be able to replace the lost Federal highway safety grant moneys.

A major part of these safety grant programs is the section 402 State and Community Highway Safety Grant Program. Section 402 is a national program in which funds are allocated to every State for use in addressing a wide range of highway safety issues. The 402 program has been a major contributor to the decline in the Nation's motor vehicle-related fatality rate over the last decade while the number of licensed drivers, registered vehicles, and vehicle miles of travel have all substantially increased.

States can use their 402 grants to fund traffic records programs; bicycle, motorcycle, and pedestrian safety programs; enforcement programs; and roadway safety programs. The Surface Transportation Act also required States to use 402 grants for school bus safety programs and speed enforcement programs.

Mr. Chairman, I urge conferees for the bill to develop a final version that funds the NHTSA portion of the 402 program at the fiscal year 1992 level of $118 million. This amount in the bill is $112 million, only $6 million less, and yet, that small sum of $6 million would go a long way to maintaining good State safety programs. I would hope that the Federal highway portion of the 402 grants be funded at a minimum of $15 million. The 402 base programs have served us well. Let us continue to fund them adequately.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I thank the distinguished chairman for yielding time to me, and I would like to take this time to engage the chairman in a colloquy.

Mr. LEHMAN of Florida. If the gentleman will yield, I would be glad to answer any questions the gentleman may have.

Mr. STOKES. Mr. Chairman, statistics show that every year about 80 percent of the fatal aviation accidents involve pilot error, yet not enough progress has been made toward discovering psychological factors that cause the pilots to make these errors. I understand that the committee increased funding for Federal Aviation Administration research into human factors and aviation medicine to $27 million for fiscal year 1993, is that correct?

Mr. LEHMAN of Florida. The gentleman is correct. The committee fully funded the administration's request of $27 million for human factors and aviation medical research for fiscal year 1993.

Mr. STOKES. The Cleveland Clinic Foundation, in conjunction with Ohio State University and a prominent aeronautical university, has proposed a study which would develop a series of tests to determine the specific character traits that may make some pilots more prone to those errors in judgment, which can and do lead to accidents. It is my understanding that the Cleveland Clinic would need a total of $3 million over 4 years to complete this study, of which $500,000 in fiscal year 1993 would permit them to initiate the study. I understand that the committee would not object to this use of human factors research money.

Mr. LEHMAN of Florida. The gentleman is correct. I would encourage the FAA to consider providing $500,000 in fiscal year 1993 for the Cleveland Clinic Foundation study, and would work with the gentleman toward that end.

Mr. STOKES. I thank the gentleman for his support for this worthwhile study, which will help identify and evaluate the psychological factors which lead to pilot error, and which may help save lives.

Mr. Chairman, I also want to join in saluting both the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] for the great work they have done on behalf of this Congress.

Mr. LEHMAN of Florida. Mr. Chairman, I thank the gentleman.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, today I rise in strong support of H.R. 5518, the Transportation appropriations bill for fiscal year 1993. This legislation contains many fine provisions, but there is one provision included in the bill which I would like to bring to my colleagues' attention.

This provision is a tunnel that would be constructed under the intercoastal waterway in Fort Lauderdale, FL, called the 17th Street Tunnel project. I am enthused that the Transportation Appropriations Subcommittee has included $6.14 million in this bill for this much-needed project.

Because this project is of such great importance to the people of south Florida, there has been some controversy over whether a tunnel, a bascule bridge, or a fixed span would be the best replacement for the present obsolete structure. I strongly support a tunnel because the alternatives to a tunnel, a fixed bridge, or another bascule bridge, were shown by a Florida Department of Transportation study to be inadequate. A fixed bridge would have to be at least 85 feet high to conform with a Coast Guard directive. A bridge that height would still exclude

many vessels from entering the intercoastal waterway, and would also destroy property values in that area. Additionally, the cost and the resultant destruction of land for construction of approach ramps leading to such a bridge makes a fixed bridge an unattractive option.

Another bascule bridge would have to be at least 65 feet high, and even at that height, studies have shown that the bridge would have to be opened almost as frequently as the present bridge. Additionally, a 65-foot bridge would encounter most of the problems associated with an 85-foot fixed structure. By the process of elimination, a tunnel was deemed the best long-term solution to the intolerable traffic problems now plaguing the 17th Street Causeway, the most heavily traveled bridge in Broward County. Finally, a July 7 editorial in the Miami Herald agrees with the assessment that a tunnel is the best option.

My colleagues may recall that this is the fourth year in a row that the House has included funds in its annual transportation bill for the 17th Street Tunnel project. Last year this project was included as part of the Intermodal Surface Transportation Efficiency Act (Public Law 102-240).

Although I am extremely gratified that this project finally seems to be coming to fruition, I am saddened that this will be the last transportation appropriations bill produced by the distinguished chairman of the Transportation Appropriations Subcommittee, Hon. BILL LEHMAN of Florida. Since becoming chairman in 1982, BILL has certainly left his mark on transportation policy in our Nation. Nowhere is this more evident than in our home State of Florida. Metrorail and People Mover are but some of the legacies of Representative LEHMAN's tenure as a Member of Congress that the people of Florida will long remember. Thanks to his strong support, and with the assistance of his able staff, especially Lucy Hand, I know that one day soon the 17th Street Tunnel will be added to that distinguished list. I hope I can convince BILL to come out of retirement for a day so he can help me cut the ribbon on this project when it is completed.

Mr. Chairman, although this year's budget is tighter than ever, my colleague from Florida and the subcommittee he chairs has once again crafted an excellent piece of legislation. I urge my colleagues to vote "yea" on H.R. 5518.

Mr. Chairman, I would like to express my thoughts to the committee and to the House as to my personal feelings with regard to the gentleman from Pennsylvania [Mr. COUGHLIN], and of course, my good friend the gentleman from Florida [Mr. LEHMAN], chairman of the subcommittee. They are definitely going to be missed. We have had such a responsible Appropriations Subcommittee under the head of both of these gentlemen throughout the years, and I want to express my personal gratitude, particularly to the gentleman from Florida [Mr. LEHMAN] for helping so much through the years in the Congress passing responsible legislation to take care of many of the transportation needs of south Florida. My hat is off to both of these gentlemen, and my gratitude goes to them for their help during these periods of time.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. ALEXANDER], a member of the Committee on Appropriations.

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding time to me and compliment the leadership of the gentleman from Florida. It has been a pleasure working with him over these years. As he knows, I was once a member of this subcommittee.

Mr. LEHMAN of Florida. If the gentleman will yield, for too short a time.

Mr. ALEXANDER. I have followed the subcommittee right along.

Mr. Chairman, I would like to engage in a colloquy with you on two projects that are pending in my home State. One is the DeValls Bluff bridge across the White River which is an extension of U.S. Highway 70. It is my understanding that this project in the bill last December, the so-called ISTEA bill authorized the construction of a replacement bridge across the White River at DeValls Bluff, and that money is in progress with which to begin planning and design for that replacement, is that correct?

Mr. LEHMAN of Florida. The gentleman is correct. The projects are in progress, and they are good projects, and I would like to see them happen.

Mr. ALEXANDER. Another project that is very important to our continued progress in the northeast region is the completion of the construction of three overpasses across the U.S. Highway 63 bypass on the south side of Jonesboro, AR. It is my understanding that the authorization bill authorizes three projects, and that the funding is in progress, is that correct?

Mr. LEHMAN of Florida. The gentleman is correct.

Mr. ALEXANDER. I thank the gentleman.

Mr. Chairman, I rise in support of this bill providing funding for the investments in transportation which are essential to our Nation's economy and future. This is an economic development bill. It will help provide jobs for Arkansans and other Americans. It will help Arkansas and American businesses and industries compete in the national and international economy.

This is a good bill. It deserves the support of the House.

This bill has been accomplished through the leadership of our Appropriations Subcommittee on Transportation chairman, the gentleman from Florida [Mr. LEHMAN]; the ranking minority member, the gentleman from Pennsylvania [Mr. COUGHLIN] with the support of the subcommittee's outstanding staff.

Funding which would be provided under this bill is crucial to efforts to modernize the Nation's transportation infrastructure. It is a key to achieving the revitalization of the economy in communities, towns and cities across Arkansas and the Nation.

Our Nation's transportation network is essential to the operations of the businesses and industries which provide jobs to millions of Arkansas and American workers.

Without transportation, businesses and industries do not get the materials they need to produce U.S. products and services. And, without transportation they cannot move the products of American workers to market.

Two examples of the critical importance of the funding in this bill can be found in two projects in Arkansas' First Congressional District. One is at DeValls Bluff and the other is at Jonesboro.

The project at DeValls Bluff would replace the U.S. Highway 70 bridge over the White River. Federal participation in this project was authorized late last year when the Congress passed the Intermodal Surface Transportation Efficiency Act of 1991. Funding in this bill can be used to get this project underway.

The current bridge was built in 1922. It was rated functionally obsolete in 1988. Twice since 1972 it has been closed for extended periods. Many drivers must use it on a daily basis.

The bridge has additional national importance because this U.S. Highway 70 bridge over White River in rural Arkansas is the alternate route for users of Interstate 40, a vitally important east-west route across our State and Nation.

If I-40 is closed for any reason, or use is substantially restricted, travelers must use the U.S. 70 route, or make substantial detours at significant costs in terms of dollars and time.

Developing States like Arkansas need capital investments to improve transportation links in the national transportation system. Instrument landing system improvements at the Jonesboro Regional Airport and completion of the U.S. Highway 63 bypass overpasses are important to future development. These capital investments are essential for economic growth, job development, and continued progress.

Late last year, as a part of the Intermodel Surface Transportation Efficiency Act of 1991, the Congress authorized continued Federal participation in the construction work on the U.S. Highway 63 bypass overpasses. Funding in today's transportation ap-

propriations bill can be used to push these overpasses forward.

Jonesboro is a regional economic center. U.S. Highway 63 is a critical part of the local, regional, and national transportation system. Increasing usage of the highway bypass has stretched to the limit its capacity for safely moving vehicle traffic. Completion of the overpasses is needed to improve the efficiency of the highway and reduce the frequency of and potential for traffic accidents.

In the last 10 years about $350 million in Federal transportation funds have been invested in projects in Arkansas' First Congressional District which I represent. These funds have been indispensable to economic development in this region.

Congresses provided these funds at the same that they were appropriating less than Presidents requested. In fact, in the last 23 years, Congresses have appropriated $93.8 billion less than Presidents wanted.

I urge that the House approve this appropriations bill.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, today I rise in support of H.R. 5518. This bill includes funds that will help Chicago residents by improving roads and in the building of the downtown circulator light-rail project that we so badly need.

However, I do have some serious concerns about the cavalier manner in which the Federal Transit Administration has monitored the grantees in region V. In 1989 I asked the GAO to investigate the FTA's management of Federal funds in that region, which is headquartered in Chicago, and whose biggest grantee is the Chicago Transit Authority.

What they found was appalling. The FTA has provided very-poor-to-nonexistent oversight of the taxpayers' money spent in region V. This has resulted in fraud, waste, abuse and mismanagement of Federal funds; as well as a gross underserving of the transportation needs of senior citizens, and especially of workers who must travel through this megalopolis in order to find employment and/or to keep their jobs.

Among other things, the GAO found that: First, the Chicago Transit Authority had $800 million in unspent funds, second, they had an inadequate inventory of bus parts and third, were paying unnecessarily high amounts for capital projects.

Other glaring abuses found by the GAO and other Federal agencies that were due to the lack of FTA oversight, range from some questionable personnel policies at the highest level, to bid-rigging and to the CTA's knowingly giving contracts to unqualified vendors.

The real losers from the waste and mismanagement afforded by the FTA's lax oversight are the American taxpayer, Chicago and suburban commuters and mass transit users. Mr. Chairman, at the same time that the Chicago Transit Authority had millions of dollars in unspent capital funds, they threatened to close down the Lake Street elevated train line, which is a major transportation artery for a large portion of urban Chicago as well as an important route for suburban commuters; and also attempted to increase fares and eliminate vital bus routes all in the name of cost control.

It is my understanding that the region V FTA Office is beginning to institute better management and auditing controls. I can only hope this is very true, because in these critical economic times when we are so concerned about getting a good return from every Federal dollar we spend, the American taxpayer deserves more for his money spent in Chicago and its suburbs. The Federal Transit Administration must do a much better monitoring process in the future.

□ 1310

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I want to commend the Transportation Subcommittee for its work this year, and specifically commend the subcommittee for including report language on the National Wildflower Research Center in Austin, TX.

The National Wildflower Research Center is the leading institution in the United States for native plants. Throughout the country, with the help of the center's expertise, our highways are lined with beautiful wildflowers that liven up the road. Wildflowers do much more, however. They lessen the need for mowing along roads, which saves money on maintenance. They also reduce soil erosion and promote biodiversity. This approach makes planting wildflowers along our roads a money saver for the taxpayer.

While existing law sets aside one-quarter of a percent of highway landscaping funds for wildflowers, some States have been slow in using this money to plant wildflowers. This bill's report directs the Federal Highway Administration to work with States to develop guidelines to promote better roadside vegetation management, which would include expanded use of wildflowers.

Wildflowers lining our highways give us the unseen—but important—benefit of lower maintenance costs and less soil erosion. Let us also recognize the benefits we see: the great variety of wildflowers and collage of colors we see as we drive along the highways of our great and beautiful country.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the distinguished dean of our delegation, the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, this is a great bill. It is a bill that improves the quality of life for all Americans. It is a bill which helps industry and business in our country. I would say at this particular juncture of history, it is extremely important because it provides jobs in an era of time in which there is a great need for jobs.

So I hope we can even improve the legislation. I certainly favor this legislation.

But before I close, I would like to say that the main reason why I am speaking now is to pay tribute to a wonderful guy, BILL LEHMAN, who despite the fact of very serious illness, did not let it stop him, and he went ahead and did what he needed to do for his country and did it in a very magnificent and exemplary way. I think we are all in his debt. We all owe a lot to him for what he did against great adverse situations. He and the gentleman from Pennsylvania, both, epitomize integrity, thoughtfulness, concern for others, concern for our country, and I am very, very deeply grateful that we have had them through the years. I think they have left behind them a tremendous monument, in the wonderful things they have done for our country. I do not know of anybody who has done more.

Mr. McDADE. Mr. Chairman, I want to congratulate and thank Chairman LEHMAN and the subcommittee's ranking Republican member, LARRY COUGHLIN, and all the members of the subcommittee for reporting a balanced bill under tight fiscal constraints.

The measure before us provides necessary funding to support, maintain, and expand our Nation's infrastructure. The bill contains a total Federal-aid highway obligation of $17.1 billion. This vital appropriation means jobs for our citizens and improvements to a transportation system that is threatened by obsolescence.

The bill also provides $9 billion for the Federal Aviation Administration, $3.8 billion for the Federal Transit Administration, $3.6 billion for the Coast Guard, and $405 million for Amtrak.

The bill is within its 602(b) allocation for budget authority and outlays, and I fully expect the President to sign the legislation into law in its current form. Accordingly, I urge my colleagues to vote "aye."

Mr. Speaker, let me also recognize the fine efforts of the gentlemen from Florida and Pennsylvania, Mr. LEHMAN and Mr. COUGHLIN. These men have served in this body for 20 years and 24 years, respectively. They have served with honor and distinction. They have been great friends to transportation. Both men are leaving this institution at the end of this session. I hope that in their retirement they are able to travel across the Nation's highways and byways—that they made possible.

I wish them Godspeed—but I urge them to keep it below 55 miles an hour.

Mr. FAZIO. Mr. Chairman, I rise in strong support of this legislation. I also want to commend Chairman LEHMAN, the members of the

subcommittee, and the subcommittee staff for the outstanding job they did in crafting this bill under very tough circumstances.

As everyone knows, last year, Congress adopted overwhelmingly a 6-year reauthorization of our Nation's transportation programs. The Intermodal Surface Transportation Enhancement Act [ISTEA] established our spending priorities for rehabilitating, improving, and expanding our Nation's highways, roads, bridges, and mass transit systems. The subcommittee has made a very laudable effort to comply with this law with limited resources.

Unfortunately, we are unable to keep pace with the priorities established under the ISTEA legislation because of the enormous fiscal problems we face and because of the constraints imposed by the 1990 budget agreement. In fact, we are unable to even keep pace with the money we allocated for transportation in the current fiscal year. H.R. 5518 is $370 million below the current year spending level. This funding reduction is a real cut in one of the few areas of Federal spending that has an undisputed and positive effect on our economy. Every economist agrees that investment in public infrastructure pays for itself many times over in greater productivity in the future.

I have long advocated an increase in our public infrastructure investment, and I am pleased that my colleague from Wisconsin, Mr. OBEY, will be offering an amendment to achieve this goal. The Obey amendment takes savings we made in our foreign assistance budget and applies that savings to creating jobs and improving transportation systems here at home. The Obey amendment will not add to the deficit and will create over 125,000 jobs for Americans. This is just the kind of boost our sluggish economy needs at this time, and I urge my colleagues to support the amendment.

Mr. Chairman, I would also like to highlight some specific initiatives in the bill that provide enormous benefits in northern California. H.R. 5518 includes $4 million for right-of-way acquisition associated with a new bridge in Yuba City, CA. This bridge is a crucial part of planned highway expansion through Sutter and Yuba Counties. The right-of-way acquisition funding will enable the State and local governments to move this project along earlier than anticipated.

The bill also includes funding for an alternatives analysis for the new southern extension of light rail service in Sacramento. Additionally, the bill will jump start a new electric trolley bus system for Sacramento. The electric trolley bus will be a joint venture between the Sacramento Regional Transit District and the Sacramento Municipal Utility District. Electric trolley buses will help alleviate the air quality problems that the Sacramento area now faces by fielding cleaner running buses in the local transit system.

On the whole, H.R. 5518 is a fair and balanced bill. I commend Chairman LEHMAN and the ranking member, Mr. COUGHLIN, for their leadership on transportation issues. We will miss them both as they are retiring at the end of this year. I wish them both well in the future.

Mr. Chairman, I urge my colleagues to support the bill.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 5518.

This Member would like to direct commendations to the distinguished gentleman from Florida [Mr. LEHMAN], the chairman of the subcommittee, and the distinguished gentleman from Pennsylvania [Mr. COUGHLIN], the ranking member of the subcommittee, for their exceptional work in bringing this bill to the floor. This Member is very grateful for the support they have shown to Nebraska over the years and also for their overall efforts to improve the country's infrastructure. They have certainly made a positive difference in Congress and in this country and their tireless dedication will be greatly missed since they have chosen not to seek reelection.

This appropriations bill strikes an appropriate balance between dire concerns about the Federal deficit and transportation needs of the United States. The bill also reflects an emphasis on the overall needs of the Nation as well as addressing local and regional transportation issues and projects.

Specifically, this Member would like to thank the committee and subcommittee for recognizing and proposing to act upon the long-term need for a bridge between Newcastle, NE, and Vermillion, SD. For six decades, the prospect of constructing a bridge in the Newcastle-Vermillion area has enjoyed widespread support. An impressive coalition of community organizations, local governments, businesses, and individuals from both Nebraska and South Dakota has joined together in support of this bridge.

Such a bistate consensus is possible because the benefits resulting from the bridge's construction are so clear. These benefits include increased economic development, enhanced recreational opportunities, improved access to health care, and a reduction in transportation costs. Also, the construction of this bridge will improve the general quality of life for the area's residents by creating additional opportunities for higher education and cultural and social activities.

Due to the current lack of a bridge, communities in northeast Nebraska and southeast South Dakota—including Vermillion, SD, the location of the University of South Dakota—have remained isolated from each other despite their proximity. As a result, economic activity in the region has been hampered and labor and commerce options have been limited. Clearly, the completion of this bridge across the Missouri River will be a significant aid in attracting new businesses to the area.

This Member would also like to thank his distinguished colleague from South Dakota [Mr. JOHNSON] for his outstanding efforts and cooperation with this Member on behalf of this bridge project. The completion of this bridge will play an important role in facilitating an interdependence between communities in Nebraska and South Dakota and Mr. JOHNSON deserves recognition for the important role he has played in bringing this goal closer to reality. It has been a pleasure to continue the close and good cooperation on this and other bistate projects and issues.

This Member also wished to express his appreciation for the report language which urges priority status for grant applications for a number of airport projects including Nebraska City and York, NE. This language is added to cause the Nebraska Department of Aeronautics and the Federal Aviation Administration to give priority to these projects in order to better ensure quality air service for these communities. This Member hopes that the agencies will take quite seriously this expression of legislative intent rather than repeating excuses why action cannot be taken expeditiously.

This Member would like to briefly explain the circumstances which necessitate this statement of proposed priority. Prior to construction of the airport in York, this Member made the case that the runway should be built of sufficient length to handle the company jets of businesses vital to the economic development of the area. This, however, was not approved by Nebraska's Department of Aeronautics. Now, year after year, the community's needs for such a runway is frustrated by a priority system which does not elevate this project high enough to receive approval.

Second, a higher priority is necessary for the Nebraska City Airport so that sufficient funds will be available for buying an FAA-approved parcel. The airport authority is currently unable to purchase the parcel due to an appraisal that was substantially higher than initially planned due to court challenges of the initial land appraisals. Without additional funds, the scope of the airport project and the air safety of the airport will be greatly and unacceptably limited. The current level of funds would require one runway to be a much shorter runway than will eventually be required. It would be causing the same mistake and inadequacies made when the York Airport was constructed.

Mr. Chairman, in conclusion, this Member urges strong support for H.R. 5518 and urges his colleagues to approve it.

Mr. GOSS. Mr. Chairman, I am here to defend the integrity of the budgetary firewalls, part of the so-called budget deal that I voted against 2 years ago. Make no mistake, the 1990 budget agreement was a grave error. We were promised that this agreement was the tool we needed to reduce the deficit; what we have seen over the past 2 years is that it was the tool the majority of Congress needed to justify raising taxes and increase spending.

Let's cut through the rhetoric and take a look at the numbers: In 1989, the year before the agreement was struck, the deficit stood at $152 billion, down from 155 billion the previous year. Since then, the figure has rocketed upward, to $220 billion, $269 billion, and now to $400 billion—and with no end in sight.

Given the history of the budget agreement, some may ask why I am supporting any part of it. The answer is simple and unoriginal, but bears repeating: The firewalls that were established between the three budget categories are now the only barrier preventing the majority of these two bodies from spending this country even further into debt. They are the last modicum of protection that the American taxpayers have against further encroachment on their pocketbooks.

Mr. Chairman, we have heard many members stand up in support of allowing this temporary breach of the budget agreement. We have heard the usual rationalization for excessive spending, namely: Jobs for the American

worker. Behind the scenes, lobbyists and interest groups have been hard at work trying to convince me to sell out my principles and my constituents for a promised $77 million aimed in the general direction of the State of Florida.

There's no doubt that Florida deserves an increased share of the Federal pie—especially when it comes to transportation dollars—our State holds the dubious honor of being 56th out of the 56 State and territorial tax entities in terms of return on our tax dollars. Many of my colleagues will remember how hard this Member and our entire delegation fought to change the unfair and discriminatory funding formulas that leave Florida in the donor-State rut year after year after year, despite our size and tremendous growth. We fought and we lost—and we will continue fighting to bring fairness back into the system.

But we will not be bought off. Yes, Florida deserves more Federal highway funds, but not at the expense of all budget constraint and responsibility. This Congress has proven over and over that it is incapable and unwilling to curb spending—to live within our Nation's means and to make tough choices. This amendment to break down the firewalls is just one more example of that trend.

I urge my colleagues to look beyond the short-term, short-sighted goals of the Obey amendment, and to reaffirm our commitment to jobs and security for the American people through sound fiscal policy, rather than the smoke-and-mirrors approach being considered today.

Mrs. UNSOELD. Mr. Chairman, last year I supported the transportation appropriations bill even though it contained requirements that pilots be tested for drug use. For the last year, I have been intending to educate this body on the concept of performance testing in lieu of the invasive, humiliating requirement of drug testing.

Performance testing does not analyze urine, blood, or hair. A computer specifically measures proper neuromuscular response time and coordination based on the individual's normal reactions. The computer immediately registers impairment of any type, including emotional trauma, alcohol consumption, or drug use. With this program, employees could be tested when they report for work or a supervisor can pull a person from his or her job immediately—rather than waiting for the results of a drug test from a lab to be returned.

More lives can be saved and more of our constitutional protections against Government invasion salvaged with performance testing. While we do not have the option of voting for performance testing in today's bill, I urge my colleagues to explore with me how we can move away from the very false security of drug testing and toward performance testing.

Mr. RAHALL. Mr. Chairman, I rise in support of H.R. 5518, the transportation appropriations bill for fiscal year 1993.

Mr. Chairman, over the past year or more, the Committee on Public Works and Transportation worked intensely to fashion a reauthorization of the Federal-aid to Highways Program—the Surface Transportation Act—addressing the transportation infrastructure needs of this Nation.

Known popularly as ICE–TEA, the Intermodal Surface Transportation and Efficiency Act enacted into law in December last year, held out the only hope of getting funds down to the States that would, in absolute effect, create millions of jobs. For every one of the $151 billion authorized, 50,000 jobs could be created, if the bill is fully funded over the next 6 years.

Mr. Chairman, I know how difficult it was for you to try to find a sufficient amount of money in our budget to adequately fund necessary transportation and transit programs under pay-as-you-go budgetary requirements.

I wholeheartedly support the Obey amendment which, technically, takes down the firewalls in the 1990 budget agreement, and I can do so with impunity since I voted against the 1990 budget summit agreement that put up firewalls in the first place.

As we worked long nights and weekends putting ISTEA together late last year, the unemployment situation was worsening, and we were still deep in the recession. Now, today, while we make an effort to secure additional, desperately needed funds for ISTEA, unemployment has risen once again to the highest rates since the recession began.

ISTEA, Mr. Chairman, is and always was, in the words of our esteemed subcommittee chairman NORMAN MINETA, a jobs bill. That is what it was intended to be, and it is the only such bill this Congress has thus far produced that can, and will if funded, give States and localities the chance to create jobs, put people to work, and help provide millions of unemployed with the dignity of a paycheck and a quality life that has been too long deferred.

Mr. Chairman, I strongly support the amendment offered by the gentleman from Wisconsin [Mr. OBEY], as a substantive measure to use decisions already made by the House on foreign aid to allow additional investment in American infrastructure and jobs.

The amendment does not come near to restoring the $5.5 billion cut in funding in the appropriations bill as reported to the House, that figure representing a 23-percent cut in trust fund supported highway programs. But the amendment will give us $2.5 billion—creating almost 250,000 new jobs. The amendment does not use new money. It is a tightly targeted use of the $400 million in outlays that was cut by the House from the foreign operations appropriations for investment in our own Nation—boosting the economy from one end of this country to the other.

Just last year, the Federal Highway Administration reported that more than $40 billion is needed simply to maintain our highways and bridges, our transit systems, in their current conditions.

Of the new dollars made possible under the Obey amendment, we will use 90 percent of the budget authority for the highway programs, and 10 percent for transit.

Mr. Chairman, let me once again convey to you my thanks and appreciation for the appropriations bill you have reported. No one, and least of all me, thinks that you could have done more under the circumstances, given the spending caps imposed on your subcommittee. You did the best you could and that was very good indeed.

H.R. 5518 as reported, increased the funding level for our State demonstration projects by 18 percent of the total costs of all such projects. This is immensely important to my State and my district.

The bill as reported provides a total of $3.789 billion for transit, an increase of some $27.5 million more than in fiscal year 1992. During our committee's work on ISTEA, it was my privilege to have won approval of increases in allocations for section 9b and section 18, small urban and rural transit programs. Because my State suffered heavy losses in population under the new census counts, these increases in funding allocations have not yet shown up on the transit side in West Virginia, but I believe that, if we are able to continue even modest increases in transit funding over the next few years, my State's transit allocations will begin to improve. I hope so, because West Virginia has no large urban areas, which receive 85 percent of transit funds. Under ISTEA, I was able to get section 9b, small urban allocations, increased from 8.6 percent to 9.36 percent, and for section 18, rural, the increase went from 2.9 percent to 5.5 percent of appropriated funds.

In order for transit programs to work as envisioned under ISTEA we must consider the financial bind that States and localities find themselves in with regard to matching fund requirements. In an amendment to be offered today, and which I support, we will permit the FTA to waive State and local matching requirements for certain mass transit programs in fiscal year 1993. There is a requirement that these matching funds be repaid at a later date. This amendment will give State and local transit officials the breathing room they need to go forward with improved and upgraded transit services, without having to delay such projects because matching State and local funds are not available to trigger use of the Federal transit allocations.

Aviation programs under the bill, as reported, were given a total funding level of $9.034 billion for the FAA, an increase of $162 million from fiscal year 1992 levels.

Also under consideration today, Mr. Chairman, is an amendment requiring the FAA to issue regulations which establish specified time limits on the amount of time that airline flight attendants must be on duty, as well as minimum required rest periods. As a strong supporter of H.R. 14 which passed the House last August, I also strongly support adoption of this amendment. I commend the chairman of our Surface Transportation Subcommittee for bringing this matter up for consideration at this time.

Mr. Chairman, there will be an amendment offered today to shift any funds saved under the international—foreign—affairs function of the budget to deficit reduction, rather than for our use here at home to help stabilize the economy and create jobs.

It is good to keep in mind, and to remind our colleagues, that surface transportation programs are financed to a large extent by dedicated taxes, collected from highway users to improve the roads and bridges upon which they rely for business, for industry, for pleasure. If it were not for budget walls and pay-as-you-go, along with spending ceilings and caps throughout the 1990 budget agreement, perhaps we could obligate more of the trust funds to highways and transit, making the Obey amendment unnecessary.

Why can't we? Because the highway users who are paying an extra 5 cents per gallon at the gas pump in order to maintain and improve the transportation system they use and depend upon, have had one-half of that nickel arbitrarily taken away from its dedicated use, and placed in the general fund for deficit reduction instead of in the highway trust fund where it could do the most good. I have no need to stand on this floor today to hear demands that a mere $400 million in foreign aid outlays should not be sent on transportation, when the House has already voted not to spend it overseas. The American people are kicking in 2½ cents on every gallon of gasoline they buy to help us reduce the deficit and I daresay every one of them would applaud our use of both foreign aid dollars and defense dollars, if they could, for domestic needs.

I would be remiss here, if I did not again thank our able Public Works and Transportation Committee chairman, BOB ROE, for his unstinting efforts last year to secure approval of a Nickel for America which allows us to be here today even talking about increased funding for our Nation's transportation needs. I applaud his courage in calling for the Nickel for America to help pay for the Nation's infrastructure needs.

The ISTEA was intended to obligate the trust fund surpluses to the greatest extent possible, to fund highway, bridge, and transit system improvements. It was understood that for every dollar authorized, jobs would be created and economic development would be assured.

I cannot stress too often that one of the major side effects of full and adequate funding for the highway bill is that it does, it will, create jobs—and this Congress must do something in that direction before it is too late. The only chance for job creation we have this year, and for the next 5 years, is to fullly fund ISTEA. It's that simple, Mr. Chairman, for despite our calls for enactment of a jobs bill, we see nothing on the horizon that even comes close to what is possible under ISTEA.

I want to thank Chairman LEHMAN, for his valiant efforts to stretch the budget he was given to work with, and for doing so in a manner that, even with funding shortfalls, would have still made a big difference in our States and congressional districts with respect to creating jobs and boosting the economy nationally. I know that he used the dollars he was given in the best possible way, for I know that he takes seriously the mantle of responsibility he wears in the name of transportation year-in and year-out for these many years.

Mr. Chairman, I pause to pay tribute to you and the wisdom you have brought to the debate on highway development over the years. You have announced your retirement, and you will be sorely missed. I take this opportunity to tell you that your contribution to our Nation's transportation system is too enormous to put into words—but words won't be necessary for we will always remember and think of you each time we take to the roads and byways of this country. In the coming decades, we and our children and grandchildren will look upon the remarkable improvements in transportation we have achieved, made possible solely as a result of your able stewardship as chairman of the Transportation Appropriations Subcommittee, it will be your name, Mr. Chairman, that comes most to mind. You have left us a great legacy, and we are grateful.

Mr. Chairman, I support H.R. 5518, and the Obey amendment, and I commend that gentleman, as well as the leadership of our Public Works and Transportation Committee, for their efforts to fashion this use of foreign aid funds so that all of America can benefit. I can think of no better or wiser use of foreign aid dollars, than their use here at home at a time when our people are in such great need.

I recommend this bill to my colleagues, urge their support, and hope that the bill do pass.

Mr. RAMSTAD. Mr. Chairman, I rise today in reluctant opposition to the transportation appropriation bill for fiscal year 1993.

Transportation appropriations bills are notorious for the level of pork barrel spending they include. Regrettably, considering our Nation's $400 billion budget deficit and $4 trillion debt, this bill is no different.

Some of the most notable pork projects in this bill include $1 million for two bike paths in Florida, $680,000 for a bypass in the Virgin Islands, $800,000 for a transportation center in Missouri, $4 million for a bridge linking Nebraska and South Dakota, $3 million for an access ramp in New Jersey, and others. Funding for these parochial projects undercuts important programs through which States can apply funds flexibly to areas with greatest transportation needs.

In addition, this bill appropriates hundreds of millions of dollars for light rail and other mass transit projects from Baltimore to Dallas to Honolulu. The $640 million funded and earmarked by the bill will be spent on projects that have not been thoroughly reviewed and properly analyzed.

For example, the bill would provide $18 million for a Seattle-Tacoma commuter rail project for which an alternatives analysis has not been initiated and which appears to compete with high-occupancy-vehicle lanes and a rail system proposed for the same traffic corridor.

Mr. Chairman, I don't dispute the merit of every single project I have noted, but I reject the method by which they were inserted into the bill by the committee, without careful consideration and without regard to their costly impact on the already serious fiscal crisis facing our Nation.

Mr. Chairman, H.R. 5518 punctuates this body's inability to move away from politics-as-usual. Just last month, Congress rejected a balanced budget amendment, with opponents arguing that constitutional action was unnecessary because the deficit crisis could be solved with congressional discipline. They contended that a constitutional amendment would delay action, when immediate action was desperately needed.

This pork-filled bill demonstrates the emptiness of this argument. Passage of this bill is another example of the continuing lack of fiscal discipline and dedication on the part of Congress to taking action on the deficit.

Mr. Chairman, it is time for Congress to start making tough decisions, replace smart politics with good policy, and vote against a bill that could cut more spending and lift some of the excessive burden from American taxpayers. I urge my colleagues to reject H.R. 5518.

Mr. RICHARDSON. Mr. Chairman, today I rise to express my strong support for the fiscal year 1993 transportation appropriations bill. I commend my colleague, Chairman WILLIAM LEHMAN, for his hard work and dedication in putting forth a strong appropriations bill that will go a long way in supporting, expanding and improving our Nation's infrastructure. I think it is also appropriate to point out that, in these current economic times and budgetary constraints, that this legislation falls within the caps set by the 1992 budget agreement.

I am particularly pleased that funds have been provided to implement mass transit programs in both Santa Fe and Rio Rancho, New Mexico. It is vital to our Nation's economy that we work to link our urban and rural areas together. The funding provided in this legislation will greatly benefit the citizens of New Mexico by making programs and services more accessible. Additionally, funds have also been provided to assist both the Santa Fe Airport and the Albuquerque International Airport. This funding is important for improvements in safety and services for New Mexico's residents and visitors.

These and other provisions included in this legislation provide much needed improvements to New Mexico's roads, highways, and airports. Mr. Chairman, this legislation is critical for the residents of my district, the State of New Mexico and our Nation's infrastructure. I urge my colleagues to support it.

Mr. AUCOIN. Mr. Chairman, I rise in support of H.R. 5518 and I urge my colleagues to support this bill. I want to express my appreciation to the members and staff of the Transportation Appropriations Subcommittee for their outstanding work on this bill. As a former subcommittee member, I know from personal experience that the subcommittee works very hard at a demanding job.

I want to commend Chairman BILL LEHMAN, who is quite simply a model chairman—dedicated, diligent, and fair. I value his friendship and I have the highest respect for his efforts to defend sound transportation policies throughout the 1980's and 1990's. His work on transit issues has been very important to the entire nation and to my home city of Portland.

Portland is justifiably proud of its MAX light rail system, which has been a spectacular popular success since it opened in 1987. BILL LEHMAN is one of the heroes of this story because of his strong support for the Federal Transit Program and his help for MAX on appropriations bills going back to 1981. Mr. Chairman, thank you. The House and the Nation will miss you.

One of the subcommittee's strengths has been the close relationship between Chairman LEHMAN and LARRY COUGHLIN, the ranking Republican. I am also grateful for Mr. COUGHLIN's help and friendship over the years.

Finally, my thanks to Tom Kingfield, Rich Efford, Linda Muir, and Lucy Hand for their work.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, unless otherwise specified in House report 102-659, debate on each amendment to title I or title II of the bill, and any amendments thereto, shall be limited to 20 minutes.

It shall be in order to consider the amendments printed in House Report 102-659. Each amendment may be offered only the proponent or a designee, shall be considered as read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

The amendments specified in House report 102-659 to be offered by the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Wisconsin [Mr. OBEY] may be considered en bloc.

The Chairman of the Committee of the Whole may recognize for the consideration of the amendments printed in part 1 of the report a proponent at any time, but not sooner than 1 hour after the floor manager of the bill announces from the floor a request to that effect.

The amendments printed in part 1 of the report shall be considered in the order printed. If both of the amendments numbered 1 and 2 printed in part 1 of the report are adopted, only the second to be adopted shall be considered as finally adopted and reported to the House.

The Clerk will read.

The Clerk read as follows:

H.R. 5518

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,435,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $427,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $7,140,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Policy and International Affairs, $9,080,000.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $2,921,000, including not to exceed $40,000 for allocation within the Department of official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,340,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $31,268,000, of which $3,668,000 shall remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Public Affairs, $1,546,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $965,000.

CONTRACT APPEALS BOARD

For necessary expenses of the Contract Appeals Board, $636,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $1,520,000.

OFFICE OF ESSENTIAL AIR SERVICE

For necessary expenses of the Office of Essential Air Service, $1,545,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $953,000: *Provided*, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,265,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, $3,025,000.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

For necessary expenses for operations and research activities related to commercial space transportation, $4,364,000, of which $1,200,000 shall remain available until expended: *Provided*, That, notwithstanding any other provision of law, there may be credited to this account up to $300,000 received from user fees established for regulatory services.

POINT OF ORDER

Mr. BROWN. Mr. Chairman, I make a point of order with regard to the language at line 24 on page 4 and continuing to line 2 on page 5, that it constitutes legislation in an appropriation bill and is in violation of clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Florida [Mr. LEHMAN] desire to be heard on the point of order?

Mr. LEHMAN of Florida. Mr. Chairman, the gentleman is correct, and the subcommittee concedes the point of order.

The CHAIRMAN (Mr. BOUCHER). The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed $94,000,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriations Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, $38,600,000, to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of $38,600,000 for the Payments to Air Carriers program in fiscal year 1993: *Provided further*, That none of the funds in this Act shall be available for service to communities not receiving such service during fiscal year 1991, unless such communities are otherwise eligible for new service, provide the required local match and are no more than 200 miles from a large hub airport: *Provided further*, That none of the funds in this Act shall be available to increase the service levels to communities receiving service unless the Secretary of Transportation certifies in writing that such increased service levels are estimated to result in self-sufficiency within three years of initiation of the increased level of service.

AMENDMENT OFFERED BY MR. SABO

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

The Clerk read as follows:

Amendment offered by Mr. SABO: Page 6, line 2, strike "provide the required local match and are no more than 200 miles from a large hub airport:" and insert "and provide the required local match:".

Mr. SABO. Mr. Chairman, the amendment simply makes technical corrections in the essential air service. It does not increase the funding in the program.

Mr. LEHMAN of Florida. Mr. Chairman, the chairman of the subcommittee has no objections to this amendment. We accept the amendment as far as the Chair is concerned.

Mr. COUGHLIN. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. SABO].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RENTAL PAYMENTS

For necessary expenses for rental of headquarters and field space and related services assessed by the General Services Administra-

tion, $111,970,000: *Provided*, That of this amount, $16,225,000 shall be derived from the Highway Trust Fund, $29,887,000 shall be derived from the Airport and Airway Trust Fund, $481,000 shall be derived from the Pipeline Safety Fund, and $16,000 shall be derived from the Harbor Maintenance Trust Fund.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $300,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $7,500,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed eight passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,515,739,000, of which $156,600,000 shall be transferred from the Department of Defense; of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which $30,000,000 shall be expended from the Boat Safety Account: *Provided*, That the number of aircraft on hand at any one time shall not exceed two hundred and twenty-three, exclusive of planes and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $384,600,000, of which $19,250,000 shall be derived from the Oil Spill Liability Trust Fund; of which $104,500,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 1997; $53,400,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1995; $67,650,000 shall be available for other equipment, to remain available until September 30, 1995; $122,550,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1995; and $36,500,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1993.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $21,500,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $11,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $519,700,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $74,100,000, of which $50,000,000 shall be transferred from the Department of Defense.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $27,930,000, to remain available until expended, of which $4,550,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92-75, as amended, $30,000,000, to be derived from the Boat Safety Account and to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, $4,538,000,000, of which $2,279,321,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That none of these funds shall be available for new applicants for the second career training program: *Provided further*, That, of the funds available under this head, $2,000,000 shall be made available for the Mid-American Aviation Resource Consortium in Minnesota to operate an air traffic controller training program: *Provided further*, That funds may be used to enter into a grant agreement with a non-profit standard setting organization to assist in the development of aviation safety standards.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized by the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,459,860,000, of which $2,275,903,000 shall remain available until September 30, 1995, and of which $183,957,000 shall remain available until September 30, 1994: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That with appropriations made for the Airway Science program, as authorized below in this section, the Federal Aviation Administration may hereafter enter into competitive grant agreements with institutions of higher education having airway science curricula, for the Federal share of the allowable direct costs of the following categories of items, to the extent that such items are in support of airway science curricula: (a) the construction, purchase, or lease with option to purchase, of buildings and associated facilities, and (b) instructional materials and equipment. Such funds are hereby authorized to be appropriated and may remain available until expended. The Federal Aviation Administration shall establish guidelines for determining the direct costs allowable under grants to be made pursuant to this section. The maximum Federal share of the allowable cost of any project assisted by such grants shall be 50 percent.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $236,856,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law author-

izing such obligations, and obligations for noise compatibility planning and programs, $1,800,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of $1,800,000,000 in fiscal year 1993 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended, of which not to exceed $196,313,800 shall be available for letters of intent issued prior to June 30, 1992.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program set forth in the budget for the current fiscal year for aviation insurance activities under title XIII of the Federal Aviation Act of 1958.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). None of the funds in this Act shall be available for activities under this head the obligations for which are in excess of $9,970,000 during fiscal year 1993. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration not to exceed $351,200,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed $115,000,000 of the amount provided herein shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities, and private sources, for training expenses incurred for non-Federal employees.

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, $10,000,000 to be derived from the Highway Trust Fund: *Provided*, That not to exceed $200,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $10,000,000 in fiscal year 1993 for "Highway-Related Safety Grants".

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of certain railroad-highway crossings demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, $4,580,000, of which $3,053,333 shall be derived from the Highway Trust Fund.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $14,440,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1993.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $18,800,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

During fiscal year 1993 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $42,500,000.

MOTOR CARRIER SAFETY

For necessary expenses to carry out the motor carrier safety functions of the Secretary as authorized by the Department of Transportation Act (80 Stat. 939-940), $51,500,000, of which $3,929,000 shall remain available until expended.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97-424, $65,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $65,000,000 for "Motor Carrier Safety Grants", of which not to exceed $3,000,000 shall be available for activities authorized by section 4008 of Public Law 102-240.

BALTIMORE-WASHINGTON PARKWAY

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 and section 1069 of Public Law 102-240 for the Baltimore-Washington Parkway, to remain available until expended, $10,000,000.

INTERMODAL URBAN DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For necessary expenses to carry out the provisions of section 124 of the Federal-Aid Highway Amendments of 1974, $4,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY SAFETY AND ECONOMIC DEVELOPMENT DEMONSTRATION PROJECTS

(HIGHWAY TRUST FUND)

For necessary expenses to carry out construction projects as authorized by Public Law 99-500 and Public Law 99-591, $8,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY SAFETY IMPROVEMENT DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For the purpose of carrying out a coordinated project of highway improvements in the vicinity of Pontiac and East Lansing, Michigan, that demonstrates methods of enhancing safety and promoting economic development, $7,500,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY WIDENING DEMONSTRATION PROJECT

For necessary expenses to carry out a demonstration project to improve U.S. Route 202 in the vicinity of King of Prussia, Pennsylvania, as authorized by Public Law 100-202, $800,000, to remain available until expended.

HIGHWAY WIDENING AND IMPROVEMENT DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary to carry out a highway project between Paintsville and Prestonsburg, Kentucky, that demonstrates the safety and economic benefits of widening and improving highways in mountainous areas, $1,680,000, to be derived from the Highway Trust Fund and to remain available until expended.

CLIMBING LANE AND HIGHWAY SAFETY DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For 80 percent of the expenses necessary to carry out a highway project on U.S. Route 15 in the vicinity of Tioga County, Pennsylvania, for the purpose of demonstrating methods of improved highway and highway safety construction, $4,800,000, to be derived from the Highway Trust Fund and to remain available until expended.

ALABAMA HIGHWAY BYPASS DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For 80 percent of the expenses necessary for the construction of a highway bypass project in the vicinity of Jasper, Alabama, for the purpose of demonstrating methods of improved highway and highway safety construction, $4,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

KENTUCKY BRIDGE DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For 80 percent of the expenses necessary to replace the Glover Cary Bridge in

Owensboro, Kentucky, for the purpose of demonstrating methods of improved highway and highway safety construction, $8,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

VIRGINIA HOV SAFETY DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For 80 percent of the expenses necessary to construct High Occupancy Vehicle lanes on Interstate Route 66 between U.S. Route 50 and U.S. Route 29, including the construction of an interchange at Interstate Route 66 and the Route 234 Manassas bypass for the purpose of demonstrating methods of increasing highway capacity and safety by the use of highway shoulders to construct HOV lanes, $2,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

URBAN HIGHWAY CORRIDOR AND BICYCLE TRANSPORTATION DEMONSTRATION PROJECTS

(HIGHWAY TRUST FUND)

For 80 percent of the expenses necessary to improve and upgrade the M-59 urban highway corridor in southeast Michigan for the purpose of demonstrating methods of improving congested urban corridors that have been neglected during construction of the Interstate system, $3,860,000, to be derived from the Highway Trust Fund and to remain available until expended, together with $380,000, to be derived from the Highway Trust Fund and to remain available until expended, to provide for 80 percent of the expenses necessary for a bicycle transportation demonstration project in Macomb County, Michigan.

URBAN AIRPORT ACCESS SAFETY DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For 80 percent of the expenses necessary to improve and upgrade access to Detroit Metropolitan Airport in southeast Michigan, $4,800,000, to be derived from the Highway Trust Fund and to remain available until expended, for the purpose of demonstrating methods of improving access to major urban airports.

PENNSYLVANIA RECONSTRUCTION DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For 80 percent of the expenses necessary to upgrade, widen, and reconstruct the sections of Pennsylvania Route 56 known as Haws Pike and the Windber By-Pass, for the purpose of demonstrating methods of promoting economic development and highway safety, $8,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

PENNSYLVANIA TOLL ROAD DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For necessary expenses for the Monongahela Valley Expressway, $4,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That these funds, together with funds made available from the Highway Trust Fund, for Federal participation in the toll highway project being carried out under section 129(j) of title 23, United States Code, in the State of Pennsylvania shall be subject to section 129(j) of such title, relating to Federal share limitation.

HIGHWAY DEMONSTRATION PROJECTS

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for certain highway and bicycle transportation projects and parking facilities, including feasibility and environmental studies, that demonstrate methods of improving safety, reducing congestion, or promoting economic development, $90,600,000, to be derived from the Highway Trust Fund and to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, $76,890,000, to remain available until September 30, 1995.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under 23 U.S.C. 403 and section 2006 of the Intermodal Surface Transportation Efficiency Act of 1991, to be derived from the Highway Trust Fund, $43,250,000, to remain available until September 30, 1995.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 153, 402, 406, 408, and 410, section 2007 of the Intermodal Surface Transportation Efficiency Act of 1991, and section 209 of Public Law 95-599, as amended, to remain available until expended, $152,000,000, to be derived from the Highway Trust Fund: *Provided*, That, notwithstanding subsection 2009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1993, are in excess of $130,300,000 for programs authorized under 23 U.S.C. 402, of which $112,000,000 shall be for "State and community highway safety grants", $12,000,000 shall be for section 153 "Safety belt and motorcycle helmet use" grants, $2,000,000 shall be for section 410 "Alcohol-impaired driving countermeasures" grants, and $4,300,000 shall be for the "National Driver Register": *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $7,700,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further*, That not to exceed $5,153,000 may be available for administering "State and community highway safety grants" and $150,000 may be available for administering section 410: *Provided further*, That, notwithstanding any other provision of law, none of the funds in this Act shall be available for the planning or execution of programs authorized under section 209 of Public Law 95-599, as amended, the total obligations for which are in excess of $4,750,000 in fiscal years 1982 through 1993.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $17,385,000, of which $1,895,000 shall remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $40,090,000, of which $1,335,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from non-Federal sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities other than State rail safety inspectors participating in training pursuant to section 206 of the Federal Railroad Safety Act of 1970.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $14,800,000, to remain available until expended: *Provided*, That up to $600,000 shall be made available to support, by financial assistance agreement, railroad-highway grade crossing safety programs, including Operation Lifesaver: *Provided further*, That $100,000 is available until expended to support by financial assistance agreement railroad metallurgical and welding studies at the Oregon Graduate Institute.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C 601, to remain available until expended, $405,000,000, of which $331,000,000 shall be available for operating losses incurred by the Corporation and for labor protection costs, and of which $74,000,000, not to become available until July 1, 1993, shall be available for capital improvements: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further*, That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1993: *Provided further*, That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e):

Provided further, That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 75 per centum of the short-term avoidable costs of operating such service in the third year of operation: *Provided further*, That none of the funds provided in this or any other Act shall be made available to finance the acquisition and rehabilitation of a line, and construction necessary to facilitate improved rail passenger service, between Spuyten Duyvil, New York, and the main line of the Northeast Corridor unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-Amtrak sources.

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

To enable the Secretary of Transportation to pay obligations and liabilities of the National Railroad Passenger Corporation, $146,000,000, to remain available until expended: *Provided*, That this amount is available only for the payment of: (1) tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in fiscal year 1993 in excess of amounts needed to fund benefits for individuals who retired from the National Railroad Passenger Corporation and for their beneficiaries; (2) obligations of the National Railroad Passenger Corporation under section 358(a) of title 45, United States Code, due in fiscal year 1993 in excess of its obligations calculated on an experience-rated basis; and (3) obligations of the National Railroad Passenger Corporation due under section 3321 of the Internal Revenue Code of 1986.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That no new loan guarantee commitments shall be made during fiscal year 1993: *Provided further*, That, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts realized from the sale of notes or securities sold under authority of this section shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That any underwriting fees and related expenses shall be derived solely from the proceeds of the sales.

CONRAIL COMMUTER TRANSITION ASSISTANCE

For necessary capital expenses of Conrail commuter transition assistance, not otherwise provided for, $7,000,000, to remain available until expended.

AMTRAK CORRIDOR IMPROVEMENT LOANS

For the cost of direct loans to the Chicago, Missouri and Western Railroad, or its successors, to replace existing jointed rail with continuous welded rail between Joliet and Granite City, Illinois, $844,200: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,500,000: *Provided further*, That any loan authorized under this section shall be structured with a maximum 20-year payment at an annual interest rate of 4 per centum: *Provided further*, That the Federal Government shall hold a first and prior purchase money security interest with respect to any materials to be acquired with Federal funds: *Provided further*, That any such loan shall be matched on a dollar for dollar basis by the State of Illinois: *Provided further*, That any such loan shall be made available no later than thirty days after enactment of this Act.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the planning or execution of the National Magnetic Levitation Prototype Development program as defined in subsections 1036(b) and 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991.

HIGH-SPEED GROUND TRANSPORTATION

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of the High-Speed Ground Transportation program as defined in subsections 1036(c) and 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, $2,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $5,000,000 for the "High-Speed Ground Transportation" program.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by the Federal Transit Act and 23 U.S.C. chapter 1 in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $13,400,000: *Provided*, That no more than $38,550,000 of budget authority shall be available for these purposes.

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9, 16(b)(2), and 18 of the Federal Transit Act, to remain available until expended, $755,125,000: *Provided*, That no more than $1,820,000,000 of budget authority shall be available for these purposes: *Provided further*, That, notwithstanding any other provision of law, of the funds provided under this head for formula grants no more than $720,000,000 may be used for operating assistance under section 9(k)(2) of the Federal Transit Act.

UNIVERSITY TRANSPORTATION CENTERS

For necessary expenses for university transportation centers as authorized by section 11(b) of the Federal Transit Act, to remain available until expended, $2,025,000: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses for transit planning and research as authorized by section 26 of the Federal Transit Act, to remain available until expended, $29,000,000: *Provided*, That no more than $85,000,000 of budget authority shall be available for these purposes.

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21(a) of the Federal Transit Act, $1,150,000,000, to remain available until expended and to be derived from the Highway Trust Fund: *Provided*, That $25,150,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's administrative expenses account: *Provided further*, That $1,064,875,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account: *Provided further*, That $3,975,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's university transportation centers account: *Provided further*, That $56,000,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's transit planning and research account.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $1,600,000,000 in fiscal year 1993 for grants under the contract authority authorized in section 21 (b) of the Federal Transit Act: *Provided further*, That, notwithstanding any other provision of law, of that amount there shall be available for new fixed guideway systems—

not less than $35,000,000 for the Atlanta MARTA North Line Extension Project;

not less than $25,000,000 for the Baltimore LRT Extensions Project;

not less than $45,000,000 for the South Boston Piers Transitway Project;

not less than $25,000,000 for the Chicago Central Area Connector Project;

not less than $1,500,000 for the Cleveland Dual Hub Corridor Project;

not less than $50,000,000 for the Dallas South Oak Cliff LRT Project;

not less than $40,000,000 for the Honolulu Rapid Transit Starter Line of Projects;

not less than $40,000,000 for the Houston Regional Bus Plan Program of Projects;

not less than $10,000,000 for the Jacksonville ASE Extension Project;

not less than $110,000,000 for the Los Angeles Metro Rail MOS-2 and MOS-3 Projects;

not less than $10,000,000 for the Maryland Commuter Rail Project, of which $3,000,000 shall be available for the Waldorf Corridor;

not less than $5,434,000 for the Miami Metromover Stage I Completion-Omni/Brickell Project and not less than $2,966,000 to restore urban initiative funds provided to Miami in Public Law 98-473 but transferred to the Metromover Project in 1989;

not less than $35,000,000 for the New Jersey Urban Core Project;

not less than $10,000,000 for the New York Queens Connection Project;

not less than $2,900,000 for the Orlando OSCAR LRT Project;

not less than $700,000 for the Philadelphia Cross County Commuter Rail Project;

not less than $17,000,000 for the Pittsburgh Busway Projects;

not less than $49,000,000 for the Portland Westside LRT Project;

not less than $1,000,000 for the Sacramento LRT Extension Project;

not less than $2,000,000 for the San Diego Mid-Coast Extension Project;

not less than $45,000,000 for the San Francisco Airport BART Extension Project and the Tasman Corridor LRT Project;

not less than $18,000,000 for the Seattle-Tacoma Commuter Rail Project;

not less than $3,000,000 for the Salt Lake City South LRT Project;

not less than $51,000,000 for the St. Louis METRO Link Projects; and

not less than $5,500,000 for the Florida Tri-County Commuter Rail Project.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21 (b) of the Federal Transit Act, administered by the Federal Transit Administration, $1,500,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, $75,000,000, to remain available until expended.

WASHINGTON METRO

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184 and Public Law 101-551, $165,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $11,100,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, and for expenses for conducting research and development, $21,335,000, of which $165,000 shall be derived from the Pipeline Safety Fund, and of which $1,824,000 shall remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for airline statistics; and up to $1,600,000 in funds received from user fees established to support the electronic tariff filing system: *Provided further*, That not less than $1,282,000 in fees shall be collected under section 106(c)(11) of the Hazardous Materials Transportation Uniform Safety Act of 1990 (49 U.S.C. App. 1805(c)(11)) and deposited in the general fund of the Treasury as offsetting receipts.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program and for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, $14,100,000, to be derived from the Pipeline Safety Fund, of which $7,700,000 shall remain available until expended.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out a training curriculum as authorized by section 117A of the Hazardous Materials Transportation Act, as amended, $850,000, to be derived from the Emergency Preparedness Fund and to remain available until expended.

ALASKA PIPELINE TASK FORCE

(OIL SPILL LIABILITY TRUST FUND)

For necessary expenses to support a Presidential Task Force audit of the Trans-Alaska Pipeline System, as required by title VIII of the Oil Pollution Act of 1990, $360,000, to be derived from the Oil Spill Liability Trust Fund and to remain available until expended.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $38,000,000.

□ 1320

Mr. LEHMAN of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there points of order against the remainder of title I?

Are there amendments to the remainder of title I?

Mr. PENNY. Mr. Chairman, if I might, and this is strictly for discussion purposes only, I ask unanimous consent to return to page 11, line 2, for purposes of offering an amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. PENNY

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

The Clerk read as follows:

Amendment offered by Mr. PENNY: Page 11, line 2, strike "$4,538,000,000" and insert "$4,537,000,000".

The CHAIRMAN. Under the rule, the gentleman from Minnesota [Mr. PENNY] will be recognized for 10 minutes, and a Member opposed will also be recognized for 10 minutes.

Is there a Member seeking the 10 minutes in opposition to the amendment?

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. PENNY] will be recognized for 10 minutes, and the gentleman from Florida [Mr. LEHMAN] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I simply want to take this time to discuss the issue of flight training lessons that are provided to personnel at the Department of Transportation.

As the chairman and the ranking member will recall, last year together with the gentleman from North Dakota [Mr. DORGAN] we suggested an amendment in this area because of our concern that far too many high-level Department officials at the Department of Transportation were benefiting from flying lessons. Our view was that we should not have all of America's taxpayers subsidizing flying lessons for these top level bureaucrats.

I do understand the underlying purpose of this flight training program is to provide training services to many, many personnel in the Department who are involved in testing the safety of airplanes and other safety-related purposes.

We frankly understand the need for that kind of ongoing training and were not out last year to cut the ability of the Department of Transportation to provide for appropriate personnel in that regard; however, we did want to draw attention to the issue. We were disappointed last year to be rebuffed by the committee in our effort to make some cost reductions in this area.

I would simply ask the chairman of the committee to respond if he might in terms of the work that the committee has done this year to address reductions in this budget as a way of cutting the part of the expenditures for flight training that were making it possible for some of these high-level executives in the Department to get free flight lessons at the taxpayers expense.

Mr. LEHMAN of Florida. Mr. Chairman, if the gentleman will yield, I think the gentleman's concern is sincere; however, I think the gentleman also realizes that we have reduced this appropriation by $1.5 million, which should be enough to resolve this problem. I will continue to work with the gentleman.

Mr. PENNY. Mr. Chairman, I would yield to the gentleman from Pennsylvania [Mr. COUGHLIN] in further discussion of this point. I think here again it is my understanding that there was a $1.5 million reduction from the request of the Department for $7.3 million in this area, leaving the final appropriation at $5.8 million. That reduction was designed to eliminate the free flight lessons that were available

to those who were not directly involved in the kind of safety and inspection programs that the Department needs to carry out.

Mr. COUGHLIN. Mr. Chairman, if the gentleman will yield, the gentleman is correct in terms of the reduction that was made.

I do think it is a little misleading to say that these funds are for free flight lessons. By far the vast majority of these funds are to maintain the proficiency of FAA employees who are indeed pilots who need to use the airways to have the experience of how the aviation and the air traffic control system works. It is very important that these employees of the Department have hands-on experience in operating in the system. These funds are primarily to provide that experience.

Mr. PENNY. Mr. Chairman, I thank the gentleman for his response.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Chairman, I appreciate the gentleman yielding me this time.

I want to join with my colleague, the gentleman from Pennsylvania, in objecting to the amendment and objecting to the trivialization of an important element of oversight that the executive management of the FAA has over the aviation system, even though it includes sometimes their own training in proficiency, their own check rides, their biannual check rides to make sure they are current and safe.

I can assure the gentleman from Minnesota that if any such trivial examples come to our attention in the future, we will pursue them with vigor, because we do not want the taxpayers' money being used in frivolous and trivial ways.

□ 1330

But I have looked into this myself. The gentleman and I might disagree over which level of executive needs to know and how that is helpful in their day-to-day duty. As of yet, I have not been able to find a specific example of free flight lessons, trivial flight lessons.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Again, Mr. Chairman, I do want to acknowledge that the committee has achieved a $1.5 million cut in this part of the budget, and I do acknowledge that the vast majority of the funding in this area does go to help our aviation safety inspectors. That is something we would all want to support. To the degree that there have been others, including high-level executives in the department who have received flight training, with less money next year it is going to be less likely that anyone other than the inspectors will be funded in this flight training category.

I appreciate the work of the committee in this regard.

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

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

There was no objection.

The CHAIRMAN. Are there further amendments to the balance of title I?

For what purpose does the gentleman from Florida rise?

Mr. LEHMAN of Florida. Mr. Chairman, pursuant to the requirements of the rule, I notify the House that amendments printed in part 1 of the Rules Committee report be called up no sooner than 1 hour.

The CHAIRMAN. Pursuant to the rule, the gentleman's notice is received.

Are their additional amendments to the balance of title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $3,200,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $36,000,000, of which not to exceed $1,000 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), and not to exceed $1,500 for official reception and representation expenses, $43,930,000: *Provided*, That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such: *Provided further*, That $7,300,000 in fees collected in fiscal year 1993 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701 shall be made available to this appropriation in fiscal year 1993.

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $11,000 for official reception and representation expenses of the Board; not to exceed $5,000 for official reception and representation expenses of the Secretary; and not to exceed $30,000 for official reception and representation expenses of the Administrator, $51,150,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That none of these funds may be used for the planning or execution of non-administrative and capital programs the obligations for which are in excess of $530,000,000 in fiscal year 1993: *Provided further*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed thirty-five passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama), the purchase price of which shall not exceed $18,000 per vehicle.

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99-662, $10,400,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed $200,000 shall be available for expenses of administering the rebates.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, $51,663,569: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902)

The CHAIRMAN. For what purpose does the gentleman from Minnesota [Mr. OBERSTAR] rise?

POINT OF ORDER

Mr. OBERSTAR. Mr. Chairman, I make a point of order against section 338 of the bill as legislation in an appropriations bill, in violation of clause 2 of rule XXI of the rules of the House of Representatives.

The CHAIRMAN. The Chair would inform the gentleman that the committee has not reached that point in the bill as of this moment.

The Clerk will read.

The Clerk read as follows:

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by

administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. None of the funds in this or any previous or subsequent Act shall be available for the planning or implementation of any change in the current Federal status of the Volpe National Transportation Systems Center, and none of the funds in this Act shall be available for the implementation of any change in the current Federal status of the Turner-Fairbank Highway Research Center: *Provided*, That the Secretary may plan for further development of the Volpe National Transportation Systems Center and for other compatible uses of the Center's real property: *Provided*, That any such planning does not alter the Federal status of the Center's research and development operation.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1993 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1992, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 15 per centum of the total amount distributed to all States under such subsection.

(c) notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction that have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1993, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), 104 and 144 of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102-240; and

(3) not distribute amounts authorized for administrative expenses, the Federal lands highway program, the intelligent vehicle highway systems program, and amounts made available under sections 1040, 1047, 1064, 5003, 6001, 6004, 6005, 6023, and 6024, of Public Law 102-240, and not more than $6,800,000 for section 6006 of Public Law 102-240.

(d) The limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1993 shall not apply to obligations for emergency relief under section 125 of title 23, United States Code; obligations under section 157 of title 23, United States Code; projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97-424, and sections 1103 through 1108 of Public Law 102-240; projects authorized by Public Law 99-500, Public Law 99-591 and Public Law 100-202; or projects covered under subsections 149 (b) and (c) of Public Law 100-17.

(e) Subject to paragraph (c)(2) of this General Provision, a State which after August 1 and on or before September 30 of fiscal year 1993 obligates the amount distributed to such State in that fiscal year under paragraphs (a) and (c) of this General Provision may obligate for Federal-aid highways and highway safety construction on or before September 30, 1993, an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102-240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which are not obligated on the date such State completes obligation of the amount so distributed.

(f) During the period August 2 through September 30, 1993, the aggregate amount which may be obligated by all States pursuant to paragraph (e) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102-240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which would not be obligated in fiscal year 1993 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(g) Paragraph (e) shall not apply to any State which on or after August 1, 1993, has the amount distributed to such State under paragraph (a) for fiscal year 1993 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and twenty political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 312. Not to exceed $400,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 313. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under section 21 of the Federal Transit Act, previously made available for obligation, or to any other authority previously made available for obligation under the Discretionary Grants program.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act shall be available for the construction of, or any other costs related to, the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan.

SEC. 315. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 316. Every 30 days, the Federal Transit Administration shall publish in the Federal Register an announcement of each grant obligated pursuant to sections 3 and 9 of the Federal Transit Act, including the grant number, the grant amount, and the transit property receiving each grant.

SEC. 317. Notwithstanding any other provision of law, funds appropriated in this or any other Act intended for studies, reports, training, salaries, or research, and related costs thereof including necessary capital expenses, including site acquisition, construction and equipment, are available for such purposes to be conducted through contracts, grants, or financial assistance agreements with the educational institutions that are specified in such Acts or in any report accompanying such Acts.

SEC. 318. The Secretary of Transportation shall permit the obligation of not to exceed $4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the Tri-County Commuter Rail Project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

SEC. 319. ESSENTIAL AIR SERVICE COMPENSATION.—Notwithstanding any other provision of law, the Secretary of Transportation shall make payment of compensation under subsection 419 of the Federal Aviation Act of 1958, as amended, only to the extent and in the manner provided in appropriations Acts, at times and in a manner determined by the Secretary to be appropriate, and claims for such compensation shall not arise except in accordance with this provision.

SEC. 320. The authority conferred by section 513(d) of the Airport and Airway Improvement Act of 1982, as amended, to issue letters of intent shall remain in effect subsequent to September 30, 1992. Letters of intent may be issued under such subsection to applicants determined to be qualified under such Act: *Provided*, That, notwithstanding any other provision of law, all such letters of intent in excess of $10,000,000 shall be submitted for approval to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 321. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 8 per centum by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 322. Such sums as may be necessary for fiscal year 1993 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act.

SEC. 323. VESSEL TRAFFIC SAFETY FAIRWAY.—None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 324. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to Federal Aviation Administration design and performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by the Federal Aviation Administration in accordance with agency criteria.

SEC. 325. NATIONAL WEATHER GRAPHICS SYSTEM.—None of the funds made available in this Act may be used by the Federal Aviation Administration for a new National Weather Graphics System.

SEC. 326. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 327. REVOCATION OR SUSPENSION OF DRIVERS' LICENSES OF INDIVIDUALS CONVICTED OF DRUG OFFENSES.—

(a) IN GENERAL.—Section 159 of title 23, United States Code, is amended to read as follows:

"§ 159. Revocation or suspension of drivers' licenses of individuals convicted of drug offenses

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) BEGINNING IN FISCAL YEAR 1994.—For each fiscal year the Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) of section 104(b) on the first day of each fiscal year which begins after the second calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on such date.

"(2) BEGINNING IN FISCAL YEAR 1996.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) of section 104(b) on the first day of each fiscal year which begins after the fourth calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on the first day of such fiscal year.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if—

"(A) the State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

"(i) the revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such law, of—

"(I) any violation of the Controlled Substances Act, or

"(II) any drug offense; and

"(ii) a delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual applies for the issuance or reinstatement of a driver's license if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted; or

"(B) the Governor of the State—

"(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after the effective date of this section a written certification stating that the Governor is opposed to the enactment or enforcement in the State of a law described in subparagraph (A), relating to the revocation, suspension, issuance, or reinstatement of drivers' licenses to convicted drug offenders; and

"(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i).

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1995.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 1995, shall remain available for apportionment to such State as follows:

"(i) If such funds would have been apportioned under section 104(b)(5)(A) but for this section, such funds shall remain available until the end of the fiscal year for which such funds are authorized to be appropriated.

"(ii) If such funds would have been apportioned under section 104(b)(5)(B) but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(iii) If such funds would have been apportioned under paragraph (1), (3), or (5) of section 104(b) but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1995.—No funds withheld under this section from apportionment to any State after September 30, 1995, shall be available for apportionment to such State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements of subsection (a)(3), apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

"(A) Funds which would have been originally apportioned under section 104(b)(5)(A) shall remain available until the end of the fiscal year succeeding the fiscal year in which such funds are apportioned under paragraph (2).

"(B) Funds which would have been originally apportioned under paragraph (1), (3), or (5)(B) of section 104(b) shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5), such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

"(c) DEFINITIONS.—For purposes of this section—

"(1) DRIVER'S LICENSE.—The term 'driver's license' means a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways.

"(2) DRUG OFFENSE.—The term 'drug offense' means any criminal offense which proscribes—

"(A) the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act; or

"(B) the operation of a motor vehicle under the influence of such a substance.

"(3) CONVICTED.—The term 'convicted' includes adjudicated under juvenile proceedings.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) of this section shall take effect November 5, 1990.

SEC. 328. COLLEGIATE TRAINING INITIATIVE.—

(a) The Administrator of the Federal Aviation Administration may hereafter continue the Collegiate Training Initiative program,

by entering into new agreements, and by maintaining existing agreements, with post-secondary educational institutions, as defined by the Administrator, whereby such institutions prepare students for the position of air traffic controller with the Department of Transportation, as defined in 5 U.S.C. 2109.

(b) The Administrator may establish standards for the entry of institutions into such program and for their continued participation in it.

(c) The Administrator may appoint persons who have successfully completed a course of training in such program to the position of air traffic controller noncompetitively in the excepted service, as defined in 5 U.S.C. 2103. Persons so appointed shall serve at the pleasure of the Administrator, subject to 5 U.S.C. 7511(e) (pertaining to adverse actions). However, an appointment under this subsection may be converted from one in the excepted service to a career-conditional or career appointment in the competitive civil service, as defined in 5 U.S.C. 2102, when the incumbent achieves full performance level air traffic controller status, as determined by the Administrator. The authority conferred by this subsection to make new appointments in the excepted service shall expire at the end of five years from the date of enactment of this Act, except that the Administrator may determine to extend such authority for one or more successive one-year periods thereafter.

SEC. 329. CONTROL OF OUTDOOR ADVERTISING.—Section 131(n) of title 23, United States Code, is amended by adding at the end the following new sentence "Funds apportioned to a State under section 104 of this title shall not be treated for purposes of the preceding sentence as being available to the State for making such a payment except to the extent that the State, in its discretion, expends such funds for such a payment.".

SEC. 330. None of the funds in this Act shall be available for planning or executing any rules or regulations to add Passenger Facility Charges to the cost of travel benefits commonly known as "frequent flyer award certificates" or any other bonus program offered by any airline.

SEC. 331. None of the funds provided in this Act shall be made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers.

SEC. 332. None of the funds provided in this Act shall be made available for any criminal history records check program under the Federal Aviation Act of 1958, as amended.

SEC. 333. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Federal Aviation Administration's flight service stations at Red Bluff Airport in Red Bluff, California, Tri-City Airport in Bristol, Tennessee, and Bert Mooney Airport in Butte, Montana.

SEC. 334. Section 1064(e) of Public Law 102-240 is amended by adding "For further purposes of this section, the access road from United States Business Route 75 to the Sugar Island Ferry Service in Chippewa County, Michigan, and the access road from Michigan State Route 31 to the Beaver Island Ferry Service in Charlevoix County, Michigan, shall be treated as principal arterials.".

SEC. 335. From funds appropriated to the Department of Transportation or made available by this Act or any other Act, the Secretary of Transportation shall, notwithstanding any other provision of this Act or any other Act, make available not to exceed $3,000,000 for a transportation resource center at Barry University, Miami Shores, Florida.

SEC. 336. Of the amounts available under the urban high density program for the project designated in the State of Indiana, such amounts may be used for the reconstruction of an interchange of the subject project with the Borman Expressway.

SEC. 337. Notwithstanding any other provision of law, funds made available from the withdrawal of the I-205 bus lanes under section 142 of Public Law 100-17, and previously appropriated funds from the withdrawal are available for locally designated transit projects in Portland, Oregon until expended.

SEC. 338. (a) None of the funds provided in this Act shall be available to implement title V, section 3 of Public Law 102-143 until the Federal Aviation Administration has published a Final Rule reducing the sampling rate for random drug testing of airline employees to 10 percent annually.

(b) Section 614(a)(1) of the Federal Aviation Act of 1958, 101 Stat. 953, is amended by inserting the following before the last sentence therein: "Regulations under this subsection or any other authority shall not require the rate of random testing to exceed, (i) for the use of alcohol, 10 percent annually, or (ii) for the use of controlled substances, 10 percent annually.".

Mr. LEHMAN of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III of this bill be considered as read and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there points of order against the balance of title III of the bill?

For what purpose does the gentleman from Minnesota [Mr. OBERSTAR] rise?

POINT OF ORDER

Mr. OBERSTAR. Mr. Chairman, I make a point of order against section 338 of the bill which is legislation in an appropriation bill and a violation of clause 2 of rule XXI of the rules of the House of Representatives.

The CHAIRMAN (Mr. BOUCHER). Does anyone seek recognition in opposition to the point of order?

If not, for the reasons stated, the Chair rules that the point of order is sustained and the section is stricken.

Are there further points of order to the balance of title III of the bill?

For what purpose does the gentleman from New York [Mr. MCNULTY] rise?

POINT OF ORDER

Mr. MCNULTY. Mr. Chairman, I raise a point of order against the language contained in section 328 on pages 63 and 64 of the bill.

Mr. Chairman, I raise a point of order against the language on the ground that it constitutes legislation on an appropriations bill and, therefore, violates clause 2 of rule XXI.

Section 328 authorizes the Administrator of the Federal Aviation Administration to make certain noncompetitive appointments to the position of air traffic controller and, thereafter, to convert such appointments to the competitive service. Under existing law, applicants for air traffic controller positions must pass a competitive examination administered by the Office of Personnel Management in order to be eligible for appointment.

The legislation clearly proposes to change existing law and, therefore, violates clause 2 of rule XXI.

The CHAIRMAN. Does any Member seek recognition in opposition to the point of order?

For what purpose does the gentleman from Minnesota [Mr. SABO] rise?

Mr. SABO. Mr. Chairman, I frankly have to concede the point of order, but I have to express my deep disappointment that the point of order is raised. This is a provision which deals with a very specialized program of collegiate training of air traffic controllers. It is a unique, experimental program that is working; it is being a model for a new training system for air traffic controllers in this country and a very cost-effective method, a method that provides for well-trained air traffic controllers.

The program is being frustrated by archaic rules of OPM which they are unwilling to change.

So I am disappointed that the point of order is being raised. I think OPM is just clearly wrong. On the other hand, I concede the point of order and would hope that the committee of jurisdiction would be able to get OPM to change their archaic rules which are preventing a very worthwhile and useful program from progressing.

Frankly, what it does is it leaves in the lurch a number of young students who have gone through an extensive training program. Thirty-five of them are currently waiting, who have done their academic training, whom FAA wants to place around the country in needed air traffic controller jobs and simply cannot do it because of archaic OPM rules.

So I express my disappointment.

Mr. Chairman, Members of the House, and Chairman CLAY, I ask that you withdraw your point of order against section 328 of the bill. This provision provides noncompetitive appointments by the Administrator of the Federal Aviation Administration for the position of air traffic controller. This program is very important to the future of our Nation's air traffic control system.

In April 1990, Minnesota began a unique program to train air traffic controllers in an academic setting at the Mid-American Aviation Resource Consortium [MARC]. This was done as an alternative to the Federal Aviation Administration's [FAA] Academy. The program has been supported by Congress for the past 4 years and $2,000,000 has been included in fiscal year 1993.

To date the MARC program has graduated 56 students. The FAA has hired 46 of them and an additional 35 graduates are eligible but unable to be hired because of a hiring freeze in place at the FAA. However, the FAA has positions available for the students and wants

to place them. Students have even been asked to choose the area of the country they would prefer once hiring authority is granted. If this provision is not allowed we will lose these highly trained graduates, future graduates, and an opportunity to find a better way to train air traffic controllers. The MARC program is 100 percent federally funded and if we cut it we will have wasted more taxpayer money.

The FAA has been trying to recruit more minorities and women into the field of air traffic control and the Minnesota program is leading the way. Over 50 percent of its students are in these categories. The program does this by targeting minority institutions, providing assistance to the needy, and recruiting nationally.

All MARC students have a 2 or 4-year college degree prior to admittance and the program itself takes 6 months to complete. The curriculum has been developed in direct cooperation with the FAA and graduates are able to productively contribute the first day they report to work for the FAA.

With all the successes, however, problems continue to exist. The most difficult of these are connected with the hiring process. Because of the closing of the register and the FAA hiring freeze, new MARC graduates cannot be hired. That is why I asked section 328 be included.

The MARC program was developed as a cost-effective alternative to the FAA's Academy. Employing these graduates is imperative to testing the validity of these alternative prehire training initiatives. Not providing this language will destroy this and other programs. Not letting this and other programs continue will cost the Federal Government a chance to find out if air traffic control candidates can be trained better by institutions outside the FAA and before they are hired. There are indications that these alternative schools actually do a better job. For example, over 50 percent of the FAA's graduates wash out while all the Minnesota graduates are still working at the agency.

By providing highly motivated, well-trained air traffic control candidates and an excellent research and development site for development and testing of innovative instructional techniques and technologies, the MARC program is performing a valuable service to the Federal Government. This effort should be continued.

The MARC program continues to meet or exceed every requirement set forth by the FAA. While the program has not attempted to change FAA policies and procedures, the FAA has itself identified the need to change some policies and procedures. With this in mind, I ask that the point of order be withdrawn.

The CHAIRMAN. For what purpose does the gentleman from New York [Mr. MCNULTY] rise?

Mr. MCNULTY. Mr. Chairman, I just wish to state to my distinguished colleague that I make this point of order on behalf of another Member, the chairman of the Post Office and Civil Service Committee.

The CHAIRMAN (Mr. BOUCHER). The point of order is conceded and sustained, and section 328 is stricken from the bill.

Are there additional points of order to this title?

If not, are there amendments to title III of the bill?

For what purpose does the gentleman from Minnesota [Mr. OBERSTAR] rise?

AMENDMENTS EN BLOC OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer amendments en bloc made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. OBERSTAR:

Page 65, strike line 9 and all that follows through line 22.

Page 65, line 23, strike "333" and insert "330".

Page 66, line 4, strike "334" and insert "331".

Page 66, line 11, strike "335" and insert "332".

Page 66, line 18, strike "336" and insert "333".

Page 66, line 23, strike "337" and insert "334".

The CHAIRMAN. Under the rule, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 10 minutes, and a member in opposition will be recognized for 10 minutes.

Does any Member seek to be recognized in opposition to the amendments en bloc?

For what purpose does the gentleman from Michigan rise?

Mr. CARR. Mr. Chairman, I am in opposition to the amendments en bloc.

The CHAIRMAN. The gentleman from Michigan [Mr. CARR] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, these amendments en bloc strike three sections of the bill. Section 332 of the bill prohibits funding for any program, any program, to check criminal histories of aviation employees for security purposes.

□ 1340

This provision directly, clearly, and as a blunt instrument undermines security legislation, now law, that grew out of the Pan Am 103 bombing in 1988.

A year and a half ago the Congress passed the Aviation Security Act of 1990 that implemented the recommendations of the Presidential Commission on Aviation Security and Terrorism, on which I served, and on which the gentleman from Arkansas [Mr. HAMMERSCHMIDT] served and on which we spent nearly 10 months of inquiry and deliberation to make recommendations to tighten up security so that a tragedy of this kind that killed 270 people could never again happen.

The provision in this bill would undermine one of the key features of that legislation and of the Commission's recommendations, and that is to make sure that criminals do not get into the security system. There was a very clear directive in that 1990 legislation that the FAA, quote: "issue regulations to require employment investigations, including criminal history and record checks," as the administrator determines necessary.

I understand that the airline industry is opposed to these checks, and I understand, I concede, that the FAA's initial rulemaking proposal may have been overly broad. But the FAA Administrator has clearly indicated that the agency is reviewing that original proposal, and they are going to be making changes in it. The rulemaking process is not yet complete. It is only in progress.

The industry has taken a throw-out-the-baby-with-the-bathwater approach, by including language in this appropriation bill to prohibit any background check program.

Mr. Chairman, I cannot in conscience agree with that. I cannot face the families of the victims of Pan Am 103 and say, "We have made the world less secure. Your loss was somehow in vain." I cannot stand idly by and let that happen.

The better solution is through legislation from our committee. The Subcommittee on Aviation and the full Committee on Public Works and Transportation, have reported out just a week ago legislation clarifying that the law gives the administrator of FAA discretion to determine the situations in which criminal history checks will be required; that approach is far better than taking this blunt instrument approach and saying, "Don't do any background checks at all." The approach of the committee, in this provision in the appropriation bill, would simply open up the security system for criminals to penetrate, and I do not think we want to do that.

Section 331 prohibits funding for planning and executing a passenger manifest program, unless it applies to foreign airlines, as well as U.S. airlines. Well, one of the biggest problems that the families of the victims of Pan Am 103 faced was trying to find out if one of their loved ones who was supposed to be on that flight was in fact on that flight, was in fact among the victims. The passenger manifest information was in disarray. The State Department did not have it; the airline did not want to give it out or did not have complete information. The Commission report recommended and the legislation enacting the recommendations of that commission required the planning and development of a program for issuing of passenger manifests and then be put into place. We cannot regulate what foreign carriers do, except under internationally-negotiated documents in a manner of international ac-

cords. What we could legislate upon we did legislate upon.

The families of the victims of Pan Am 103 strongly support the development of the passenger manifest program, and they want to see it implemented, they want to see this program carried out in the way that we have proposed, the way the law sets forth, and now comes this provision in the appropriation bill. It ways, "Don't go forward with the rulemaking until you impose the same requirement on foreign carriers."

The negotiations to accomplish that purpose are under way. They take time; I understand that diplomatic negotiations always take time, but we should not stop a program just because foreign carriers are not immediately doing exactly the same thing.

Finally, Mr. Chairman, section 330 would prohibit levying of passenger facility charges on passengers who travel with a frequent flyer ticket. I agree that should not be done. The 1990 legislation did not envision any such levy of passenger facility charges. We have reported legislation out of the Committee on Public Works and Transportation that will soon come to the floor which makes it very clear in a proper authorizing process that such PFC should not be imposed. We must not take that step in an appropriation bill when the authorizing committee has acted, and when, first of all, the law is very clear. We do not think that the law ought to be reinterpreted in an appropriation bill. In the legislation reported out of the full Committee on Public Works, we simply reemphasize the clarity of the law respecting PFC's and frequent flyer tickets. I do not think we ought to legislate in the appropriation bill a matter that is clearly within the jurisdiction of the Committee on Public Works and Transportation and upon which this committee has taken appropriate action.

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

Mr. CARR. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Subcommittee of the Committee on Appropriations, the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the en bloc amendment. The amendment would strike three sections from the bill that deal with passenger facility charges, the passenger manifest program, and criminal background checks.

I believe that the legislative history on passenger facility charges is clear. Congress did not intend that PFC's should be collected on frequent flyer and other tickets on which no fare is paid. Since the intent of Congress is not being followed, passengers are being subjected to unwarranted PFC collections. I believe the prohibition in the bill will be a clear statement by the Congress that this practice should be stopped.

With regard to the passenger manifest program, the bill language prohibits the Department of Transportation from issuing a final rule that only applies to U.S. carriers. The Department has issued an ANPRM which would require U.S. airlines to compile manifests for international flights that include the name of the passenger, the name of a next of kin and an emergency contact number. We believe that if the Department anticipates that this regulation will be beneficial to the U.S. citizens flying internationally, then it should apply to both U.S. and foreign flag carriers.

The imposition of such a regulation only on U.S. airlines could provide a competitive advantage to foreign flag carriers. Those carriers would not have to bear the cost associated with implementation of the regulation or cope with the operational irregularities and passenger inconvenience resulting from passengers being confronted with the requirement to confirm this additional information prior to boarding international flights.

The bill language does not prohibit a final rule. It merely requires that the rule apply to both foreign and domestic carriers. I believe this is fair.

Finally, the bill contains language prohibiting the FAA from issuing a final rule requiring criminal background checks for 500,000 airline and airport employees. We support the FAA's efforts to improve security, but believe the pending NPRM will not effectively contribute to efforts to combat terrorism or upgrade airline security.

We believe the airline industry's track record shows that the current system works. I am not aware of any incident of aviation terrorism that has been caused by a U.S. airline or airport employee. I am concerned that the rule, as proposed, would subject employees to unnecessary and intrusive investigations. It would also involve operational and civil rights costs with no demonstrated improvement to aviation security. Therefore, I believe that further action on the rulemaking is unwarranted.

I urge that the en bloc amendment be defeated.

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

Mr. CLINGER. Mr. Chairman, I thank the gentleman from Minnesota [Mr. OBERSTAR] very much for yielding this time to me, and I rise in very strong support of this amendment.

Sympathetic as I am to the objectives of the provisions that we seek to strike in this amendment, this is clearly the wrong place to be dealing with these issues. These are issues that have already been fully considered in the Committee on Public Works and Transportation. We have, in fact, included similar provisions in a piece of pending legislation, and I would be very sympathetic to having them included in another piece of legislation more likely to be enacted into law, since the bill which includes the provisions presently has not moved to the floor and may not. But this is clearly an inappropriate place for these items to be considered.

On the background checks, the bill prohibits funding for any program to check the criminal history of aviation employees for security purposes. This is way beyond anything I think we should be considering. The provision undermines legislation that grew out of the Pan Am 103 bombing which the gentleman from Arkansas [Mr. HAMMERSCHMIDT] and the gentleman from Minnesota [Mr. OBERSTAR] were members of the commission that studied the tragedy, and the Aviation Security Act of 1990 implemented recommendations of the Commission on Aviation Security and Terrorism, and among the provisions was a requirement imposed on FAA to issue regulations to require employment investigations, and criminal history and record checks as the administrator determines necessary. So, I think that is clearly a provision that I would agree with the industry that FAA's proposed rule is too expansive, and I do not believe that the current employees with many years of service should be subject to the same background checks as new applicants.

□ 1350

So as I say, I am sympathetic to the objectives of the committee provisions, but must protest the inclusion of legislation in this appropriations bill. Its a terrible precedent.

Mr. Chairman, I rise in very strong support of this amendment.

Mr. CARR. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH], the distinguished minority whip.

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia.

The CHAIRMAN. The gentleman from Georgia [Mr. GINGRICH] is recognized for 2½ minutes.

Mr. GINGRICH. Mr. Chairman, let me say that I rise with some reluctance, because as someone who has served on Public Works, I understand these kinds of jurisdictional fights and where it is right to do something. But I have to say that I thought the Federal Aviation Administration so grotesquely overreached and proposed rules that were so absurd and so counterproductive and at a time when our airline industry is in such economic trouble, that I regard this as a jobs vote.

Representing one of the largest airports in America and having a real interest in ensuring that our airlines industry remains healthy and viable, and knowing that we just in the last few

weeks had another small airline go bankrupt, that we have several airlines that are in severe economic distress, the regulations that were proposed would have cost literally over $1 billion if implemented and provide almost no useful information.

The fact is that the terrorism problem we are concerned about is in Greece and Germany. It is not in the United States. The FBI will report routinely that we do a remarkable job of containing potential terrorism in the United States. To spend over $1 billion on Government-mandated regulatory red tape for no achievement in an industry which is in economic straits I think would be a major mistake.

So on behalf of the jobs that currently exist in the aviation industry and on behalf of defending those jobs, and frankly in opposition to totally unnecessary regulation that I think would not accomplish anything at the security level, I am reluctantly but firmly urging a no vote.

I always hesitate to disagree with my good friends from the committee, but I just think in this case this is the right time to do it, because we know it will be enacted. So I strongly ask for a "no" vote.

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

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

Mr. OBERSTAR. Mr. Chairman, I do not differ with the gentleman from Georgia [Mr. GINGRICH] that the FAA was overly broad in the NPRN. There is no question that they did reach too far. They are revising that NPRN.

Would the gentleman not agree that imposing a requirement that no background check be undertaken is too far in the other direction?

Mr. GINGRICH. Mr. Chairman, I think that would be right, if in fact it was not already correct that the airlines themselves engage in background checks. I just think that the language in the appropriations bill is legitimate language, given the economic problems of the airlines, and I cannot imagine any security advantage worth the jobs that will be killed if this, even in this modified form, goes into effect.

So, Mr. Chairman, I respectfully urge a "no" vote, and hope my colleagues will join me in defense of jobs.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Chairman, I strongly support this amendment. Its adoption is needed to ensure the continued safety of our airlines.

Mr. Chairman, I want to identify myself with the remarks of the distinguished chairman of the subcommittee and the ranking member of the subcommittee.

Mr. Chairman, the purpose of this amendment is to strike provisions that would undermine safety and security laws recently passed by Congress. While the provisions to be struck address important aviation issues, most of them are already addressed in H.R. 5466, which was approved by the Public Works and Transportation Committee last week. This bill should be brought to the floor later this month.

When one looks at each of the provisions individually, it is apparent that the bill before us now takes the wrong approach.

For example, this bill would prevent all criminal background checks of aviation employees. While I agree that the FAA went too far in proposing that all employees should be checked, it would be wrong to take the totally opposite approach and prohibit all background checks. In my view, the Public Works bill takes the proper approach by directing FAA to be more selective in deciding which employees should be subject to background checks.

With respect to drug testing, again we have a situation where the FAA may have gone too far in requiring a 50-percent random testing rate for aviation employees. However, this bill goes too far the other way. There is no basis for the 10-percent testing rate in this bill. Adopting it could undermine aviation safety. The more appropriate response is the one in the Public Works Committee's bill. That requires FAA to adopt a rule within 1 year establishing the appropriate lower testing rate.

In addition to my concerns about the merits of each of the items here, I am also concerned about the procedure. Although many of these provisions are structured as funding limitations, they are really legislative in nature. Moreover, they intrude into areas recently considered, or currently being considered, by both the Foreign Affairs Committee and the Public Works and Transportation Committee. It is wrong to allow these sorts of items to be included in an appropriation bill. They should go through the normal legislative process.

Therefore, I urge this body to strike these provisions by voting "aye" on the Oberstar amendment.

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

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

Mr. CLINGER. Mr. Chairman, I would just like to make the point, if it has not already been made in this debate, that the administration is strongly supportive of this amendment and is opposed to the provisions in the appropriations bill.

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

Mr. Chairman, in responding, particularly with respect to the criminal background checks, we know that the Presidential commission did a good job and it was the job of the Subcommittee on Aviation of the Committee on Public Works to implement those recommendations.

With all due respect to my good friends on the authorization side, reading through the language of their handiwork it is really very confusing, at least, and mandatory at worst, that fingerprints of all 500,000-some airline employees would be required under this legislation.

Mr. Chairman, I have heard the statement of the gentleman from Minnesota [Mr. OBERSTAR], and I know him to be very concerned about this issue, both from the standpoint of security and from the standpoint of legislation doing the right things. But I have had numerous conversations with people at the FAA who have read the language, as have I, and really cannot determine whether fingerprints are mandated or merely suggested.

In some portions of the authorization language it says "may." In some other sections it says "shall."

There has probably been over 2 million dollars' worth of lawyers' time trying to figure out what our good friends on the authorization committee really are requiring of the FAA. It may be well and clear in the mind of the chairman of the subcommittee, but I would tell the gentleman that it is not clear in the minds of so many who are going to have to implement this.

Mr. Chairman, I want to also reluctantly associate myself with the reasoning of my good friend, the gentleman from Georgia [Mr. GINGRICH], just as he was reluctantly opposing the committee.

The fact of the matter is we have an airline industry that is in deep economic straits right now. In these pieces of legislation coming out of the Committee on Public Works, both the drug testing and the manifest issue where ticket agents are going to have to ask people coming before them, this flight is about to leave for London, and in case it does not get there, who do you want us to notify, a requirement that will not be required of foreign carriers, and then these criminal background checks.

We are imposing burdensome regulations which have very little, if any, positive output and a great deal of cost to an already overburdened industry. There is absolutely no evidence that the kinds of terrorists who caused the tragedy of Pan Am flight 103 would ever be caught by fingerprints. Terrorists do not operate in an environment where they get fingerprinted.

In point of fact, we have never had a case where these fingerprints would have prevented a tragedy. There is only one example, a PSA flight in California, where a disgruntled employee took a handgun on a plane and shot the crew in the middle of a flight, a tragedy. Because this individual had never been arrested and had never been convicted of a felony, his fingerprints were not on file and he would not have been caught in this screen.

Mr. Chairman, we would ask Members to support the bill and support our chairman.

Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Michigan [Mr. CONYERS].

□ 1400

Mr. CONYERS. Mr. Chairman, fingerprints is another issue that is really quite disturbing. It is my impression, as has already been testified here and supported by the CIA Director, who was also the former Director of the FBI, that we are not going to improve airline security. And we are going to increase the costs immeasurably.

Although I am not clear on why the authorizing subcommittee chairman would be as adamant as he apparently is about this subject, I am very, very hopeful that we would vote against any amendment to strike these provisions that have been proposed to be removed en bloc by the gentleman from Minnesota.

Mr. CARR. Mr. Chairman, I yield my remaining minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, we hear a lot about unnecessary and counterproductive regulation, and this is an example of what that is all about. When we come to regulating an industry, we have to take the costs and the benefits in mind. And what we have is a proposal to regulate an industry, and the benefits do not outweigh the costs.

What this will do will take $1 billion out of the hide of the airline industry. Who is going to pay for that?

Well, the consumers are going to pay for that, and the airline employees are going to pay for that. Are the benefits that we derive from this type of regulation worth that type of cost? No way.

The fact is, there will be a minimal amount of benefit to the public in terms of added security, but a great deal of added cost at a time when the airlines are on the verge of going bankrupt.

The last thing we need to do is impose upon them needless and counterproductive regulation that will add to their costs but will not benefit the consumer or the air traveling public. What we are going to do is protect the public and protect the public by driving our airlines right into bankruptcy. It is not worth the cost.

I rise in opposition to this amendment.

Mr. OBERSTAR. Mr. Chairman, one brief point, the smallest minute detail leaves a criminal investigation to the criminal. Do not remove that one opportunity.

Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. FASCELL].

The CHAIRMAN. The gentleman from Florida [Mr. FASCELL] is recognized for 30 seconds.

Mr. FASCELL. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in support of the pending amendment.

I have never heard so much chaff thrown in the radar screen in listening to the arguments against this amendment in all my life. It is one simple proposition: We either want to protect the traveling public or we do not.

And after 2 years of studying and a recommendation by a Presidential commission, two authorizing committees, actions of the Congress of the United States, all we are saying is, give the opportunity to protect the families that are traveling.

I rise in support of the Oberstar-Clinger en bloc amendment and wish to speak specifically on the passenger manifest provision.

The passenger manifest issue was a major recommendation of the Pan Am 103 Commission and favorably considered by the Foreign Affairs and Public Works Committee during hearings on the legislation.

The passenger manifest provision of the Pan Am 103 legislation represented a compromise with the airlines and the Departments of State and Transportation.

The horrible experiences of the victims' families with the airline, The Department of State, Transportation and other Federal agencies compounded the tragedy of the Pan Am 103 disaster.

The provision which was enacted and which the DOT appropriations bill seeks to prohibit would ensure that the families of victims of an aviation disaster outside the United States would be treated in a humane and dignified way by the Federal Government and by the airlines. One of the most glaring problems in dealing with the Pan Am 103 disaster was the U.S. Government's inability to contact the next of kin in a timely and orderly fashion because of the inadequacies and inaccuracies in the airlines system for maintaining records of who is on board a particular flight.

If the prohibition of funds concerning passenger manifest information requirement and procedures for turning over manifest to the Department of State are not implemented, how will the airlines and DOT respond to the families of the new victims of yet another aviation terrorism tragedy when it is business as usual and all the positive changes of the Pan Am 103 legislation are rescinded?

With regard to the concern that the passenger manifest requirement is only the U.S. airlines, let me set the record straight. The legislation made it clear that foreign carriers are to be covered by the law. The Pan Am 103 legislation calls on the DOT and State to either use regulatory procedures under part 129 of the Federal Aviation Act and/or negotiate with foreign governments under the on going bilateral aviation talks or additionally on a multilateral level at the ICAO. The provision was always intended to be extended to foreign air carriers. The reality is that the U.S. Government must first promulgate regulations for U.S. carriers to set the standard and then the coverage can be extended to foreign carriers. I have always made it clear that we should require the foreign carriers to adopt as high a level of security as U.S. carriers. DOT has been dilatory in implementing the requirements to begin with.

However I am pleased to note that today I received a copy of the OMB approved Department of Transportation's regulation for the passenger manifest requirement, it clearly states this regulation applies to covered flights operated by air carriers and foreign air carriers. Therefore, the Department of Transportation is finally going to promulgate the regulation concerning passenger manifest and it will be on an equivalent basis. Therefore, the argument made by U.S. air carriers that the passenger manifest applies only to U.S. air carriers puts the U.S. air carrier at an economic disadvantage is not valid.

In the last 10 years over 800 Americans have been involved in an international airlines disaster. In addressing the needs of the victims' families, the United States does not differentiate the nationality of the airline, that point is irrelevant to the families facing their grief.

The passenger manifest requirement is a means to an end. The information required is for the Department of State to better respond in a more timely and humane way to the victims' families.

There are many ways of collecting such information, it does need to be an expensive costly endeavor. For example, a passenger could fill out a form prior to departure, similar to a customs form or the baggage claim. That form would be kept until the plane arrives at its next destination; otherwise the information would be used to compile the passenger manifest.

The bottom line is that we owe the American public to not turn back change but to implement the provisions of the Pan Am 103 legislation which would have improved procedures and accountability. We cannot turn the clock back, and I am sorry to say there will be more terrorism. This scourge has subsided but is not over.

I have said so many times but will reiterate, I fully appreciate that no law or regulation however perfectly implemented, will provide a 100-percent guarantee against heinous acts of international terrorism. However, we must do everything in our power to protect the traveling American public. It is appalling that the regulations have not been implemented at this late date. Let's get off the dime, and move ahead in concert, the Government and airlines. The traveling American public expects no less. Support the Oberstar-Clinger amendment.

The CHAIRMAN. All time has expired.

The question is on the amendments en bloc offered by the gentleman from Minnesota [Mr. OBERSTAR].

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

RECORDED VOTE

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

A recorded vote was orderd.

The vote was taken by electronic device, and there were—ayes 68, noes 348, not voting 18, as follows:

[Roll No. 278]

AYES—68

Abercrombie	Anderson	Applegate
Allard	Andrews (NJ)	Bacchus

Ballenger
Bellenson
Bentley
Borski
Clement
Clinger
Cooper
de la Garza
DeFazio
Doolittle
Duncan
Early
Emerson
English
Evans
Fascell
Fawell
Gekas
Gephardt
Gillmor
Gilman
Gonzalez
Goodling
Goss
Gradison
Hammerschmidt
Hancock
Hobson
Inhofe
Jones (NC)
Kanjorski
Kyl
Lipinski
Marlenee
McCollum
Meyers
Mineta
Molinari
Nowak
Oberstar
Payne (VA)
Petri
Pickett
Roe
Rostenkowski
Roukema
Sangmeister
Savage
Sensenbrenner
Shays
Shuster
Stump
Sundquist
Swift
Taylor (NC)
Traficant
Upton
Vento
Vucanovich
Waxman
Williams
Young (AK)

NOES—348

Alexander
Allen
Andrews (ME)
Andrews (TX)
Annunzio
Anthony
Armey
Aspin
Atkins
AuCoin
Baker
Barrett
Barton
Bateman
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Engel
Erdreich
Espy
Ewing
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gejdenson
Geren
Gibbons
Gilchrest
Gingrich
Glickman
Gordon
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harris
Hastert
Hayes (IL)
Hefley
Henry
Herger
Hertel
Hoagland
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mink
Moakley
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nussle
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal
Russo
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Unsoeld
Valentine
Vander Jagt
Visclosky
Volkmer
Walker
Walsh
Washington
Waters
Weber
Weiss
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Ackerman
Archer
Barnard
Bonior
Campbell (CO)
Gaydos
Hatcher
Hayes (LA)
Hefner
Johnson (TX)
Lent
Livingston
Lowery (CA)
Oxley
Ray
Schulze
Solarz
Traxler

□ 1425

Messrs. WISE, DYMALLY, BUSTAMANTE, NEAL of Massachusetts, MAVROULES, LEWIS of Florida, SYNAR, and BROWN changed their vote from "aye" to "no."

Messrs. INHOFE, PAYNE of Virginia, KYL, UPTON, McCOLLUM, and STUMP changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, the overwhelming vote on the preceding amendment is evidence that the committee has spoken. It is also evidence of what can happen when two very powerful and often at-odds interests join forces.

I take this moment to emphasize for my colleagues what happened just a moment ago. This body approved retaining in the transportation appropriation bill a prohibition against the FAA to issue any rulemaking that provides for any criminal background investigation of any airline or airport employee. It opens a huge gap in aviation security. God forbid that another Pan Am 103 should occur in the time while this limitation is in effect.

But I just want my colleagues to understand that in a kind of quiet legislative hysteria generated by two interests who thought that they were being disadvantaged by a lousy notice of proposed rulemaking—a notice of proposed rulemaking, not a final rule, not a final law issued by the FAA but a notice which is in process of being changed, on which the authorizing committee has just said to the FAA, you should change that rulemaking in legislation that we will soon bring to the floor; in contrast, this is a total prohibition against doing anything. That is wrong.

Members have voted to open a gap in the aviation security network. I hope none of us will live to regret it. I hope that, in conference, this provision will be fought by the other body.

□ 1430

The administration was right in opposing the language in the appropriation bill. The FAA should proceed with a rulemaking. It should be modest and responsive and responsible.

But this was not responsible, this preceding vote. I regret the action of the House only because I spent a solid 10 months on the Presidential Commission on Aviation Security and Terrorism investigating the tragedy of Pan Am 103, joined by my colleague, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and the gentleman from Florida [Mr. FASCELL], chairman of the Committee on Foreign Affairs, working to plug the gaps in security for air travelers. We put an awful lot of ourselves into this issue on behalf of the families of the victims of Pan Am 103, and to prevent future tragedies. I regret to see that work undermined and undercut by the just preceding vote.

AMENDMENT OFFERED BY MR. MINETA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MINETA: Page 67, after line 16, insert the following new section:

SEC. 389. (a) Title VI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421–1433) is amended by adding at the end the following new section:

"SEC. 614. DUTY TIME OF FLIGHT ATTENDANTS.

"(a) RULEMAKING PROCEEDING.—Not later than 60 days after the date of the enactment of this section, the Secretary shall initiate a rulemaking proceeding for the purpose of establishing limitations on duty time for flight attendants, including minimum rest requirements.

"(b) FINAL REGULATIONS.—Except in any case in which the prohibitions referred to in subsection (c) take effect, the Secretary shall issue, not later than 240 days after the date of the enactment of this section, final regulations establishing limitations on duty time for flight attendants, including minimum rest requirements as follows:

"(1) For domestic and international flights, at no point during a duty period

shall a flight attendant exceed a maximum of 14 hours of scheduled duty time, plus a maximum of 2 additional hours spent deadheading to return to the flight attendant's domicile. A scheduled minimum rest period (after such duty period) shall equal at least 10½ consecutive hours, block-in to block-out.

"(2) For short-range intercontinental flights, at no point during a duty period shall a flight attendant exceed a maximum of 16 hours of scheduled duty time, plus a maximum of 2 additional hours spent deadheading to return to the flight attendant's domicile. A scheduled minimum rest period (after such duty period) shall equal at least 12½ consecutive hours, block-in to block-out.

"(3) For long-range intercontinental nonstop flights, duty time shall not exceed the scheduled duty time by more than 4 hours and, in any event, shall be no greater than 20 hours of actual duty time. A scheduled minimum rest period (after such duty period) shall equal the scheduled length of the duty period.

"(4) For all flight attendants, a minimum of eight 24 consecutive hour rest periods block-in to block-out per bid month, and at least one 24 hour consecutive rest period within every 7 calendar days. For trip pairings exceeding 7 days in length with no scheduled 24-hour rest period, a minimum of a scheduled 48-hour consecutive rest period will be provided upon return to domicile.

"(5) For all flight attendants, at least a continuous 1 hour rest break on any flight or segment thereof scheduled for 9 hours or more of flight time in a designated rest area.

"(c) MANDATED PROHIBITIONS.—If the Secretary does not initiate a rulemaking proceeding under subsection (a) before the 60th day following the date of the enactment of this section or does not issue final regulations under subsection (b) before the 240th day following such date of enactment, no air carrier may after such date operate an aircraft using a flight attendant who has been on duty more hours, or who has had fewer hours of rest, than those required by paragraphs (1) through (5) of subsection (b).

"(d) MODIFICATION OF MANDATED PROHIBITIONS.—The Secretary may issue regulations modifying the prohibitions contained in paragraphs (1) through (5) of subsection (b) if the Secretary determines that such modifications are in the interest of safety and transmits a copy of the modifying regulations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The modifying regulations may not take effect until the expiration of the 90-day period beginning on the date of the transmittal of the modifying regulations to such committees.

"(e) DEFINITIONS.—In this section, the following definitions apply:

"(1) AIR CARRIER.—The term 'air carrier' means any air carrier which is subject to the provisions of part 121 or part 135 of title 14 of the Code of Federal Regulations.

"(2) DESIGNATED REST AREA.—The term 'designated rest area' means a passenger seat of an aircraft assigned for crew rest purposes.

"(3) DOMESTIC FLIGHT.—The term 'domestic flight' means any flight or segment of a flight worked by a flight attendant totally within the continental United States.

"(4) DUTY TIME.—The term 'duty time' means all time worked for an air carrier with respect to flight duties and shall begin at the required report time and shall end when released by the carrier. Duty time accrues until the crewmember is scheduled for a required rest period by the carrier. Time spent deadheading, either on an aircraft or by surface transportation, to or from an assignment by an air carrier, time spent ferrying, and time spent attending meetings and training shall also be considered duty time. Duty time continues—

"(A) throughout a rest period of a shorter duration than that contained in subsection (b)(1), (b)(2), or (b)(3), as the case may be; and

"(B) during in-flight rest periods contained in subsection (b)(5).

"(5) INTERNATIONAL FLIGHT.—The term 'international flight' means any flight worked by a flight attendant for which a take off or landing is scheduled outside the continental United States, excluding intercontinental flights.

"(6) SHORT-RANGE INTERCONTINENTAL FLIGHT.—The term 'short-range intercontinental flight' means a transcontinental flight scheduled for less than 14 hours flight time.

"(7) LONG-RANGE INTERCONTINENTAL NONSTOP FLIGHT.—The term 'long-range intercontinental nonstop flight' means a single nonstop intercontinental flight scheduled for 14 hours or more of flight time.

"(8) REPORT TIME.—The term 'report time' means a time period of at least 30 minutes prior to the scheduled departure time of the first flight or segment of flight in a flight attendant's duty period or the time the flight attendant is required to report to work, whichever is earlier.

"(9) REST.—The term 'rest' means uninterrupted time free from all duty, block-in to block-out.

"(10) SCHEDULED FLIGHT TIME.—The term 'scheduled flight time' means the elapsed time of a flight of an air carrier based on the times shown in schedules published for the air carrier.

"(11) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(f) TREATMENT OF DUTY PERIOD WITH DOMESTIC AND INTERNATIONAL FLIGHT SEGMENTS.—A duty period with both domestic and international flight segments shall be treated as international flying for the purpose of calculating duty and rest requirements under this section if the majority of the flight time during that duty period is on an international segment and domestic flying if the majority of the flight time during that duty period is on a domestic segment.".

(b) The table of contents contained in the first section of the Federal Aviation Act of 1958 is amended by adding at the end of the matter relating to title VI the following:

"Sec. 614. Duty time of flight attendants.
"(a) Rulemaking proceeding.
"(b) Final regulations.
"(c) Mandated prohibitions.
"(d) Modification of mandated prohibitions.
"(e) Definitions.
"(f) Treatment of duty period with domestic and international flight segments.

The CHAIRMAN. Under the rule, the total time for debate on this amendment is limited to 20 minutes.

The gentleman from California [Mr. MINETA] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

Does a Member seek recognition in opposition?

Mr. CARR. Mr. Chairman, I rise in opposition, and I seek the time.

The CHAIRMAN. The gentleman from Michigan [Mr. CARR] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from California [Mr. MINETA].

MODIFICATION TO AMENDMENT OFFERED BY MR. MINETA

Mr. MINETA. Mr. Chairman, I ask unanimous consent that my amendment be modified.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. MINETA: Page 67, after line 16, insert the following new section:

SEC. 399. (a) Title VI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421–1433) is amended by adding at the end the following new section:

"SEC. 614. DUTY TIME OF FLIGHT ATTENDANTS.

"(a) RULEMAKING PROCEEDING.—Not later than 60 days after the date of the enactment of this section, the Secretary shall initiate a rulemaking proceeding for the purpose of establishing limitations on duty time for flight attendants, including minimum rest requirements.

"(b) FINAL REGULATIONS.—Except in any case in which the prohibitions referred to in subsection (c) take effect, the Secretary shall issue, not later than 240 days after the date of the enactment of this section, final regulations establishing limitations on duty time for flight attendants, including minimum rest requirements as follows:

"(1) For domestic and international flights, at no point during a duty period shall a flight attendant exceed a maximum of 14 hours of scheduled duty time, plus a maximum of 2 additional hours spent deadheading to return to the flight attendant's domicile. A scheduled minimum rest period (after such duty period) shall equal at least 10½ consecutive hours, block-in to block-out.

"(2) For short-range intercontinental flights, at no point during a duty period shall a flight attendant exceed a maximum of 16 hours of scheduled duty time, plus a maximum of 2 additional hours spent deadheading to return to the flight attendant's domicile. A scheduled minimum rest period (after such duty period) shall equal at least 12½ consecutive hours, block-in to block-out.

"(3) For long-range intercontinental nonstop flights, duty time shall not exceed the scheduled duty time by more than 4 hours and, in any event, shall be no greater than 20 hours of actual duty time. A scheduled minimum rest period (after such duty period) shall equal the scheduled length of the duty period.

"(4) For all flight attendants, a minimum of eight 24 consecutive hour rest periods, block-in to block-out per bid month, and at least one 24-hour consecutive rest period within every 7 calendar days. For trip pairings exceeding 7 days in length with no scheduled 24-hour rest period, a minimum of a scheduled 48-hour consecutive rest period will be provided upon return to domicile.

"(5) For all flight attendants, at least a continuous 1 hour break on any flight or segment thereof scheduled for 9 hours or more of flight time in a designated rest area.

"(c) MANDATED PROHIBITIONS.—If the Secretary does not initiate a rulemaking proceeding under subsection (a) before the 60th day following the date of the enactment of this section or does not issue final regula-

tions under subsection (b) before the 240th day following such date of enactment, no air carrier may after such date operate an aircraft using a flight attendant who has been on duty more hours, or who has had fewer hours of rest, than those required by paragraphs (1) through (5) of subsection (b).

"(d) MODIFICATION OF MANDATED PROHIBITIONS.—The Secretary may issue regulations modifying the prohibitions contained in paragraphs (1) through (5) of subsection (b) if the Secretary determines that such modifications are in the interest of safety and transmits a copy of the modifying regulations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The modifying regulations may not take effect until the expiration of the 90-day period beginning on the date of the transmittal of the modifying regulations to such committees.

"(e) DEFINITIONS.—In this section, the following definitions apply:

"(1) AIR CARRIER.—The term 'air carrier' means any air carrier which is subject to the provisions of part 121 or part 135 of title 14 of the Code of Federal Regulations.

"(2) DESIGNATED REST AREA.—The term 'designated rest area' means a passenger seat of an aircraft assigned for crew rest purposes.

"(3) DOMESTIC FLIGHT.—The term 'domestic flight' means any flight or segment of a flight worked by a flight attendant totally within the continental United States.

"(4) DUTY TIME.—The term 'duty time' means all time worked for an air carrier with respect to flight duties and shall begin at the required report time and shall end when released by the carrier. Duty time accrues until the crewmember is scheduled for a required rest period by the carrier. Time spent deadheading, either on an aircraft or by surface transportation, to or from an assignment by an air carrier, time spent ferrying, and time spent attending meetings and training shall also be considered duty time. Duty time continues during in-flight, rest periods contained in subsection (b)(5).

"(5) INTERNATIONAL FLIGHT.—The term 'international flight' means any flight worked by a flight attendant for which a take off or landing is scheduled outside the continental United States, excluding intercontinental flights.

"(6) SHORT-RANGE INTERCONTINENTAL FLIGHT.—The term 'short-range intercontinental flight' means a intercontinental flight scheduled for less than 14 hours flight time.

"(7) LONG-RANGE INTERCONTINENTAL NONSTOP FLIGHT.—The term 'long-range intercontinental nonstop flight' means a single nonstop intercontinental flight scheduled for 14 hours or more of flight time.

"(8) REPORT TIME.—The term 'report time' means a time period of at least 30 minutes prior to the scheduled departure time of the first flight or segment of a flight in a flight attendant's duty period or the time the flight attendant is required to report to work, whichever is earlier.

"(9) REST.—The term 'rest' means uninterrupted time free from all duty, block-in to block-out.

"(10) SCHEDULED FLIGHT TIME.—The term 'scheduled flight time' means the elapsed time of a flight of an air carrier based on the times shown in schedules published for the air carrier.

"(11) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(f) TREATMENT OF DUTY PERIOD WITH DOMESTIC AND INTERNATIONAL FLIGHT SEGMENTS.—A duty period with domestic, international and intercontinental flight segments shall be treated as intercontinental flying for the purpose of calculating duty and rate requirements under this section if the majority of the flight time during that duty period is on an intercontinental segment and domestic international flying if the majority of the flight time during that duty period is on a domestic or international segment.".

(b) The table of contents contained in the first section of the Federal Aviation Act of 1958 is amended by adding at the end of the matter relating to title VI the following:

"Sec. 614. Duty time of flight attendants.
"(a) Rulemaking proceedings.
"(b) Final regulations.
"(c) Mandated prohibitions.
"(d) Modification of mandated prohibitions.
"(e) Definitions.
"(f) Treatment of duty period with domestic and international flight segments.".

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

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

Mr. COUGHLIN. Mr. Chairman, reserving the right to object, we have not seen the modification yet. Could we reserve the right to object until we could observe or look at the modification?

Mr. MINETA. Mr. Chairman, if the gentleman will yield, the copies were distributed to the minority.

Mr. COUGHLIN. Mr. Chairman, we have just this minute received them.

Mr. MINETA. I am sorry; we distributed it earlier to the minority side, and I apologize for the inadequacy of your own staff then to provide it, because it was very specifically told to my own staff to be distributed, and it was distributed earlier.

Mr. COUGHLIN. Mr. Chairman, under my reservation of objection, could I ask the gentleman to explain?

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

Mr. COUGHLIN. Further reserving the right to object, I yield to the gentleman from California.

Mr. MINETA. Mr. Chairman, we made technical changes to the amendment to carry the term intercontinental through the legislation. We added the category of intercontinental duty time as the result of our negotiations to compromise with Delta Air Lines.

Mr. Chairman, again, I am sorry because of the noise here, but we made technical changes to the amendment to carry the term intercontinental throughout the legislation. We added the category of intercontinental duty at the time as the result of our compromise in negotiations with Delta Airlines.

Mr. COUGHLIN. Mr. Chairman, if I might object for the moment until we have a chance to review this and then ask the gentleman from California to renew his request. I am not trying to hold up the proceedings. I am just trying to make sure we understand what is being done.

The CHAIRMAN. Does the gentleman from California withdraw his request for the modification at this time?

Mr. MINETA. No; at this time we will just proceed, I assume, on the basis of the modifications with the gentleman from Pennsylvania reserving the right to object.

Mr. COUGHLIN. Reserving my right to object.

The CHAIRMAN. Does the gentleman from Pennsylvania object?

Mr. COUGHLIN. I object at this time.

The CHAIRMAN. Does the gentleman from Pennsylvania object to the unanimous-consent request concerning the reading of the modification?

Mr. COUGHLIN. No; no. I do not object concerning the reading of the modification.

The CHAIRMAN. Is there objection to the request of the gentleman from California that the modification be considered as read and printed in the RECORD?

There was no objection.

The CHAIRMAN. Does the gentleman from Pennsylvania insist on his reservation with regard to the modification itself?

Mr. COUGHLIN. Mr. Chairman, I object at this time to the modification.

The CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, I am offering an amendment to include an amended version of H.R. 14, the Flight Attendant Duty Time Act, as a provision in the 1993 transportation appropriation legislation.

During the first session of this Congress, the House of Representatives approved H.R. 14 with the bipartisan support of the House Public Works and Transportation Committee leadership.

Our colleague, Transportation Appropriations Chairman BILL LEHMAN, also supported this important safety legislation during last summer's consideration.

Mr. Chairman, this amendment will limit the amount of time flight attendants can be on duty to 14 hours for domestic flights and 16 hours for international flights.

Surveys of foreign countries with flight attendant duty time regulations show that 14 hours of domestic duty is the general standard. The U.S. could be falling well below the international safety standard.

Flight attendants perform important safety duties and have been designated by the Federal Aviation Administration [FAA] as safety sensitive employees.

However, the Federal Aviation Administration has been unable to move on the duty time issue for 12 years. This lack of action on a safety issue is extremely distressing.

I have correspondence from the FAA dating back as far as April 21, 1978, which states that the FAA planned to issue a notice of proposed rulemaking [NPRM] on flight duty time rules by the end of that year.

As some of you know, Delta Airlines expressed some concerns about this proposal. During several meetings with the Delta Airlines representatives, we were able to isolate their concerns and address them in this agreement.

Specifically, we revised the classification of international flight to reflect intercontinental trips. We also changed the lengths of rest periods to bring them in line with the pilots regulations.

As you all know, safety is, first and foremost, my greatest priority and I refuse to compromise it. Legitimate concerns were raised by Delta Airlines and I believe that we are adequately addressing these concerns in this amendment.

Mr. Chairman, I must stress that this is not a labor-management issue. As I said before, the FAA recognizes the importance of the safety duties performed by flight attendants and have designated flight attendants as safety sensitive employees.

Mr. Chairman, the United States should be the world leader on aviation issues. Our air travel system is a source of pride for our Nation. We must continue this tradition when addressing all aviation safety issues.

Mr. Chairman, I urge my colleagues to support this amendment to the 1993 Transportation appropriations legislation.

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

Mr. COUGHLIN. Mr. Chairman, if the gentleman from California wishes to renew his unanimous-consent request to modify his amendment, I will not object to the modification, although I do oppose the amendment.

The CHAIRMAN. The Chair would advise the gentleman that request is pending.

Is there objection to the request of the gentleman from California to modify his amendment?

There was no objection.

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

Mr. Chairman, first and foremost, I would like to congratulate my good friend and colleague from California. He has worked very, very hard on this issue for a number of years. He has looked into this in greater detail than most Members of Congress, and I know that he holds his beliefs about the legislation very firmly and with great intellectual fervor.

The original amendment that the gentleman sought to amend the Transportation appropriation bill, in my judgment, was flawed, and in the committee when it was offered there, I opposed it.

□ 1440

This is a case of line drawing. It is indeed true that flight attendants are safety sensitive employees and we need them for safe air travel.

They are also employees, and there is the employer-employee relationship.

I think it is all too frequent sometimes that those people who are safety employees use the safety angle of their employment a little broader than they really ought to. They use it to gain some leverage and some advantage in the labor-management negotiations, and I think that is understandable.

So the gentleman from California and I might draw that line a little differently, and indeed on his amendment before our subcommittee as it was presented I in fact did oppose the amendment; however, the gentleman from California is also an outstanding legislator. He is a person who will meet someone halfway. He is a person who will try to get the job done and do the best he can under the circumstances at the time.

So Mr. Chairman, in the spirit of the gentleman's compromise and with the modifications of his amendment which I have reviewed and find less objectionable than the amendment as originally offered in committee, I would join the gentleman in support of his amendment, as modified.

Mr. Chairman, since I have not had any requests for time, I yield back the balance of my time.

Mr. COUGHLIN. Mr. Chairman, I thought the gentleman from Michigan was in opposition. If he is not, I am.

Mr. CARR. Mr. Chairman, I yield the remaining time that I have to the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. COUGHLIN] is recognized.

Mr. COUGHLIN. Mr. Chairman, I thank the gentleman for the time.

I understand and appreciate the great concern of the gentleman from California, who is indeed an expert in this area and who is a splendid colleague and a good friend. I am, however, constrained to object to this amendment.

There is no indication, according to the Federal Aviation Administration, that this amendment and the imposition of these work rules for flight attendants would create any increase in safety. By mandating protections in excess of those for pilots and imposing new reporting and other compliance costs, it could cost the airlines $1 billion over 15 years and severely damage an industry already suffering significant financial hardship, and all this for no safety gain. There is no demonstrable safety gain as a result of this legislation.

When the legislation was before us once before, and this is purely legislation on an appropriations bill, it was indicated that should this be part of our bill it would be cause for a suggested veto. It seems to me we are unduly burdening this bill with something that could cause a veto or be an additional reason for causing a veto.

There is other legislation to which supporters of this amendment could attach it. The Public Works Committee has just reported H.R. 5466 dealing with airline economic matters. That would be an appropriate measure for this amendment. The Senate is certain to take up that subject.

This is not the appropriate way to do it, if indeed the subject is an appropriate thing for legislation. This is probably a labor-management matter that should be resolved between labor and management in the aviation industry, but certainly should not be resolved in the bill in the way that we are going about it at the moment, with changes that we still do not fully understand.

This is not an amendment that should be here. I would hope that we would oppose the amendment and I would hope that the amendment will be voted down so that we can pass the bill as it was, as I indicated initially and, as it was reported from the committee.

We have had a good bill. If we start adding other things to it, we are going to get a bill that will cause some real problems. I hope that we can go ahead with the bill because it is an important bill for transportation in the United States of America and I hope we will pass it unburdened.

Mr. MINETA. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. LEHMAN], the distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. LEHMAN of Florida. Mr. Chairman, I thank the gentleman from California for yielding me this time.

I rise in support of this amendment. As the gentleman from California has previously stated, I have supported similar legislation in the past and I certainly support his position.

The gentleman from California has worked long and hard to work out accommodations and compromises to make his amendment viable, and I urge that the amendment be agreed to.

Mr. COUGHLIN. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. MINETA. Mr. Chairman, I would like to enter into a colloquy with the gentleman from Georgia [Mr. LEWIS]. I yield myself such time as I may consume, and I yield to the gentleman.

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend for yielding to me.

Will the gentleman from California explain the meaning of the term

"scheduled duty time" as used in section 614(b)(1) and throughout the amendment?

Mr. MINETA. The term "scheduled duty time" as used in the flight attendant duty time amendment is a term the Federal Aviation Administration has used for many years in enforcing its current work and rest restrictions for pilots. The FAA considers scheduled duty time to mean the scheduled work day of a pilot which encompasses the time between when a pilot is required to report to work and the time such pilot is released from flight duties.

In enforcing the pilot rules, the FAA has established a practice of calculating the number of scheduled work hours by adding the amount of time actually worked on any given flight or flights during a work period to the amount of time projected to be worked during the same flight or flights during a work period to the amount of time projected to be worked during the same flight or flights subject to these regulations.

Although this legislation is intended to impose flight attendant duty and rest requirements on the basis of duty time rather than the flight time regulation presently applicable to pilots, it is also intended to require the FAA to use comparable work and rest time calculation methods in enforcing flight attendant work and rest requirements which the FAA currently uses for pilots.

Mr. LEWIS of Georgia. Mr. Chairman, I thank the gentleman from California for this explanation, and again I thank my chairman.

Mr. MINETA. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, this amendment affects the safety of every member of the flying public. This is most emphatically not a labor-management issue as such.

It requires the FAA to set duty time standards for flight attendants, just as it does for pilots.

Flight attendants are the crucial safety link between passengers and the cockpit.

Their response can literally mean the difference between life and death for hundreds of passengers.

For skeptics, I can point to one incident in my own State of Hawaii when the skin of the aircraft literally peeled away from the frame.

Tragically, one flight attendant lost her life. But not a single passenger was lost.

This was attributed to the coolness and courage of the surviving flight attendant.

This amendment recognizes the vital safety role of these trained, skilled professionals.

The passengers who fly with them are entitled to the assurance that their flight attendants are as alert and rested as their pilots.

Let us adopt this amendment today.

□ 1450

Mr. COUGHLIN. Mr. Chairman, I will only say that the matters cited by the distinguished gentleman from Hawaii do not relate to flight attendants' rest and duty time, particularly. The FAA has performed a survey of the practices of flight attendants, and they reveal most of them are covered by collective bargaining agreements. Again, there is no quantifiable safety benefit that would relate to adopting this amendment that the Federal Aviation Administration can determine. To adopt an amendment and a standard for which there is no quantifiable safety benefit does not seem justified.

Mr. MINETA. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman for yielding, and I say that I appreciate very much the gentleman from California having worked very closely with one of the major corporations in Georgia that I work with a great deal, which is Delta Air Lines. And as this bill has been improved, I think that many of us who opposed it earlier on the floor now find something we can vote for. I want to thank my friend from California for working diligently on this and for shaping this amendment in a form I can support it.

So I am going to vote for it.

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

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

The CHAIRMAN. All time has expired.

The question is on the amendment as modified, offered by the gentleman from California [Mr. MINETA].

The amendment as modified, was agreed to.

The CHAIRMAN. Are these further amendments to title III of the bill?

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

Mr. Chairman, I would like to talk for just a brief minute about a section of the law that the FAA, Department of Transportation, administers, called the International Air Transportation Competition Act of 1979.

I cannot offer an amendment to the bill, because it would probably be legislating on an appropriations bill. But this legislation is commonly referred to as the Wright amendment, named after our former Speaker, Jim Wright. The effect of the language in the law—and I have raised this issue in previous legislative times—has to do with the field airports in Dallas, TX, particularly with respect to the airport at Dallas Love Field. The Wright amendment would and does restrict air traffic out of Dallas Love Field to points within the State of Texas and to the contiguous State of Texas.

The net effect of this, which was done about 12 or 13 years ago, is to restrict competition for air fares and service throughout vast parts of this great country of ours. Love Field is the only airport in America in which the Federal Government tells you where you can fly to.

And so I bring my colleagues this issue right now because just last week, on June 30, the Federal Trade Commission issued a report on the Wright amendment. And this lengthy report concludes by saying that the analysis shows that removing the restrictions of the Wright amendment may result in lower air fares both at DFW and at Love Field as well as reduced delays and commuting costs to air passengers.

The FTC study is a lengthy one, but it clearly and unequivocally shows the Wright amendment restricts competition and raises air fares not only for people in places like Wichita, Omaha, Memphis, and St. Louis, but also in the State of Texas as well.

So, while I cannot offer the amendment today, I urge my colleagues to read the Federal Trade Commission report and I will do my best to continue to fight for the elimination of this restrictive anticompetitive piece of legislation which has been on the books far too long.

The CHAIRMAN. Are there additional amendments to title III of the bill?

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

The CHAIRMAN. The gentleman from Pennsylvania [Mr. COUGHLIN] is recognized for 5 minutes.

Mr. COUGHLIN. Mr. Chairman, we have, as I understand it, two additional 20-minute amendments that are still to be considered and then we have the amendment by the distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL], also ahead of us, which I hope would be supported by the body. And then we will be following that with an amendment by the gentleman from Wisconsin [Mr. OBEY] which I hope would be opposed by the body.

I hope that we can get through with this bill before the evening becomes too late. Our chances of getting through with it will be much enhanced if we can keep the bill intact and not unduly amend the bill. That will also enhance our chances of having a bill that will be passed and signed by the President and will expedite the proceedings for this House and for the Committee on Appropriations.

Mr. Chairman, I again want to urge my colleagues, as they look at the further amendments to the bill, in particular the Obey amendment which will be coming up, to remember that this bill is a good bill as it stands. It does not need further amendment. I hope we will not start taking funds from other areas and trying to transfer them into

the transportation area, as has been suggested by the gentleman from Wisconsin, in a way that violates the budget agreement.

Mr. Chairman, it has been said that this does not tear down the firewalls, but it certainly does at least replace the firewalls for this purpose, which will be most certainly requiring a veto by the administration.

It has also been said that the amount of money would not be applied to the deficit. Well, obviously, money that we do not spend, if we do not spend it, is applied to the deficit. If indeed we do not spend the money that is in the foreign operations account, then that will result in a decrease in the deficit. On the other hand, if we transfer it to the transportation account and spend it, it will increase the deficit.

So I hope that as we proceed that we do the right thing in trying to restrict our spending and restrict the deficit.

I understand that the gentleman from Texas may be seeking recognition.

AMENDMENT OFFERED BY MR. MINETA

Mr. MINETA. Mr. Chairman, I offered an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MINETA: Page 67, after line 16, insert the following:

SEC. 339. TEMPORARY MATCHING FUND WAIVER

(a) INCLUSION OF TRANSIT PROJECTS.—Section 1054(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 120 note: 105 Stat. 2001) is amended—

(1) by inserting "for payment with funds apportioned" after "the Secretary";

(2) by inserting "or for payment with funds apportioned or allocated under section 3, 9, or 18 of the Federal Transit Act" before "and of";

(3) by inserting "or under section 3, 9, or 18 of the Federal Transit Act" before "during the"; and

(4) by striking "the State" and inserting "the recipient of such funds".

(b) REPAYMENT.—Section 1054(b) of such Act is amended—

(1) by striking "any State" and inserting "any recipient of funds described in subsection (a)";

(2) by striking "the State" each place it appears and inserting "the recipient";

(3) by striking "1994" and inserting "1995";

(4) by inserting "or the General Fund of the Treasury, as appropriate," after "Highway Trust Fund"; and

(5) by striking "or allocation" after "apportionment".

(c) DEDUCTION FROM APPORTIONMENTS.—Section 1054(c) of such Act is amended—

(1) by striking "a State" and inserting "a recipient of funds described in subsection (a)";

(2) by striking "the State" and inserting "the recipient";

(3) by inserting "or from funds apportioned or allocated to the recipient under section 3, 9, or 18 of the Federal Transit Act, as appropriate," after "United States Code," the first place it appears;

(4) by striking "1995 and 1996" each place it appears and inserting "1996 and 1997";

(5) by inserting "under title 23, United States Code, or a pro rata share of apportioned or allocated funds under section 3, 9, or 18 of the Federal Transit Act, as appropriate" before the period at the end of the first sentence;

(6) by inserting "or reapportioned or reallocated under section 3, 9, or 18 of the Federal Transit Act, as appropriate," after "United States Code," the second place it appears; and

(7) by striking "those States" each place it appears and inserting "those recipients".

(d) QUALIFYING PROJECT DEFINED.—Section 1054(d) of such Act is amended—

(1) by inserting "before, on, or" after "obligated to pay"; and

(2) by striking "the Governor of the State" and inserting "the recipient of funds described in subsection (a)".

(e) APPROVAL OF WAIVER REQUESTS.—Section 1054 of such Act is amended by adding at the end the following new subsection:

"(e) APPROVAL OF WAIVER REQUEST.—The Secretary shall approve any request submitted to the Secretary under this section for an increase in the Federal share of the cost of a project on or before the 45th day after the date of receipt of such request.".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect December 18, 1991.

□ 1500

The CHAIRMAN. The Chair inquires of the gentleman from California [Mr. MINETA] if he is offering the amendment on behalf of the gentleman from Iowa [Mr. NAGLE].

Mr. MINETA. That is correct, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. MINETA] under the rule will be recognized for 10 minutes, and a Member in opposition will also be recognized for 10 minutes.

Is there a Member who seeks to be recognized for 10 minutes in opposition?

Mr. COUGHLIN. Mr. Chairman, I am in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized in opposition, and the Chair first recognizes the gentleman from California [Mr. MINETA].

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

Mr. Chairman, this amendment extends to transit projects the temporary matching fund waiver provisions that were included under section 1054 of the Intermodal Surface Transportation Efficiency Act of 1991 for highways.

The recipient of Federal funds for highway and transit projects would be provided the authority to request a temporary waiver of the non-Federal share for transportation projects.

Mr. Chairman, the Congress made a commitment to the Nation last year when we approved the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA].

This legislation laid the groundwork for an innovative and effective transportation network. It is now time to make this vision a reality.

However, we are seeing that the States and localities are facing the severest budget crises in their histories. ISTEA won't work unless our State and local partners get some help.

This amendment comes at a time when it is desperately needed—in terms of our infrastructure—and our Nation's economic health.

At a time when the White House is in economic disarray—when they continue to deny the effects of the economic recession, we have before us an amendment that will help the ISTEA legislation achieve one of its major goals: creating at least 2 million jobs.

And while the people of 1600 Pennsylvania Avenue haven't seen or felt the effects of the recession, Mr. Chairman, you have only to ask the people of Bethlehem, PA, if there is a recession.

Or the people of Chicago, IL.

Or the people of Lafayette, LA.

Or the people of San Jose, CA, and they will tell you that our economy is hungry for stimulation. These people are counting on the economic and infrastructure benefits and improvements that this temporary match waiver will generate.

It is now absolutely essential that America do more than reverse the collapse of our annual transportation investment from 2.3 percent of our gross national product in the 1960's and 1970's to four-tenths of 1 percent from the 1980's to this very day.

Mr. Chairman, this amendment is fair.

The repayment of the non-Federal share would not have to be made until March 30, 1995. This is just an extension of just 1 year before the repayment must be made.

If the repayments are not made by March 30, 1995 and credited to the appropriate apportionment or allocation accounts, the Secretary must deduct the necessary repayment amounts from apportionments or allocations made for fiscal years 1996 and 1997.

This amendment will help States and localities get over the hump—and get to the business of rebuilding America.

Mr. Chairman, I urge my colleagues to support the amendment.

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

Mr. COUGHLIN. Mr. Chairman, my colleagues, this is a really bad amendment, waiving the local match. Not only is it a bad amendment because it does not require the States and local communities to put up their share of the match of projects, but in a very real way, in a very real way, this may actually delay the expenditure of Federal money, delay the jobs, delay the projects because, as the investment is postponed, the States do not have to reinvest the waived match in infrastructure projects until March 1995.

In other words, Mr. Chairman, if they delay the match this year, but they have to repay it next year, they may not have to pay it until March 1995, and

nothing would then be done in ensuing years. This can cost jobs and money would go unspent, and that is an important factor.

The amendment also does not give, does not give, the Secretary of Transportation any discretion in the approval of a waiver. Now that is very important because some of these projects, in the case of transit projects, for example, are worth hundreds of millions of dollars, and there is no guarantee that there will be future year funds to withhold if the waiver is not repaid.

What we are saying here is: "You waive the funds for this year, but they'll have to be repaid by the local governments next year, or you withhold Federal funds, but the Federal funds won't be there to withhold in these multimillion dollar projects if you don't have a local waiver."

So, Mr. Chairman, this is a really very bad amendment. This is something we fought out in the dire emergency supplemental in the conference with the Senate where they tried to waive the match there. We were successful in succeeding to defeat this there.

Again, Mr. Chairman, we are just mounting up the things that would call for a veto of this bill. I would hope my colleagues would not include again legislation in an appropriations bill. We are just overburdening the bill, and this is a bad idea, one that has not been thought through carefully and one that I hope my colleagues will defeat.

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

Mr. MINETA. Mr. Chairman, I yield 1 minute to the very distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations, the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Chairman, I thank the gentleman from California [Mr. MINETA], my friend, for yielding this time to me.

Mr. Chairman, I rise in support of this amendment. It essentially provides an additional year of time to repay the match and that gives the States additional flexibility. It will probably expedite jobs for the highway program.

I urge adoption of the amendment.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Chairman, I reluctantly rise in opposition to the amendment. I understand what the proponents of the amendment are trying to do, and I think they have some good ideas. I also understand that States and localities are having some initial difficulty ramping up to the new requirements of the ISTEA legislation.

Mr. Chairman, the thing that I worry about is somebody who, hopefully, down the line will be making some decisions on this kind of thing. The thing I worry about the most is that some of these communities are really not going to surmount the political courage necessary to do the things required to get these matches, and they are going to postpone their own discipline in getting the matches together, and then we will be back here in a year or so, maybe 2 years, being asked to forgive the matches, and those communities that mustered the political courage to do those things necessary to get the matches early will be penalized, and I just think this is an unwise way to proceed, and I oppose the amendment.

Mr. MINETA. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. NAGLE], the coauthor of the amendment.

Mr. NAGLE. Mr. Chairman, I think it is time we face the reality that it is not just the Federal Government that is broke, but that States, and municipalities and counties are broke too. MPO's are as broke as we are here in the Nation's Capital; 35 of 50 States, in fact, are running deficits. Sixty percent of the cities and towns of this country are running deficits. To tell them that in order to get a needed road project or a needed public works project started they have to find 20 percent and put it on the front end, in order to bring the 80 percent that the Federal Government is matching into play, in essence is to deny them the opportunity to ever start the project.

Flint, MI, for example, has a $17 million road project. Flint is forced to choose between raising taxes or not doing the road project on an already strapped budget. It puts them in the same difficult quandary many of our States and cities are finding themselves in.

Mass transit repairs in Chicago are not being done because the city cannot find the 20 percent.

□ 1510

This legislation opens the spigot of Federal construction across this country, which was the commitment of ISTEA. It makes it possible for States to get those projects started, for cities to initiate those efforts, and then put their 20 percent in on the end. It makes it possible to use the economic activities and revenues generated by those activities to complete those projects, put people to work, and make ISTEA a reality, and to make jobs in construction in this country to rebuild our infrastructure a reality.

It has the strong support of the Black Caucus, the strong support of the Urban Caucus, the strong support of the U.S. Conference of Mayors and other organizations that are involved within the construction industry and are concerned about jobs in this country, and which are concerned about jobs in this country now.

It does not forgive the 20 percent; it simply gives States flexibility to put the money in when they need to and when they can and when they can afford to, and get people to work today.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DELAY], a member of the subcommittee.

Mr. DELAY. Mr. Chairman, I reluctantly rise to oppose this amendment, especially in the face of the gentleman from California [Mr. MINETA].

I concur with the gentleman from Michigan [Mr. CARR] in his opposition to this amendment and all the issues the gentleman raises about matching funds. I just want to add, No. 1, that this is bad policy; and, No. 2, this does not guarantee that the waiver will ever be paid back.

First off, it is bad policy, because we are allowing locals to determine what happens with Federal funds, and directly determine where those funds are allocated. I think that is very bad policy, because all the locals have to do is apply for a waiver, meet certain criteria, and the Secretary of Transportation has no discretion but to make this waiver. I think that is terrible policy.

Second, the amendment does not preclude the waiving the amounts larger than what a recipient will receive in future years. There may be, therefore, insufficient funds against which to deduct the repayment if the waived funds are not repaid. So once again there is no guarantee that a local match would ever be paid.

The CHAIRMAN. The Chair would advise that the gentleman from California [Mr. MINETA] has 3½ minutes remaining, and the gentleman from Pennsylvania [Mr. COUGHLIN] has 5 minutes remaining.

Mr. MINETA. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS], who would like to enter into a colloquy with the distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations, the gentleman from Florida [Mr. LEHMAN].

Mr. WILLIAMS. Mr. Chairman, I appreciate the gentleman allowing me to interrupt the debate on his amendment for this purpose.

I appreciate the chairman's help in addressing the situation we have at Butte. Butte, MT, sits at 5,500 feet and is surrounded by peaks reaching up to 9,000 feet. The flight service station at Butte provides a critical service to pilots by providing advice about the best pathway through the Rocky Mountains of that area. The problem is that the initial study of flight service stations only considered the statistical weather directly above the airport; in Butte, the airport has reasonably stable weather patterns, but in the surrounding mountains the weather changes constantly. For example, the standard route from Bozeman to Butte passes

over the town of Whitehall, yet it's commonplace for the flight service people to advise pilots into alternative routes to avoid pockets of difficult mountain weather. Unfortunately, we've not been successful in persuading the FAA that this circumstance requires specific attention, and so the evaluation of services at Butte have not reflected the actual needs of pilots.

It would be my understanding, Mr. Chairman, that under this provision the FAA would be required to take a careful look at the circumstances posed by mountainous weather at Butte, and whether the particular circumstances indicate the need to maintain a flight service station there.

Mr. Chairman, am I correct in that understanding?

Mr. LEHMAN of Florida. Mr. Chairman, the gentleman is correct in his understanding. There are areas of this country where we must be very careful where they are attempting to close flight service stations, for safety reasons.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member of the Committee on Public Works and Transportation.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise to express concern about the amendment offered by my respected colleagues, Mr. MINETA, Mr. GEPHARDT, and Mr. NAGLE.

Although I understand the goal of the amendment, I believe it is unnecessary at this time. The Public Works and Transportation Committee currently is working on technical amendments to the Intermodal Surface Transportation Efficiency Act. In this process we are looking at ways to extend the temporary local share waiver to additional transit programs, and I believe the Public Works Committee's technical corrections' measure is the appropriate place to make such a change.

My second concern with this amendment is the extension of the State or local share payback requirement for both highway and transit programs by 1 year. I believe the existing payback provisions are quite reasonable and there has been no demonstration of the need to give States an additional year.

The longer these funds are out of circulation, the more our Nation's overall transportation funding is diminished. If less funding is available, important transportation projects must be postponed—and the desperately needed jobs these projects can stimulate will be postponed right along with them.

My third concern relates to the payback requirement for transit discretionary programs. Because of the discretionary nature of the section 3 program, we cannot be assured that adequate future funds would be due to section 3 recipients in order to enforce the payback requirements.

I believe this amendment is intended to permit waiver of the local share for section 3 programs only in cases where the Federal Transit Administration is able to determine that sufficient funds could be withheld from the recipient in future years to ensure that the local share is repaid. However, I believe this point needs clarification in the amendment.

Again, I wanted to express these concerns and emphasize that these issues would be best addressed in the context of the technical corrections measure currently under consideration by the Public Works and Transportation Committee.

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

Ms. OAKAR. Mr. Chairman, I rise in strong support of the amendment.

This amendment will allow States the flexibility to use its funds not to match the Federal funds, but to compliment the funds. Our State of Ohio is still a donor State though we get more than a $1 for every $1 because of the discretionary funds. In addition, our State needs the funds because we have the third oldest infrastructure in the country. For these and other reasons, this is a fine amendment.

Mr. MINETA. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SCHEUER].

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

Mr. Chairman, I rise in strong support of this amendment.

Given that the current unemployment rate is approaching 8 percent, it is time for this Congress to develop a comprehensive jobs package. This amendment will facilitate job creation.

Many of the jobs that were promised by the Intermodal Surface Transportation Efficiency Act may not be created, because State and municipal governments can not meet the match requirements to receive needed Federal funds. Thirty-five of our States and over 60 percent of our cities are facing budget difficulties. In these troubled times, we should not hinder our cities with unreasonable fiscal requirements.

This amendment would extend the existing match waiver as part of the ISTEA to include transit programs for fiscal year 1993. It also gives States and municipalities flexibility in the repayment of the match requirements. Lastly, it streamlines the process for waiver requests so that cities might begin creating transportation and infrastructure jobs as soon as possible. For this reason, this amendment is endorsed by the U.S. Conference of Mayors, the Congressional Black Caucus, and the Congressional urban caucus.

Mr. Chairman, the Nagle-Mineta amendment is a godsend in the absence of any Federal leadership to renew and improve our infrastructure in this country. We urgently need jobs, and what better application for American workers than to improve our infrastructure.

Mr. Chairman, in this case it is transit. For New York City and other urban centers it could be mass transit. These funds could be used to repair and renovate subways. What a godsend at this time when our subways are falling further and further into disrepair.

It could mean that we would buy new buses in New York City to replace the antiquated buses that we have now.

This is a godsend in time of need to enable us to put workers to work improving the quality of life in America by improving our decaying and deteriorating infrastructure. I urgently ask my colleagues to support this amendment.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. PRICE].

Mr. PRICE. Mr. Chairman, I stand reluctantly to oppose this amendment. I appreciate the difficulties that led to this amendment and I appreciate the crunch that our States are experiencing in their financing of roads and transit projects. But I think to pass this amendment here today would be to invite trouble later.

We would likely be back here a couple of years from now dealing with requests for further delays in cost sharing, or dealing with requests for forgiveness.

This amendment also raises grave questions of fairness. After all, there are States in this Union that have met their obligations, that have come up with the matching funds, that have moved ahead with their highways and transit programs. They have come up with the matching funds, and there is no reason that other States should not do likewise. But this amendment would provide incentives to delay these obligations.

Requiring a State match for highway and transit programs is a longstanding and sound feature of this country's transportation policy. It promotes accountability and it promotes fiscal responsibility. The cost sharing provisions in present law and in this bill are fair and sufficiently flexible, and I urge they be retained.

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

Mr. Chairman, let me just say that as is obvious from the discussion here, this is a very complicated matter that we should not be treating on an appropriations bill in this fairly cavalier fashion. It is bad policy. It is unfair to some communities. I hope the amendment will be defeated.

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

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

□ 1520

Mr. DELAY. I just want the Members to understand that if this amendment

passes, the pot that goes to States all over this country is going to be diminished. If we have certain communities that cannot come up with the 20 percent, they are going to get projects and project moneys and not having to meet a local match. So the pot for those legitimate, viable projects will be greatly diminished by this amendment.

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

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the Mineta-Gephardt amendment.

Mr. Chairman, I rise in support of the Mineta-Gephardt-Nagle amendment to allow State and local governments to waive their share of the match for transportation projects.

Last year's transportation infrastructure bill promised to rebuild America. But most importantly, it promised thousands of new jobs.

The recession has hit city governments hardest. They simply can't afford to put up their share to get their transportation projects off the ground. And they need relief.

Currently, match waivers are only allowed for highway programs. This amendment would allow waivers for transit programs as well.

Importantly, this waiver includes funding for mass transit operating subsidies—the basic funding systems need just to keep running.

Finally, it allows cities and metropolitan planning organizations who receive Federal transportation funds to speak for themselves—and not wait for the Governor to request all waivers.

As chairman of the congressional urban caucus, I support this amendment. It is good for my own city of Philadelphia and for cities across the country. It funds big-city transit systems. It puts people back to work. And it gets critical infrastructural projects off the ground. Vote "yes" on Mineta-Gephardt-Nagle.

Mr. MINETA. Mr. Chairman, I yield the balance of my time to our distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

The CHAIRMAN. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 1 minute.

Mr. GEPHARDT. Mr. Chairman, I urge Members to vote for this amendment. The reason for it is very, very simple. We passed a highway bill last year that a lot of States and local governments need to use.

Some have not been able yet to put together the local match, but they are in the process of doing that. The bill we passed said States could get a waiver. This amendment simply says that in other instances, waivers can be achieved. It allows local governments as well as State governments to achieve a waiver.

It allows for transit projects as well as highway projects, as the bill did last year. And finally, it simply says there will be an additional year in which to make the match.

It makes sense. It does not diminish the pot for other States. In fact, if we do not pass this amendment, there is going to be money that will be left over that cannot be spent because the waivers are not available enough.

I urge Members to vote for this simple, straightforward and needed amendment so we can fulfill the promise of the highway and mass transit legislation of last year.

Mr. TOWNS. Mr. Chairman, I rise in support of the ISTEA amendment to H.R. 5518, the fiscal year 1993 Department of Transportation appropriations, offered by my good friends, Chairman NORM MINETA and Representative DAVE NAGLE.

This amendment addresses two major problems that we are facing as a Nation. We are losing money every year due to the diminishing quality of our Nation's bridges and roadways. The House Public Works Committee has cited the need to rebuild and rehabilitate our infrastructure. There is also that problem of high unemployment. Considering the current unemployment rate which now stands at almost 8 percent, Congress needs to enact legislation that will provide jobs for the American people. This amendment would help to do just that while also aiding the commencement of rehabilitation projects for our infrastructure.

The Intermodal Surface Transportation Efficiency Act [ISTEA] of 1991 which was approved by Congress was supposed to produce the jobs that we still seek today. However, many of these jobs may not be created due to the inability of State and local governments to meet the match requirement to receive Federal transportation funding.

We must eliminate the current impediments that the local and State governments have been facing in attempting to acquire Federal transportation funding and thus facilitate our efforts to create jobs and rebuild our infrastructure. I urge its adoption.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. MINETA].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 229, not voting 21, as follows:

[Roll No. 279]

AYES—184

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Browder
Brown
Bruce
Bustamante
Cardin
Clay
Clement
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Gibbons
Guarini
Hall (OH)
Hamilton
Harris
Hayes (IL)
Hochbrueckner
Horn
Hoyer
Hubbard
Jacobs
Jefferson
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McMillen (MD)
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moody
Moran
Mrazek
Murphy
Nagle
Neal (MA)
Nowak
Oakar
Oberstar
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Poshard
Quillen
Rahall
Rangel
Ravenel
Reed
Roe
Roemer
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Sawyer
Scheuer
Schumer
Serrano
Sharp
Sikorski
Skelton
Slaughter
Smith (FL)
Smith (IA)
Staggers
Stallings
Stokes
Studds
Swett
Swift
Synar
Tanner
Torres
Torricelli
Traficant
Unsoeld
Vento
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates

NOES—229

Allard
Allen
Andrews (TX)
Anthony
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Brewster
Brooks
Broomfield
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Carper
Carr
Chandler
Chapman
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Coughlin
Cox (CA)
Cox (IL)
Crane
Cunningham
Dannemeyer
Darden
Davis
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Early
Edwards (OK)
Emerson
English
Ewing
Fawell
Fields
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Holloway
Hopkins
Horton
Houghton
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Jones (GA)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Luken
Machtley
Manton
Martin
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison
Murtha
Myers
Natcher

Neal (NC)	Rohrabacher	Stump
Nichols	Ros-Lehtinen	Sundquist
Nussle	Rose	Tallon
Obey	Roth	Tauzin
Orton	Roukema	Taylor (MS)
Oxley	Rowland	Taylor (NC)
Packard	Santorum	Thomas (CA)
Parker	Sarpalius	Thomas (GA)
Patterson	Saxton	Thomas (WY)
Paxon	Schaefer	Upton
Payne (VA)	Schiff	Valentine
Pease	Schroeder	Vander Jagt
Penny	Sensenbrenner	Visclosky
Petri	Shaw	Volkmer
Pickett	Shays	Vucanovich
Pickle	Shuster	Walker
Porter	Sisisky	Walsh
Price	Skaggs	Weber
Pursell	Skeen	Weldon
Ramstad	Slattery	Whitten
Regula	Smith (NJ)	Wilson
Rhodes	Smith (OR)	Wolf
Richardson	Smith (TX)	Wylie
Ridge	Snowe	Young (AK)
Riggs	Solomon	Young (FL)
Rinaldo	Spence	Zeliff
Ritter	Spratt	Zimmer
Roberts	Stearns	
Rogers	Stenholm	

NOT VOTING—21

Ackerman	Hayes (LA)	Schulze
Alexander	Hefner	Solarz
Archer	Johnson (TX)	Stark
Barnard	Lent	Thornton
Campbell (CO)	Lowery (CA)	Towns
Gaydos	Ray	Traxler
Hatcher	Savage	Yatron

□ 1544

The Clerk announced the following pairs:

On this vote:

Mr. TOWNS for, Mr. JOHNSON of Texas against.

Ms. SNOWE and Messers. MCCANDLESS, HALL of Texas, GLICKMAN, RICHARDSON, and GORDON changed their vote from "aye" to "no."

Mr. YATES and Mr. FASCELL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. COUGHLIN. Mr. Chairman, I move to strike the last word, and yield to the gentleman from Nebraska [Mr. BEREUTER] for the purposes of a colloquy.

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

Before proceeding with the colloquy, Mr. Chairman, I want to express my great appreciation and admiration for the years of exceptional public service to the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] for their service in the U.S. House of Representatives.

Mr. Chairman, I would like to clarify the committee report language concerning the Newcastle-Vermillion Bridge. I want to ask both the gentleman from Florida and the gentleman from Pennsylvania, am I correct in understanding that the $4.12 million appropriation included in the bill for a bridge across the Missouri River is for the proposed authorized bridge between Newcastle, NE, and Vermillion, SD, even though there was an inadvertent reference to the site of another bridge for which appropriations were enacted during fiscal year 1992? I would ask the distinguished chairman.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, the gentleman is correct.

Mr. BEREUTER. I thank the Chair.

I would also ask the gentleman from Pennsylvania, am I correct?

Mr. COUGHLIN. The gentleman is correct. That was our intention.

Mr. BEREUTER. I thank the gentleman.

AMENDMENT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Texas, Page 67, after line 16, insert the following new section:

SEC. 339. The amounts otherwise provided in this Act for the following accounts and activities are hereby reduced by the following amounts:

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

Expenses, $5,000.

OFFICE OF THE GENERAL COUNSEL

Expenses, $17,500.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS

Expenses, $131,000.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

Expenses, $2,500.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

Expenses, $2,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

Expenses, $625,360.

CONTRACT APPEALS BOARD

Expenses, $2,700.

OFFICE OF CIVIL RIGHTS

Expenses, $4,100.

OFFICE OF ESSENTIAL AIR SERVICE

Expenses, $4,200.

OFFICE OF INTELLIGENCE AND SECURITY

Expenses, $25,300.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

Expenses, $60,500.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

Expenses, $87,280.

WORKING CAPITAL FUND

Expenses $1,880,000.

COAST GUARD

OPERATING EXPENSES

Expenses, $5,031,480.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Expenses, $2,500,000.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

Expenses, $430,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Expenses, $558,600.

FEDERATION AVIATION ADMINISTRATION

OPERATIONS

Expenses, $9,076,000.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Expenses, $4,575,000.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Expenses, $4,737,120.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Expenses, $7,024,000.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Expenses, $1,802,000.

MOTOR CARRIER SAFETY

Expenses, $78,580.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

Expenses, $347,700.

RAILROAD SAFETY

Expenses, $801,800.

RAILROAD RESEARCH AND DEVELOPMENT

Expenses, $296,000.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

Expenses, $685,400.

RELATED AGENCIES

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

Expenses, $1,023,000.

Limitation on operating and capital expenses, $5,837,000.

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

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

There was no objection.

Mr. LEHMAN of Florida. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes.

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

There was no objection.

The CHAIRMAN. Debate time for this amendment will be limited to 20 minutes.

The gentleman from Texas [Mr. SMITH] will be recognized for 10 minutes and a Member in opposition will be recognized for 10 minutes. Does any Member rise in opposition to the amendment?

Mr. LEHMAN of Florida. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida [Mr. LEHMAN] will be recognized for 10 minutes.

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

□ 1550

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, by supporting this amendment, Members will challenge Federal managers to find additional savings in their overhead costs.

The amendment makes overhead spending reductions agency by agency. Reductions are based on each agency's actual overhead spending on travel, transporting things, utilities, communications, rent, other services and supplies, and materials. None of the Appropriations Committee funding for programs or personnel is reduced by a single dollar.

The amendment totals $53 million in overhead reductions, which is less than one-fifth of 1 percent of the total $35 billion in spending.

Agency reductions in no instance exceed 2 percent of a given agency's total spending. Where the committee specifically targeted overhead reductions, they are credited in the amendment, and in no instance does a reduction reduce an agency's total funding below 1992 funding levels.

This amendment is a practical, commonsense first step to bringing Government costs under control.

Across America, families and businesses have been meeting the challenge to control their costs in recent years. Americans understand what it means to act to control overhead costs.

On behalf of citizens, Congress should now take the lead to see that the Federal Government does the same thing.

This is an amendment that all Members can and should support. It picks no favorites. It only asks of one agency what it asks of other agencies. It is flexible. There are no personnel cuts. Rather, this amendment empowers Federal managers. They are challenged to reduce their overhead costs and then allowed to decide how best to achieve those savings on behalf of the American people.

There are no program cuts. Rather, this amendment challenges managers to discover new ways to make programs more efficient and effective. To citizens, that means better service and a more responsive Government.

It defies common sense to believe that Federal managers will not be able to find less than one-fifth of 1 percent in overhead savings, or $53 million.

It is a good first step.

To summarize, the amendment's overhead reductions are based on each agency's spending, do not exceed more than 2 percent of an agency's total funding, do not reduce any agency funding below 1992 levels, and are one-fifth of 1 percent of the bill's total spending. The overhead reductions cut no programs and do not reduce funding for personnel.

It is endorsed by Citizens Against Government Waste and the National Taxpayers' Union, and I hope this amendment will be endorsed by my colleagues as well.

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

Mr. LEHMAN of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment.

While attractive in appearance, this type of amendment is not necessary. The bill before us today is already below the House-passed budget resolution levels and the subcommittee's 602(b) allocations. Funding in this bill is less than last year's level for outlays.

Most of the overhead accounts in the bill are at or below last year's level already. The FAA and Coast Guard operating budgets would receive increases, but only very small ones—4 percent and 2 percent, respectively. I do not believe these accounts should be considered overhead.

I urge the Members not to accept this amendment, since it would cut funds for operation of the air traffic control system, for response to oilspills, for the life-saving and drug interdiction mission of the Coast Guard, for railroad safety inspections, and for other critical activities. These are the kinds of activities which fall under overhead in the gentleman's amendment. The reductions are not necessary, and would lead to delays in airline travel and reduce safety on our highways, airways, and waterways. This amendment should be defeated.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me make a couple of additional points. I am not sure I understood everything the chairman just said.

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

Mr. SMITH of Texas. I am happy to yield to the gentleman from Minnesota.

Mr. PENNY. Mr. Chairman, I appreciate the gentleman yielding.

Maybe the gentleman could clarify a question that has come up on the part of several Members. There was a question about the level of funding for the FAA administrative account and where that funding level ends up as a consequence of this amendment.

Mr. SMITH of Texas. Mr. Chairman, let me try to respond to my friend's inquiry.

In regard to the Federal Aviation Administration, within FAA operations spending, my amendment targets the overhead spending of two activities, human resource management and headquarters administration only. No programs or projects are cut. No personnel slots are out.

Total spending on travel, transporting things, utilities, supplies, materials by these two activities exceeds $138 million a year, and what my amendment does is to reduce that spending by less than 2 percent of the total funding for FAA operations.

Mr. PENNY. If the gentleman will yield further, is it fair then to say that the reduction in this area is focused strictly on administrative overhead, and that the reduction would not affect or impair the ability of the FAA to perform its operational functions?

Mr. SMITH of Texas. I would say to my colleague that that is absolutely correct.

Mr. PENNY. Mr. Chairman, I support the amendment.

Mr. Chairman, I rise in support of the Smith amendment, and I commend the gentleman from Texas for again taking the floor to reduce overhead and indirect spending. I am happy to join him in urging adoption of this amendment.

This amendment, to the fiscal year 1993 transportation appropriations bill, reduces total spending in this bill $59 million and should be overwhelmingly embraced by the House. As it's been pointed out, the Smith amendment does not touch one dime of spending for transportation projects or personnel. It will not disrupt any agency function or slow down any activity at any agency funded by this bill.

What it does cut is overhead spending agency-by-agency for travel, utilities, communications, rent, other services, supplies and materials. Overall, the amendment saves a total of $59 million, which is two-tenths of 1 percent of the bill's total new obligational authority. In no instance does any reduction exceed 2 percent of a given agency's total funding, and in no single account, does a reduction reduce an agency's total funding below 1992 funding levels. And as Mr. SMITH has indicated, where the subcommittee specifically targeted overhead reductions, they are credited in the amendment.

Earlier this year, I was involved in a task force that concluded that a reduction of between 5 and 10 percent in overhead/indirect spending at Federal agencies was possible and would not result in any reduction in services or programs. What we're talking about here is $59 million in a $13 billion measure. That comes out to something like .004 percent of the total. This reduction will hardly undermine any program or activity.

Mr. Chairman and Members, with a deficit of over $400 billion—and the national debt near $4 trillion, we must make reductions everywhere we can, every chance we get. As any American can understand, overhead expenses, are among the first expenditures that should be reduced. This amendment is a modest step and I urge its adoption.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for his support.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. CARR].

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

Mr. Chairman, I rise to oppose the amendment.

While I understand the sincere intentions of my friends who offer the

amendment, I have to say simply that they are wrong. For example, in discussing the office of the Secretary, if everyone here would like to get a copy of the report and turn to page 4, you can easily see that recommended in this bill that our committee has worked on for so long and so hard, it is below 1992. It is below 1992 in new budget authority. It is below 1992 in limits on obligations.

I can tell the Members of the Congress that we sat and went over each and every one of these accounts, and some of these recommendations we even made in committee, but what we ended up with was a different mix.

We in fact cut the office of the Secretary below 1992.

Going on even further, these cuts in this particular amendment will affect vital safety. Now, I know that the authors of the amendment have to say that it will not, because they know that if the Congress believes that it will, they will not support the amendment.

But let me tell the Members that when you cut human resources as was just mentioned in the colloquy here a few minutes ago, it may sound sort of neutral, that is something we can get rid of, who cares, human resources. Let me tell you what human resources is: Human resources in the Federal Aviation Administration is training for air traffic controllers.

The FAA is human-resource intensive. That is the budget that they do the training out of. That is safety.

We have already cut the operations and facilities and equipment and research and development in the FAA.

This is another $18 million. This budget and the safety required in the FAA cannot afford this amendment. The Coast Guard, and everyone who has looked at this including our friends on the Committee on Merchant Marine and Fisheries, will tell you that this committee unfortunately, and we did not want to do it, but we cut the Coast Guard. The Coast Guard has a very important role for maritime safety, for law enforcement, drug interdiction, and it is very important that we not cut the Coast Guard any further.

This particular amendment would take another $5 million out of what is already about a $100 million cut in the Coast Guard. They just cannot take this. We have cut them to the bone.

So I know that my friends want to economize. You know, they want to have a vote on the floor so that everybody can go home and say they voted to whack it to the Department of Transportation, but let me tell you that the committee did a lot of work and tried very hard in juggling the competing priorities across the board, and we did the best we could.

We would like the Congress to support the subcommittee's judgment.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to respond to the point made by my friend, the gentleman from Michigan. He argued that the human resource management deals with safety, and I would say that it certainly does not do that.

It is basically a personnel department, and on page 54 of the report, it says this:

> This activity includes administration of FAA employee recruitment, compensation (including federal employees' compensation payments and unemployment compensation), training, and labor-management relations programs.

The point here is that given the line-item figures that we have studied here, we are not talking about cutting any programs or personnel. I want to make that very, very clear. What we are talking about is cutting Government overhead that has never been specifically targeted before.

□ 1600

Within the Federal budget, Government overhead has now ballooned to be over one-quarter of that Federal budget, $320 billion.

In no case, and I will repeat this, in no case are any of these agency cuts below the 1992 level.

What we are doing is targeting such items as travel and supplies that have never been targeted before.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Chairman, just in response and rebuttal, the gentleman can read very well and he read it very quickly.

The word "training" was in there. If you go on and read, and I invite everybody to read page 54, this is training of our air traffic controllers. That is safety.

Mr. Chairman, I must respectfully disagree with the gentleman.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me respond once again and try to clarify exactly what this amendment does. It targets Government overhead spending. It does not target any programs for safety, training, or any personnel involved with any of those programs.

What it targets again is five object classifications, such as travel and supplies.

Let me tell my colleagues why we have targeted those particular categories, and I will give you one example. Let us take travel, since that is a particularly large item.

What we discovered in our analysis was that incredibly in the last month of the fiscal year the travel expenditures suddenly go up 48 percent. Very clearly, Federal managers are trying to use up their travel allotment. It is those types of expenditures that we are trying to control. If we do not control Government overhead spending, there is nothing that we possibly can control. It has never been scrutinized before. It needs to be targeted right now, tonight, and this is just the beginning.

The advantage of targeting overhead spending is that everybody benefits. The taxpayers benefit. The deficit is reduced or can be reduced.

We also have a situation where we are not cutting the important programs of agencies, not cutting personnel. We are only talking about overhead expenditures, such as those items of travel and supplies.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I have a great deal of respect for the gentleman from Texas. He has had similar amendments in the past, but I urge my colleagues to listen closely as this amendment is described.

Most of us are sitting here waiting for the opportunity to head out to the closest airport and to take a plane home. Many of the people listening to this debate are in the same circumstance.

We want to know that when we get on that plane that there will be an air traffic controller hired by the Federal Aviation Administration, properly trained, on the job, doing professional work.

The gentleman from Texas insists that he can make a cut of $9 million in the Federal Aviation Administration which will have no impact whatsoever on the delivery of their services. I would like to echo what my colleague, the gentleman from Michigan, said earlier. We went through this appropriation bill very closely. We made some rather spectacular cuts in some areas. I can say that many Members on the floor will tell you they are unhappy with the cuts, but I can just tell you point blank that with this amendment you are going to make cuts in areas that are going to affect the quality of service that is provided.

The gentleman from Texas said earlier, we play no favorites. He said: We have no favorites in our cuts. Well, I will readily confess that the committee did play favorites. When it came to the question of public safety, we played favorites. We said when it comes to the Federal Aviation Administration, we want the FAA to do its job professionally, do it well, make sure that the American public using our airplanes, are safe and can rely on air traffic controllers who are properly trained.

The gentleman's amendment goes a little bit too far. I urge my colleagues to oppose it.

Mr. SMITH of Texas. Mr. Chairman, let me say once again that this amendment does not cut one air traffic controller. The legislative history that we are establishing now will show that is the case.

What I am simply saying to the Federal managers, for example, is that instead of taking 10 trips next year, you can take 9 trips this year. I think the American people would support that.

Once again, this amendment only cuts one-fifth of 1 percent of the total spending.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, I am reluctant to oppose my good friend, the gentleman from Texas [Mr. SMITH], but I can only say that this subcommittee went through months and months of hearings on this legislation. We went through every item in great detail. We were faced with a very tight 602(b) allocation. We produced a bill that is $1.5 billion less than the budget request and $4 billion less than fiscal year 1992.

In particular, what the gentleman is targeting is outlays, and we were looking for every penny we could save in outlays, because that got us additional budget authority. If we have not combed for every penny in travel and for every penny in overhead, for every penny that we could get out of this in all these cases, the Secretary's Office is lower than last year. We really worked very hard to get this down as far as we could.

Reluctantly, Mr. Chairman, I have got to say that doing anything further would be a tragic mistake, and I urge defeat of the amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the comments of my friend, the gentleman from Pennsylvania, and in reply I want to repeat once again that no agency is cut more than 2 percent in spending, that once again the total cuts by this amendment are less than one-fifth of 1 percent of the total spending in the bill.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. TAUZIN].

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

Lest there be any doubt about it, this amendment will take an additional $5 million out of the operating account of the Coast Guard, when the bill as it is written now already takes away $87 million out of the operating account.

If you want to know what that means, that means search and rescue stations will be shut down. That means air patrols will be curtailed. Cutters will be decommissioned. That means safety at sea, not only for mariners, but recreational boaters will be threatened. Have no mistake about it. This amendment further cuts the Coast Guard when later on we will be trying to restore a little bit back to the Coast Guard's budget.

Mr. Chairman, I urge that we reject this amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me reply to the remarks of my friend.

Within the Coast Guard's operation expenses, my amendment targets a reduction only in the overhead spending of headquarters administration.

My amendment leaves the Coast Guard's operating expenses account with a $37 million, rather than a $39 million increase in spending over 1992. It goes from $39 million to $37 million.

Mr. LEHMAN of Florida. Mr. Chairman, I just urge this amendment be defeated, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will close by making three points for my colleagues.

Once again, first of all, the amendment cuts do not exceed more than 2 percent of any agency's total spending.

Second, they do not reduce any agency's funding below the 1992 levels.

Third, and most importantly, the total cuts in this amendment amount to less than one-fifth of 1 percent of the bill's total $35 billion in spending for 1993.

Mr. DORGAN of North Dakota. Mr. Chairman, I rise in support of the Smith amendment which cuts $59 million in overhead from the Department of Transportation and its agencies.

I commend our colleague, Mr. SMITH of Texas, for his leadership on reducing Government waste. I also want to note the excellent work of Mr. PENNY of Minnesota on this issue. I would further observe that the amendment is in keeping with a recommendation of the Democratic Task Force on Government Waste, which I chaired, to cut Federal overhead expenses by up to 10 percent. So I would like to associate myself as a cosponsor of the Smith amendment.

The amendment offers a challenge to Federal managers: Find ways to reduce spending on administrative support by 10 percent. With the Federal deficit exceeding $400 billion this year, we must get control of agency support costs, which account for $1 of every $5 spent. Cutting back on these expenditures by 5 to 10 percent would save $15 to $30 billion a year.

The amendment reduces overhead spending on an agency-by-agency basis, based on what it actually spends on items such as printing, communications, travel, transportation of goods, and office supplies and materials. It applies to the Federal Government a prudent rule of private management: When you must tighten your belt, cut overhead first.

The total reduction in the amendment amounts to $59 million. It does not cut any personnel, eliminate any programs, or cancel any projects. Those are separate questions which should be decided on their merits. The amendment does trim the overhead which has grown relentlessly over the past two decades.

The amendment recognizes the good work of the committee in scaling back certain agency budgets. In those cases, there are no cuts or very modest cuts. Moreover, no reduction brings an agency's spending level below its current funding level. So this is a modest, albeit necessary, step in our deficit reduction efforts.

Last year, Congressman PENNY and I offered a similar, though more limited, amendment to reduce Transportation Department overhead costs. It failed passage. This year we have teamed up with our colleagues, Mr. GLICKMAN, Mrs. BOXER, Mr. SMITH of Texas, and others, to successfully reduce overhead spending in several other appropriations bills by over $1 billion. This is not a partisan issue and that's why it has enjoyed wide bipartisan support.

I urge my colleagues to continue the deficit cutting effort in this bill. I can assure them that adopting the Smith amendment will not result in canceled highway projects, reduced airline safety, or other imagined horrors. It will simply require the Department of Transportation and its sister agencies to follow the same businesslike practices that we have demanded of other departments in prior appropriations bills.

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

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

RECORDED VOTE

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 236, not voting 23, as follows:

[Roll No. 280]

AYES—175

Allard	Edwards (OK)	Kaptur
Allen	Edwards (TX)	Kasich
Andrews (TX)	Erdreich	Kennedy
Armey	Ewing	Klug
Aspin	Fawell	Kolbe
Atkins	Fish	Kyl
Bacchus	Franks (CT)	Lagomarsino
Baker	Gallegly	Lancaster
Ballenger	Gekas	LaRocco
Barrett	Gibbons	Leach
Barton	Gilchrest	Lewis (FL)
Beilenson	Gillmor	Lloyd
Bilirakis	Gilman	Luken
Bliley	Gingrich	Marlenee
Boehlert	Goodling	McCandless
Boehner	Gordon	McCloskey
Brewster	Goss	McCollum
Bunning	Gradison	McCrery
Burton	Grandy	McCurdy
Byron	Guarini	McEwen
Camp	Gunderson	McMillen (MD)
Campbell (CA)	Hall (TX)	Meyers
Carper	Hancock	Mfume
Chandler	Hansen	Michel
Clement	Hastert	Miller (OH)
Clinger	Hefley	Molinari
Coleman (MO)	Henry	Moody
Combest	Herger	Moorhead
Condit	Hoagland	Murphy
Cooper	Holloway	Neal (NC)
Cox (CA)	Hopkins	Nichols
Cox (IL)	Horn	Nussle
Crane	Houghton	Olver
Cunningham	Huckaby	Orton
Dannemeyer	Hunter	Packard
DeLauro	Hutto	Pallone
Dickinson	Inhofe	Pastor
Dooley	Ireland	Patterson
Doolittle	Jacobs	Paxon
Dorgan (ND)	James	Penny
Dreier	Jefferson	Peterson (FL)
Duncan	Johnson (CT)	Petri
Eckart	Jontz	Porter

Poshard
Pursell
Ramstad
Reed
Rhodes
Ridge
Ritter
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Sanders
Santorum
Sarpalius
Saxton
Schaefer
Scheuer
Schiff
Sensenbrenner
Shays
Sisisky
Slattery
Smith (OR)
Smith (TX)
Snowe
Solomon
Spratt
Stallings
Stearns
Stenholm
Stump
Tanner
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wylie
Young (FL)
Zeliff
Zimmer

NOES—236

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Applegate
AuCoin
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Blackwell
Borski
Boucher
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Callahan
Cardin
Carr
Chapman
Clay
Coble
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Costello
Coughlin
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Early
Edwards (CA)
Emerson
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Fields
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gejdenson
Gephardt
Geren
Glickman
Gonzalez
Green
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hayes (IL)
Hertel
Hobson
Hochbrueckner
Horton
Hoyer
Hughes
Hyde
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lantos
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McNulty
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Parker
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (MN)
Pickett
Pickle
Price
Quillen
Rahall
Rangel
Ravenel
Regula
Richardson
Riggs
Rinaldo
Roe
Rogers
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Schroeder
Schumer
Serrano
Sharp
Shaw
Shuster
Sikorski
Skaggs
Skeen
Skelton
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Spence
Staggers
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Yates
Young (AK)

NOT VOTING—23

Ackerman
Alexander
Archer
Barnard
Bonior
Boxer
Campbell (CO)
Gaydos
Hatcher
Hayes (LA)
Hefner
Hubbard
Johnson (TX)
Kolter
Lent
Ray
Schulze
Solarz
Stark
Towns
Traxler
Wilson
Yatron

□ 1630

Messrs. VOLKMER, MILLER of Washington, and ESPY changed their vote from "aye" to "no."

Messrs. PETERSON of Florida, LAROCCO, and MCCRERY, Ms. KAPTUR, and Mr. COX of California changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I rise for the purposes of a colloquy with Chairman ROE, Chairman MINETA, and Congressman BORSKI. I want to congratulate Chairman MINETA and Chairman ROE for their work on the Obey-Roe amendment, which would put thousands of Americans to work and at the same time build new highway and mass transit systems. However, the real need in cities such as Philadelphia, New York, and Boston is for funds to repair older existing mass transit systems in these cities.

It is my understanding that you will work to expand this program and push for additional funding for the revitalization of old mass transit systems—namely section 9 capital improvements, rail modernization, and operating subsidies—in this bill.

Mr. BORSKI. Mr. Chairman, if the gentleman will yield, I too want to applaud Chairman ROE and Chairman MINETA for their work on behalf of mass transportation systems around the country. The work of Chairman ROE and Chairman MINETA will lead to a more mobile America.

Like my colleague from Philadelphia, I am concerned about the lack of mass transit funding in this amendment for older cities. We wish to confirm that when we get to conference that you will work to expand this program to include enhanced funding for mass transit systems that do not have the resources to engage in new start projects.

Mr. MINETA. Mr. Chairman, if the gentleman will yield, I appreciate the concerns of my friends from Philadelphia. I assure you that you have my commitment that we will address your concerns with the conferees to obtain more funding for the rehabilitation of older mass transit systems.

Mr. ROE. Mr. Chairman, if the gentleman will yield, let me thank the gentlemen from Pennsylvania for bringing these very valid concerns to our attention. To the best of our abilities, we will work with you and the conferees on this bill to ensure that your concerns are addressed.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 67, add the following new section: "SEC. . Notwithstanding any other provision in the bill, the account Highway Demonstration Projects, (Highway Trust Fund) referred to on page 25, line 8, is hereby reduced by $3,135,000."

Mr. LEHMAN of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 10 minutes.

Mr. HUGHES. Mr. Chairman, reserving the right to object, I would inquire, is the chairman just requesting a time limit on this amendment and any amendments to this amendment?

Mr. LEHMAN of Florida. Mr. Chairman, the request just concerns this amendment.

Mr. HUGHES. Mr. Chairman, I withdraw my reservation of objection.

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, as the author of the amendment I would like to say I do not intend to use the entire time, but I think it would be inappropriate to limit the time right now because there may be Members who do want to say something on this amendment. So I do object.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida [Mr. LEHMAN]?

Mr. BURTON of Indiana. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

POINT OF ORDER

Mr. CARR. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CARR. Mr. Chairman, I am under no illusion that I will be sustained, but I feel constrained to speak out that this amendment is fetching back to a previous title which we have already passed. As a matter of parliamentary procedure, to allow this parliamentary device means that essentially any bill on the floor is never done. It essentially means that the bill is open to amendment at any point. We passed the provision that the gentleman from Indiana [Mr. BURTON] is seeking to amend. The gentleman was not here at the time and did not raise his amendment to that section at the time.

Mr. Chairman, I know what the rules are and I anticipate that the Chair is going to rule against me, but I did want to raise the point and say that we should not have this kind of parliamentary procedure that essentially meaningfully lays the entire bill open for amendment at any point.

The CHAIRMAN. Does the gentleman from Indiana [Mr. BURTON] seek recognition on the point of order?

Mr. BURTON of Indiana. Mr. Chairman, I do not.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule. Due to the general nature and effect upon funds of title III of the bill now open to amendment, a reach-back amendment in this form is germane and is not in violation of clause 2, rule XXI. The point of order is not sustained.

The gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTON of Indiana. Mr. Chairman, I thought there were 20 minutes on each amendment.

The CHAIRMAN. The gentleman is incorrect in that assumption. There are certain amendments designated in the rule with 20-minute limits. This amendment is not one of those.

Mr. BURTON of Indiana. Mr. Chairman, we have talked on the floor many times about the deficit, and I am not going to prolong this, because I know my colleagues on the Democrat side of the aisle are anxious to get to the Democratic Convention in New York and my other colleagues want to go home, so I will not take much time.

But the projection of the Federal debt is that by the year 2000 we are going to be $13.5 trillion in debt. We will not even be able to pay the interest on the debt if we do not get control of spending. That portends economic chaos for the country. So I feel compelled to come to the floor to try to cut wasteful spending wherever we find it, regardless as to who may be involved.

Mr. Chairman, the amendment that I am proposing right now would cut $3.135 million out of an access road to an airport in Ontario, CA, at the Ontario National Airport.

The reason I think this is very important to cut is because the authorizing committee only authorized $865,000 for this project, yet the Appropriations Committee has put almost five times that amount in the bill, $4 million.

So what I am doing with this amendment is trying to cut everything over the authorization. The project would still get the $865,000 it was authorized, but the excess over that in the amount of $3.135 million would be cut from the funding.

Mr. Chairman, that is the purpose of the amendment. I hope Members will support it. It is a step in the right direction toward getting control of spending in this place.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the bill contains $167 million in new budget authority for highway demonstration projects. All of these projects have been funded in previous years. There are no new highway demonstration projects in this year's bill.

In developing the bill the committee received requests from Members for highway projects amounting to about $1.5 billion. As I mentioned, the bill includes $167 million, which is $434 million less than was appropriated for similar projects in fiscal year 1992.

Because of the fiscal constraints under which the committee was operating we decided to fund only ongoing demonstration projects. With regard to these continuations, I think most Members would agree that once Congress gives its approval to start a project, it should not turn around the next year and stop it in its tracks unless there are good, sound environmental, or engineering, or cost reasons to do so. No such arguments are being made here.

These new projects represent a relatively small amount, less than 1 percent of the total recommended highway funding. We have received testimony or correspondence from many of the House Members whose areas are affected by these projects. I am sure they can all discuss the benefits of each of these projects. I believe they are all justified on the basis of safety or economic development. It is easy for a Member to criticize a project in someone else's district as being unjustified. There is no reason why Members should not decide on the allocation of this small amount of our Federal highway spending.

Mr. Chairman, we have developed a balanced bill. It is within our 602(b) allocation. These projects have been included within our overall budget allocation—they are not budget busters. The projects are important to the Members and their districts.

□ 1640

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN of Florida. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding to me.

I rise simply because I am frankly a bit startled that this amendment is on the floor. I think the gentleman may know that Ontario, at least the edges of the town, are currently in my own district. It is not going to be in my district after reapportionment, the next election, but nonetheless, it does dramatically affect the economy of my area.

I was in a markup downstairs, working on a supplemental on a defense bill. I had worried about Ontario Airport years before. I would have hoped the gentleman might have talked to me about affecting my district. Even though I might have agreed with him on an amendment, I am not certain of that, I have not had the privilege of even reading it.

But by way of background, Mr. Chairman, I think usually it is a matter of courtesy to discuss an item that does affect a Member's district. It is the collegial thing to do. But in this case, we are talking about a project that is most interesting.

The Ontario International Airport Ground Access Program utilizes an extensive public/private cooperative financing partnership. The program is providing in excess of $101 million of highway transportation infrastructure projects.

The program essentially consists of five freeway interchange projects, four highway-railroad grade separations projects, and over 11 miles of major arterial highway construction around all sides of Ontario International Airport.

The program's initial funding began late in 1986 with the allocation of $4.0 million in Federal continuing resolution funds, since reduced to $2.45 million. Additional funding with $14.5 million of Federal demonstration grant funds and $8.7 million of Secretary of Transportation discretionary funds was obtained under the Transportation and Uniform Relocation Assistance Act of 1987. The current Federal support of $25.65 million has been leveraged with both local public and private funding of $65.78 million. To successfully complete a comprehensively ground access program, these funds are critical. If this amendment fails, the total Federal contribution to the program will be $35.65 million of 35.1 percent of the total program cost.

The program is essentially a 5-year program with all projects currently underway in environmental reviews, design, or actual construction.

The program's present level of success is the result of an extensive cooperative public/private funding effort which includes Federal, State, and local agencies, as well as private interests.

The Ontario Airport is the major alternative to the Los Angeles International Airport. This is a project that has been going forward for several years, as quickly as possible in order to save taxpayers' money.

There is not any doubt that these access roads are going to be needed for that international airport. There is absolutely no doubt that now is the time to do this because the area involved is almost totally undeveloped. It is a rapidly growing area. The more land is developed around the region, the higher the price goes to purchase the property to build the roads.

And so to cut this off arbitrarily, first of all, I am really not worried about the gentleman not talking to me about my district, but to cut this off with little knowledge about the region one is dealing with to eliminate a

small amount of money, to say the least, will be penny-wise and pound-foolish. There is no doubt the committee has used a great foresight in connection with its spending money as reasonably as possible here, because every dollar we spend now we save lots of dollars on a project we have obviously begun and need to complete.

I really do appreciate the sincerity of the gentleman from Indiana in the way he goes about trying to eliminate porkbarrel projects. In this case I think he happens to be mistaken. He may not serve on the Subcommittee on Transportation and, therefore, has not had a chance to look this project in detail. If he wants to withdraw his amendment, I would appreciate it. Because actually, it looks kind of silly in this form. We definitely have a responsibility to complete this project.

If we do not go forward, it is going to cost us an endless amount of percentage increase due to the increase in land cost. The House should reject this amendment.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

There was no objection.

Mr. BURTON of Indiana. Mr. Chairman, I would just like to close by saying that every project that we talk about on this floor is important to somebody.

The fact of the matter is, I have said time and time again, we have to prioritize. And we have cut a number of projects because of amendments proposed by my colleagues.

I apologize to my colleague from California for not apprising him or making him aware of this amendment, but many times we are in such a dither around here, trying to get things done, we do not have the luxury of that time.

The fact of the matter is, this project was authorized to the tune of $865,000. It is 4½ times what was authorized.

I am not trying to cut the authorization. I am saying, go ahead with the $865,000. But $3.135 million is in excess of that, and at a time when we have a $4 trillion national debt, a $420 billion deficit this year, we have to start looking at everything and trying to cut, economize, and prioritize.

I just say to my colleague, come back next year and try to get the additional funding for this. This is four and one-half times what was authorized. It should not be passed.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

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

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

The CHAIRMAN. The Chair will count. One hundred forty Members are present, a quorum.

The pending business is the demand of the gentleman from Indiana [Mr. BURTON] for recorded vote.

A recorded vote was refused.

So the amendment was rejected.

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

Mr. Chairman, I wonder if I can engage the distinguished chairman of the subcommittee and the ranking member, the gentleman from Pennsylvania [Mr. COUGHLIN] in a colloquy.

I note that there are four different requests of the administration that have not been funded in this appropriations bill. I would like to ask the chairman and the ranking Republican about them.

The National Air System Support Lab, $3.5 million was not funded. That would reduce the amount of money available to the FAA needed to contract for various recabling jobs in the computer labs. These labs are used continually for a wide variety of purposes, to accommodate the different programs. It is not necessary to have it rewired periodically. That is done by contractors on an as-needed basis, and not funding the $3.5 million puts that particular mission in jeopardy.

I wonder if my colleague can tell me on that, and the $5.2 million program request in the ARTS III-A system for the FAA, which is again the ARTS computer system which handles simulations and R&D for the FAA's terminal approach computer systems in the field, this also is an essential system for the ongoing advanced automation systems program.

The lab is now running around the clock with three full shifts a day, and this is just going to slow that system down, I say to my colleague.

Those are two areas in the facilities and equipment program.

I am also concerned about two areas that were not funded in research, engineering, and development. Recently the Congress mandated that the FAA evaluate and seek to prevent catastrophic failures in flight. That is an essential program, mandated by the Congress.

As I understand it, $2.83 million was zero-funded in this particular appropriation.

Finally, there is a small program, a half a million dollars, for cooperative research which deals with technology transfers, small business innovation, research programs, joint grants with NASA and other similar activities. These are the spinoffs from research and development in the area of aviation that enable small firms to basically develop in the private sector as an adjunct to the FAA. That, too, was not funded.

I ask the distinguished chairman and the ranking Republican if, in fact, they will take another look at this between now and conference, because these seem to be four areas of basic research and technology transfer that will be essential.

□ 1650

Mr. LEHMAN of Florida. Mr. Chairman, if the gentleman will yield, let me assure the gentleman that these cuts were not made lightly. We had to make many decisions in markup and we had to cut some hard programs, but let me also assure the gentleman from New Jersey [Mr. HUGHES] that we will try and deal with this in conference as best we are able to.

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

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

Mr. COUGHLIN. Mr. Chairman, I share the gentleman's remarks, that these have been difficult times and difficult decisions, but we certainly will look at this again.

Mr. HUGHES. When we start cutting back on basic research and slowing the NAS plan down, we are basically not advancing, really, our economic agenda in this country.

Mr. COUGHLIN. If the gentleman will continue to yield, I appreciate the gentleman's concern, and we want to work with him.

AMENDMENT OFFERED BY MR. MICHEL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICHEL: At the end, insert the following new section:

SEC. . DEFICIT REDUCTION.

Any savings achieved under discretionary spending limits established under section 601(a)(2)(C) of the Congressional Budget Act of 1974 for fiscal year 1993 as a result of appropriations under this Act or any other appropriation Act shall be applied to reducing the Federal deficit for that fiscal year.

The CHAIRMAN. Under the rule, the debate on this amendment is limited to a total of 60 minutes. The gentleman from Illinois [Mr. MICHEL] will be recognized for 20 minutes, and a Member in opposition will be recognized for 30 minutes.

Is there a Member who seeks recognition in opposition to the amendment offered by the gentleman from Illinois [Mr. MICHEL]?

Mr. OBEY. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes in opposition.

The Chair recognizes the gentleman from Illinois [Mr. MICHEL].

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

Mr. Chairman, the choice today is very simple. If the Members vote for

my amendment, they are voting to reduce the deficit by $2.6 billion over the long term. If they vote for the Obey-Gephardt amendment, they are voting to spend $2.6 billion over the long term. It is as simple and as profound as that.

A vote for my amendment is a reaffirmation of the old congressional virtue that a deal is a deal. A vote for the Obey-Gephardt amendment is a vote to scuttle the budget enforcement agreement. It puts the lie, quite frankly, to all this talk about hard and fast budget enforcement agreements.

Perhaps one of the reforms the House urgently needs is memory training for the majority, which seems to suffer increasingly from selective amnesia. Less than 2 years ago this Congress voted for a budget deal which had as its primary feature a very strong enforcement mechanism. That is one of the reasons I supported it. I thought it was good, hard, and fast. This thing has teeth in it. Both the majority and the gentleman from Wisconsin [Mr. OBEY], my dear friend, voted for this agreement. Remember?

The agreement set out three spending limits: For domestic discretionary, for international, and for defense spending through fiscal year 1993. The deal was that these spending limits could not be exceeded. Does that sound familiar to the majority? Does it ring a bell? Are their memories now jogged a bit, hopefully?

Further, the deal was that if savings were achieved within any of these categories, those savings would be applied to reduce the deficit and could not be spent in any other category. That was only just 2 short years ago.

I am reminded of the scene in the old movies where Jimmy Durante is trying to steal an elephant, and he is leading the giant creature out of the tent. The policeman stops him, and he points to the elephant and he says, "Where are you going with that elephant?" And Durante, with all injured innocence, replies, "What elephant?"

The majority seems to be saying, like Durante, "Deal? What deal?" But in terms of keeping their word to the people, in terms of the honor of our word that a deal is as big as an elephant and we cannot just ignore it, and the majority, whose wild, exultant cheers filled this Chamber when they killed the balanced budget amendment, confirms this very day the reason why such an amendment is necessary.

Yes, the Members will hear about the merits of this additional transportation spending today. There is always a reason. There is always an excuse. There is always an alibi. There is always some supposed greater good to be served. But the Federal Government is running deficits at a rate roughly $400 billion this year, which will be added to the already existing total Federal debt of $3.8 trillion. How many times have we heard Members on both sides of the aisle decrying what is happening and what that figure is? Here we are, attempting to add to it again.

All the polling data indicates the House of Representatives is at a historic low point in the public esteem. Yet at the very time when we ought to begin to reestablish trust, the majority today is asking us to break our word.

Our country's Founders pledged to each other their lives, their fortunes, and their sacred honor. All we are asking the majority to do today is to keep the pledge of our word to one another on both sides of the aisle. Is that really asking too much today? I do not think so, so I would ask the Members to support our amendment.

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

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

Mr. Chairman, I really hesitated to rise in opposition to the gentleman, or to the amendment of my good friend, the gentleman from Illinois [Mr. MICHEL], because in general I think everybody in the House supports the principle. We all certainly want to see any savings in the budget used for deficit reduction.

In a sense I really do not have a problem with the Michel amendment. If people want to vote for it, that will not bother me any, because it has virtually no effect or no relationship to the amendment which will be coming later that I will offer.

The Michel amendment attempts to say that whatever savings are achieved in the appropriations cycle will be dedicated to deficit reduction. But the fact is that that is not what will happen, because we already have letters, official letters from the administration indicating that what they want to do is to take the $1.3 billion which we cut from the foreign aid bill just a couple of weeks ago on this floor, and they want to use their opportunities in the Senate to try to restore those cuts, reinflate the foreign aid bill, reestablish the free grant military assistance to Portugal and to Turkey and to Greece and to other NATO allies which we think ought not to get a free lunch any more in terms of free grant military aid. That is most definitely what the administration has made quite clear they are going to do.

I am not going to take a good deal of time, but will simply say that there are a lot of promises which this House has made. One of the promises was in a vote of almost 6 to 1 just a few months ago. This House voted for the first highway authorization bill which told every State in the Union they would be getting a specific amount of highway funding, and yet without this amendment no State in the Union will even come close.

As we have made quite clear in the Obey amendment, we make certain that there will not be a dime added to the deficit in the amendment which we will shortly offer. I do think it is important to understand that we all share the same goal enunciated by our good friend, the gentleman from Illinois. We all want the deficit to go down. Those of us who will be offering our amendment after the Michel amendment is voted on simply, I think, recognize the fact that we can stand here like King Canute and order the tides to go down, but without additional economic growth they will not do that.

Regardless of our preachments on the deficit, unless we make the kind of investments that are necessary to strengthen the fiscal infrastructure of this country, to improve the economic efficiency of the country, we simply are not going to see that deficit go down because our economy is not going to be as competitive as it needs to be in order to keep jobs in this country, which is the true way that we achieve economic growth and therefore achieve deficit reduction.

As I say, it is not going to hurt my feelings if people want to embrace the Michel amendment, but it seems to me that the amendment that we will offer next will in a sense maintain roughly the principle of the Michel amendment with a $400 million exception on the outlay side. So I really do not think there is a very big disagreement between us.

□ 1700

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

Mr. MCDADE. Mr. Chairman, I rise in strong support of the Michel amendment. This amendment by the distinguished leader, considered in isolation, is easy. It is current law. It is stated policy of our Government. It is bedrock principle. It is our mantra for deficit reduction: Savings will be used for deficit reduction, not for new spending.

We just concluded a markup in the Defense Appropriations Subcommittee which will produce $12 billion more for deficit reduction in savings out of the defense budget—$12 billion applied to the basic principle of deficit reduction.

But the Michel amendment, in the context of the Obey amendment to follow, is really a test of will. Do we follow the principle consistently or do we follow it only when it becomes convenient?

Both supporters and detractors of the budget agreement of 1990 agree on one benefit of that agreement. It imposed discipline on this body.

As all of my colleagues know, for appropriation purposes there are three categories of spending, and within each category, be it international, domestic or defense, we can only spend up to the agreed ceiling. We cannot go beyond that. That is the agreement that my good friend from Illinois referred to.

So far this year, I would say to my friends, we are doing a pretty doggone good job. Defense spending, as indicated, is way below the caps, and it will be $12 billion further below as a result of actions taken just a few minutes ago in our markup. International spending, headed by my good friend on the Subcommittee on Foreign Operations, DAVE OBEY, is significantly below the ceiling. And even in the domestic discretionary account, we are, as we sit here today as a body, below those spending caps. We are below the ceilings on domestic discretionary. So far, we are a total of $6.4 billion in budget authority and $4.7 billion in outlays below the allocation to the Appropriations Committee. My friends, that is real deficit reduction. That is something that we in the House can be proud of. That is the principle that we signed up to, and that is what we agreed to do, and we are doing it.

Now, my dear friend, and he is my dear friend from Wisconsin, wants to take a portion of those savings, tear down the discipline, and provide $2.5 billion in new spending, $2.5 billion over those ceilings.

The argument is made that the Obey amendment does not really break the walls, it just kind of adjusts them.

Well, what good is a wall if it is full of holes? What good is a wall if it has a door that you can open and walk through every hour on the hour?

The argument can be made that, if we do not take the $400 million in international outlay savings and spend them in the domestic accounts, the Senate, and we have heard my good friend refer to that, and the administration will spend it on foreign aid. My friends, that is a red herring. The amount of $190 million of those funds were already assumed to be used for deficit reduction in the budget resolution that this House passed. Those funds were not even allocated to the Appropriations Committee to spend. They have already been allocated to deficit reduction and cannot be spent on foreign aid, just as the Defense Subcommittee is limited by an allocation well below the caps.

As for the remaining $210 million of that $400 million, Congress has made it abundantly clear at this juncture that that money will not be spent on foreign aid.

Can something happen down the road? Oh my word, yes. We sat in conference last year right before the Ukrainians were to vote on whether or not they would be a free nation, and we added in the conference with the Senate $400 million in the defense accounts to take down nuclear weapons in the Ukraine. Do my colleagues know why? Because the Russians and the Ukrainians came to this country and said please show us how to denuke these systems. Of course we used that money.

There could be something out there. Not today.

The choice, my friends, under the amendment by my good friend from Wisconsin is not domestic spending versus international spending. The choice is busting the spending caps versus deficit reduction. We can and we should do more for infrastructure in this country. We can all agree with that. In fact, as we sit here, there is about $150 million in unused domestic discretionary outlays available if we had the will to try to figure out how to use it. Just look back at the bills that we have handled and you can tote it up, $150 million sitting there.

But in our rush to do what is right for the moment, let us not trample on the one and the only principle that we agreed to to guide us along the path of deficit reduction. Nobody said it better than my good friend from Illinois [Mr. MICHEL]. We made that agreement. Let us keep it.

I urge a vote for the Michel amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. LEHMAN], chairman of the Subcommittee on Transportation.

Mr. LEHMAN of Florida. Mr. Chairman, I thank my friend from Wisconsin for yielding me the time.

I rise in opposition to the amendment for three reasons. Unemployment remains too high, transportation infrastructure is continuing to deteriorate, and third, the funding allocations available to the committee for transportation were simply not adequate to address the requirements of our Nation's transportation system.

I have the greatest respect for my friend from Illinois [Mr. MICHEL]. However, I believe that the Obey amendment at this time is better for our Nation and, therefore, I urge the defeat of the Michel amendment.

Mr. MICHEL. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, I would like to commend my friend, the distinguished minority leader, Mr. MICHEL, for offering this important amendment. It says, in effect, that if you don't spend it—use it to pay off your bills. Believe it or not, this is not only sound accounting theory—it is plain good common sense.

If the Congress ran this country the same way the average American runs their household we would all be better off. The fact of the matter is, when you have leftover cash you use it to pay your bills.

The Michel amendment would require, in that rare instance when the Congress spends less than the budget would allow, that the leftover funds be used to finance the deficit.

I know that the Obey amendment, which we will consider next, does not increase the deficit—but it eliminates an important opportunity to cut the deficit.

It is true that the Obey amendment if adopted could prevent additional peacekeeping assistance for Yugoslavia this year, could stop supplemental assistance for famine relief in Africa, or it could prevent subsidy costs of housing guarantees to settle Soviet Jews within the 1967 borders of Israel.

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

Mr. BROOMFIELD. I am glad to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, why does the gentleman say it would stop peacekeeping since my subcommittee has no jurisdiction over peacekeeping, and the funds that I am cutting in foreign aid are coming only from my subcommittee?

Mr. BROOMFIELD. The gentleman has already passed the foreign aid bill, and you are actually taking the extra money for this highway bill.

Mr. OBEY. But will the gentleman yield further?

Mr. BROOMFIELD. I am glad to yield to the gentleman from Wisconsin.

Mr. OBEY. The subcommittee that has jurisdiction over peacekeeping forces is the State, Justice, Commerce Committee headed by the gentleman from Iowa [Mr. SMITH]. So any requests for peacekeeping forces would go to his subcommittee, not to mine. I am not touching the money of the subcommittee of the gentleman from Iowa [Mr. SMITH]. I am simply taking the money which I cut out of my bill last week on foreign aid and using that portion of the foreign aid funds.

So I fail to see how this would have any relevance to any peacekeeping requests.

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

Mr. BROOMFIELD. I am happy to yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Chairman, I just want to say to my friend that he is absolutely correct. International funding, known as the 150 account, is the account that governs peacekeeping, among other things, and that one, as my good friend from Wisconsin knows, is being drawn down to the bone by the gentleman's amendment. So my good friend from Iowa, should he wish to put in additional dollars for peacekeeping, as he may well wish to do, does not currently have that flexibility.

Mr. OBEY. If the gentleman will yield, I am completely agreeing to the 602 numbers, and our subcommittee voluntarily gave up some funds to the Smith subcommittee so that they could deal with issues like this.

Mr. MCDADE. But if the gentleman will yield further, I want to say what the gentleman from Michigan is directly addressing is the 150 account and whether funds remain for emergency

uses thereof, and there is no flexibility. The gentleman from Michigan is right.

Mr. BROOMFIELD. Back in 1990 the Democrat leadership and the President negotiated a painful agreement to protect the budget from measures such as the Obey amendment. At that time the President was widely criticized, especially from our side of the aisle, for raising taxes in exchange for promised limits on spending. I myself opposed the agreement because I never thought it would hold.

Regardless of the merits of that agreement, a deal is a deal, and the Obey amendment would break that understanding. Today we and the American people have the opportunity to see the proof of President Bush's leadership and the failure of the Congress.

I urge my colleagues to vote "yes" on the Michel amendment, and "no" on the Obey amendment.

□ 1710

Mr. MICHEL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding this time.

Mr. Chairman, in 1990 the gentleman from Wisconsin well knows that a compromise budget summit agreement was reached, and in that agreement taxes for the people of this country were raised to the tune of $181 billion, the largest tax increase in American history. The reason that tax increase took place, which I opposed then and oppose now, was because we had a deficit in excess of $220 billion, and everybody was saying, "If we do not get control of the deficit, the economy of the United States is in dire peril. We are going to have economic chaos."

Well, you folks voted for that. We raised taxes $181 billion. And what do we have today because of the increase in taxes? The economy has taken a downturn. We do not have a $220 billion deficit anymore. We have a $420 billion deficit, and every man, woman, and child in this country is in dire economic peril because we continue to head toward a $13.5 trillion deficit by the year 2000 based upon statistics that the Federal Reserve has put out.

Now, if that happens, we are going to have an economic calamity in this country. So what did that bill say in 1990? It said that if any money is cut from certain areas of government, we are building a firewall; "You cannot use it for more spending in some other area. We are going to use it for deficit reduction to cut the deficit down so that the economy does not face this kind of peril" that I have been talking about.

Now, those people on the Democrat side of the aisle, the gentleman from Wisconsin [Mr. OBEY] included, promised to adhere to that agreement.

Here we are less than 2 years later and they want to tear down that firewall, cut $400 million out of foreign assistance, which is all right with me. But what do they want to do with it? They want to spend it just like we thought they would back in 1990. They want to spend it on some more programs. They will find more and more ways to spend it.

The fact of the matter is this, ladies and gentlemen, my colleagues, and anybody else who is paying attention, the debt-to-gross-national-product ratio in this country, which is Greek to most people, has gone from 33 percent of GNP to 57.4 percent in less than 10 years. That means that the amount of total output that all the workers in America produces, over half of it goes just to pay the Federal debt, just to deal with the Federal debt, and it is going to, by the year 2000, it is going to exceed all the gross national product, everything we produce in this country. We are going to have economic chaos if we do not get control of spending.

Yet my colleague, the gentleman from Wisconsin [Mr. OBEY], and others continue to head down that road toward economic calamity.

Now, I want to say one more thing: The interest on the national debt right now is $303.9 billion.

That is more than all the health care costs that the Government pays, it is more than Social Security, it is more than defense; the largest item in the budget today is the interest on the national debt. Do you know what it is going to be like in 7½ years according to the economic projections by our Government? It is going to be $1.2 trillion in 7½ years. The total amount of money we bring into the Treasury right now, all income taxes, all business taxes, is $1.2 trillion, and in 7½ years the interest on the debt is going to exceed all the money we are bringing in today.

In fact, Peter Grace, the head of the Grace Commission, said that by the year 2000 all personal income taxes, 102 percent of total personal income taxes, are going to be needed just to pay the interest on the debt.

I want to say this one more time to my colleagues: What will happen if we reach this?

The year 2000, the Federal Reserve Board, who does not have to have any help from this Congress, will have to make a choice, and that choice will be either to print money to pay off part of the debt, because the interest is so high, or to default on obligations this Government has.

What they will do is they will opt to print money. Can you imagine what it is going to be like printing $13 trillion and putting that into circulation or $6.5 trillion, half of the debt, so we will not have half as much interest as we are going to have to pay? What it is going to mean is hyper-inflation. People on fixed income, Social Security recipients, welfare recipients, they will have money, but when a loaf of bread costs $20 or $30, it will not buy very much. That is called hyper-inflation.

We have got to get control of spending. Support the Michel amendment. Taking money and tearing down the firewalls and using it for more spending is the wrong approach to solving the problem.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I hope my friend, the gentleman from Indiana, has not left the floor, because I have heard his economic-chaos class speech now on three different occasions.

The gentleman came and spoke against the parking garage in Newark and gave the speech, and he spoke a few minutes ago against a highway in Ontario, CA, and gave the speech. Now he is giving it on this particular amendment.

Mr. Chairman, I would just say to the gentleman that I think it is a good speech, but I am puzzled by the fact that the gentleman opposed my amendment just a few days ago to cut $700 million out of star wars, and then the gentleman turned around and voted against an effort to cut over $1 billion out of the B-2 bomber. We were talking about real deficit reduction, and this gentleman was nowhere to be found.

Would the gentleman like to explain that?

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I will be more than happy to explain that. The people on this side of the aisle, if the gentleman will just give me a minute——

Mr. DURBIN. I just have a few seconds.

Mr. BURTON of Indiana. You want to slash defense, and you say there is no peril out there. There are many on this side of the aisle who believe that the No. 1 concern of this Government should continue to be the defense of this Nation. We can cut defense, and I am for cutting defense, but not into the muscle and bone like Jimmy Carter did that imperils this Nation.

Mr. DURBIN. Reclaiming my time, I will just say to the gentleman that cutting star wars, a program that is obsolete, does not strike me as cutting into the defense of this Nation. I wish the gentleman's zeal for budget-cutting would extend to the Department of Defense.

Mr. MICHEL. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. COUGHLIN], the distinguished ranking member on the subcommittee.

Mr. COUGHLIN. Mr. Chairman, why is it that the American people are so disillusioned with the Congress of the United States? I would like to suggest

that in large measure it is because we are congenitally unable to restrain our urge to spend money. Why is it that every time we find a few dollars that we can save in one area, we always apply it to spending in another area, never to reducing the deficit?

In my 24 years, and lots of you have been here lots longer than I have, but in my 24 years here, I have seen measure after measure to try to reduce the deficit. All of them have failed. All of them have failed because we have found some way to get around them.

Just a couple of weeks ago we had the conference committee on the dire emergency supplemental which my colleague, the gentleman from Pennsylvania, will remember, and the gimmick we tried there to get around the budget limitations was to declare a lot of emergency spending so it would fall outside the budget limitations. That did not work there.

Now we are at it again. We are trying to find another way around our spending limitations, a way around the firewalls that we have erected.

It has been said that this amendment does not eliminate the firewalls.

Our colleague from Ohio said it best earlier today that all it does is open the door and let the horse out and then close the door again. So the horse is out of the barn.

It is said that this does not reduce the deficit. But if we do not spend the money, it does reduce the deficit. Money we do not spend reduces the deficit.

Why are we always trying to get around everything that we enact ourselves to impose some discipline on our fiscal house?

That is why the American people are disillusioned. If we do not support the Michel amendment and say that we are at least going to take this money that has been saved in the international category and apply it to deficit reduction, but we are going to transfer it to some other category and spend it, they are going to say, "You are all fools down there. You are trying to fool us when you say you are really serious about reducing the deficit. You are trying to fool us with measures that are not reducing the deficit, new programs, new ideas that say you will get everything under control."

□ 1720

The American people are not going to be fooled. The deficit is real and it is eating us alive.

Mr. MICHEL. Mr. Chairman, I yield myself such time as I may consume to conclude here.

I thank the gentleman for his comments, and I simply want to buttress the point that one of the reasons for offering the amendment is that there has been so much talk of late around here about enforcing agreements on spending. Of course, if agreements can be changed by a whim of Congress this day or that day, then they do not mean two hoots.

My feeling, as I said in my very opening remarks, is that we had what I thought was a very solemn agreement between the two parties, established by the Congress itself, on these three basic spending categories and we ought to stick to our word. That is the key question today.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, as those of you who know me know, I often quote my favorite philosopher, Archie the Cockroach. One of the sayings that Archie said once was this: "Proportion is very important. Of what use is it for a queen bee to fall in love with a bull?"

I really believe that we need a sense of proportion in discussing this amendment here this afternoon. This amendment is not going to have any noticeable effect one way or another on the deficit. Politicians can issue preachments in the form of congressional amendments anytime we want about the deficit; but let us take a look at the facts.

As the gentleman from Pennsylvania indicated, we have seen appropriation subcommittees so far take actions which would reduce allowable spending by roughly $14 billion in budget authority terms.

All that the Obey amendment is going to suggest when we get to it next is that we take approximately 15 percent of that and use it to attack the deficit in a different way.

Now, what we suggest we ought to do is to use that 15 percent to try to get the economy moving.

Reference has been made and incense has been duly burned and vows have been made to the budget summit agreement of 1990, but the fact is that a few things have changed since then.

Now, the budget summit agreement of 1990 was adopted at a time when we had a $200 billion deficit, as has been correctly pointed out; now we have a deficit of about $400 billion.

Did that happen because George Bush went nuts on spending? Of course not.

Did it happen because the Congress added large amounts to spending? No; they did not.

We basically adhered to that agreement, but the deficit nonetheless has doubled because a couple things got in the way. One was called the S&L crisis, which had to be funded and which was, responsibly, by both parties.

Second, the economy fell apart. When the budget agreement was passed, unemployment levels in this country were 5.7 percent. Today they are 7.8 percent. That means that we have hundreds of thousands of additional families who are not working. If they are not working, they are not making money. If they are not making money, they are not paying taxes. If they are not making money, they are not buying things. They are not buying houses. They are not buying cars. They are not buying steel. They are not buying a whole bunch of other products.

So what we are suggesting in a very modest amendment is that, yes, we will retain the budget walls. Yes, we will devote the overwhelming share of spending reductions to deficit reduction. We all endorse that, but we do believe that since last month alone we lost another 117,000 jobs in this economy, and all we ought to do is say OK, because we have an opportunity here in the private sector, operating at the local level through State governments, to provide additional employment to move the economy forward, to give it an extra kick. We are suggesting a very modest proposal, a transfer of $400 million in outlays in order to create roughly 150,000 construction jobs. That is what we are doing, and it has nothing to do with any attack on the budget ceilings, because our amendment will keep the budget ceilings in place. We will not spend one dime more than the budget resolution that we have signed on to would allow us to spend, and the amendment makes that quite clear.

So as I said, we can have this theological debate about how best to attack the deficit. The fact is we agree with the gentleman from Illinois [Mr. MICHEL]. There would be no great harm in the Michel amendment being adopted, but the amendment that comes afterward simply tries to buttress the direct deficit reduction with a little help to jump-start the economy through adding a few construction jobs so that in the process we might keep our promise to every State in the Union in terms of construction levels for the coming year.

Mr. MICHEL. Exercising my right to close, Mr. Chairman, as the author of the amendment authorized by the rule, may I simply say in conclusion that I doubt very much whether I would have introduced the amendment had it not been for the intelligence we received earlier that there might very well be offered to this bill an amendment that will follow this one, the Obey-Gephardt amendment, which for all practical purposes breaks a solemn agreement. Had it not been for the suggestion that that might be offered, you would not have been voting on this amendment of mine, because it would not have been necessary; but sometime we have to come to grips with whether or not we are going to abide by our word around here, and that is the reason for our offering the amendment.

I ask for support for the amendment when we vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MICHEL].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 268, noes, 143, not voting 23, as follows:

[Roll No. 281]

AYES—268

Alexander
Allard
Allen
Andrews (TX)
Anthony
Applegate
Armey
Aspin
Baker
Ballenger
Barrett
Barton
Bateman
Bellenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Boucher
Brewster
Brooks
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Carper
Chandler
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
Davis
de la Garza
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Durbin
Eckart
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fawell
Feighan
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (SD)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kennelly
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
LaRocco
Laughlin
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Long
Lowery (CA)
Luken
Machtley
Manton
Martin
Mavroules
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Natcher
Neal (NC)
Nichols
Nussle
Olin
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (VA)
Penny
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—143

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Atkins
AuCoin
Bacchus
Berman
Blackwell
Bonior
Borski
Brown
Cardin
Carr
Chapman
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Coyne
Darden
DeFazio
Dellums
Dingell
Dixon
Donnelly
Downey
Dwyer
Dymally
Early
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Hamilton
Hayes (IL)
Hertel
Hoyer
Hughes
Jefferson
Jenkins
Johnston
Jones (GA)
Jontz
Kennedy
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowey (NY)
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHugh
McNulty
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Mrazek
Nagle
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olver
Owens (NY)
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Rahall
Rangel
Reed
Richardson
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Savage
Scheuer
Schumer
Serrano
Sharp
Slaughter
Smith (FL)
Smith (IA)
Staggers
Stokes
Studds
Swett
Swift
Synar
Torres
Traficant
Unsoeld
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates

NOT VOTING—23

Ackerman
Archer
Barnard
Boxer
Campbell (CO)
Gaydos
Gordon
Hatcher
Hayes (LA)
Hefner
Hubbard
Huckaby
Hyde
Johnson (TX)
Lent
Marlenee
Ray
Schulze
Solarz
Stark
Towns
Traxler
Yatron

□ 1750

The Clerk announced the following pair:

On this vote

Mr. Ray for, with Mr. Towns against.

Messrs. AUCOIN, KENNEDY, SERRANO, McHUGH, and MOODY, Mrs. LLOYD, and Ms. SLAUGHTER changed their vote from "aye" to "no."

Messrs. THOMAS of Georgia, ECKART, and TORRICELLI, and Ms. DELAURO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there additional amendments to title III of the bill?

AMENDMENTS EN BLOC OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer amendments en bloc made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. OBEY:

On page 7, line 14, strike "$2,515,739,000" and insert "$2,553,739,000".

On page 14, line 15, strike "$1,800,000,000" and insert "$1,850,000,000".

On page 18, line 6, strike "$14,440,000,000" and insert "$16,690,000,000".

On page 36, strike out line 15 through line 24, and insert the following:

"For necessary expenses for discretionary grants as authorized by section 21(b) of the Federal Transit Act, to remain available until expended, $132,000,000: *Provided*, That no more than $1,857,000,000 of budget authority shall be available for these purposes: *Provided further*, That, notwithstanding any provision of law there shall be available for fixed guideway modernization $640,000,000, there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities $320,000,000, and there shall be available for new fixed guideway systems $897,000,000 of which—".

On page 67, after line 16, insert:

"SEC. 339. ADDITIONAL INVESTMENT IN AMERICA.—(a) Effective upon the date of enactment of this Act, the fiscal year 1993 discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974 are amended for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget and Impoundment Act of 1974, as follows:

(1) the outlay limit for the domestic category shall be increased by $400,000,000; and

(2) the outlay limit for the international category shall be reduced by $400,000,000.

(b) Notwithstanding any other provision of law, the Office of Management and Budget and the Congressional Budget Office shall recalculate all adjustments to fiscal year 1993 discretionary spending limits required under section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 based on the amendments required in subsection (a) and shall report the revised limits to the Congress in the report to Congress for this Act that is required under section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985, and such revised limits shall be valid as if made pursuant to section 251(b) of the Act.

(c) The Congress reaffirms that the deficit reduction assigned to the Committees on Appropriations in the 1993 Concurrent Budget Resolution (H. Con. Res. 287) shall be achieved. The total of the first four domestic discretionary appropriations bills passed by the House is $154,000,000 below their outlay targets. Additional savings are expected to be made from the six remaining non-defense bills. The Congress intends and commits that the final appropriations bills for fiscal year 1993 sent to the President will fully comply with their existing deficit reduction target.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALKER. Mr. Chairman, the gentleman from Wisconsin [Mr. OBEY]

raises his amendment under the provisions of the rule adopted by the House, House Resolution 513.

House Resolution 513 under the provisions of rule XXII of the House is a resolution which speaks to the procedures of the House of Representatives, and therefore related directly to the House.

If in fact the gentleman was raising his amendment under the provisions of rule XXI, my point of order would not stand because under rule XXI, where it says, "No provision changing existing law shall be reported in any general appropriation bill except germane provisions which retrench expenditures by the reduction of amounts of moneys covered by the bill," and so on, a House resolution can speak to that.

The amendment of the gentleman from Wisconsin [Mr. OBEY] also speaks to a change in public law. Public Law 93-344, section 311, states that an amendment that would cause the appropriate level of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year to be exceeded, that public law also prevents such an amendment from coming to the floor.

A House resolution such as House Resolution 513 has no basis on which to waive provisions of public law. It can only waive those things which are within the jurisdiction of the House to waive.

Section 311 of Public Law 93-344 makes it very clear, quoting from the public law, that this is either in the House of Representatives or in the Senate. So therefore the public law makes it impossible for such amendments to come to the floor.

The gentleman from Wisconsin [Mr. OBEY] would have us work on an amendment which is in fact a violation not only of the House rules, but also of public law, and my point of order relates to the provisions of Public Law 93-344 that the amendment is ineligible for consideration in the House of Representatives.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] seek recognition?

Mr. OBEY. Mr. Chairman, I would simply note that the House has the right to try to amend public law at any time it chooses. I would simply read from House Resolution 513, which reads as follows:

> Each amendment printed in the report may be offered only by the named proponent or a designee, shall be considered as read when offered, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived.

Mr. Chairman, I think that is self-explanatory.

Mr. WALKER. Mr. Chairman, I wish to be heard further. The gentleman from Wisconsin [Mr. OBEY] quotes only from House Resolution 513. House Resolution 513 under the rules of the House, under the provisions of rule XXII, can relate only to procedures of the House of Representatives. What the gentleman is attempting to do here is not just change the procedures of the House of Representatives, but also change provisions of public law.

Therefore, I insist that my point of order be upheld as a violation of public law, not only a violation of the House rules.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule on the point of order offered by the gentleman from Pennsylvania [Mr. WALKER].

Under the Constitution, article 1, section 5, each House has the authority to change its rules at any time, even rules enacted into law and specifically contained in the Budget Act. In fact, section 904 of the Budget Act acknowledges that title III of the Budget Act is enacted as an exercise in rulemaking, subject to the constitutional authority of either House to change those rules at any time.

The House has adopted House Resolution 513. On page 2, lines 21 to 23 of the rule, all points of order against all amendments granted in the report accompanying H.R. 513 are waived.

The pending amendment is printed in the report, and, accordingly, the point of order is not sustained.

The gentleman from Wisconsin [Mr. OBEY] will be recognized under the rule for 30 minutes in support of his amendment, and a Member in opposition will be recognized for 30 minutes.

Does a Member rise in opposition?

Mr. COUGHLIN. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. COUGHLIN] will control the 30 minutes in opposition.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, last week the Government's economic reports indicated that another 117,000 people lost their jobs. As I look around, all of us, at least certainly all of the males, are wearing rather nice looking suits, nice looking clothing. We are in a comfortable atmosphere. It seems to me that we have a special obligation to remember that there are an awful lot of people who are not.

Mr. Chairman, I think this institution has an obligation and the Government itself has an obligation to get off its collective duff and not to be, as Franklin Roosevelt used to say, "frozen in the ice of its own indifference."

Mr. Chairman, I think we have an obligation to recognize that the economy is in trouble and that we need to find a way to deal with the unemployment losses that we have seen all across the country.

Mr. Chairman, we have a very simple choice: we can do nothing, or we can try to do something. This amendment suggests that we do a very modest something. It will create roughly 150,000 jobs by taking money which we have previously saved, largely from the foreign aid bill just 2 weeks ago, and instead use it to try to create jobs for our own people who desperately need them. It guarantees that we will not add one dime to the deficit in doing so because of subsection (c) of the amendment.

Mr. Chairman, we are told that the administration opposes this amendment, and I want to tell you why.

The administration claims that this bill would increase the deficit. The administration prepared its statement in attacking a different amendment, but it certainly does not describe this one, because this amendment specifically indicates that the deficit cannot be raised by one dime.

□ 1800

Second, the administration suggests that this amendment takes down the firewalls. It does no such thing. The firewalls in the budget remain. We simply adjust them to the tune of $400 million down for foreign aid and $400 million up for domestic discretionary spending. What is the real reason that the administration, in my view, wants to oppose this amendment? It is because they still hope to restore the cuts in foreign aid which this House made on a bipartisan basis just 2 weeks ago.

I have another statement of administration policy right here, which indicates that they are unhappy because we cut the foreign aid bill by $1.2 billion. They indicated that they want to use the legislative process to make additional changes to repair that damage. And that means, in plain language, going to the Senate and having that spending restored.

If the membership of the House wants to guarantee that that money will not be spent for foreign aid, this is the best thing to do with it. It guarantees it. It is spent in a very disciplined and modest effort to create construction jobs in the private sector here in this country. I would urge my colleagues to support it.

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

Mr. COUGHLIN. Mr. Chairman, I yield 5 minutes and 30 seconds to the distinguished ranking member of the Committee on the Budget, the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. Mr. Chairman, the Michel amendment just approved overwhelmingly by the House and the Obey-Gephardt-Roe amendment now before us present the House with an opportunity to put its words into action.

In March, and again in June, the House voted on fundamental budget concepts—in essence, deciding what budget rules would be applied later to specific spending decisions.

In March, the House voted 238–187 to keep the firewalls that separate defense, international and domestic discretionary spending. We debated vigorously whether the deficit was likely to be lower with or without those firewalls. Members on the losing side argued that if we kept the firewalls, the tendency would be to spend every last dime available in each respective category. Members on the prevailing side argued that retaining the firewalls would require any money that could be saved to go for deficit reduction.

In June, the House voted 280–153 for a balanced budget constitutional amendment. The vote fell just a handful short of the two-thirds majority needed for passage. The proponents of the amendment argued that Congress seems incapable of self-discipline when it comes to spending, and that something stronger is needed. Opponents of the amendment argued that Congress already has more than sufficient power to reduce the deficit; our powers only need to be exercised.

The votes today give Members on both sides of these two debates a chance to put their money where their mouths were. Those who voted for the Michel amendment and later today vote against the Obey-Gephardt-Roe amendment, reaffirm their determination to live within the existing deficit control rules, sending two messages to our constituents, to the other body, and to ourselves. First, we would be saying that if we find it possible not to spend every last dime allocated to defense and international programs, any leftovers should be used to reduce the deficit. Right now those leftovers from House-passed bills amount to nearly $12 billion. Second, we would be saying that $206 billion in budget authority and $225 billion in outlays is enough to spend in 1 year on domestic discretionary programs. If we decide to spend more on some areas—such as highways, mass transit, and the Coast Guard—then, like almost every family in America, we will have to spend less on other things.

On the other hand those who voted against the Michel amendment and later vote for the Obey-Gephardt-Roe amendment will be sending some very troubling messages. They would be saying that they have changed their minds on the firewall votes. They would be saying that even though last March we voted to apply any leftovers to deficit reduction, now we have decided to spend them on things that will have election day appeal—and never mind the long-term consequences. And even though we said in June that we did not need a constitutional amendment—because we could reduce the deficit by making tough votes on spending decisions—voting for Obey-Gephardt-Roe would be saying, in effect: "Well, we aren't going to make the tough votes just yet."

I looked through the CONGRESSIONAL RECORD to see what some of my colleagues said in June about taking tough votes. If they truly meant what they said then, the Obey-Gephardt-Roe amendment will be overwhelmingly defeated. For example, here are statements from a high ranking member of the Budget Committee:

> The only way you reduce the deficit is through tough votes on issues, tough votes. If you are not willing to make those choices, there is not a constitutional amendment in the world that is going to give you the guts to do it.

Another member of the Budget Committee said:

> If Members of the House are truly serious about balancing the budget, then let us begin right here and now to work toward that goal in the proper and responsible way. By voting on a plan of spending cuts and tax increases that will produce those results.

And yet another member of the Budget Committee:

> What a balanced budget amendment will do is to avoid the real responsibility of having to make the hard choices. * * * The budget can begin to be balanced right now. Gimmicks won't do it. Political will and courage is what it will take.

A member of the Public Works Committee said:

> A constitutional amendment to balance the budget is simply unnecessary. It is unnecessary because we can do the very same job on our own, without a constitutional amendment.

Another Member of the House said:

> The fundamental question before this body today is whether we are ready to lead this Nation by making the tough choices that will build a better future, or whether we will choose to rely on a budget gimmick to hide our inaction and indecision.

Yet another Member:

> The budget cannot be balanced by words promising fiscal responsibility. The budget can only be balanced through a systematic plan of action which requires that the elected officials of this country make the difficult choices.

Mr. Chairman, I could continue for quite a while with these quotes, but I'm sure everyone gets the point. In March and June we were voting on how we would proceed in the future to deal with the deficit. Today, we are not dealing with hypotheticals. We have real choices before us—to spend or not to spend, to increase the deficit, or not to.

The sponsors of the Obey-Gephardt-Roe amendment describe it as a trade off between spending on Americans and spending on foreigners. In reality it is a choice between spending and not spending. The fiscal year 1993 budget resolution provides an outlay level for international programs that is $189 million below the cap. Two weeks ago, when the House passed the fiscal year 1993 foreign operations appropriation bill, the outlays were reduced to a level $231 million below the allocation. These combined decisions put outlays for international programs $411 million below the cap. In other words, if this money is not spent, the deficit will be lower by $411 million. The Obey-Gephardt-Roe amendment, instead of reducing the deficit, would raise the domestic discretionary cap by $400 million and spend the money.

The vote on the Obey amendment is one of the key budget votes that will occur this year. If we vote to scoop up $400 million from leftover international funds and spending it on transportation, then it will be hard to argue that we should not also scoop up billions more left over from the defense caps and spend that money too. This will lead us right back to the uncontrolled spending that forced us into the Budget Enforcement Act of 1990.

I urge my colleagues to vote against the Obey-Gephardt-Roe amendment.

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

Mr. ROE. Mr. Chairman, the effect of our amendment is to restore funding to a number of surface transportation programs in an amount at or close to, as the case may be, levels provided for those programs by this Congress 8 months ago in the Intermodal Surface Transportation Efficiency Act of 1991, and to increase funding for the Airport Improvement Program authorized in H.R. 4691, as passed by the House of Representatives on May 19 of this year.

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

Mr. ROE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the gentleman is correct. The amendment increases fiscal year 1993 funding above the level reported by the Appropriations Committee for the programs covered by the amendment. In addition to the ISTEA programs addressed by the chairman of the Committee on Public Works and Transportation, the amendment also increases funding for operating expenses of the Coast Guard by $38 million for fiscal year 1993.

Mr. ROE. Mr. Chairman, it is our intent that the covered programs under ISTEA being restored in the amendment are the Federal-aid highway obligation ceiling by $2.25 billion and mass transit discretionary grants by $257 million. Is this the understanding of the gentleman from Wisconsin?

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, the gentleman from New Jersey is correct.

Mr. ROE. Mr. Chairman, concerning the mass transit discretionary grants, we further intend in the amendment that the additional $257 million being provided for fiscal year 1993 be used to restore new start funding to the fiscal

year 1993 levels designated, and in the manner described, in existing law under the Intermodal Surface Transportation Efficiency Act of 1991.

Mr. OBEY. The chairman is correct. For funds being added by this amendment, the previously approved ISTEA language governs. That language was approved by the Congress and signed into law by the President.

Mr. ROE. Mr. Chairman, I thank the gentleman.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

□ 1810

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

Mr. Chairman, I rise in opposition to the Obey amendment. I do it from a different basis than that of my friend from Ohio. That is on the basis that we need really a pot of money, some on the foreign affairs side. No one in this room can say without equivocation that there will not be an emergency somewhere in the next 6 months for which some dollars are needed. For instance, there may be a problem in Yugoslavia, there might be a problem in Latin America, there might be a problem elsewhere. Of course, the problem that I am most concerned about is the problem in the Middle East, the problem of tens of thousands, maybe hundreds of thousands of Soviet citizens, Russian citizens, Ukrainian citizens, no longer Soviet citizens, who may wish to leave that country and cannot because we do not have loan guarantees.

As the gentleman from Wisconsin [Mr. OBEY] has noted, the State of Israel has said that under normal conditions they would pay whatever set-asides there need be for the loan guarantees, and I believe that to be true. But let us say there is an abnormal condition. Let us say for some reason either OMB or CBO says we needed 10 or 12 percent of a reserve fund. We might not get it.

I do want to say to my colleagues that many of us who care about Israel are split on this issue. The gentleman from Florida [Mr. SMITH], the gentleman from Connecticut [Mr. GEJDENSON], are voting for this amendment, so I must tell my colleagues that I do not think it is a life-or-death issue, particularly in light of what our majority leader has said, and our Democratic leadership in the House. That is that they will try to come up with the extra money if it is needed, and that alleviates some of my concern.

Nonetheless, I think if is foolhardy and a mistake for us to take every last nickel, with the exception of $22 million, out of the foreign affairs pot and spend it all now, so I am going to vote no on this amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I thank the very distinguished gentleman from Wisconsin for yielding me this time.

Mr. Chairman, I rise in strong support of the en bloc amendments offered by the majority leader, Mr. GEPHARDT, and our colleagues, Mr. ROE and Mr. OBEY.

Six months ago, the Congress authored, and the President signed into law, a 6-year blueprint for investing in transportation for America.

The President did not veto that bill, as he has so many other of our initiatives, because he knew that our Intermodal Surface Transportation Efficiency Act—if funded fully—would create millions of jobs to build and rebuild America's roads, bridges, and transit systems.

Today, Mr. Chairman, 10 million Americans are out of work. Congress and the President must respond, and we can do that here and now.

Americans want jobs—not rhetoric.

Americans want better roads and better transit service—not fiscal paralysis in the face of historical change.

Mr. Chairman, make no mistake about it. This amendment breaks down what has come to be called a firewall. The term is a misnomer. There is no protection here.

At a time when America desperately needs funding for its infrastructure, this so-called firewall is nothing more than a wall that impedes rather than protects.

So far, however, many of our colleagues have seemed more interested in preserving this firewall, born of the cold war, than in investing in America.

By fighting and winning the cold war, America paid a great price.

We did without.

We did without many needed roads.

We did without many needed improvements to our transit systems and safety programs.

We did without many needed jobs.

Now, Mr. Chairman, we must begin to reward that sacrifice with investment in America and in Americans.

We all know that winning the cold war gave us fewer Federal dollars to work with today.

We all know that Congress must adopt a pay-as-you-go budget policy.

But that's the beauty of transportation funding, Mr. Chairman: it already is pay as you go.

The highway trust fund, including its mass transit account, is entirely self-supporting through Federal motor fuel taxes.

All we need is the budget authority to spend the money that Washington has already collected at the pump to invest in transportation.

And all we are asking for is common sense.

Our amendment does not take a penny away from foreign aid.

Our amendment does not interfere with deficit reduction.

The highway trust fund is in surplus.

We do not need to find the money to spend on transportation.

All the American people want is for the money they have paid for transportation to be spent on transportation and create jobs.

That is what Congress promised we would do last year.

The Gephardt-Obey-Roe amendment will make it possible for us to keep our word—and Congress must keep its word.

Our transportation vision for the 1990's is a model of how to rebuild America the way Americans want it built.

Just 6 months ago, Congress and the President made that vision the law of the land. Failing to fund that vision is a failure of leadership masquerading as fiscal responsibility.

The Gephardt-Obey-Roe-Hammerschmidt-Mineta-Shuster amendment to H.R. 5518 restores $257 million of spending authority to the Federal Transit Act, section 3, New Start Program to fully fund all projects designated in the Intermodal Surface Transportation Efficiency Act of 1991 (P.L. 102-240) for fiscal year 1993 funding.

The $257 million is the exact amount necessary to provide full funding for the 21 projects specifically designated in sections 3030 through 3035 of ISTEA for fiscal year 1993 funding that did not receive full funding in H.R. 5518 as reported by the Committee on Appropriations.

ISTEA requires that these projects receive the full amount designated. The restoration of the $257 million will fulfill that requirement.

These projects differ from other projects authorized in sections 3030 through 3035 of ISTEA that do not have specific year-by-year funding designations. The conferees on the Intermodal Surface Transportation Efficiency Act of 1991 intended that only those projects without specific year-by-year funding designations be subject to annual funding decisions by the Committee on Appropriations.

The Public Works and Transportation Committee has been empowered to provide contract authority for the Federal-Aid Highway Program and the Federal Transit Program by the Federal Highway Act of 1958, title 23 United States Code, the Federal Transit Act, and by congressional budget scorekeeping rules and practices originating in 1979.

A complete list of the 21 transit projects to be funded by the $257 million follows:

Additional funds for new start projects provided in Obey amendment

	Millions
Baltimore LRT extension project	$5
Chicago central area connector project	30

Additional funds for new start projects provided in Obey amendment—Continued

	Millions
Cleveland dual hub corridor project	.5
Maryland commuter rail project	50
New Jersey urban core project	36.7
New York Queens connection project	8.7
San Diego mid-coast extension project	3
San Francisco Airport BART extension project and Tasman Corridor LRT project	55
Detroit light rail project	10
Kansas City light rail project	4.4
Chattanooga downtown trolley project	1
Suspended light rail system technology pilot project	4
Hawthorne, New Jersey-Warwick Commuter Rail Service	11.156
North Bay Ferry Service Demonstration Program	9
Staten Island-Midtown Manhattan Demonstration Program	11
Lakewood-Freehold-Matawan or Jamesburg rail project	3
Charlotte, North Carolina, light rail study	.375
Northeast Ohio feasibility study	.8
Dallas/Fort Worth Railtran System	3.2
Largo, Maryland, rail extension project	5
Los Angeles-San Diego rail corridor improvement project	5
Total	256.831

And that is why I urge my colleagues to invest in America and support the Gephardt-Obey-Roe amendment.

Mr. COUGHLIN. Mr. Chairman, I yield 4½ minutes to the gentleman from Pennsylvania [Mr. McDADE], the very distinguished ranking member of the full Committee on Appropriations.

Mr. McDADE. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, we have had this debate before. This is not a new debate, trying to use defense or international savings for other purposes, particularly domestic purposes. The Members voted in March not to do that by a vote of 238 to 187. They voted not to take down the walls in fiscal year 1993. Apparently the message was not clear, and my friend, in his amendment, still hopes to increase Federal spending. My friends, try as you might, I do not think it is going to work.

Back in March we had the opportunity to send a sorely needed message to the American people about our ability to save money and make tough decisions. We had the opportunity to show that we do care about deficit reduction, and that we understand the impact of long-term persistent deficit spending. We had the opportunity to show the American people that Congress can strap down and live within its own limitations with the balanced budget amendment.

Today my colleague offers an amendment to use funds slated for international spending on the highway program. One can only guess what is coming tomorrow. Today, let me bring this to the Members' attention, if I may: Today this transportation bill that we will soon vote on, contains $33.4 billion in fiscal year 1993 outlays, an increase of $1.6 billion in outlays over last fiscal year and it provides on the face of it 1.3 million jobs in the United States of America.

That should not surprise anybody. We already voted to do that. We did that in the budget resolution. We voted for $33 billion for transportation in the 1993 budget resolution. That is what was voted on, $33 billion.

Guess what the total of this bill is: It is $33.4 billion. Should we be surprised that we are complying with what the House has voted to do time, and time, and time again?

Some people say yes, we need to spend more, more than the $17.4 billion in here for highways, more than the $9 billion in here for the FAA, more than the $3.8 billion in here for transit programs, and more than the $3.6 billion in here for the Coast Guard.

Some say that the subcommittee did not fully fund last year's intermodal surface transportation bill that we all embraced with great glee. The truth of the matter is we do not have the resources to do that. Where are the savings when the budget deficit is $400 billion in the current year and the debt is $4 trillion?

The tightness of the budget was not created by the defeat of the firewalls bill; it was an agreement that we all signed onto. The leadership of the House and the administration agreed on a budget summit to try to keep the Federal deficits in some kind of balance. Entitlement spending, as everybody in this Chamber knows, is two-thirds of the budget and is off budget, not subject to our vote.

While tightening budget constraints is tough for all of us to deal with, it is important to point out the context: Our national debt is $4 trillion. One out of every four dollars this Government spends is borrowed.

This amendment is just another effort to take down the firewalls. I am sure it is not going to be the last. Somebody else is going to try.

I said this is a 1.3 million jobs bill. If we put the Obey amendment in it, and we risk a certain veto, we are putting in jeopardy 1.3 million jobs for Americans.

Listen to this. When we were debating the Michel amendment, I told the Members because of actions taken to date there is roughly $150 million in domestic discretionary outlays available. That yields $1 billion in budget resources and 55,000 new jobs. Bring it up as a standing bill and we will vote on it after we come back from the convention.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the distinguished ranking Republican of the Committee on Public Works and Transportation.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of the Obey amendment. This amendment will use $400 million in outlay savings from the foreign operations appropriations bill to restore about $2.5 billion in transportation spending. Insofar as highways and transit are concerned, this represents a partial restoration of funding that was provided in the Intermodal Surface Transportation Efficiency Act of 1991 just 7 months ago. And, in aviation, the amendment would partially restore the reduction in airport improvement funds from fiscal year 1992 levels.

Let me focus specifically on the highway issue. The amount provided in the appropriations bill for the basic Federal-aid Highway Program is woefully inadequate: About $4 billion less than provided in ISTEA and nearly $2 billion less than the level proposed by the President. By raising the highway obligation ceiling by $2.25 billion, the Obey amendment would merely restore the highway obligation ceiling to roughly the amount in the President's budget.

So, while the amendment would still leave us about $2 billion below the obligation authority in ISTEA, it is a vast improvement over the inadequate level in the appropriations bill.

The Gephardt-Obey-Roe-Hammerschmidt-Mineta-Shuster amendment to H.R. 5518 restores $257 million of spending authority to the Federal Transit Act Section 3 New Start Program to fully fund all projects designated in the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-240, for fiscal year 1993 funding.

The $257 million is the exact amount necessary to provide full funding for the 21 projects specifically designated in sections 3030 through 3035 of ISTEA for fiscal year 1993 funding that did not receive full funding in H.R. 5518 as reported by the Committee on Appropriations.

ISTEA requires that these projects receive the full amount designated. The restoration of the $257 million will fulfill that requirement.

These projects differ from other projects authorized in sections 3030 through 3035 of ISTEA that do not have specific year-by-year funding designations. The conferees on the Intermodal Surface Transportation Efficiency Act of 1991 intended that only those projects without specific year-by-year funding designations be subject to annual funding decisions by the Committee on Appropriations.

The Public Works and Transportation Committee has been empowered to provide contract authority for the Federal-aid Highway Program and the Federal Transit Program by the Federal Highway Act of 1958, title 23 United States Code, the Federal Transit

Act, and by congressional budget scorekeeping rules and practices originating in 1979.

A complete list of the 21 transit projects to be funded by the $257 million follows:

Additional funds for new start projects provided in Obey amendment

	Millions
Baltimore LRT extension project	5
Chicago central area connector project	30
Cleveland dual hub corridor project	5
Marylnd commuter rail project	50
New Jersey urban core project	36.7
New York Queens connection project	8.7
San Diego mid-coast extension project	3
San Francisco Airport BART extension project and Tasman Corridor LRT project	55
Detroit light rail project	10
Kansas City light rail project	4.4
Chattanooga downtown trolley project	1
Suspended light rail system technology pilot project	4
Hawthorne, New Jersey-Warwick Commuter Rail Service	11.156
North Bay Ferry Service Demonstration Program	9
Staten Island-Midtown Manhattan Demonstration Program	11
Lakewood-Freehold-Matawan or Jamesburg rail project	3
Charlotte, North Carolina, light rail study	.375
Northeast Ohio feasibility study	.8
Dallas/Ft. Worth Railtran System	3.2
Largo, Maryland, rail extension project	5
Los Angeles-San Diego rail corridor improvement project	5
Total	256.831

I know that there will be concerns about shifting money from the international spending account to the domestic spending account. Some will fear that this will set a bad precedent and will lead to efforts to raid the defense budget to fund other domestic programs.

I do not believe that this will be the case. We have a unique opportunity here to take advantage of savings that were made with broad bipartisan support and to shift those savings to programs that also enjoy broad bipartisan support, as evidenced in the overwhelming votes in favor of the ISTEA legislation. It is very unlikely that similar circumstances will occur again in the 102d Congress.

In addition, this is not the final word on the subject. Ultimately, the conference committees on the foreign operations appropriations bill and the DOT appropriations bill will have to decide how much of a shift will actually take place. During this process, the administration will have ample time to have its views carefully considered in this matter.

In summary, by adopting this amendment, Congress will be taking a positive step toward at least partially restoring the job creation and infrastructure improvement potential of ISTEA. It will also be averting the severe criticism, to which I fear Congress will be subjected, if it funds the program at a level so far below what the President recommended and what is in the ISTEA legislation.

Mr. Chairman, I urge Members to support the amendment.

□ 1820

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BERMAN].

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

I rise in opposition to the Obey amendment. And I say this for the Members to consider exactly what is happening here: The Budget Enforcement Act sets the international affairs cap at a certain level. The budget resolution passed by both Houses reduces that by $200 million in outlays. The bill that Chairman OBEY presented last week, that I supported, that had what I thought was an excellent mix in terms of supporting the kinds of foreign aid programs that I think are important and cutting the ones I do not think are important reduced that bill in outlays an additional $20 million, $1.2 billion below the President's budget in budget authority.

Now we have an amendment which would suggest lowering the Enforcement Act to the figure, within $20 million of that figure in outlays before the Senate has acted. This is not the way to handle international relations. This is not the way to provide a level of flexibility.

If the Senate decides they want to plus up the military aid account, every penny of that is going to have to come out of one of the programs, the Development Assistance Program, the Refugee Program, the Peacekeeping Program that will be funded on the House side. There is no flexibility left in this.

There is $7 billion of totally unused defense cuts between the cap and the budget resolution, and a lot of money in the defense appropriation that has already passed on Star Wars and on unneeded five new B-2 bombers and other things like that from which this money could come.

God knows I think transportation increases are important. I think they are so important that I am prepared to support a gas tax to fund them. But why transportation in terms of this shift? Chairman NATCHER of the Labor-HHS Subcommittee had tremendous pressures on education and health. Why the decision that all of this money will go to transportation and not to other allocations within the domestic budget?

This is a very inflexible amendment. Things can occur in the context of the next 2 or 3 months in the area of peacekeeping or loan guarantees to provide tremendous flexibility.

I want to make one last comment. There are proponents of this amendment, in fact sponsors of this amendment who are strong supporters of the United States-Israel relationship. There are opponents of this amendment who could not care less about that, and would do things to sever that relationship. This is not a test of that. But to take away the flexibility for $50, $100, $150 or $200 million based on what might happen in this world is just pure crazy.

I think this amendment should be defeated. I think this is the wrong approach. We have $7 billion in defense spending if we want to make this transfer, if this is the only way to do it.

This is a political response to a serious problem, and I would urge the Members to defeat it.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, in March I voted against the first firewalls bill. I intend to vote for the Obey amendment tonight.

Why am I doing so? Because of the changed conditions which have intervened, and particularly the 7.8 percent unemployment which was announced for the month of June. That translates into 100,000 fewer jobs that we had in June and into 10 million Americans who are unemployed.

We need to put Americans, Kentuckians, Louisvillians back to work. We need to put them to work on construction programs right now even as we are, concurrently, doing our best to balance the budget and to reduce deficits.

As I understand it, the $400 million which is shifted from foreign aid translates into 2.5 billion dollars' worth of highway, mass transit and airport projects. With respect to Louisville, we have right now 30 million dollars' worth of ready-to-go projects that could immediately put Kentuckians and Louisvillians to work under this bill.

The Obey amendment does not raise the deficit one penny. The Obey amendment does put people back to work. The Obey amendment should be passed tonight.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I rise in support of the Obey amendment. Supporting this amendment does not come easy for me. I am a member of the Budget Committee who voted against bringing down the firewalls separating domestic and defense spending earlier this year. I am also a member of the coalition in support of a balanced budget amendment the House considered just last month.

I strongly believe that we can and should be doing more to reduce our Federal deficit, and am working toward that goal with Chairman PANETTA and other members of the Budget Committee. Had there been some other manner in which to access the money in the highway trust fund for the purposes for which it was intended, I would have preferred it.

But the budgeting process is such that, in order to make use of the trust funds, it is necessary to raise the obligation ceiling in this amendment. And so, I support this effort to invest in our Nation's infrastructure, which lies at the heart of Federal responsibility for our Nation's well being.

The most important factor in my decision is that most of the programs in the Intermodal Surface Transportation Efficiency Act, now known as ISTEA, will pay for themselves. The funding program incorporated in the bill which we passed overwhelmingly last year was designed to draw down the highway trust fund from its surplus of over $11 billion to about $2.5 billion, the amount needed to keep the fund solvent. In addition, Congress extended the 2½ cent-per-gallon gas tax to keep revenues flowing into the fund, and to keep the program self-financing.

Mr. Chairman, it is for these reasons that I find the transportation appropriations bill before the House today so extremely disappointing and so much in need of amendment. Not only does it break faith with the 372 Members who voted for the conference report on ISTEA last November, but more importantly, it breaks faith with the American people who have been paying into the highway trust fund all of these years expecting that the money would actually be used to improve our nation's highways.

Last November, when Congress passed ISTEA, I was confident that we had finally taken the initiative on an ambitious program for our future, and our ability to sustain economic growth.

The Public Works and Transportation Committee and the Subcommittee on Surface Transportation spent over 2 years holding hearings and investigating the status of our country's infrastructure.

These hearings uncovered a pattern of deterioration and neglect of our infrastructure needs. We learned that investment in infrastructure has become the orphan child of the budgeting process, receiving proportionally less funding as our fiscal situation has become more severe.

Our annual Federal transportation investment has plunged from 2.3 percent of our gross national product in the 1960's and 1970's to four-tenths of 1 percent in the 1980's. This makes our investment in infrastructure a smaller percentage of GNP than any other industrialized nation in the world.

According to the Department of Transportation, in 1989: About 265,000 miles of pavement were at or below accepted engineering standards; about 134,000 bridges were rated as structurally deficient; over 5,000 bridges were closed; and congestion created over 8 billion hours of delay on the interstate system, adding billions of dollars to the cost of interstate commerce.

Passage of ISTEA was intended to address all of these concerns. For the first time, we embraced as a national goal the development of a national intermodal transportation system designed to move people and goods in an energy-efficient manner. ISTEA created an economic blueprint for the future, and was designed to substantially improve our competitiveness in the world economy.

In addition, the bill should create over 2 million jobs in the construction segment of our economy that serves as the foundation for our economic growth, and which has been hit the hardest by this period of recession.

Investing in infrastructure provides returns to our economy far greater than any other expenditure of Federal dollars. For every $1 invested in transportation infrastructure, $10 is returned to the economy. We would be hard pressed to find any other program that returns such benefits to our Nation.

The new Labor Department statistics show unemployment has now reached 7.8 percent. Almost 10 million of our fellow Americans are out of work. We should not fail to adequately fund the only bill passed by this Congress which has been endorsed by the administration that will create jobs—that is the ISTEA legislation passed last year.

Approving the Obey amendment will create good jobs for 125,000 Americans while providing the kind of infrastructure we need to be competitive around the world.

We must amend this bill to provide for an adequate level of funding for our public infrastructure. I urge my colleagues to support the Obey amendment.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

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

Mr. Chairman, I rise in opposition to the Obey amendment, which would lower the fiscal year 1993 discretionary spending cap for international affairs by $400 million in outlays and increase the 1993 domestic cap by that same amount.

The Obey amendment removes all fiscal flexibility in international affairs. This measure could require Senate-passed increases in military assistance to be accommodated in conference by cuts in population control programs, AIDS prevention, and child survival.

The Obey amendment categorically precludes any possibility of subsidy appropriations for immigrant absorption loan guarantees to Israel, if an agreement can be reached between the Israeli Government and the administration.

Let us bear in mind that if we are going to get into the business of breaching the firewalls, there are also $7 billion in outlays behind the defense firewall, unusable in any way under the budget resolution.

I ask my colleagues, in considering your vote on the Obey amendment, is it your intention to erode and decimate the budget firewalls which you previously supported.

I submit that this is an inappropriate amendment.

Accordingly, I urge defeat of the Obey amendment.

□ 1830

Mr. OBEY. Mr. Chairman, I yield one-half minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I rise in strong support of the Obey amendment.

Mr. Chairman, I cannot imagine our going home, and I voted for the foreign aid bill the other day and a lot of people did not, but I cannot imagine that we cannot vote to transfer money from surplus money really that is left over from the foreign aid bill to create American jobs. I cannot imagine that anybody would vote against this amendment.

I know in my own State of Ohio where we have tremendous needs in infrastructure repairs this is an essential amendment.

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

Mr. TORRICELLI. Mr. Chairman, there is not a Member of this House who has not walked down the street in their district and had a constituent tell them that it is time to change priorities in America, not a person in this Chamber who has not looked in the eyes of people they represent and agreed that it is time to invest again in America.

This vote is about that commitment, and yet we are told that the 1990 budget agreement stands between us and keeping faith with those constituents.

My friends, the world between 1990 and today could not have changed more. The security commitments, the foreign commitments, the need to help others could not be more different.

This amendment comes just in time. A quarter of a million substandard bridges, hundreds of miles of deteriorating roads, urban and mass transportation systems that are older than the people who ride them by a generation, and it is only a token change, just a beginning of a change, but it is a change, the first of many amendments which must come.

We have done our duty in the foreign assistance bill for others. This amendment does duty for our own constituents.

I urge Members to adopt it.

Mr. COUGHLIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. ORTON].

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

Mr. Chairman, today I rise in opposition to breaking down the firewalls and shifting budget savings from one appropriation category to make higher spending available in another category.

My friend and learned colleague from Wisconsin, Mr. OBEY, is correct in asking us to reevaluate our spending priorities, and fund the most critical spending first. Our current spending levels in various categories reflect neither the changing world situation nor our domestic needs.

However, it is our budget process itself which is flawed. It is the process which leads to exaggerated overfunding in one category and disastrous underfunding in another.

Last month we attempted but failed to pass a balanced budget amendment. Those who opposed it said that we didn't need to amend the Constitution, that we could accomplish the necessary change by statute. Unless and until we do make substantive changes to the budget process which will ensure fiscal responsibility and a balanced budget, any transitory shifting of appropriations between segments of the budget will simply compound the problems.

Let us revise the budget process and incorporate changes such as: First, a unified capital budget, second, biennial, zero based budget, third, sunset laws, four, enhanced rescission process, and fifth, an enforcement mechanism, which will provide the tools necessary to balance the budget. Then I will stand at the front of the line to set new priorities for spending to meet the very real and immediate needs of our country.

I urge you to vote "no" on the Obey amendment, and to support real budget process reform.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

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

Mr. Chairman, I rise in strong support of the Obey-Gephardt-Hammerschmidt-Roe amendment.

The issue we are debating here today is really rather simple. It is about jobs and economic growth and their relationship to the highway trust fund.

As my colleagues all know, last year we passed the Intermodal Surface Transportation Act, and when the House overwhelmingly voted in favor of that legislation, we all praised it as an investment in America.

The highway bill would create jobs, and it would make improvements in our infrastructure. Now is the time to fund that worthwhile new law, and we need to fund it and fund it well.

This year the House has already voted to cut over $400 million in fiscal 1993 foreign aid outlays under the 1993 budget summit cap enacted into law, and moves them over into transportation spending authority. So it does not add to the deficit as some are here arguing.

The funding source for our transportation needs comes from the highway trust fund, and the taxpayers who pay those taxes want it spent for the purposes for which it is levied.

I urge a strong vote for the Obey-Gephardt amendment.

Mr. Chairman, the issue we are debating today is rather simple; it is about jobs and economic growth and their relationship to the highway trust fund. As my colleagues all know, last year we passed the Intermodal Surface Transportation Efficiency Act of 1991. When the House overwhelmingly voted in favor of this legislation, we all praised it as an investment in America. The highway bill would create jobs, and it would make vast improvements in our infrastructure and transportation needs. Now is the time to fund this worthwhile and desperately needed program which the American people strongly support.

Last week we passed an economic incentives bill to help get the Nation rolling—let's continue to build on the momentum by passing this amendment to this transportation appropriations bill. This amendment is a fiscally responsible approach concerning our Federal budget restraints and infrastructure necessities. This year, the House has already voted to cut over $400 million in fiscal year 1993 foreign aid outlays under the 1993 budget summit cap enacted into law, and moves them over into transportation spending authority so it does not add to the deficit, as some are here arguing. The funding source for our transportation needs come from the highway trust fund and the taxpayers who pay into it want it spent for the purpose for which it is intended—highways—not used as a foil to mask the true size of the deficit. The trust fund is sound. It has a surplus.

Mr. Chairman, the battlecry on this legislation is loud and clear: Invest in America's future—our infrastructure. Invest in American jobs now, to get on with building that infrastructure that is our door to economic development and growth, to enhancing our trade opportunities.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Chairman, we have been hired by our constituents to be their voice. Well, listen to their voice. They do not like deficit spending. They do not like the priorities of where we spend our money.

They believe in the challenge that John F. Kennedy gave us when he said, "Ask not what your country can do for you, but ask what you can do for your country," and, boy, have they given. Over 5 months of their hard-earned paycheck every year comes to us to spend.

Today there are over 10 million persons out of work, 10 million persons that are worried about how they are going to pay their mortgage, 10 million persons that are worried about providing health care for their children and putting their kids through school. There are 10 million Americans that are not living the American dream. They are living in a nightmare.

Today you have an opportunity to put some of these people back to work. Wake them up out of that nightmare and give them hope to dream dreams and make those dreams come true.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, although I voted to tear down the firewalls, I must oppose this amendment, because this is not the way to tear down the firewalls.

At a time when we are witnessing, as other speakers have mentioned, unprecedented changes in the world, this amendment would place a straitjacket on U.S. policymakers. It would eliminate the flexibility we may need to respond to events in Eastern Europe and the Middle East and Africa and elsewhere.

For example, this amendment would eliminate any flexibility that we might need to come to the aid of the Yugoslavian people. It would tie the hands of policymakers wishing to ease the transition to democracy and capitalism for the nations of the former Soviet Union, and it slams the door on further aid for international AIDS prevention and treatment programs.

Foreign aid is always a convenient whipping boy, no more so than it is today, but the purposes sought to be achieved here could be better achieved through other approaches.

This amendment does nothing to transfer billions of unneeded defense dollars. Instead, it targets spending which is most often used to ease the suffering of the poor, the hungry, and the sick abroad. While they may be an easy target, they are the wrong target.

While I have the greatest respect and admiration for my colleagues who are offering this amendment, I oppose it. There are other better ways to finance the rebuilding of our transportation system and create jobs here at home for Americans.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, we have a very serious credibility problem with regard to financing highways.

Now, I do not think there is a way to overcome it unless we pass the Obey amendment. First, we have an authorization bill. The President went to Texas, got a good photo opportunity, Members of Congress were down there. They talked about 2½ million jobs, that they could not be provided unless the firewalls were torn down or unless there was a raise in the cap. So it was a false expectation.

Next came the President's budget. He proposed $2.2 billion increase for high-

ways. But what he did not tell you was that depended upon a $550 million decrease for mass transportation and for Amtrak and an overall tax or user fee increase of $4 billion, or the highway bill could not be funded. Also, sell the assets at Elk Hills. That was raising false expectations.

Then the budget resolution. It alleged to increase the funding for highways, but it assumed a $4.14 billion, whatever you call legislative savings and fees, which cannot pass this Congress, so it raised expectations falsely.

The bottom line is the expectations to the American people have been raised one, two, three, four times. There is no way to get out of this unless we shift some money, I do not think, from one side of the international account over to the domestic account.

□ 1840

Since that budget agreement was passed 2 years ago, the world has changed. Priorities have changed. We have got 7.8 percent unemployment that we did not have at that time.

Surely in 2 years time with the changes we have had, we ought to look again at our priorities, shift some from that international side where we do not need as much anymore over to this domestic discretionary side and meet the expectations of the American people that have been built up both by the administration and the Congress.

Mr. Chairman, I urge a yes vote.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I rise to urge support of the amendment offered today by Congressmen OBEY, GEPHARDT, ROE, HAMMERSCHMIDT, MINETA, and SHUSTER which will increase funding for highway, transit, airports, and Coast Guard programs by $2.6 billion nationally. These are responsible amendments which appropriately transfer over $400 million from foreign aid outlays to vital domestic infrastructure programs. These programs will create more than 125,000 jobs for Americans.

Mr. Chairman, the latest unemployment figures are a warning to begin to shift national priorities from unnecessary or lower priority expenditures abroad and toward clear, essential, and long neglected investment in Americans and their towns and cities. This is, after all, the longest recession since World War II.

This amendment provides the double dose of medicine the doctor has ordered—targeted development of infrastructure whose existing condition poses a clear and present danger to our place in the global marketplace; and the measured economic stimulus that is a proven remedy for unemployment.

Each additional billion dollars spent on new construction of bridges, roads, sewers, information networks, and technologies creates 46,800 jobs in the construction, supplier, and service industries. Not only do contractors, subcontractors, and suppliers benefit but countless services are similarly benefited.

Of the 17,000 unemployed workers in the District of Columbia at the end of 1990, nearly 2,000—11.8 percent of our work force—were in construction. I am sure that after the latest unemployment figures, every Member could point to similar devastation.

As a member of the Public Works and Transportation Committee, I joined my colleagues to support unanimously the bipartisan Intermodal Surface Transportation Efficiency Act because we were strongly committed to bringing jobs and new infrastructure to the American people. If this appropriations bill is funded at the proposed level, we will have actually reduced highway and transit funding below that of prior years. Our crippled economy cannot afford such disinvestment.

I support this vital amendment for investment and jobs in America, and urge my colleagues to support it as well.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, when the House Democratic leadership pulled out all the stops to defeat the balanced budget amendment June 11, they argued that the amendment was an unnecessary gimmick because Congress already has the authority it needs to balance the budget—authority defined by statutory guidelines and fiscal discipline.

Applying that standard today—the 1990 budget agreement is the statutory guideline and a vote for the Michel amendment is the fiscal discipline. Failure to observe either of these principles—which some would have us do today in voting for the Obey amendment—is fiscal irresponsibility, pure and simple.

If we vote for the Obey amendment, we junk the caps on spending in the budget agreement. That is the only restraint on spending we have. In essence—we bust the budget and prove once again to the American public that we are incapable of exerting fiscal responsibility.

How many times do we need to hear that our deficit stands at $350 billion, that our national debt is close to $4 trillion, that interest payments on the national debt now consume nearly $200 billion. These are lost dollars—gone to pay for our past spending habits, not new roads and bridges.

The plain and simple fact is that we are operating under a law that says savings in one account cannot be transferred to another. They are to be applied to deficit reduction. Period. We must not do what the Obey amendment wants. We must not break the firewalls to transfer dollars—dollars that should be used for deficit reduction—for new spending. The Obey amendment would turn this law on its head. It would put us on a slippery slope toward increased deficits and higher taxes.

The debate today is not about the merits of foreign aid spending, that just happens to be the source Obey taps into. Rather, the debate is about the integrity of a law that maintains budget firewalls to allow defense or international affairs savings to be used for deficit reduction—not new spending.

Less than a month ago, nearly every Member of this House spoke out against deficit spending. Yet the Obey amendment at its core is simply a proposal to increase the fiscal year 1993 deficit, something completely contradictory to these earlier proclamations. It is no wonder the American people hold Congress in such disregard and that our deficit continues to soar.

It should be clear to Members who support deficit reduction which amendment to support. Let us put leadership behind our rhetoric and vote for fiscal discipline for a change. I urge my colleagues to oppose the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, I thank the distinguished gentleman for yielding me some time.

Mr. Chairman, I rise in strong support of the amendment by the distinguished gentleman from Wisconsin [Mr. OBEY], and my chairman, the gentleman from New Jersey [Mr. ROE], my ranking Republican member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and the majority leader, the gentleman from Missouri [Mr. GEPHARDT].

As has been stated earlier, ISTEA is a jobs bill and I believe the result of what the Appropriations Committee has done in drastically slashing the authorized funding levels in ISTEA is to keep a significant number of American workers on the unemployment rolls.

I have been and continue to be opposed to breaching the firewalls, but by adjusting the ceiling levels of international and domestic spending, we will be able to stimulate the American economy, put Americans back to work, rebuild America's crumbling transportation infrastructure—making our highways and bridges safer—and, ultimately, improve and enhance our Nation's ability to move commercial goods and commuter traffic with greater efficiency.

If these are not reasonable and rational justifications for this Body to make this small adjustment to the budget firewalls, then we do not deserve the respect and support of the American people.

A yea vote for this amendment is a vote for the American worker and the American economy.

A no vote is a vote for continuation of our stagnant economy, a continuation of high unemployment, and a continuation of the Band-aid repairs to our transportation infrastructure, daily becoming less safe and in an increasing sad state of disrepair.

Mr. Chairman, I urge my colleagues to vote for the Obey-Roe-Gephardt-Hammerschmidt amendment.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I support the Obey amendment.

I voted against breaking down the firewalls in an earlier vote, but I think times have changed since then. This is a critical jobs issue. The unemployment rate nationally is 7.8 percent. I fear it can go up another half percent before November. A yes vote will put thousands of people to work with moneys saved from foreign aid spending.

I still believe the budget agreement is good, but it should not be locked in stone when tens of thousands of Americans are finding themselves out of work every day.

So Mr. Chairman, I think a responsible vote is a vote for the amendment.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, priorities are heck sometimes in choosing them. The President just came back with much flare from G-7. It is time he drives Route 7 and sees the potholes, sees the orange barrels, sees the traffic snarls.

The priorities are very clear here. Without increasing the deficit, you shift some money from foreign aid to the United States of America. You shift some money from overseas to here at home.

I think our constituents know what they want. Ten million Americans are out of work. Roads and bridges are crumbling. Traffic is snarled hopelessly. They want the Obey amendment, and I urge its adoption.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

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

Mr. Chairman, I rise in opposition to the Obey-Gephardt amendment. The Obey-Gephardt amendment would in my opinion flagrantly violate the Budget Enforcement Act of 1990 by changing the spending caps inscribed in that law and by burning down the firewalls between the domestic and international discretionary categories. These firewalls were erected to achieve a deficit reduction. Savings under the caps in any one category is under the terms of the laws supposed to be supplied to deficit reduction. Instead, the Obey amendment would pirate away the money remaining in the international account to increase spending in the other categories.

The Obey amendment in my viewpoint raises the limitation on obligations of the highway trust fund by $2.3 billion. This translates into a $400 million increase in outlays by fiscal year 1993, and will require subsequent increased outlays in the future.

Worse, the Obey amendment authorizes a $400 million raid on the general fund? Why? Because apparently there are not enough transportation fund taxes, I gather, to support the desired spending for fiscal year 1993 in the transportation fund.

□ 1850

So what do we do? We do what we always do, we borrow from the general fund. More accurately, we borrow from our children and grandchildren. In light of the fact that the Federal Government is now paying $300 billion a year just to pay interest on the $4 trillion national debt, this ought to be absolutely unacceptable.

The amendment is a fraudulent scheme Congress is pulling on the American taxpayers. Congress promised in 1990 that in exchange for $164 billion in higher taxes, Congress would restrain its appetite for higher spending. The caps are that promised restraint. The Obey amendment conspires to break that promise.

If this conspiracy to circumvent the law was being perpetrated in the private sector, it would be deemed a criminal conspiracy. But because we in Congress make the laws, we do not have to conspire to avoid them, we simply conspire to eliminate them and then continue to conspire to avoid our clear moral obligation.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. SHUSTER], a member of the Committee on Public Works and Transportation.

Mr. SHUSTER. Mr. Chairman, in 1990 a majority of the Congress and the White House entered into a deal, a budget deal. And now we are told, 2½ years later, a deal is a deal.

Well, Mr. Chairman, in 1991, a year after that 1990 deal, this Congress overwhelmingly entered into another deal with the American people. This Congress overwhelmingly voted in favor of the transportation bill. And we said on a bipartisan basis, "We are going to extend the gas tax. Not only are we going to extend it, we are going to increase it by 2½ cents. But our deal with you, Mr. and Mrs. America, is that we promise that this money in the highway trust fund that you are paying as a user fee is going to be spent on transportation." And we also said overwhelmingly as we voted for that bill, we promised that $18.3 billion is going to be spent next year out of the highway trust fund "for your transportation needs."

And now, what do we have before us? Instead of the $18.3 billion that we promised, we have only $14 billion; so we have a 22-percent reduction in our promise. Indeed, this means significant cuts in highway programs.

Mr. Chairman, do not come to our committee and ask for help with your problems; if the money is not there, we may want to help you but we cannot.

Further, I suggest check what we put out in terms of the money that goes back to your States by formula if this passes. Every State will receive several millions of dollars more for their highway programs. And, yes, we will create in America over 125,000 real jobs.

So let us keep faith with the American people, let us deliver on our promise to spend trust fund dollars. Let us take general fund money from foreign aid and begin to spend an equivalent amount of trust fund money rebuilding America.

Mr. COUGHLIN. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, the Obey amendment to the transportation appropriations bill is yet another example of chicanery to get around our own self-imposed limits on spending in the deficit. All of us—all of us—would like to spend more money on our transportation infrastructure as well as many other well-meaning programs. But we have a problem: The deficit is eating our lunch.

In clear violation of the 1990 budget agreement—the law we passed to help control deficit spending—the Obey amendment would transfer $400 million in foreign aid outlays to transportation projects. This contravenes the law, which says that any savings in the foreign aid category will be applied to reducing the deficit, not other spending programs.

In addition, the $400 million outlays transferred by the Obey amendment will result in some $2.6 billion in increased budget authority and obligation authority, further exacerbating the deficit in future years.

Regardless of the worthiness of the spending programs, we should not scrap the firewalls. I cannot understand how anyone can say, how any Member of this body can say they give a hoot about the deficit if they vote for the Obey amendment. If we have one ounce of courage to resist the siren call for more spending, if we have one shred of shame over the deficit we are leaving for our children, if we have one iota of honor for the agreements we have made, we should defeat the Obey amendment and pass the bill as it is.

Mr. Chairman, I urge defeat of the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, the night is late, and I want to just run down, in

the 2 minutes, quickly two points. Bedrock principle, a deal is a deal, honor and commitment, test of will, American people disillusioned, conspiracy and chicanery.

God, you are bad people around here.

We are engaged in conspiracy and chicanery. By God, BUD SHUSTER is right: We made the deal on this floor and passed the iced tea, the transportation bill, with 378 votes. We did not break one rule.

We went and we expanded and extended the 2½ percent gasoline tax. We provided, under the budget agreement with the White House, precisely what we were supposed to do. We raised the money to support the transportation bill. That is what you did.

Now, the thing that happened, however, that 5.5 billion dollars' worth of budget authority was taken away from the transportation program in the budget agreement. So, we are not putting new money into transportation, we are simply transferring part of that fund back to transportation, which was the true deal with the American people. We taxed them for that purpose.

Now we say can we afford to spend this? It is costing us, not by our figures, but by the White House figures and the Department of Transportation, $34 billion annually is lost in the metropolitan areas alone because of traffic congestion problems.

Would it not be right to try to correct them?

Just last week we voted $7.6 billion more for unemployment compensation just to keep people off the breadline. Would it not be more sense to invest in jobs for the people of America?

That is what this debate is about. So we are not breaking faith, we are not breaking down walls; we are simply taking the tax money that the people were charged for transportation purposes, that they are paying moment by moment on their gasoline, and we are doing the construction program we promised on this floor to do.

So I would hope that the Members would set the nonsense aside and vote, this time, for the American people.

If there was ever a point, by God, it is time that we said to the people overseas, "Pay some of your own damn bills and let us spend our tax dollars with our own people."

That is what the issue is before us today.

Mr. Chairman, I am proud to join with the bipartisan sponsors of the Gephardt-Obey-Roe-Hammerschmidt-Mineta-Shuster amendment to restore the vital and essential transportation funding that is being diverted to other purposes.

I express my compliments to the majority leader, Mr. GEPHARDT; the gentleman from Wisconsin [Mr. OBEY], a member of the committee; our ranking Republican member, JOHN PAUL HAMMERSCHMIDT; the chairman of our Surface Transportation Subcommittee, NORMAN MINETA, and the subcommittee's ranking Republican member, BUD SHUSTER, for their outstanding efforts on this amendment.

Just 7 months ago, an overwhelming majority of this House, 372 Members, supported the Intermodal Surface Transportation Efficiency Act, a $151 billion 6-year bill that will create millions of jobs throughout the Nation.

The rallying cry, from the President's signing ceremony in Dallas to Member after Member on the floor, was, "Jobs, jobs, jobs."

We labored for months to increase investment in our transportation system. The committee proposed the nickel for America. It didn't fly. Instead, we extended the existing taxes and modified our proposal. We played by the rules and received an overwhelming, bipartisan endorsement in both the House and Senate.

Now, we find that $5.2 billion is being cut from our bill. Our budget authority, the authority to spend money collected from American taxpayers and placed in a trust fund for that purpose, has been sent to other programs. We want that budget authority returned to transportation, so that the trust fund money can be spent to create American jobs, not sent overseas.

This amendment, by restoring $2.5 billion in budget authority from foreign aid to transportation, will create almost 125,000 real productive jobs in this country. We have talked about meager tax breaks but they mean nothing to people who don't have jobs. Let's produce jobs for the American people.

Last month's unemployment figures were absolutely devastating. A national unemployment rate of 7.8 percent; California, 9.5 percent; New Jersey, 9.2 percent; New York, 9.2 percent; Massachusetts, 8.8 percent; Michigan, 8.8 percent; Illinois, 8.6 percent; Texas, 8.2 percent.

The only bill we have before us to help create jobs, to help lower those unacceptably high unemployment rates, is the surface transportation bill.

This amendment will provide full funding for the fiscal year 1993 transit new start projects, and it will pump an additional $2.25 billion into the highway program.

We are not breaking any agreements. We are simply restoring in a partial way the funding that Congress voted for the Intermodal Surface Transportation Efficiency Act. As our unemployment rate continues to soar, we cannot afford not to approve this amendment. This is highway trust fund money that is dedicated to transportation. I urge all Members to support the Gephardt-Obey-Roe-Hammerschmidt-Mineta-Shuster amendment.

The Gephardt-Obey-Roe-Hammerschmidt-Mineta-Shuster amendment to H.R. 5518 restores $257 million of spending authority to the Federal Transit Act section 3 new start program to fully fund all projects designated in the Intermodal Surface Transportation Efficiency Act of 1991—Public Law 102-240—for fiscal year 1993 funding.

The $257 million is the exact amount necessary to provide full funding for the 21 projects specifically designated in sections 3030 through 3035 of ISTEA for fiscal year 1993 funding that did not receive full funding in H.R. 5518 as reported by the Committee on Appropriations.

ISTEA requires that these projects receive the full amount designated. The restoration of the $257 million will fulfill that requirement.

These projects differ from other projects authorized in sections 3030 through 3035 of ISTEA that do not have specific year-by-year funding designations. The conferees on the Intermodal Surface Transportation Efficiency Act of 1991 intended that only those projects without specific year-by-year funding designations be subject to annual funding decisions by the Committee on Appropriations.

The Public Works and Transportation Committee has been empowered to provide contract authority for the Federal-aid Highway Program and the Federal Transit Program by the Federal Highway Act of 1958, Title 23, United States Code, the Federal Transit Act, and by congressional budget scorekeeping rules and practices originating in 1979.

A complete list of the 21 transit projects to be funded by the $257 million follows:

Additional funds for new start projects provided in Obey amendment

	Millions
Baltimore LRT extension project	$5
Chicago central area connector project	30
Cleveland dual hub corridor project	5
Maryland commuter rail project	50
New Jersey urban core project	36.7
New York Queens connection project	8.7
San Diego mid-coast extension project	3
San Francisco Airport BART extension project and Tasman Corridor LRT project	55
Detroit light rail project	10
Kansas City light rail project	4.4
Chattanooga downtown trolley project	1
Suspended light rail system technology pilot project	4
Hawthorne, New Jersey-Warwick Commuter Rail Service	11.156
North Bay Ferry Service Demonstration Program	9
Staten Island-Midtown Manhattan Demonstration Program	11
Lakewood-Freehold-Matawan or Jamesburg rail project	3
Charlotte, North Carolina, light rail study	.375
Northeast Ohio feasibility study	.8
Dallas/Ft. Worth Railtran System	3.2
Largo, Maryland, rail extension project	5
Los Angeles-San Diego rail corridor improvement project	5
Total	256.831

Mr. OBEY. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, the fact is that America is losing its investment race with out global competitors. By the end of the eighties Japan and Germany were investing 12 times as much as a percentage of their economy as we are in bridges, sewers, information networks, and technology. That cannot continue if we are going to continue to be an economic leader in this world. We are simply taking money which we have already saved in foreign aid and using it to try to do something about that problem.

Reference has been made to the budget summit. I voted for the budget sum-

mit. But I did not realize that voting for the budget summit required us to stop hearing, stop seeing, and stop thinking. We ought to see what is going on around us. This economy has collapsed. This country needs both jobs and deficit reduction. This amendment gives us both.

We ought to vote for it.

□ 1900

The CHAIRMAN. The Chair will advise that the gentleman from Pennsylvania [Mr. COUGHLIN] has 5 minutes remaining, the gentleman from Wisconsin [Mr. OBEY] has 4½ minutes remaining, and the gentleman from Wisconsin will conclude debate.

Does the gentleman from Pennsylvania seek recognition at this time?

Mr. COUGHLIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin [Mr. OBEY] and in strong support of deficit reduction.

Mr. COUGHLIN. Mr. Chairman, I yield the balance of the time on our side to the very distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL], the author of the amendment that was previously passed by this House.

Mr. MICHEL. Mr. Chairman, obviously I rise in opposition to the amendment offered by my friends: the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT], and the gentleman from Wisconsin [Mr. OBEY].

Mr. Chairman, in spite of all the good reasons that have been advanced by Members on both sides of the aisle, I think there is good reason for opposing this particular amendment. I want to give my colleagues my reason for voting against it. I have to go back to that voting tally on the last vote in support of my amendment.

Mr. Chairman, I was happy to have 108 Democrat Members on that side of the aisle come to join and vote in support of my amendment. I say to them, "I love you. You're not always with me, but I really love you today."

Now let me tell my colleagues on that side of the aisle that, when we craft some of these rules under the king-of-the-hill procedure, we know what is going to happen: "Schedule MICHEL first, you know, and, fine, adopt it. Give the majority leader the second bite of the apple, and he prevails. I get swept off the board. Great day!"

Well, Mr. Chairman, let me say to my colleagues, "If you're going to do that, tell you what I'm going to do: I'll come back in a motion to recommit. I'm going to offer the same amendment that you adopted by this overwhelming vote on 268 to 143."

Now, Mr. Chairman, those of my colleagues on the Democrat side, particularly those who supported me the first time, do not want to turn around within 1 hour and vote on the other side of the equation. Mr. Chairman, I ask them, "How can you do that in good conscience?" Of course they cannot do that.

Mr. Chairman, their easiest vote would save them some time tonight. I say to them, "You don't have to go through that vote on the motion to recommit. Simply vote against Gephardt-Obey, and you have got it made. Then we'll be finished with business, and we will have done what the majority wanted in the first place by supporting my amendment."

That is my simple request tonight as we wrap up the debate on our side of the aisle. There have been pretty good arguments for the Obey amendment, but I say to my colleagues, "You want to be consistent. It's a campaign year. I wouldn't ever raise the specter that it may be turned around on you in any way.

"Just do the right thing. Do what you did before. Support that unanimous vote on the Republican side. On our side it probably won't be unanimous on this amendment because there will be some defections."

Mr. Chairman, that is the way this body ought to operate. It does not have to be a straight party-line vote on any of these measures.

I say to my colleagues, "Let your conscience be your guide once in a while around here. Just do the right thing."

My friend, the gentleman from Kentucky [Mr. NATCHER] is looking very serious here, and how much we respect the distinguished gentleman for his having served on the Appropriations Committee for so long. I am reminded that the gentleman was making the point of the commitment we made on the authorization bill. My gosh, over the period of years how many times have we authorized at this level, and then finally come to our senses and say we authorized too much. It was a good thing to vote for a high authorization level, but let's appropriate only that amount which we think we ought to appropriate—a lower level? Having served on that committee for 20 years, we did that time and time again.

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

Mr. MICHEL. I say to the gentleman, "Just a minute, my dear friend."

I voted for the tax increase. I am for the highway bill. I gave all the support I possibly could. There is always that reservation to come back the second time in the appropriation process and say, "Well, maybe given the times that we're confronted with, maybe we'll spend just a little bit less so it can be spent a little more wisely."

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

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

Mr. SHUSTER. Mr. Chairman, I thank the gentleman from Illinois [Mr. MICHEL], my good friend, and I would point out that the reason many of us voted for his amendment was because, in the event that Obey failed, then we wanted to have his amendment in place, and that is the reason.

Mr. MICHEL. I understand that.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MICHEL] has expired.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield the balance of my time to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, members of the committee, I would like to start tonight with a little history. We have had some revisionism tonight, and I would like to set the history straight.

We had a vote a couple of years ago on a budget summit, and I voted for the budget summit, I voted for the second iteration of the budget summit, because I believe we needed to make those changes, and in that summit we set walls, but no one ever said the walls were inviolate, that they can never be changed. We obviously have a Congress here that can deal with changed facts and circumstances, if the President agrees to that change.

We had a vote on a budget this year. It set certain ceilings, and then we just had a vote on the walls, the so-called walls vote, and the decision of the Congress at that time was to use the budget scenario that kept the walls in place. So, in other words, if any money was saved in a year, it could be used for deficit reduction, and we have saved money, $7 billion in defense, over a billion dollars in foreign affairs, and to date we have saved $675 million in domestic programs.

Tonight we have a chance to readdress the question: Do we want to keep all of those decisions inviolate, or has there been a change in circumstances so that we can deal with the recession that is in front of us, a recession that has gone on for over 2 years, a recession that now finds over 10 million Americans out of work, wanting work, not able to find work?

And now we are told that, even if we saved much more money in foreign affairs and foreign aid than the President wanted us to spend, that it is impossible for the Congress in its wisdom tonight to change the wall by that much, $400 million, to now spend it to get the highway money up to the level the President asked us to spend on highways.

I say to my colleagues, "If you think about that history, and you think about the 10 million people that are out of work in the longest recession since the Great Depression, I think you can easily come to the conclusion that

the sensible, wise course for the American people tonight is to take this $400 million out of foreign aid that we have already saved and assign it to getting highways where they need to be and mass transit where it needs to be."

Now people have said to me, "Well, what if we assign this money to that? What if an emergency comes up in foreign aid?" Well, obviously we can deal with that, and we will. If the President comes and says there is an emergency here or there, loan guarantees, something happens with refugees, we need to do something, obviously we will figure out a way to do it.

But let us not shackle ourselves by walls that were put up 2 years ago, by decisions we made 2 months ago, if now we have saved more money than we thought we were going to save. Surely we have the capacity to take this money and spend it on a great need.

Let me end with how great this need is. This year the United States of America will spend $60 billion on highways, and the country of Japan will spend $72 billion, a country with half our population, a country the size of Montana. They will spend more money than we will on highways. Is it any wonder that they are beating us in the world marketplace? They understand how to make an economy work. They have made a commitment to rebuilding their infrastructure, and we need to make that commitment tonight.

Mr. Chairman, I urge Members to vote for this very good and sensible amendment for the people in their districts.

Mr. SOLOMON. Mr. Chairman, I rise in opposition to the Obey amendment. I think the overwhelming vote in support of the Michel amendment is a clear repudiation by this House of what the Obey amendment is trying to do which is to breach the firewalls and increase the deficit.

The Michel amendment reiterates the terms of the 1990 budget agreement that any savings from any of the three discretionary categories shall be devoted exclusively to deficit reduction. The House has just reaffirmed that position by a substantial majority vote.

When we were presented with these two amendments in the Rules Committee, it was made clear by Mr. MICHEL that his amendment was being offered as an alternative to the Obey amendment. And he made clear that if the Rules Committee did not make the Obey amendment in order, he did not wish to offer his amendment.

The Rules Committee recognized that these were being offered as alternatives, and, in order to give the House a chance to vote on both, structured this king-of-the-hill procedure.

This is an either/or proposition, not a perfecting or complementary situation.

Anyone who thinks they can vote for both amendments in clear conscience, and get away with it, is ignoring the realities of both the procedural and substantive situation. You can't claim you are in favor of reducing the deficit and then turn around on the same bill and increase it. That just won't wash.

Mr. Speaker, the American people are already disillusioned and cynical enough about this institution without us having to further contribute to that mood by voting on both sides of the same issue. The House has spoken with a clear tongue by its vote on the Michel amendment. Let's not turn it into a forked tongue by adopting the Obey amendment.

Mr. LIGHTFOOT. Mr. Chairman, I rise in opposition to the Obey amendment.

Today, we have heard that we should be faithful to the commitment we made in last year's highway bill. I would remind Members, particularly Members on my side of the aisle that we have a higher commitment, to the long term economic health of our Nation.

I did not vote the budget agreement of 1990 because I knew this day would come. We raised taxes and are about to avoid yet another opportunity to control the deficit.

I am proud to be a member of the Appropriations Committee. Mr. LEHMAN of Florida has presented this House with a responsible bill. Sure there's not enough money in it, but that's the consequence of years of reckless spending. His subcommittee made tough choices, just as other appropriation subcommittees have presented the House with equally tough spending bills.

Now we have the Obey amendment. This amendment says we shouldn't put money toward reducing the balance on the Nation's visa card because the other body may spend these funds for unnecessary foreign aid.

Since when has this House ever been afraid of the other body? And frankly, it doesn't say much for the negotiating skills of the Foreign Operations appropriations subcommittee. If members of that subcommittee really don't believe we should spend more on foreign aid, I am confident they could carry the day in conference.

Heaven forbid, Mr. Chairman, this House make an early payment or two on the deficit.

My friends, make no mistake about it: voting for the Obey amendment sends the wrong message. It means Congress can't resist temptation and says to the American people, "Look—the pigs are at the trough again."

Mr. JONES of North Carolina. Mr. Chairman, I rise to support additional funding for the Coast Guard. During my tenure in Congress, the role of the Coast Guard has changed dramatically. Twenty-five years ago, the Coast Guard was primarily responsible for vessel inspections, lifesaving, and the maintenance of aids to navigation. Since then, the Coast Guard has been given an expanded role in drug and migrant interdiction, oil spill cleanup, and boating safety. Unfortunately, funding has not kept pace with these new duties.

This year, the gap between funding and missions is particularly serious. The funds appropriated by H.R. 5518 will not permit the Coast Guard to do its job. It will force the Coast Guard to close stations, decommission ships, and ground aircraft. It will cause lost lives, a surge in illegal drugs, and a rise in damage from oil spills.

You will hear many figures today. I ask you to remember one—$132 million. H.R. 5518 provides the Coast Guard with $132 million less than the President requested—$132 million less than the House authorized just 2 weeks ago.

Simply put, H.R. 5518 does not provide sufficient funds for the Coast Guard.

I strongly urge my colleagues to support the Obey amendment which will provide $38 million more for the Coast Guard and mitigate some of the damage to the Coast Guard that we currently envision. Even if the Obey amendment is approved, the Coast Guard will be hamstrung; without the Obey amendment, the Coast Guard will be severely crippled.

Mr. BORSKI. Mr. Chairman, I rise in strong support of the Obey-Gephardt-Roe amendment to H.R. 5518.

This amendment would add $2.25 billion to our major highway program, $257 million for mass transit discretionary grants, $38 million for Coast Guard operations, and $50 million for airport improvements for fiscal year 1993.

That money would go for what is needed right now as our country struggles to recover from the current recession. It would create 125,000 jobs at a time when many Americans are desperate.

Those jobs would come in the best possible way: investing in our Nation's infrastructure and enabling us to literally rebuild America.

Mr. Chairman, America is in the grips of our worst recession since World War II. Unemployment is at its highest rate since 1984. These are not statistics America can brag about, these are numbers that must prompt us into action if our country is to regain its dominant position in the international business community.

The one sure cure for an ailing economy is the creation of more jobs and the opportunity to create those jobs is right within our grasp.

Over 125,000 Americans could be put to work by passing this amendment and the best news of all is that the money used to create those jobs would come from foreign aid cuts which have already been approved by the House.

Mr. Chairman, the cold war is over but the battle for economic stability rages on in streets all across our Nation. It is time to take money from foreign operations and pump those funds into America's lifeline: its infrastructure. Our global competitors are winning the race in infrastructure investment. Japan and Germany are investing 12 times more than America to redevelop their roads, bridges, and sewers. We cannot allow this to happen if America is to have the best transportation system in the world.

My only disappointment is in the area of mass transit spending. This amendment would invest $257 million of the $2.5 billion to mass transit. As a major supporter of investment in mass transportation, I would have preferred a more generous split in terms of highways and transit. I am also disappointed that all of the transit funding goes to new starts.

In the appropriations bill before us, new start funding increased from $536 million in fiscal year 1992 to $640 million in fiscal year 1993. At the same time, the section 9 formula program used for operating assistance and capital expenditures is being cut from $1.9 billion in fiscal year 1992 to $1.7 billion in fiscal year 1993, including a reduction in operating assistance from $802 million to $720 million.

As a representative of Philadelphia, I am concerned about the lack of mass transit funding in this amendment for older cities with

older transit systems in need of refurbishing. I am concerned that more money will not be devoted to improving those older transit systems.

Our needs in Philadelphia are for operating assistance, capital expenditures, and rail modernization.

Operating assistance is imperative to older systems like the Southeastern Pennsylvania Transportation Authority System [SEPTA] in Philadelphia. I am hopeful that, in conference, we can find the additional money for operating assistance which is vital in order to keep older transit systems running in safe condition.

While I am disappointed this amendment doesn't live up to the commitment for transit that was outlined in the Intermodal Surface Transportation Efficiency Act [ISTEA], I still support this amendment. It is an important first step toward removing the firewalls for transportation overall in this country and I urge its passage.

It is time to put America's future first and this amendment will pave the way for an investment that is not only wanted, but desperately needed.

Mr. JONES of North Carolina. Mr. Chairman, I rise to support additional funding for the Coast Guard. During my tenure in Congress, the role of the Coast Guard has changed dramatically. Twenty-five years ago, the Coast Guard was primarily responsible for vessel inspections, lifesaving, and the maintenance of aids to navigation. Since then, the Coast Guard has been given an expanded role in drug and migrant interdiction, oil spill cleanup, and boating safety. Unfortunately, funding has not kept pace with these new duties.

This year, the gap between funding and missions is particularly serious. The funds appropriated by H.R. 5518 will not permit the Coast Guard to do its job. It will force the Coast Guard to close stations, decommission ships, and ground aircraft. It will cause lost lives, a surge in illegal drugs, and a rise in damage from oilspills.

You will hear many figures today. I ask you to remember one—$132 million. H.R. 5518 provides the Coast Guard with $132 million less than the President requested—$132 million less than the House authorized just 2 weeks ago.

Simply put, H.R. 5518 does not provide sufficient funds for the Coast Guard.

I strongly urge my colleagues to support the Obey amendment which will provide $38 million more for the Coast Guard and mitigate some of the damage to the Coast Guard that we currently envision. Even if the Obey amendment is approved, the Coast Guard will be hamstrung; without the Obey amendment, the Coast Guard will be severely crippled.

Mr. PAYNE of New Jersey. Mr. Chairman, I rise in strong support of the Obey-Gephardt-Roe amendment. In the wake of our sagging national economy, disappointing unemployment figures, and crisis conditions in our cities, the need to reorder our budget priorities is obvious.

This bill will not only create 125,000 jobs, it will also provide important improvements to our transportation system and infrastructure.

In my district, an urban area of New Jersey, more funding would be available to make improvements so that working people could have easier access to public transportation. Allocation of the funding would be a sound economic investment which would spur growth and help modernize our State's largest city.

I want to commend all of the authors of this amendment, in particular my good friend and colleague, Chairman ROE. It was through his tireless work that the Intermodal Surface Transportation Efficiency Act was approved last fall.

I hope that my colleagues will support the effort by Chairman ROE and the other authors of the amendment so that our efforts to improve our Nation's transportation system, and our national economy, can move forward.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Wisconsin [Mr. OBEY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 190, not voting 31, as follows:

[Roll No. 282]

AYES—213

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Bennett
Bentley
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Brown
Bruce
Bustamante
Cardin
Carr
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Emerson
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Moran
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Petri
Poshard
Price
Quillen
Rahall
Rangel
Reed
Richardson
Rinaldo
Roe
Rose
Rostenkowski
Roth
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Schroeder
Serrano
Sharp
Shuster
Sikorski
Skaggs
Skelton
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Staggers
Stokes
Studds
Swett
Swift
Synar
Tallon
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vento
Volkmer
Washington
Waters
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NOES—190

Allard
Allen
Andrews (TX)
Anthony
Armey
Ballenger
Barrett
Barton
Bateman
Beilenson
Bereuter
Berman
Bilirakis
Bliley
Boehner
Broomfield
Browder
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Carper
Chandler
Coble
Combest
Condit
Cooper
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dicks
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Erdreich
Ewing
Fawell
Fields
Fish
Frank (MA)
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Lantos
LaRocco
Leach
Levine (CA)
Lewis (FL)
Lightfoot
Livingston
Luken
Machtley
Martin
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morella
Myers
Nichols
Nussle
Olin
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Patterson
Paxon
Penny
Pickett
Pickle
Porter
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rowland
Santorum
Saxton
Schaefer
Scheuer
Schiff
Schumer
Sensenbrenner
Shaw
Shays
Sisisky
Skeen
Slattery
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Vander Jagt
Visclosky
Vucanovich
Walker
Walsh
Waxman
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—31

Ackerman
Archer
Baker
Barnard
Boxer
Bryant
Campbell (CO)
Early
Edwards (TX)
Gaydos
Hatcher
Hayes (LA)
Hefner
Hubbard
Huckaby
Hyde
Johnson (TX)
Lent
Lewis (CA)
Lowery (CA)
Marlenee
Pursell
Ray
Roukema
Schulze
Solarz
Stark
Towns
Traxler
Weiss
Yatron

□ 1929

The Clerk announced the following pairs:

On this vote:

Mr. Weiss for, with Mr. Ray against.

Mrs. Roukema for, with Mr. Marlenee against.

Mr. Towns for, with Mr. Lewis of California against.

Mr. MACHTLEY changed his vote from "aye" to "no."

Mr. MARKEY changed his vote from "no" to "aye."

So the amendments en bloc were agreed to.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I beg the indulgence of the House for just 1 or 2 more minutes.

The great orator and legislator Daniel Webster once said:

Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered.

Of all the Members I have had the privilege to serve with, Mr. Webster's statement brings most to mind our chairman, the gentleman from Florida, BILL LEHMAN, and our ranking minority member, the gentleman from Pennsylvania, LARRY COUGHLIN.

BILL and LARRY brought unique qualities to this institution. Soft-spoken, thoughtful, concerned about the people they served and the people they serve with, they made the Subcommittee on Transportation of the Committee on Appropriations a place where it was a genuine pleasure to serve, and they set a pattern of common dealing which those of us who follow will adhere to.

Of the gentleman from Florida, BILL LEHMAN, the Almanac of American Politics describes him this way:

There is such a thing as a shy, self-effacing used car dealer. Bill Lehman proves it. When he gets up to talk, smiling meekly and speaking in a soft drawl, it is hard to believe he once sold Buicks in Miami under the name "Alabama Bill."

The Fort Lauderdale News dubbed him the "unpolitician." The Politics of America manual says of LARRY:

Coughlin looks every bit the Main Line gentleman he is. His bow tie, upper class accent and prestigious education are the correct trappings for the representative from the State's most affluent district. This role comes naturally to the patrician Republican.

Both of these gentleman will be missed. Forty-four years of experience in our committee will be gone overnight. Both have served their public, both in times of war and in times of peace. LARRY was in the Marine Corps and BILL in the Army Air Corps in World War II. Both have a deep and abiding commitment to transportation and to urban affairs, and to the people they serve. We will sorely miss them.

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

Mr. CARR. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I want to second the comments of my colleague, the gentleman from Michigan [Mr. CARR] and salute Chairman LEHMAN and the ranking member, the gentleman from Pennsylvania [Mr. COUGHLIN]. The gentleman from Florida [Mr. LEHMAN] has been extremely fair, and for someone who has served in the minority, and someday hopefully those Members over there will get to serve in the minority so they will understand how it feels, Mr. COUGHLIN and Mr. LEHMAN have worked together in a bipartisan way and Mr. LEHMAN has been extremely fair.

I want to say, "BILL, God bless you. I wish you the very best."

To the gentleman from Pennsylvania [Mr. COUGHLIN], I was a staff member for a Republican Member, Congressman Pete Biester, years ago, and Mr. COUGHLIN was elected then and Mr. COUGHLIN was a tremendous person then. I remember him when he came in the office that first day and we met him.

I want to wish both of them, God bless you. We wish the very best to both of them.

Mr. LEHMAN of Florida. Mr. Chairman, if the gentleman will yield, I deeply appreciate my dear friend, the gentleman from Michigan [Mr. CARR] and the gentleman from Virginia [Mr. WOLF]. It has been a pleasure to serve with them. I must be retiring at the right time. Also, I deeply appreciate the ovation from my colleagues in the House of Representatives. I never expected anything like that.

Mr. COUGHLIN. Mr. Chairman, if the gentleman will yield, I just want to say my thanks both to the gentleman from Michigan [Mr. CARR] and the gentleman from Virginia [Mr. WOLF], and every single one of my colleagues in this great institution, the U.S. House of Representatives.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1993".

Mr. LEHMAN of Florida. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DE LA GARZA) having assumed the chair, Mr. BOUCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5518) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

□ 1939

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

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

The amendments were agreed to.

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

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

□ 1940

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is the gentleman opposed to the bill?

Mr. MICHEL. With the adoption of the last amendment I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL moves to recommit the bill, H.R. 5518, to the Committee on Appropriations with instructions to report it back forthwith with the following amendment:

At the end, insert the following new section:

SEC. . DEFICIT REDUCTION.

Any savings achieved under discretionary spending limits established under section 601(a)(2)(C) of the Congressional Budget Act of 1974 for fiscal year 1993 as a result of appropriations under this Act or any other appropriation Act shall be applied to reducing the Federal deficit for that fiscal year.

Mr. OBEY. Mr. Speaker, I reserve a point of order on the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin reserves a point of order.

The gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, will the gentleman yield for a question?

Mr. MICHEL. Yes, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, is this amendment identical to the amendment the gentleman offered earlier?

Mr. MICHEL. The gentleman is correct.

Mr. OBEY. Then as we see it, it has no real impact on the Obey amendment just adopted, which amends the discretionary spending limits in section 601(a)(20)(C) in a deficit-neutral manner. It simply says any further reduc-

tions achieved from these limits would be used for deficit reduction, and we would have, or at least I would have no objection to that.

The SPEAKER pro tempore. The gentleman from Wisconsin withdraws his point of order.

Mr. MICHEL. Mr. Speaker, the amendment does have effect. I mean there are 108 Democrats who supported every Republican on this side thinking there was some substance to the amendment. For that reason I have to insist on it being made in order as a motion to recommit under the rule during consideration of the bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993.

Mr. OBEY. Mr. Speaker, I think the gentleman misunderstood. I am not objecting to the amendment. I am saying we can adopt it 5 times or 10 times, it has no effect on the amendment just passed, and we would be happy to accept it.

Mr. MICHEL. Well, I disagree with the gentleman and would ask to be recognized for the 5 minutes that I am allotted under my motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] withdrew his reservation of a point of order. The gentleman from Illinois is, therefore, recognized under his motion for 5 minutes.

Mr. MICHEL. Mr. Speaker, my motion to recommit the transportation appropriation bill provides that the bill be reported back forthwith with the amendment that I offered earlier today. I feel so strongly about the fact that we are not abiding by our word in terms of the budget agreement that I feel we must revisit the issue before we have a final vote on the bill.

I noticed that a significant number of Members voted both for my amendment and the Obey-Gephardt amendment. To me that seems somewhat inconsistent, but then those who did so must have some good reason for doing so.

As I see it, Members either believe that we should break the budget agreement and spend more, or we should abide by the agreement and let savings within the categories go to reduce the deficit in each category.

We have been forced into a procedural king-of-the-hill procedure which made it easy for Members to vote "yes" on both amendments. And of course I have decried this procedure any number of times from a minority point of view. I now would like to know, and I think quite frankly the American people would like to know where Members really stand on the issue of reducing the deficit. And so those 108 Members on that side who supported what I was proposing initially, it seems to me, ought to be consistent and vote for my motion to recommit, as I would hope all of the Members on our side would join in doing. Then we could prevail again with that vote that earlier in the day was 268 ayes and 143 noes.

Mr. Speaker, with that I will rest my case, hoping that Members will have been persuaded by my arguments.

Mr. GEJDENSON. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. OBEY].

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

I would simply explain that the effect of the amendment, since it does not strike the Obey amendment which was adopted earlier, is that it is supplemental to the Obey amendment. What that means is that it affects only any further reductions adopted after the passage of the Obey amendment. So, therefore, it has no effect on our amendment, and I think I can speak for most of us in saying that we would therefore accept it, because it has no impact, and we can pass it five times but it still will have no impact.

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

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

Mr. FROST. Mr. Speaker, I would like to ask the gentleman from Wisconsin [Mr. OBEY] a question if I may. Does this amendment have the effect of lowering the amount that is available for appropriation bills that have already passed the House if those appropriation bills did not reach the 602(a) allocation?

Mr. OBEY. If the gentleman from Connecticut will yield, which amendment?

Mr. FROST. The Michel substitute. Does it have the effect of lowering the budget allocation for those appropriation bills that have already passed the House prior to this date?

Mr. OBEY. That is not my understanding.

Mr. FROST. It seems to apply to all appropriation bills, that is my question, not just this appropriation bill. It appears to apply to every single appropriation bill.

Mr. OBEY. It does not apply to this amendment, which is the point in question.

Mr. FROST. Let me ask the question of the gentleman from Illinois [Mr. MICHEL] if I may. I would like to ask the minority leader if it is his intent, or the intent of his amendment to apply to every single appropriation bill, or is it the intent of his amendment to only apply to this appropriation bill?

Mr. MICHEL. If the gentleman from Connecticut will yield, I think it might be a very good idea. My original intent, however, was to have it apply only to this appropriation bill. And as we consider other appropriation bills, we might see fit to do likewise. It is a good start and a good beginning.

Mr. GEJDENSON. Reclaiming my time, I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. I would simply reiterate that since the amendment does not strike the Obey amendment, it does not apply to the Obey amendment. The Obey amendment has been adopted. It may apply to other actions, but it does not apply to the amendment that was just adopted by the House.

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

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BURTON of Indiana. Mr. Speaker, there has been some confusion. The gentleman from Wisconsin [Mr. OBEY] has indicated that the Michel motion will have no bearing on what we have previously done. Many of us feel that it will supersede the action taken. My parliamentary inquiry that I would like to make to the Chair is that I want to find out, is it the opinion of the Chair that this will supersede the Obey amendment?

The SPEAKER pro tempore. The Chair does not rule on the consistency of such amendments, nor does he construe amendments.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MICHEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—ayes 268, noes 115, not voting 51, as follows:

[Roll No. 283]

AYES—268

Alexander	Bilirakis	Carper
Allard	Bliley	Chandler
Allen	Boehlert	Chapman
Andrews (TX)	Boehner	Clement
Anthony	Boucher	Clinger
Armey	Brewster	Coble
Aspin	Broomfield	Coleman (MO)
Ballenger	Browder	Combest
Barrett	Bruce	Condit
Barton	Bunning	Cooper
Bateman	Burton	Costello
Beilenson	Bustamante	Coughlin
Bentley	Byron	Cox (CA)
Bereuter	Callahan	Cox (IL)
Bevill	Camp	Cramer
Bilbray	Campbell (CA)	Crane

Cunningham
Dannemeyer
Davis
de la Garza
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Eckart
Edwards (TX)
Emerson
Engel
English
Erdreich
Ewing
Fawell
Feighan
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Green
Gunderson
Hall (OH)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hughes
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (SD)
Jontz
Kanjorski
Kaptur
Kasich
Kennelly
Kleczka
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lewis (FL)
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Martin
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nichols
Nowak
Nussle
Olin
Ortiz
Orton
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Quillen
Ramstad
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Sangmeister
Santorum
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Sensenbrenner
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—115

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Atkins
AuCoin
Bacchus
Bennett
Berman
Blackwell
Bonior
Borski
Brooks
Brown
Cardin
Carr
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Coyne
Darden
DeFazio
Dellums
Dingell
Dixon
Donnelly
Dwyer
Dymally
Edwards (CA)
Espy
Evans
Fascell
Fazio
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gephardt
Gonzalez
Guarini
Hall (TX)
Hamilton
Hertel
Hoyer
Jenkins
Johnston
Jones (GA)
Jones (NC)
Kennedy
Kildee
Kolter
Kopetski
Kostmayer
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Markey
Martinez
Matsui
McCloskey
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mrazek
Murphy
Neal (MA)
Oakar
Oberstar
Obey
Olver
Owens (NY)
Payne (NJ)
Pease
Perkins
Rahall
Rangel
Reed
Roe
Roybal
Sabo
Sanders
Sarpalius
Scheuer
Serrano
Sharp
Smith (IA)
Staggers
Stokes
Studds
Swett
Swift
Torres
Traficant
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Wheat
Williams
Wise
Wolpe
Wyden
Yates

NOT VOTING—51

Ackerman
Applegate
Archer
Baker
Barnard
Boxer
Bryant
Campbell (CO)
Early
Edwards (OK)
Gaydos
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hubbard
Huckaby
Hyde
Jefferson
Johnson (TX)
LaFalce
Lent
Lewis (CA)
Lightfoot
Lipinski
Lowery (CA)
Manton
Marlenee
Moody
Morrison
Owens (UT)
Pursell
Ravenel
Ray
Ridge
Rostenkowski
Roukema
Rowland
Russo
Savage
Schulze
Smith (FL)
Solarz
Stark
Synar
Towns
Traxler
Unsoeld
Weber
Weiss
Yatron

□ 2004

Mr. SMITH of Texas changed his vote from "no" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. LEHMAN of Florida. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill back to the House with an amendment.

The SPEAKER pro tempore (Mr. DE LA GARZA). The Clerk will report the amendment.

The Clerk read as follows:

Amendment: At the end, insert the following new section:

SEC. . DEFICIT REDUCTION.

Any savings achieved under discretionary spending limits established under section 601(a)(2)(C) of the Congressional Budget Act of 1974 for fiscal year 1993 as a result of appropriations under this Act or any other appropriation Act shall be applied to reducing the Federal deficit for this fiscal year.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

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

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

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

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 306, noes 74, not voting 54, as follows:

[Roll No. 284]

AYES—306

Abercrombie
Alexander
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bunning
Bustamante
Byron
Callahan
Camp
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dingell
Dixon
Donnelly
Dooley
Downey
Duncan
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hughes
Hutto
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Machtley
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Reed
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roybal
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shaw
Shuster
Sikorski
Sisisky

Skaggs	Tanner	Walsh
Skeen	Tauzin	Washington
Slaughter	Taylor (MS)	Waters
Smith (IA)	Taylor (NC)	Waxman
Smith (NJ)	Thomas (GA)	Weldon
Snowe	Thomas (WY)	Wheat
Spence	Thornton	Whitten
Spratt	Torres	Williams
Staggers	Torricelli	Wilson
Stallings	Traficant	Wise
Stokes	Upton	Wolf
Studds	Valentine	Wolpe
Sundquist	Vander Jagt	Wyden
Swett	Vento	Yates
Swift	Visclosky	Young (AK)
Tallon	Volkmer	Young (FL)

NOES—74

Allard	Grandy	Penny
Armey	Gunderson	Petri
Ballenger	Hancock	Pickett
Barton	Hefley	Porter
Boehner	Holloway	Ramstad
Burton	Hopkins	Roberts
Campbell (CA)	Hunter	Rohrabacher
Coble	Inhofe	Saxton
Combest	Ireland	Sensenbrenner
Condit	James	Shays
Cox (CA)	Kasich	Slattery
Crane	Kyl	Smith (OR)
Cunningham	Lagomarsino	Smith (TX)
Dannemeyer	Lewis (FL)	Solomon
Doolittle	Livingston	Stearns
Dorgan (ND)	Luken	Stenholm
Dornan (CA)	McEwen	Stump
Dreier	McMillan (NC)	Thomas (CA)
Fawell	Miller (OH)	Vucanovich
Fields	Moorhead	Walker
Franks (CT)	Nichols	Weber
Gallegly	Nussle	Wylie
Gallo	Oxley	Zeliff
Goss	Packard	Zimmer
Gradison	Pallone	

NOT VOTING—54

Ackerman	Hyde	Ray
Applegate	Jefferson	Ridge
Archer	Johnson (TX)	Rostenkowski
Baker	Jones (GA)	Roukema
Barnard	LaFalce	Rowland
Boxer	Lent	Russo
Bryant	Lewis (CA)	Savage
Campbell (CO)	Lightfoot	Schulze
Dicks	Lipinski	Skelton
Early	Lowery (CA)	Smith (FL)
Edwards (OK)	Manton	Solarz
Gaydos	Marlenee	Stark
Hatcher	McCrery	Synar
Hayes (IL)	Morrison	Towns
Hayes (LA)	Owens (UT)	Traxler
Hefner	Panetta	Unsoeld
Hubbard	Pursell	Weiss
Huckaby	Ravenel	Yatron

□ 2014

The Clerk announced the following pairs:

On this vote:

Mr. Synar for, with Mr. Johnson of Texas against.

Mr. Ackerman for, with Mr. Lewis of California against.

Mr. Barnard for, with Mr. Lowery of California against.

Mrs. Unsoeld for, with Mr. Pursell against.

Mr. Solarz for, with Mr. Ridge against.

Mrs. Roukema for, with Mr. Schulze against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SYNAR. Mr. Speaker, because of a previous commitment I was not present for rollcall No. 283, the Michel motion to recommit H.R. 5518 to the Committee on Public Works and Transportation with instructions. Had I been present I would have voted "no." Nor was I present for rollcall No. 284 to pass H.R. 5518, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993. On that vote I would have voted "aye."

Mr. OXLEY. Mr. Speaker, I was unavoidably detained and was not present for rollcall votes numbered 277 and 278.

Had I been present for rollcall No. 277, I would have voted "nay."

Had I been present for rollcall No. 278, I would have voted "nay."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5518, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that the Clerk may be permitted to make technical and conforming changes, including section renumbering, during engrossment of the bill, H.R. 5518.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Florida?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF A JOINT RESOLUTION AND A BILL RELATING TO THE MOST-FAVORED-NATION TREATMENT FOR THE PEOPLE'S REPUBLIC OF CHINA

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-665) providing for consideration of a joint resolution and a bill relating to most-favored-nation treatment for the People's Republic of China, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Madam Speaker, I asked unanimous consent to proceed for 1 minute that I might inquire of the distinguished majority leader, the gentleman from Missouri, the program as we return after our break.

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

Mr. MICHEL. I yield to the distinguished majority leader.

Mr. GEPHARDT. I thank the gentleman for yielding.

Madam Speaker, obviously our votes are finished for today. There will be no votes on tomorrow.

All of next week the House will not be in session because of the Democratic Convention.

On Monday, July 20, the House will not be in session.

On Tuesday, July 21, the House meets at noon on the Private Calendar. There will be three bills under suspension. Recorded votes on the suspensions will be postponed until the end of the legislative day.

They are, first, H.R. 2735, relating to miscellaneous, noncontroversial tax provisions; House Resolution unnumbered, to concur in Senate amendment to H.R. 2607, Rail Safety Enforcement and Review Act, with an amendment; and H.R. 5377, the Cash Management Improvement Act.

We will then consider House Joint Resolution 502, the China MFN disapproval, subject to a rule; H.R. 5318, United States-China Act of 1992, subject to a rule; and H.R. 2637, the Waste Isolation Pilot Land Withdrawal Act of 1992, open rule, 1 hour of debate.

On Wednesday, July 22, and the balance of the week, the House meets at 10 a.m., to take up H.R. 5503, Interior and related agencies appropriations for fiscal year 1993, subject to a rule; H.R. 4850, Cable Television Consumer Protection and Competitiveness Act of 1992, subject to a rule; H.R. 4312, Voting Rights Improvement Act of 1992, subject to a rule; H.R. 5236, Voting Rights Extension Act of 1992, subject to a rule; and H.R. (unnumbered), urgent supplemental appropriations, 1992.

Conference reports may be brought up at any time. Any further program will be announced later.

Mr. MICHEL. I thank the distinguished majority leader, and I yield back the balance of my time.

H. RES. 514

Resolved, upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 502) disapproving the extension of nondiscriminatory treatment (most-favored-nation) to the products of the People's Republic of China. The joint resolution shall be debatable for one hour, to be equally divided and controlled by Representative Solomon of New York and Representative Rostenkowski of Illinois or their designees. Pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion. All points of order against consideration are hereby waived with respect to the measures specified in this section and section 3 of this resolution.

SEC. 2. The provisions of sections 152 and 153 of the Trade Act of 1974 shall not apply to any other joint resolution disapproving the extension of most-favored-nation treatment to the People's Republic of China for the remainder of the One Hundred Second Congress.

SEC. 3. After disposition of the joint resolution (H.J. Res. 502), it shall be in order to consider in the House the bill (H.R. 5318) regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes. The bill shall be debatable for one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered

on the amendments recommended by the Committee on Ways and Means now printed in the bill, which shall be considered en bloc and which shall not be subject to a demand for a division of the question, and on the bill to final passage without intervening motion except one motion to recommit.

AUTHORIZING THE SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS, AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, July 21, 1992, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore (Mrs. BYRON). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 22, 1991

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 22, 1992.

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

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL 5 P.M., THURSDAY, JULY 16, 1992, TO FILE REPORTS ON SUNDRY BILLS

Mr. DE LA GARZA. Madam Speaker, I ask unanimous consent that the Committee on Agriculture have until 5 p.m. on Thursday, July 16, 1992, to file reports to accompany the bills H.R. 4059, the Enterprise for the America's Initiative Act, H.R. 4906, the Agricultural Credit Improvement Act of 1992, and H.R. 5237, the Rural Electrification Administration Improvement Act.

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

There was no objection.

RTC FUNDING

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. HOAGLAND. Mr. Speaker and colleagues, on Monday of this week we learned the very unfortunate news that the eighth largest savings and loan in the country, a thrift called HomeFed Bank of San Diego, was taken over by the Government.

This thrift has 206 branches in California and total assets of $13.5 billion, the largest institution ever taken over by the Government.

The reason this news is so unfortunate is because Mr. Ryan, the Director of the Office of Thrift Supervision, had placed the institution in the accelerated resolution program, which is a way of resolving thrifts in a way that does a minimum amount of damage to the taxpayer, but because of the administration's and this body's failure to enact additional funding for the RTC several months ago, the Office of Thrift Supervision was forced to place this institution into receivership and take it out of the accelerated resolution program.

Now, as a result of this action involving this and other thrifts, the price tag of the taxpayers is going to be millions if not billions more than it would have been otherwise.

I call on the administration and on both parties of this Congress to provide the RTC the funds it needs to finish cleaning up the S&L crisis because by not funding the RTC, we are adding millions and millions of dollars to the taxpayer's total bill.

REGULATORS SEIZE BIG CALIFORNIA THRIFT

(By Susan Schmidt)

HomeFed Bank of San Diego was taken over by the federal government yesterday, the largest savings and loan yet to fail in the four-year-old thrift crisis that has cost taxpayers hundreds of billions of dollars.

The long-ailing California thrift, with 206 branches and $13.5 billion in assets, fell victim to the 1980s' search for profits in high-risk lending on land and commercial real estate. Such loans, along with foreclosed real estate, made up 40 percent of HomeFed's holdings, federal officials said.

HomeFed is the eighth-largest S&L in the country. It is one of a handful of very large institutions that have been teetering on the brink of survival in Southern California, where the results of years of real estate recession are now hitting hard.

HomeFed lost $268 million in 1990 and a staggering $732 million in 1991. It showed a profit of $31 million early this year, largely because of asset sales and tax credits.

The government will continue to operate the thrift indefinitely until Congress approves funds to cover the S&L's losses, pay off depositors and shut it down. Depositors remain federally insured up to the $100,000 limit.

The Office of Thrift Supervision announced the government takeover yesterday after attempts to put together a plan to bring in a private buyer for HomeFed's deposit and some of its assets were frustrated.

Three months ago, OTS regulators placed HomeFed in the Accelerated Resolution Program, or ARP, which was designed to avoid a government takeover. It would have saved the government money, the agency maintains, by bringing in a new operator instead of placing HomeFed under government conservatorship. ARP is intended to preserve some of the institution's value by averting a deposit drain that generally occurs when an S&L is open but operating in government hands.

OTS has had to all but abandon its ARP program in the aftermath of Congress's refusal this spring to approve any more money to close down dying S&Ls. The government is taking over insolvent institutions, but it cannot close HomeFed or any other S&L until Congress approves more money to cover losses and pay off depositors.

The longer an institution operates in government hands, the bigger the loss to taxpayers, federal officials say.

"Clearly, the taxpayers could have been saved millions, even billions of dollars, if funding had been approved to resolve HomeFed and other troubled institutions through ARP," said OTS Director Timothy Ryan in a prepared statement last night. "The lack of congressional initiative on this matter is troubling, as OTS cannot allow deteriorating thrifts to continue operating in the private sector."

Two other California thrifts with souring loan portfolios, California Federal Bank and Glendale Federal Bank, recently announced agreements with regulators that give them a year to raise capital substantially before risking possible seizure.

For California, with 1.3 million people unemployed and a deepening recession, yesterday's announcement was the latest in a string of gloomy economic development.

Last week, giant Hughes Aircraft Co. announced it would lay off 9,000 workers, and the state began handing out IOUs instead of paychecks as it wrestled with budgetary problems.

Against this backdrop, the takeover of the giant S&L was not even the top story on nightly TV news reports there, with commentators noting that at least with HomeFed, depositors enjoyed federal insurance for their savings.

HOMEFED'S SEIZURE WON'T SPEED SALE BECAUSE REGULATORS STILL LACK FUNDING

(By Sam Zuckerman)

After a federal takeover on Monday, San Diego-based HomeFed Bank's much-ballyhooed sale remains clouded by the thrift-bailout agency's funding crisis.

HomeFed, with about $12.4 billion in assets, failed after an ill-fated venture into construction lending left it virtually without capital and with a bulging portfolio of sour loans. It is the nation's eighth-largest savings institution and the biggest ever to be put into receivership.

As in the case of other failed thrifts, HomeFed's sale will be delayed until Congress provides the Resolution Trust Corp. funds to dispose of seized institutions. The agency ran out of money for thrift resolutions in April.

WAITING FOR CONGRESS

The timing of HomeFed's sale depends on how quickly Congress acts, said Elisabeth N. Spector, the RTC's director of accelerated resolutions.

"If we got the money today, we could resolve it by the end of October," she said.

Regulators previously tried to sell HomeFed under the accelerated resolution program, a procedure aimed at selling troubled institutions without putting them through formal federal takeovers.

HomeFed, with its network of some 200 branches in California, was one of the accelerated program's crown jewels.

After HomeFed was put up for sale last April, a bevy of investment bankers and thrift acquisition specialists descended on the institution. But, without money, regulators could not proceed, forcing a takeover.

Receivership may further erode HomeFed's franchise and increase costs to the govern-

ment, but it will not substantially alter regulators' plans for selling the thrift. "Not all that much will change," said Ms. Spector.

The RTC plans to sell HomeFed under what it calls the "coordinated institution marketing" procedure.

Under the program, an institution's deposits, branches, and assets, including nonperformers, are put up for sale at the same time, though they may be sold to separate buyers. The program aims to rid the RTC of problem assets quickly as possible.

Previously, the RTC sold only branches, deposits, and high-quality loans, keeping problems assets for later sale.

□ 2020

SAN FRANCISCO MOURNS THE LOSS OF JOE PASSEN

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

Ms. PELOSI. Madam Speaker, I rise today to pay tribute to and celebrate the life of my good friend Joe Passen who died on June 6. Joe was very special to our San Francisco community, and he was a person who contributed much to make our country great.

Madam Speaker, Joe Passen was a San Francisco labor and neighborhood activist, a decorated war veteran. He was awarded the Bronze Star in World War II. He was a retired member of the ILWU.

Madam Speaker, I say to my colleagues, "When you know about Joe Passen, you know more about San Francisco." His proudest boast about our city was:

> San Francisco is proud to be the first city in the world to become a trade union town. To understand San Francisco is to look beyond its physical beauty and value its commitment to grassroots participation, to its neighborhoods not always visited by the tourist and the television cameras, and to the value it places on the workers in the society.

That is what Joe Passen's life was all about. It was also about his wonderful wife, Ruth, their family and their new granddaughter, Natalie.

Joe was a handsome, proud man who was loved by his friends. We are fortunate to have known him. He will be greatly missed.

Born in Chicago, Mr. Passen came to California in 1927, and moved to San Francisco in 1939, where he was a rank-and-file activist in a wide variety of unions.

As shop steward for a ship repair union while working in the Bethlehem Shipyards at the beginning of World War II, Mr. Passen was instrumental in securing promotional opportunities for women workers. Before his intervention, women had been kept in a lower paid helper status, but when Mr. Passen observed women working without supervision, he fought to win them higher paying jobs.

And as part of a rank-and-file caucus in Teamster Taxi Drivers Local 265, Mr. Passen helped issue an underground newsletter, The spokesman, during the San Francisco taxi drivers' strike in the late 1940's.

At the time of his retirement in 1978, he had worked on the city's waterfront as a ship's clerk for 14 years and had been active in local 34 of the International Longshoremen's & Warehousemen's Union. He served yearly as part of the local's honor guard during the commemoration of Bloody Thursday, the anniversary of the July 1934, San Francisco general strike.

Preservation of the city's waterfront for maritime use and public access was a major commitment for Mr. Passen, and in 1990 he helped to spearhead the drive for proposition H, which banned hotels on the city's waterfront.

He had also been active in efforts to defeat measures that would have required public funds to be spent for a baseball stadium. And despite declining health, he continued to be passionate about expressing his point of view. When newly elected Mayor Frank Jordan spoke on Potrero Hill April 8, Mr. Passen received enthusiastic applause from the neighborhood crowd when he stressed that "what made San Francisco a world class city was not a baseball team. San Francisco is proud to be the first city in the world to become a trade union town."

Throughout his decades of activity on the labor, political and neighborhood fronts, Mr. Passen was known for his outspoken and firm commitment to principle.

"Joe Passen was a great San Franciscan," said former Mayor Art Agnos, a family friend. "He always put the neighborhoods first without compromising his progressive politics."

While Mr. Passen served in the Army Air Corps in the Pacific during World War II, winning the Bronze Star, he strongly opposed the Korean war, and was a cofounder of Vets for Peace. He was attacked on a local radio talk show for his efforts and became the target of a spate of threats in 1951. He went on to be active in opposing the Vietnam war, coordinating the hundreds of monitors who worked in the massive 1967 and 1969 peace demonstrations in San Francisco.

Mr. Passen worked for many years on the staff of the Potrero View newspaper, and also served as vice president of the board of directors of the Potrero Hill Neighborhood House. Upon his retirement, Mr. Passen and a group of fellow retired union activists formed the Fort Point Gang, who walk weekly by the bay under the shadow of the Golden Gate Bridge.

Mr. Passen is survived by his wife Ruth, son and daughter-in-law Marc and Dianne and granddaughter Natalie.

THE MULTIPURPOSE AUBURN DAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DOOLITTLE] is recognized for 5 minutes.

Mr. DOOLITTLE. Madam Speaker, today the gentleman from California [Mr. LEHMAN] and I have introduced a very important bill for California. It is a bill to authorize the multipurpose Auburn Dam.

Madam Speaker, for 6 years Californians have alternatively faced the twin threats of flood and drought. These problems can be cured by a multipurpose facility done in stages which provide the flood control the Sacramento area so desperately needs, and is seeking, and which will also then allow for a second stage to be added which will provide for tremendous environmental enhancements to our fisheries, improvements to the recreational areas in the Sacramento area and which will also relieve our drought, now in the sixth year, and which will provide a new source of clean hydroelectric power.

All of those benefits can be achieved, and I would just observe that the debate about this issue seems to be centering around how shall we use the Federal flood control money that is available to build the project, and it is our belief that this money should be used in the way that makes it stretch the furthest and provides the greatest benefit to our constituents and that way will allow for a multipurpose facility.

We require in this bill that the first stage will be built in such a way as to allow for later a convenient and easy expansion into a multipurpose dam. That means we have got to have the facility designed and built to include openings with gates and also built in such a way that it can be added on to conveniently, and we have in there a proviso that says that the structure that is built in two stages must be no more expensive than what it would cost if we started right from scratch and built a multipurpose Auburn Dam right from the outset.

Now I would say just by way of observation that this is a facility that has been much talked about. The study is now complete for the flood control portion of it. I wish the study were ready so that we could move ahead immediately on the multipurpose features, but I will say that finally, at long last, our local entities are prepared to step forward and to pay for the multipurpose features of this dam.

Madam Speaker, that is a big breakthrough. It will be all local money, and it will enable us, and all non-Federal money, will enable us to relieve the condition of drought that has been so difficult for us in these recent years.

California has a history, a recorded history, back from the first part of the 20th century. We have had a 10-year drought, and it is important that we plan for the future. The recreation at Fulsome Lake will be devastated beginning in the very near future as the reoperation of Fulsome begins to provide interim flood control storage. The fish are being killed by the warm water as a result of the low lake level. The flows that we are accustomed to in the Lower American River will be increasingly diminished until and unless we increase our supply of water. California has had nearly a 20-percent increase in population over the last decade, and yet we have developed no new water for the region.

Madam Speaker, it is now becoming a question of either making the pie larger, the water pie, or of reallocating shares, and, if the reallocation occurs, it is going to be very harmful to our State's No. 1 industry, which is agriculture.

Interestingly enough, we can develop Auburn Dam water for about $100 an acre foot, a bargain at today's prices. The people of Sacramento County have voted in 1990 in measure T overwhelmingly in support of a multipurpose Auburn Dam, and the surrounding counties support the dam. It is merely a matter now of putting our shoulders to the wheel and moving forward, and in that spirit we have introduced today this legislation.

Madam Speaker, hearings will be held before the Committee on Interior and Insular Affairs and the Committee on Public Works and Transportation on July 23.

Madam Speaker, I appreciate the opportunity to address the House on this measure of importance to us.

NEW ASSURANCES FOR AMERICAN CONSUMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Madam Speaker.

Mr. Speaker, a little over 1 year ago I stood in this well and reported to this body that Canadian meat imported to our country was improperly inspected. I am happy to inform my colleagues that I have received assurances from Secretary of Agriculture Edward Madigan that he has personally taken steps to address deficiencies in the procedures used to inspect Canadian meat imported into the United States. At hearings before the Subcommittee on Commerce, Consumer Protection, and Competitiveness last year, public advocacy groups, a Department of Agriculture [USDA] meat inspector, and the General Accounting Office [GAO], criticized the current inspection system, raising concerns that the public health is not being properly protected.

During a meeting in my office early last week, Secretary Madigan explained that he had only recently become aware that Canada has tougher inspection rules for United States meat imports than the United States has for inspecting Canadian meat products. In Canada, every truckload of United States meat is required to stop and be subject to inspection; but only one of ever eight or nine truckloads of Canadian meat must stop for inspection in the United States.

Secretary Madigan assured me that under a new inspection program which he hopes to negotiate with Canada by August 1, there will no longer be any skiploads—every load of Canadian meat will have to stop and be subject to inspection. In addition, Canadian packers will not be told in advance which shipments will be inspected; and the practice of having Canadian inspectors pull the samples United States inspectors are allowed will also stop.

The new program is expected to be modeled after the Canadian program of inspection. There will be no reduction in the number of meat inspectors.

Concerns about the inspection program for Canadian meat were first raised in a hearing the subcommittee held on May 15, 1991. A USDA import meat inspector testified at the hearing that the lack of controls under USDA's current inspection program threatens public health.

The subcommittee's investigations revealed that Canadian meat packers are attempting to ship large quantities of meat into the United States that do not comply with USDA standards. The USDA inspector who testified said that he alone had rejected over 1 million pounds of Canadian meat in 1990. The General Accounting Office confirmed his claim in an investigation I requested.

The GAO also criticized the USDA's streamlined inspection system which was adopted as a result of the United States-Canada Free-Trade Agreement. According to the GAO, the USDA's practice of notifying Canadian meat packers in advance as to which of their shipments will be inspected together with allowing Canadian meat inspectors, rather than USDA inspectors, to pull the samples for inspection, severely undermines the credibility of USDA's inspection program.

In testimony before the subcommittee, GAO expressed concern over the practice of relying on Canadian officials to do the job that USDA inspectors have traditionally done. GAO said:

> To have the person being evaluated pull his or her own sample creates the appearance that the sampling process lacks independence and objectivity. In our opinion, the streamlined inspection procedures, as currently designed, will be a continuing source of allegation, controversy, and criticism.

As a result of testimony given at the hearing, in letters to Secretary Madigan dated May 23, 1991; January 22, 1992; May 14, 1992; and June 17, 1992, I recommended that the Department of Agriculture do away with the streamlined inspection program. USDA meat inspectors, not foreign nationals who have no responsibility to our government or the American public, must be given complete authority to pull samples and conduct frequent and thorough inspections of Canadian meat.

The bottom line is that the health and safety of American consumers must not be jeopardized in the name of free trade with Canada or any other country.

I am very pleased that Secretary Madigan has taken my concerns seriously and is personally involved in this matter. I have great confidence in his commitment to do the right thing for the American consumer on this issue. The subcommittee will watch closely to see that the goals set by the Secretary are in fact achieved.

□ 2030

REGIONALISTIC POLITICS

The SPEAKER pro tempore (Mrs. BYRON). Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Madam Speaker, I would like to begin this evening by congratulating AL GORE on his selection as the Vice Presidential candidate for the Democratic ticket. I worked with AL on the Science, Space, and Technology Committee over a number of years. I enjoyed the experience. He is a capable person who has a lot to offer from his viewpoint, but I must say that his philosophical viewpoint and mine were considerably different and we often had a real difference of views over the issues before the committee.

What I do know now is that this is a ticket which is heavily balanced toward the liberal viewpoint, and the American people need to understand that in the dialog which is about to occur.

I must say that I think the issues raised by the Gore nomination are more issues relating to Bill Clinton than they are to AL GORE. It seems to me that the Clinton campaign has at this point abandoned semblance of a national campaign strategy. It appears as though they have taken the roll of the dice toward having a purely southern strategy, and that their hopes are that when the campaign comes down to the fall, that it will be purely a campaign between George Bush and Bill Clinton, and they will be able to eat into a base of the Republican Party that is purely southern.

But understand for those of us in States like Pennsylvania, it does mean that there is no real balance here, the kind of balance that George Bush did when he picked DAN QUAYLE from the Midwest to be on the ticket, who brought a little different perspective.

All of us, regardless of our credentials as national politicians, do as well tend to be regional politicians, and we do tend to have experiences based upon those areas of the country where we were raised and where our political roots are. In this particular case the entire base of the ticket will be southern in nature.

There have been many people watching Governor Clinton to find out whether or not Governor Clinton is going to be able to expand his fairly narrow political base. What is now clear is that Governor Clinton does not

want to do that, that Governor Clinton has made the decision that he is going to keep his base right where it is.

It is certainly clear to me in this nomination that the Democratic Party has decided to not pursue its opportunities in the Northeast, in the Midwest, and in the West, and has instead decided that they will pursue a purely southern strategy in their quest for the Presidency.

I note from some of the reactions on the Democratic side that there are some Democrats who are also worried about this. Speaker FOLEY spoke to it saying that he thinks that the old notion of geographical balance has been weakened in the modern political environment. He may be right on that, except, as I say, the experience level of politicians is very much tied to their regions, and this is very narrow.

Jesse Jackson was quoted as saying, they will have their hands full to expand their base beyond the Southern Democratic Leadership Council territory.

That, I think, is the concern when you take a look at what happened here.

So I do congratulate AL GORE. As I say, he is a very capable individual. But it does raise real concerns I think amongst many Americans about whether Governor Clinton has the national viewpoint that is required of a President.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. JONTZ] is recognized for 5 minutes.

[Mr. JONTZ 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 gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

[Mrs. BENTLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

SHIPBUILDING IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. TAYLOR] is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Madam Speaker, I come tonight to address a matter of great importance, and that is Secretary of Transportation Carr's maritime revitalization program that he recently unveiled to the House Merchant Marine and Fisheries Committee.

The Transportation Secretary at least should be credited with trying to improve the merchant marine, but, unfortunately his program, like the program of Secretary of Defense Cheney and so many programs of our Trade Representative Carla Hills, continues a bias against Americans, and that is at the heart of Secretary Carr's proposal, is to take American taxpayer dollars and use it to subsidize ships that were built in foreign shipyards with foreign subsidies and then give those ships an American flag and the protection of the United States.

I say he follows the bias of Secretary Cheney because that is precisely what Secretary Cheney has been doing for the past 4 years now as year after year the Congress of the United States, the House Armed Services Committee, the House Appropriations Committee, appropriates money for a fast Sealift program so we can have the ships in order to move our troops and supplies to a different area of the world in a time of war. For the past 4 years the Secretary has refused to spend the money in the hopes that the Congress will back down and allow him to purchase those ships from foreign shipyards, again at a time in the past 10 years that this Nation has lost 300,000 shipbuilding-related jobs since the Reagan administration asked and unfortunately this Congress approved a cut in shipbuilding subsidies for our Nation.

It troubles me additionally that the National Oceanographic and Atmospheric Administration now has a budget of $1.2 billion for shipbuilding. They also want to build their ships overseas.

Bit by bit, they are giving away the American dream. On the day I was born our nation ranked second in the entire world in shipbuilding. Today we are 24th and 98 percent of all the ships that are built in America are for the Department of Defense.

□ 2040

There are 16 countries in the world that get foreign aid from the United States that build more ships than we do. Combined they get over $3.8 billion. There are 9 countries in the world that build more ships than we do that have American troops stationed there, and between the 9 of them that is 380,000 young American men and women who are protecting their country at the expense of Americans, for the sake of their nations, and at the expense of our jobs.

It troubles me to hear Secretary Carr making statements to the effect that we can have those ships built cheaper overseas, that the American worker is getting too much money. It really troubles me to hear that coming from a person who is paid $142,000 a year, who in his inner staff has 120 political and Presidential appointees, who budget for just his inner staff is $1,280,000, who drives around in a chauffeur-driven limousine and talks about the American worker making too much money, when at the same time he was giving that testimony people were lined up in places like Morgan City, LA, Pascagoula, MS, San Diego, CA, who would have gladly given the shirt off their backs for an $8 or $10 an hour job at any of our shipyards.

I want to invite Secretary Cheney, Secretary Carr, our chief trade negotiator, Carla Hills to get out of the limousine, to go into the Kmart in Morgan City, LA, or the grocery store in Pascagoula or maybe the Wal-Mart out in San Diego and look the people in the eye that they say are too lazy and too incompetent to build ships, remind them that their boss is up for reelection in November and that he has appointed each one of them knowing what their policies were.

I want to remind the American people, who are being constantly told by this administration that they are too lazy, too inefficient to build things here that they have a chance to remind the person who is telling them that that maybe he does not deserve his job come this November.

My colleagues, the United States of America can only be a great nation if we are a great manufacturer, if we are a great maritime power. Every great nation of the world before us has been so. Every great nation after us will also. It is time for these people in the administration to quit giving away the American dream. It is time for this Congress to quit agreeing with them. And above all, it is time for those of us who are on the public payroll to start having some confidence in the people who pay our salaries.

VACATING OF SPECIAL ORDER AND REINSTATEMENT OF SPECIAL ORDER

Mr. DREIER of California. Madam Speaker, I ask unanimous consent to vacate my 60-minute special order tonight and, in lieu thereof, be permitted to address the House for 5 minutes.

The SPEAKER pro tempore (Mrs. BYRON). Is there objection to the request of the gentleman from California?

There was no objection.

CONGRATULATIONS TO PRESIDENT BUSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Madam Speaker, I take this special order to extend very hearty congratulations to President Bush on an issue which tragically has not gotten the kind of support that I believe is warranted.

The Group of Seven in Munich several days ago focused a great deal of attention on the plight of the people of the former Soviet Union and other emerging democracies and the whole issue of economic growth and trade. Unfortunately, some in the media have portrayed this meeting as something less than a success for President Bush.

Clearly, the President, in going to Munich, made a very strong case in behalf of the American people. I say it was on behalf of the American people because clearly the goals which the President had set forth for economic growth for the world will have a very strong beneficial impact on the United States of America.

And by that, I am referring, of course, to the goal of trying to remove trade barriers which exist in many parts of the world. There has been much criticism over what some have referred to as the new world order, but by definition, what the President wants to bring about with the new world order is simply self-determination and obviously sovereignty for people within their countries and, as it appears in some parts of the world now, the States which are attempting to declare their independence.

Madam Speaker, it seems to me that as we look at what came from that summit, we could not have been better represented because as we successfully implement the goals which the President was calling for, that being the reduction of those trade barriers, we create for American consumers and, yes, American workers, too, the opportunity to produce and to purchase the best quality products at the lowest possible price.

We know that as we create more and more competition, it will create that benefit and that has been the resounding message of President Bush at the G–7 summit.

One of the key items that came out of the summit was, of course, the very positive news that Boris Yeltsin, the President of the Russian Republic, had. And that news was debt relief. We all know that clearly foreign aid is not something that is particularly attractive in this institution or among the American people. I am not an enthusiastic supporter of massive foreign aid packages which have in the past emanated from this Congress. But it seems to me, as we look at those people who are struggling to emerge from totalitarianism in the republics of the now Commonwealth of Independent States, that trying to provide some kind of relief is necessary.

Remember, it was not relief that is coming from the American taxpayer. It was an agreement that was struck by the seven leaders of that group with me in Munich. So I would say that it is essential for us to do what we can to provide assistance to the emerging democracies because we clearly do not want to see them shift back to a pattern of having despotic leaders. And I hope very much that the agreement that was struck will be beneficial all the way around.

I would like to make one brief comment, Madam Speaker, about the appointment, the selection by Bill Clinton of our colleague here in the Congress, former House colleague, AL GORE. I certainly extend congratulations to him and, as Secretary Baker said today, I wish him the worst of luck in the goals that he will now be pursuing because I do not want to see him become Vice President.

But I do say this of the appointment that Mr. Clinton made: This has clearly become a campaign which is regional. Bill Clinton talked throughout his primary campaign of the effort to bring about a national campaign. I happen to come from a State that has 31 million people, the largest State in the history of the Republic. We will have the largest congressional delegation come January 1993, in the history of the Republic with 54 Members, 52 House Members and 2 Members of the other body, the U.S. Senate. It seems to me that concerns of the West have been ignored with the selection of our friend AL GORE.

I also am concerned, while I am very proud of the record that I have had in dealing with environmental issues, I am concerned that AL GORE clearly represents what I consider to be environmental extremism which poses a very serious threat to economic growth and job creation.

So I just wanted to say those things. Congratulations to President Bush for his very strong and successful work at the G–7 summit, and I also congratulate AL GORE on having been selected by Bill Clinton. But as I said earlier, I hope very much that he is not successful as he heads toward November.

TALKS SIGNAL HOPE FOR RECONCILIATION CONCERNING NORTHERN IRELAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Madam Speaker, last week comprehensive talks were launched between the British and Irish Governments and the main constitutional parties in Northern Ireland. These talks aim at nothing less than a total redefinition of the relationships between the Protestant majority and Catholic minority within Northern Ireland and of the roles of the Irish and British Governments in and concerning Northern Ireland. They follow on earlier talks between the constitutional parties proposed and chaired by the British Government.

These comprehensive talks must be seen with hope by all who follow Irish affairs and who desire to see peace and reconciliation replace the cycle of futile and tragic violence in Northern Ireland. The talks offer such hope because they include the voluntary participation of all the parties who must be involved in any lasting settlement in the north, and because they are being conducted on the basis of principles calculated to produce agreements that genuinely reflect the consent of all the parties. I sincerely trust that this process can lead to new and imaginative structures which will give full and fair expression to the two political aspirations on the island of Ireland.

This House has consistently shown its concern and willingness to assist constructively in the resolution of the problem of Northern Ireland. It is my fervent hope—one shared, I believe, by all my colleagues in the House—that these comprehensive talks will result in an early and peaceful resolution of the Northern Ireland conflict, the last residual issue of Anglo-Irish history. Such a resolution has proven elusive in the past. I devoutly pray that this is the hour it can be realized.

I commend both governments and all the constitutional political parties in Northern Ireland for their renewed dedication to this process of peace.

IN HONOR OF JUANITA JACKSON MITCHELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Madam Speaker, I rise today to pay tribute to one of Maryland's as well as one of this Nation's real heroes, Juanita Jackson Mitchell. Mrs. Mitchell was the matriarch of one of America's great families, the wife of Clarence Mitchell, Jr., one of America's great leaders.

Mrs. Mitchell, who was a longtime fighter against racial discrimination and injustice, died Tuesday at the age of 79.

□ 2050

With her passing, this country has lost one of its finest advocates of social justice and racial harmony. Juanita Mitchell was the daughter of Lillie Carroll Jackson, a local Baltimore NAACP leader. She was the mother of four sons: George Davis Mitchell, Dr. Keiffer Jackson Mitchell, Senator Clarence M. Mitchell III, and Senator Michael Bowen Mitchell. She instilled in all of them the same thirst for the destruction of hatred and bigotry that gripped this Nation in the fifties and sixties, and which, unfortunately, is still with us today.

Madam Speaker, if it were not for the courage of Juanita Jackson Mitchell and those like her, this Nation would no doubt be under the cloud of segregated neighborhoods and schools, restricted department stores, and white only public accommodations.

After being the first African-American woman to graduate from the University of Maryland Law School, Mrs. Mitchell was faced with a city bar association that up until that point admitted not one single black. As an attor-

ney, Juanita Mitchell used the legal system to help topple the barriers of racism and discrimination wherever she found them. As legal counsel and head of the Maryland NAACP, she convinced the city of Baltimore to hire African-American librarians and police officers.

In 1953, she, along with Thurgood Marshall and two other lawyers, was instrumental in abolishing segregated schools. She can also be credited, Madam Speaker, with registering thousands of new African-American voters.

In 1940 Juanita Mitchell was named by President Roosevelt to be a member of the White House Conference on Children. In 1963 President Kennedy appointed her to the White House Conference on Women and Civil Rights. In 1966 President Lyndon Johnson appointed her to the White House conference to fulfill these rights.

Juanita Jackson Mitchell, known to Presidents and known to her neighbors. Madam Speaker, Juanita Jackson Mitchell was the embodiment of all the hopes and desires of those people who were unable to stand up for themselves. She was the voice of the oppressed and the meek. She fought for their dignity and through her sacrifices helped achieve a better life, not only for her fellow African-Americans but for all people of all races and all creeds.

Those of us who knew her will miss her. Those of us who respect her know that Maryland and the Nation have lost a great leader. Those of us who relied on her conscience, her voice, and her hand on behalf of every American, high and low, rich and poor, young and old, black and white, Jew and Gentile, know that she will not be soon replaced. We wish her Godspeed.

We extend our sympathy to her loving family, and we will on Saturday join, I am sure, hundreds and perhaps thousands of people at the memorial service as we say goodbye to not just a great Marylander, not just a great American, but a great member of the human race.

INTRODUCTION OF THE CHILDREN'S INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Madam Speaker, 2 days ago the children's defense fund released the findings that rank each State by the poverty level of its children. The statistics and its ramifications for the youngest, most vulnerable, and most innocent in this society, our children, are absolutely appalling. Hopelessness and a brutal future are the realities these children will face if action is not taken. And now is the time.

I direct this call to action to all of my colleagues and to the President of the United States, who should be the leading advocate for strengthening families and ensuring our children start school ready to learn and to keep learning. However, the President has done little to prevent the swelling levels of unemployment, homelessness, disintegration of family and hungry children, and some would argue that the recession is not yet over. It is a sad and ironic observation to note that these disaffected groups comprise a literal Third World country within our so-called developed Nation. How can this administration have allowed such outrageous levels of poverty and hunger to happen in this society?

I encourage my colleagues to look closely at the findings the children's defense fund released which indicate that child poverty went up in 33 states between 1979 and 1989, and the number of poor American children grew by 1.1 million, to a total of 11.2 million, between the censuses of 1980 and 1990. The child poverty rate increased by more than 11 percent from the 1980 to 1990 census, and by almost 19 percent since the 1970 census. The youngest Americans had the greatest likelihood of being poor in 1989: 20.1 percent for children younger than 6, compared with 17.3 percent for those ages 6 to 17.

These dreary statistics apply to all States and all races in our society. The problems are extremely prevalent and are becoming increasingly worse. A black child had a 2 in 5 chance of being poor in 1989, a white child had a 1 in 8 chance and an Hispanic child had a 1 in 3 chance. And since 1989, the situation has gotten worse due to the recession and figures from the yearly current population survey show that the number of poor children nationwide rose by 841,000 between 1989 and 1990 alone. These trends must end.

The Congress has truly taken the lead to address these problems with the introduction of legislation today that combines two key measures. Two initiatives, the Family Preservation Act, authored by my colleague Mr. DOWNEY, and the Mickey Leland Childhood Hunger Relief Act, which I authored, will have a lasting and critical importance for families and childhood hunger prevention in this country. Together they will be known as the children's initiative. I am most pleased to be joining Mr. DOWNEY in his efforts, along with Mr. DE LA GARZA, Mr. HALL, Mr. TALLON, and Mr. ESPY, who have been tireless supporters of this issue, to solve some of these critical problems. As many of you know, I have been involved in childhood issues for over a decade.

Mr. DOWNEY's legislation will speak to the States' growing responsibility to strengthen and preserve families. The bill would address urgent and substantial resource needs among State and local child welfare agencies, and encourage State and local innovation in designing programs to keep families intact and prevent expensive and unnecessary foster care placements. Provisions also include addressing the needs of abandoned children, children at high risk, and children exposed to drugs. As a result, States will be able to deal with the dismal status of our child welfare system, and allow States to develop necessary and cost-effective services that will avoid immense social and economic costs in the years to come.

The Mickey Leland bill, which enjoyed bipartisan support and garnered over 100 cosposors, will help the neediest of families and addresses the highest priority concerning the prevalence and revages of hunger and its consequences. It is a national disgrace that about 5 million American children under age 12 go hungry every month with millions more at risk. These hungry children are two to three times more likely to have suffered recent health problems, and these problems are associated with higher school absenteeism.

The bill's antihunger provisions will help the neediest of families and children by assisting those families with high shelter costs so that more income is available to purchase food. Recent data show that 56 percent of poor renters spend at least half of their incomes on shelter versus the Federal standard of 30 percent. It is these families who often are at risk of homelessness and must often choose between heating and eating.

Other major provisions also target assisting families with children and preventing homelessness. The provisions include providing incentives for payment of child support and allowing families that live together to save on shelter costs, to be considered separate Food Stamp households, and not be penalized by overcounting household income.

This entire initiative, which represents scaled down versions of the two original bills, will be fully paid for in each and every year and over the 5 years covered by the legislation, according to CBO cost estimates, by a surtax on the wealthiest in our society. In addition, the financing of this measure would result in an overall reduction in the deficit of $1.2 billion over 5 years. With the outstanding leadership of both Chairman ROSTENKOWSKI and TOM DOWNEY, the House Ways and Means Committee recently approved the family preservation legislation and the financing mechanism.

This is an important opportunity to help our children develop and reach their full potential. The time to help is now. I urge all of my colleagues to join me in these efforts to help the neediest of families, and to strengthen and preserve the families by supporting the family preservation and hunger relief initiative.

THE SUPERCONDUCTING SUPER COLLIDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 60 minutes.

Mr. BROWN. Madam Speaker, 3 weeks ago, the House voted to terminate the superconducting super collider [SSC], which by the end of the decade promises to be the world's largest, most expensive, and in all likelihood most productive scientific facility. Whether the House's action will hold up in the Senate, or through conference, is at this moment uncertain. But we do know that an effort will be made to revive the SSC in the other body and that there is a very good chance that Members of the House—come September—will have another opportunity to vote on the question of whether the SSC should be built.

I am speaking on this issue today in anticipation of that future vote. When

it comes, it will be essential for the Members of the House to have a clear understanding of the implications of termination of the SSC not only on high-energy physics, but also on this Nation's leadership in science and technology, on our future economic performance, and ultimately on our vision of ourselves.

I hope that, when that second vote comes, Members will consider the fact that abandoning our pursuit of the next frontier in high-energy physics would in fact be a monumental decision. I can think of no comparable situation in which the United States—or indeed human society—consciously decided that it could not afford the next level of understanding in a premier field of science. The urge to pursue knowledge is an unharnessable one; ultimately, if we turn our backs on the next frontier, others will take up the quest.

I make this plea because, although the June 17 floor debate on the SSC was far reaching, the overriding issue in that debate was a simple one: money. The SSC vote followed within a week of an emotional and extended debate on the balanced budget amendment. Many Members were highly receptive to the opportunity to eliminate funding for a large, visible project—especially one with benefits perceived to be regional rather than national. In my mind, it was the coincidence of these circumstances which explains why 78 Members—nearly 20 percent of those voting—changed from SSC supporters in 1991 to SSC opponents 1 year later.

The SSC, although expensive, was a solid, well-managed program in 1991. The Department of Energy's cost estimate for completing the project has not changed by 1 penny over the past 18 months. The record shows that in 1992, the SSC is still a solid, well-managed program—expensive but worth the investment. In short, nothing of substance has changed in the management of the project over the past year to explain a switch of 78 votes.

Today, in laying the groundwork for a second vote on the SSC in the House later this section, I would like to review the costs and benefits, and the criticisms and justifications, of this project. If we vote on the SSC again this year, we should do so based on a clear understanding of both costs and benefits. The costs—billions of tax dollars, potentially deferred opportunities in other scientific fields—are easy to understand. The benefits—international prestige, pushing the frontiers of basic research—are more nebulous and ephemeral. That, however, does not make them any less important.

In reviewing the floor debate of June 17, I found that there were three basic criticisms of the project:

First, the SSC is a low-priority science and technology project.

Second, the construction of the SSC is being mismanaged by the Department of Energy and its contractors.

Third, we simply cannot afford the SSC.

I would like to review each of these issues in turn, focusing ultimately on the importance and benefits of fundamental research of the type represented by the SSC to U.S. economic and political leadership.

IS THE SSC LOW-PRIORITY SCIENCE?

During the June 17 debate, many Members argued that the funding demands of the SSC are such that they will squeeze out many diverse and important scientific projects, including other worthwhile efforts in high-energy physics. This is a legitimate concern, and one that I expressed myself on the floor in a colloquy with Mr. BEVILL, the chairman of the Energy and Water Development Subcommittee.

In the end, however, I was convicted the risk was worth taking.

The history of high-energy physics in one of fundamental and startling discoveries made possible by a progression of larger and more powerful particle accelerators. As each new generation of accelerators is built, the older accelerators become obsolete. This is the nature of the fields; this is how progress is made. If the SSC is ultimately built, and if 10 years from now the mix of high-energy physics facilities is different than it is today, we should consider it a sign of progress, and certainly not a cause for alarm.

In the short term, will funding for the SSC, in fact, squeeze out funding for other scientific projects that have higher priority? This is a very difficult question to answer, since each Member will have his or her own set of priorities. For some, the top priority might be health research; for others, research into renewable energy or environmental technologies; for others, the SSC.

But in any discussion of priorities, we must remember one crucial fact. Any money that is saved by terminating the SSC will not necessarily flow to other scientific projects, regardless of whether they are high or low priority. In fact, despite rhetoric to the contrary, terminating the SSC may not even lead to deficit reduction. Because of the nature of the appropriations process, it is just as likely that any SSC savings will be expended on nonscientific programs such as water development. Good public policy would seem to dictate that, rather than considering each project piecemeal, the Congress should decide upon the overall funding level and on the mix of projects that comprise our total science and technology portfolio. We probably should weigh projects like the SSC against possible increases in funding for cancer research or critical technology development. But we don't operate that way. We operate through individual appropriations bills, of which at least six deal extensively with matters related to science and technology. And in the system we have, there is no guarantee that money saved from the SSC will go to higher priority science. It is just as likely that money saved from the SSC will only serve to reduce the overall level of funding that science and technology receive.

What about the narrower question of whether the SSC is high-priority physics? On this question, the record is clearer. The executive board of the American Physical Society strongly confirmed its support of the SSC after the House vote. In addition, there are many nonphysicists who understand the importance of the breakthroughs that the SSC will foster. Robert Galvin, chairman of Motorola, has stated that:

> The SSC, by providing energies 20 times greater than any previous accelerators, permits nuclear collisions that examine very small distances and thus magnifies twentyfold our ability to look at the most basic interactions of matter. There is no other way to reach such small dimensions with adequate intensity in the laboratory than by building the SSC. It will provide a tremendous advance in scientific understanding of natural laws.

What about the contention that by disrupting funding for smaller projects, the SSC will, in the words of the Washington Post, "leave physics weaker rather than stronger in this country"? The best answer to this question comes from the high-energy physics community itself, which was asked by the Department of Energy to lay out programs for United States high-energy physics through the 1990's under several budget scenarios. Under all budget guidelines, the High Energy Physics Advisory Panel [HEPAP] said that the SSC was central to a forward-looking physics program:

> In all our plans, we consider construction of the SSC to have the highest priority in the U.S. particle physics program and to be absolutely essential for continued progress in our field into the 21st century. The energy and luminosity of the SSC will provide a unique opportunity to answer some of the most fundamental questions about the structure of matter.

It is appropriate that we in the Congress do our best to set priorities for science and technology in a system which does not permit easy comparisons or trade-offs. But as we do, we should remember that the SSC's strong support from within the Nation's high-energy physics community is no accident, but the result of a very difficult and protracted priority-setting exercise within that community itself. We should also remember that a vote against the SSC does not by itself set scientific priorities; rather, it sacrifices a science project to politics in the name of fiscal responsibility, with no assurance that the elimination of that project will in fact ease funding

pressure elsewhere in the research budget.

IS THE SSC MISMANAGED

During the floor debate, there were charges that the SSC is being mismanaged by the Department of Energy and its contractors. Many of these charges were based on investigative work carried out over the past 1½ years by the Investigations and Oversight Subcommittee of the Committee on Science, Space, and Technology. As chairman of the Science Committee, I strongly support a vigorous Investigations and Oversight Subcommittee, and I salute the hard and probing work that the chairman of the subcommittee, Mr. WOLPE, and the ranking Republican member, Mr. BOEHLERT, have done on this and on other issues. Strong congressional oversight is essential on programs like the SSC. Without it, public trust in our $70 billion annual Federal R&D investment would be minimal.

In reviewing the record, it would seem that all the charges of mismanagement essentially boil down to two basic contentions. First, the Department of Energy has consistently low-balled its estimates of project costs. Two, even today, the project cost and claims are not believable. What is the evidence to support each of these charges?

There is evidence to support the contention that project costs have consistently escalated over the past 5 years. But some of the claims of cost overruns are in themselves wildly exaggerated. A reading of the floor debate would lead one to believe that the cost of the SSC has escalated from less than $4 billion to more than $11 billion in the past 5 years. In fact, the first serious estimate of the SSC's cost was made in 1988. That estimate—$5.3 billion in as spent dollars—is about $3 billion less than the current estimate of $8.25 billion. Some of the cost growth since 1988 is legitimate and excusable; some is not. In the excusable category, we should recall three factors.

First, the $5.3 billion estimate was not site specific or design specific.

Second, since the $5.3 billion estimate was made, full annual appropriations have not been provided by the Congress, a factor which stretches the time of construction and therefore the cost of the project.

Third, to provide greater reliability and to enhance the level of experimentation possible, the SSC underwent a significant redesign in 1990.

These are all mitigating and legitimate reasons for changing the cost estimate. Removing these factors, I would estimate that the degree of cost overruns in this project is on the order of 20 to 25 percent over the last 4 years. These are matters for concern, but they are not, in and of themselves, evidence of severe mismanagement. The level of overruns over the past 18 months is zero.

An issue related to the question of overall project cost is the extent to which foreign contributions may offset Federal obligations. I agree with many that the Department has been overly optimistic about foreign contributions for at least 5 years. It is in fact for this reason that on June 17, Mr. WALKER and I offered—and the House adopted—an amendment that would tie SSC appropriations to certification by the President of substantial foreign commitments. I stated then that the SSC is affordable and worthwhile, but only if a substantial amount of the total project cost is defrayed by State and foreign contributions. This requirement for foreign participation was also a key component of the SSC authorization bill which passed the House in 1990.

What about the second charge of mismanagement—that even today claims about the project's total cost are not believable? Much of this case rests on a statement contained in a letter written in January this year by Assistant Secretary of Energy W. Henson Moore, who complained to the project manager that "* * * the overrun problems are continuing or may even be getting worse."

The letter in question refers not to the entire project, but to the work of the architect/engineering contractor on the project. It refers to problems that are now 6 to 12 months old. According to the Secretary of Energy these problems did occur but have been corrected by a number of means, including a reduction of contractor staff.

These are not easy matters to resolve. According to the Secretary of Energy, the contractor is now working within budget and schedule. According to the project's critics, the system employed to track project cost and schedule is insufficiently sensitive to make this determination. Where does the truth lie? The best guidance probably comes from an examination of representative contracts. On that score the project's record is generally good. The most technically challenging components in the program—the state-of-the-art superconducting magnets—are being developed ahead of schedule. Conventional construction contracts, including tunneling, have come in below the baseline estimate. Although the project is really just beginning, and problems may yet appear—for example, in full-scale industrial production of the magnets—there do not appear to be any obvious show stoppers that would justify termination of the project.

In short, although a variety of investigations have revealed some transitory problems in program management, there is no clear evidence to date that would lead one to conclude that the project will exceed the estimated project cost of $8.25 billion.

IS THE SSC AFFORDABLE

I have tried to restate the case that I made on the floor on June 17, that "there is only one dispute about the SSC. That dispute, pure and simple, is about money." The cutting-edge nature of the physics research that will occur at the SSC facility is undeniable. So is the wisdom of providing good jobs for our scientists and engineers at a time when defense cutbacks have eliminated many high-technology jobs. But the question remains. In light of the fact that we cannot afford everything, and therefore that we must make choices, can we afford the SSC? Or to put it another way, will our investment in the SSC pay off?

Answering this question requires a fair amount of distance and perspective. Answering this question requires an appreciation of the long-term benefits, both tangible and intangible, of basic research.

Those on both sides of the SSC issue have engaged in an often misguided debate about the specific technological advances that will or will not flow from the SSC. It is easy to debunk some of these claims. The fact is that there is no way that we can predict with any certainty how the SSC will or will not improve the economy or the quality of life of the American people in the next century. But as Nobel Laureate Leon Lederman testified before the Senate last week, the same arguments could have been raised about the work of Newton, Faraday, Maxwell, Planck, and other renowned physicists "whose pure, basic abstract research today accounts for a large part of our gross national product."

What we do know is that the scale of the SSC, and the powerful way in which it will investigate the most fundamental laws of nature, virtually guarantee that it will ultimately have a major impact on the quality of our lives. We also know that the engineering that leads to industrial improvement and productivity is based on cutting-edge science. Robert Galvin of Motorola made this case last week before the Senate. In his testimony, "The Importance of the SSC to Science, Engineering, and Economic Development," Mr. Galvin noted:

> Engineering for industrial improvement is based on science. Occasionally, basic discoveries have almost immediate application to the marketplace; a good example was the discovery of the transistor in the basic research of Bardeen and Brattain. Usually, many discoveries fit together to give an increasingly profound understanding of phenomena and then the engineers use this understanding to develop practical devices. The engineers, as the problem solvers of our society, must have close connection with the scientists in order to apply scientific understanding to give useful and marketable products.
>
> Combined with information from many other sources, the SSC will give discoveries that will set the tone for the science of the next century. The engineering of the next century will then be transformed by science just as our engineering has been.

I know that many Members are not comfortable with these rather abstract

arguments about the necessity and efficacy of investments in basic research. That they are hard to quantify does not make them any less true. One day, we may have the economic tools to understand the exact relationship between investments in basic research and industrial productivity. But for now we will have to be satisfied with some extremely intriguing, albeit preliminary, studies.

Robert M. Solow won the Nobel Prize for Economics in 1987 for his work in the early fifties on the relationship between technology, innovation, and economic growth. Prior to Solow, most economic theory posited that investment of savings was the key to growth. Solow showed with statistics on wage and property income between 1909 and 1957, however, that neither capital investment nor increase in workers was the key factor in economic growth. Rather, it was a residual factor, an undefined broad category that has come to be known as innovation or technology. Solow's findings led directly to the notion that support for basic research, particularly at universities, is a key factor in generating the new knowledge which ensures continued technological innovation.

In the decades since Solow published his Nobel-winning work, a generation of economists has struggled to break down the residual technology factor to get a clearer picture of the specific processes that promote growth. There are a number of possible factors at work, including basic research, applied research, education, on-the-job training, and unstructured on-the-job learning. The work of Edwin Mansfield of the University of Pennsylvania is most noteworthy in explaining the relevance of basic research to productivity increases. Mansfield used a random sample of 76 major American firms in 7 manufacturing industries to understand both the extent to which technological innovations are based on recent academic research, and the time lags between the investment in academic research and industrial utilization of these findings. Mansfield's findings are very interesting in light of the ongoing SSC debate:

> About one-tenth of the new products and processes commercialized during 1975–1985 * * * Could not have been developed without recent academic research. The average time lag between the conclusion of the relevant academic research and the first commercial introduction of the innovations based on this research was about 7 years. A very tentative estimate of the [annual] social rate of return from academic research during 1975–1978 is 28 percent * * *.

But what does this economic research have to do with the SSC? Even if we accept the argument that technology and innovation are the keys to growth, and that basic research is a key element in technology and innovation, how do we know that the SSC is the kind of basic research that will be useful to our economy and to our society?

One answer to this question is that any research as fundamental and as high-quality as that occurring at the SSC will be useful to society simply because of the tremendous underinvestment by the U.S. economy in research and development. We are well behind our economic competitors in these investments, and the trends are worsening. These are the themes that the Committee on Science, Space, and Technology emphasized in its "Views and Estimates" submission to the Budget Committee in February of this year. In that report, we made the basic point that R&D funding trends suggest a strong rationale for additional targeted investments in civilian high-technology programs.

For most of the past 10 years, defense R&D soared while Federal civilian R&D failed to keep pace with inflation. During the same period, with no coherent Federal technology policy in place, private R&D investment fell behind levels set by our competitors. Today, as a result, these competitors far outstrip the United States in percentage of GNP devoted to civilian R&D investments. As a percentage of GNP, the United States' 1.9 percent, is only investing about two-thirds as much as Japan, 3.0 percent, or Germany, 2.9 percent, on civilian R&D. Even with defense R&D included, the United States is still slightly behind Japan in total R&D expenditures as a percentage of GNP. In many high-technology industries, it is not unusual for Japanese companies to spend up to 15 percent of their profits on cutting-edge R&D—often two to three times as much as their United States counterparts.

Actually, according to two stories by Bill Broad which appeared earlier this year in the New York Times, I may even be underestimating the extent of our comparative decline in research and development. These stories highlight several disturbing trends. First, in the past 2 years, the amount of total R&D conducted in the United States has declined for the first time in over 20 years. In 1990, as a result of restructuring and recession, industrial R&D in the United States showed its biggest drop in three decades. Second, it is becoming clear that the Federal Government has been using inappropriate currency conversion rates and systematically underestimating the strength of Japan's support of industrial R&D. Using actual exchange rates between the dollar and yen, Japan—with half the population of the United States and an economy only two-thirds as large as that of the United States—is spending over $80 billion annually on industrial R&D, an amount which is larger than that spent by United States industry. In short, at a time when Japan is outspending the United States on capital investment, $586 billion versus $524 billion in 1990, it has also become the world's leading patron of industrial R&D.

It is compelling to note that this period of growing civilian R&D commitment by our competitors, which was unmatched by the United States, correlates with the decline in our industrial competitiveness. Furthermore, in those areas where U.S. R&D expenditures have remained strong, such as biotechnology, pharmaceuticals, and aeronautics, our competitive position has remained strong.

In light of the critical importance of R&D to economic growth, the Science Committee has recommended as a fundamental national goal that the total Federal R&D commitment at least maintain pace with inflation over the next 10 years. This should be done in two ways. First, tax policies should be structured so that within a decade, private R&D investment will grow sufficiently to enable our overall civilian R&D investment level to approach that of our economic competitors.

Second, we should accelerate the ongoing shift of resources and personnel from defense R&D programs to civilian R&D programs. Historic trends suggest that this shift is overdue. While our civilian R&D expenditures stagnated over the past 10 years, defense R&D experienced 76 percent real growth. In 1979, the ratio of Federal defense to civilian R&D was 48:52. The ratio steadily rose to a peak of 69:31 in 1986 and has been slowly decreasing since. In fiscal year 1992, the ratio stands at 60:40, and in the President's fiscal year 1993 budget submission, despite the greatly diminished Soviet threat, the ratio drops only one additional point to 59:41. Given that the total annual Federal R&D investment is well over $70 billion, small percentage shifts from defense to civilian R&D have the potential to yield large returns in technological investment. Reversing the current 60:40 defense: Civilian ratio to a 40:60 ratio would reallocate a total of $14 billion from defense R&D to civilian R&D programs.

In short, we can afford the SSC, if we consider it to be a crucial part of a long-term strategy to redress some very disturbing investment trends in the United States. If these trends are allowed to proceed unchecked, they cannot fail to eat away at our standing in a world which will be increasingly dominated by science and technology.

CONCLUSION

Madam Speaker, I would like to close this special order with a few words on the problems that we in the Congress face in dealing with big science—projects like the SSC, fusion reactors, and the space station that are increasingly controversial because of their size, their expense, and the multiyear commitment necessary to bring them to fruition. Big science facilities are not big because of pork-barrel consid-

erations. They are large because shared, complex facilities have become essential to scientific progress in a whole range of disciplines, including astronomy, oceanography, computing, and biology, as well as physics.

If we expect to continue to be world leaders, we can not expect to revolutionize science by watching apples fall from a tree. We will need an appropriate balance of small and big science. It is mindless to oppose all big science projects simply because they are big. In doing so, we virtually guarantee that many fundamental breakthroughs in our understanding of nature will not occur in the United States. By rejecting all big science, we demonstrate that we are unable or unwilling to play the role of the steady, scientific leader in a new world order where security will be based as much on economic and technological strength as on military weaponry.

I know that in the face of huge budget deficits, it is not easy to support a program whose benefits are as uncertain and long-term as the SSC's will be. But ultimately, even if we lose our will, the scientific promise of the SSC will prove to be so intriguing that the work will be done, albeit on other shores. And when that happens, we will send the signal that we knew what a great society should do, but we lacked the will to get it done. This would be a message to the youth of America—and to the world at large—that we are a nation in decline.

□ 2110

SCOWCROFT IMPROPERLY INTERVENED IN CCC PROGRAM AND MANY MORE LIES TO CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, earlier today my colleagues at the Judiciary Committee called upon the Attorney General to seek the appointment of an independent counsel to investigate the conduct of officials and private parties involved in the Iraggate affair. There are just reasons for this, and I will provide new details today.

I will provide new information showing that the White House improperly intervened in the Agriculture Department's operation of the Commodity Credit Corporation [CCC] in order to appease Saddam Hussein. In the process they violated their own policy of not using food as a political weapon. I will also discuss new evidence that several high-ranking Bush administration officials have repeatedly misled the Congress and U.S. farmers about the suspension of the CCC Program.

SCOWCROFT IMPROPERLY INTERVENES IN USDA ADMINISTRATIVE REVIEW

In previous statements I have revealed a great deal about the November 8, 1990, National Advisory Council decision to approve the $1 billion CCC Program for Iraq that year. I showed that the White House, National Security Council, and the State Department used their power to win approval for the full billion dollar program for Iraq despite serious concerns by the Treasury Department, the Office of Management and Budget, and the Federal Reserve that Iraq probably could not repay the credits and that the program was rife with corruption as evidenced by the BNL scandal.

Today I will show that White House and State Department intervention in the operation of the CCC Program for Iraq did not end in 1989. In fact, their intervention escalated as 1990 unfolded. As an example, in April 1990 the State Department told the USDA not to publicly announce that Iraq had broken numerous CCC regulations. At the time the USDA acquiesced, but they again pressed for a public announcement of the suspension in May 1990. May 1990 is just a few months before August 2, 1990, when Iraq invaded Kuwait.

On May 18, 1990, the White House itself intervened to stop the public announcement. Brent Scowcroft, the President's top National Security Adviser, asked USDA Secretary Clayton Yeutter to hold off on announcing the suspension of the program. Yeutter went along with the scheme to mislead the public and on May 21, 1990, a press release issued by the USDA did not mention that the program was suspended. There never was a public announcement of the suspension.

It is clear that the White House and the State Department were running the CCC Program for Iraq. They did eventually agree to suspend the program in late May 1990, but they kept the suspension a secret from both the Congress and everyone else. I can now shed light on those events and show that the White House's heavy hand overrode sound management principles for political reasons. The White House's actions were anything but "prudent," as President Bush is trying to insist now.

SCOWCROFT GETS VISIT FROM IRAQI AMBASSADOR

Mr. Brent Scowcroft was heavily involved in the decision to approve the $1 billion CCC Program for Iraq, and he was also involved in the manipulation of that program until Iraq invaded Kuwait in August 1990. His staff at the NSC had frequent contact with the staff of the USDA team investigating the BNL scandal. When it was necessary, Mr. Scowcroft himself intervened to win his way with the USDA. Indeed, he was a key decisionmaker in the CCC Program, which is illustrative of how foreign policy dominated the foreign credit program.

To illustrate these points let me quote from a March 5, 1990, State Department memorandum.

> National Security Council Staff contacted USDA March 2 to inquire about the delay (in the CCC Program) after the Iraqi Ambassador complanied to General Scowcroft. Iraq needs the second tranche now. USDA's present delay in releasing the second tranche damages the interests of U.S. producers that sell to Iraq as well as our political relationship with that important country. * * * it appears that it will take a high-level NAC decision to move USDA any more quickly.

Pressed for action by Iraq, and anxious to mollify Saddam Hussein, Scowcroft and the State Department hatched a plan to use the CCC Program as a political weapon against the increasingly belligerent Iraq. The President and Mr. Scowcroft now have to answer to the public as to why they allowed Iraq to utilize the first $500 million installments of CCC credits prior to suspending the program.

CONSPIRACY TO DEFRAUD

As the memo I just read from indicates, by March 1990 the USDA had serious doubts about going forward with the second $500 million tranche of CCC credits for Iraq, but the White House and State Department were opposed to suspending the program because they were using the program in an effort to modify, or mollify Iraq and Saddam Hussein.

□ 2120

The USDA's Under Secretary, Richard Crowder, was responsible for the CCC Program. He apparently believed that the CCC regulations required the program for Iraq to be suspended, as indicated by an April 5, 1990, USDA memorandum, which reports:

> Dick Crowder and I met with Under Secretary McCormack (a State Department official) late yesterday afternoon. We advised State of our plans and they more or less concurred, but would ask that we not use the term "suspend" regarding Iraq's [CCC] program. Instead we can talk in the press release about the existence of any further guarantees awaiting resolution and additional information regarding the pending questions.

A USDA-prepared draft press release dated April 1990 states:

> Under Secretary Richard T. Crowder announced today that the Department's fiscal year 1990 CCC program for Iraq would be suspended after the $500 million line of export guarantees, announced in November 1989 is exhausted. * * * USDA review of the Iraqi program has raised a number of questions regarding conduct of the program, and USDA has therefore notified Iraq of its intention, at the current time, to suspend the program for fiscal year 1990 at the current $500 million level.

In fact, Crowder went as far as telling several Capitol Hill staffers that the CCC Program was suspended. Notes from a May 17, 1990, briefing of Senate Agriculture Committee staffers state:

> We have enough evidence to suspend program * * * Crowder will not recommend further CCC credits until OIG (Office of Inspector General) and criminal investigations are completed. USDA is not going forward with the second $500 million.

The assertion that the USDA had enough evidence to suspend the program is supported by a May 7, 1990, letter from Mr. Crowder to the USDA Inspector General regarding after-sales services, which is a fancy word for kickbacks:

According to Iraqi officials, this practice occurred primarily in conjunction with sales of wood products, but we understand after-sales services have been a common strategy of many Iraqi state enterprises. Iraq identified several U.S. exporters in the wood products industry that provided after-sales services * * *.

To summarize the situation in April/May 1990 the USDA wanted to shut down the Iraq program because of numerous program violations. The USDA had concerns about the diversion of U.S. commodities for weapons for military purposes. The USDA had proof that it was Iraqi Government practice to solicit bribes, and the USDA found evidence of overpricing of commodities to include freight charges in violation of program regulations.

In addition, the U.S. attorney in Atlanta had found numerous violations of the laws related to the CCC Program and Iraq and the U.S. attorney in Raleigh, NC, found eight BNL financed tobacco companies had improperly included foreign source tobacco shipments to Iraq and that three had paid bribes to Iraqi officials to win contracts with Iraq.

In other words the CCC Program for Iraq was rife with corruption, Iraq had violated numerous CCC Program regulations, and there was concern that Iraq had diverted commodities to pay for weapons. It is clear that the USDA had plenty of evidence to shut down the program. Despite that evidence, Brent Scowcroft and Clayton Yeutter stopped Mr. Crowder from suspending the CCC Program and then conspired to keep that information secret.

SCOWCROFT-YEUTTER AXIS

Notes from a Treasury Department conversation with the National Security Council on May 17, 1990, state that the USDA sent a 33-page report to the Justice Department, State Department, and the National Security Council. The notes state: "Agriculture planning to shut program down." The notes go on to say that the USDA will release the news after the commodities markets close on Friday, May 18, 1990.

Armed with its recently completed administrative review, which clearly showed problems in the CCC Program, the USDA was ready to shut it down on May 18, 1990, but Mr. Scowcroft intervened to stop that action. Notes from a Treasury Department conversation with the National Security Council dated May 18, 1990, are astonishing. The notes state:

Scowcroft called Yeutter and asked him not to put out press release today saying "terminating program." Not to do that until we have an interagency review. Agriculture may still put out report since it doesn't have any policy recommendations.

Let me repeat that: "Scowcroft called Yeutter and asked him not to put out a press release today saying program terminated."

The Treasury Department's notes are supported by Commerce Department notes from a Rostow Gang meeting held in June 1991. The Rostow Gang participants that day were discussing the various information that they were going to deny to the Congress, and we are trying to figure out how they could do that. The notes of the meeting reveal the existence of a May 18, 1990, letter from Scowcroft to the Department of Agriculture.

The notes indicate that the President was going to protect that letter. In other words the President would claim Executive privilege on the Scowcroft-Yeutter letter. The Banking Committee has made numerous requests for information to the USDA. I have signed many a letter. The Scowcroft letter was never turned over to the committee, and I have written Agriculture Secretary Madigan asking him to explain that oversight.

PRESS RELEASE MISLEADS

Apparently Clayton Yeutter does not like to disappoint his superiors. On May 21, 1990, the USDA issued its administrative review. The press release accompanying the review did not mention that the program was suspended. Obviously Mr. Yeutter complied with Scowcroft's request to say nothing. It would be interesting to know if Scowcroft was acting on his own or the request was cleared by the President himself. The President should answer that question.

On the same day the U.S. Ambassador to Iraq, April Glaspie, sent a secret cable to Mr. Scowcroft which expressed alarm about reports that the CCC Program would be cut off. She pointedly stated:

Word has reached the Embassy here in Baghdad—but not the Government of Iraq—that Agriculture has decided to turn down the second tranche of CCC credits for Iraq. * * * from a foreign policy perspective the decision is difficult to justify. My own thinking is that unless Agriculture has uncovered a legal hornets' nest, we will want to proceed with the second tranche of credits. It remains unclear why we would want to use food as a weapon.

Referring to the planned suspension, Ambassador Glaspie protested that a cut-off would undermine efforts to convince Saddam Hussein that the United States really wanted to work with him:

Turning down the CCC credits would send the signal that the administration has decided to join those in Congress who had already reached the conclusion that the U.S. had no option but to pursue a policy of sanctions and containment. A sudden shift now will be read by the Iraqis as purely political—part of the U.S. conspiracy against Iraq.

What the cable shows is that the CCC Program for Iraq was first and foremost a foreign policy tool and that Glaspie did not want the program suspended because she feared it would send Iraq the wrong signal. Her superiors obviously and evidently agreed.

Mr. Crowder went along with the decision to say nothing about the suspension which meant that American farmers, the commodities markets and the public had to be deceived. There is some evidence that indicates that Crowder may not have like the idea. In a memorandum to Brent Scowcroft on May 23, 1990 Crowder states:

Notwithstanding the above considerations, additional CCC credit guarantees to Iraq should not be made over and above the $500 million already authorized in fiscal 1990 until the question concerning program irregularities with sales to Iraq are cleared up. * * * it cannot overemphasized that any constraint on CCC credit guarantees must not be based on foreign policy considerations.

□ 2130

But it appears Mr. Scowcroft, with April Glaspie's advice in hand, had different plans. Treasury Department talking points for a May 29, 1990, NSC meeting on Iraq state:

Meeting has been initiated by NSC staff because they want to prevent the CCC Credit Program from being canceled as it would exacerbate the already strained foreign policy relations with Iraq.

Agriculture had planned to put out a press release on May 21 that said the program was being suspended until the investigations into improprieties in the program were completed.

The NSC prevailed on Agriculture to say only that their investigation showed that improprieties may have occurred and remain silent on a suspension.

In fact, there is a suspension in effect, Agriculture has already briefed Congress on this prospect.

We believe that further CCC programming for Iraq should be suspended if USDA believes it is warranted under its own statutes.

The NSC Deputies Committee meeting was held on May 29, 1990, to discuss potential strategies for dealing with Iraq. In preparation for that meeting the State Department formulated a list of policy options that could potentially be used as a tool to modify Iraq's actions. Regarding the CCC Program the paper states:

CCC Program: This is the largest program we currently have with Iraq. All the sanctions legislation on the Hill, aside from Inouye-Kasten, exempts CCC. PRO: Since Iraq's record of repayment on CCC-guaranteed loans is good and USDA's review will probably give Iraq a fairly clean bill of health, suspension of CCC at this point would be a strong political statement. CON: It would violate our policy against using food as a political weapon and hit some U.S. agricultural exporters hard. It might also lead Iraq to default on CCC-insured loans. Other countries would sell these commodities to Iraq.

Apparently, at the conclusion of the meeting, it was decided that the second

$500 million installment would not be released. It was a too little, too late effort to get tough on Saddam Hussein. Iraq had already utilized $400 million of the first tranche and the taxpayers got stuck with the tab for that mistake.

For the White House and State Department the decision to suspend the program on May 29, 1990, meant that the Bush administration violated its own policy against using food as a political weapon. This amounted to Orwellian Double Speak since food was used for precisely political purposes—namely to entice Saddam Hussein into becoming a respectable world citizen, or at least a facsimile of one.

What disturbs me today is the hypocrisy and arrogant attitude of the administration. They repeatedly tell the Congress and the public that they don't engage in such primitive practices as using food as a political weapon. As an example look at an April 10, State Department letter commenting on Congressman BERMAN'S Iraq sanctions bill introduced in early 1990. The letter very primly says:

It has been the strong and repeated position of the Administration not to use food as an economic weapon of foreign policy through the imposition of embargoes on agricultural exports, or otherwise to place limits on our export programs for political reasons.

The USDA chimed in on the effort to deceive about the foreign policy nature of the CCC Program when on April 18, 1990, the USDA's General Counsel, Alan Raul was quoted as stating:

Raul is loath to release the NAC record. That's internal document and doesn't want to see link to foreign policy * * * released publically.

Lies like these are used so often I sometimes wonder if the White House, State, and Agriculture Departments actually believe that it is true. The evidence surely does not support their pious public statements.

STRATEGY TO DECEIVE ORIGINATED AT STATE DEPARTMENT

The strategy to deceive the public about the suspension of the CCC Program appears to have been spawned in the State Department by Mr. Jock Covey. An April 1990 State Department memorandum from Covey to State Department Under Secretary Robert Kimmitt states:

Given the Administration's policy that food will not be a political weapon, we may not be in a position to make a formal announcement that there will be no second tranche of CCC credits this year. We can in fact place the program under prolonged review, resulting in the same end. The Iraqis will get the message as will agricultural exporters and farm state Congressmen.

This strategy to mislead the public about the use of the CCC program and the lies that accompany the strategy are downright shameless. Lies like these hurt real people. One cost of the suspension lie is that the Bush administration had to mislead farmers, the commodity markets, particularly for rice, the Congress and the public about its real policy toward Iraq.

NO PUBLIC ANNOUNCEMENT OF SUSPENSION AND LIES TO CONGRESS

The decision to keep secret the decision to suspend the program led to many more lies. The USDA had to deceive U.S. farmers, Members of the Congress, and the public. The Banking Committee has numerous letters which the USDA wrote to Congressmen between April 1990 and August 1990, and none of the letters mention that the CCC Program for Iraq was suspended.

For example:

May 4, 1990, USDA to Senator HOWELL HEFLIN;

May 21, 1990, USDA to Senator LLOYD BENSTEN;

May 24, 1990, USDA letter to House Judiciary Chairman JACK BROOKS and Congressman MIKE ANDREWS of Texas;

June 15, 1990, USDA letter to Senator TRENT LOTT; and

July 6, 1990, USDA letter to Senator RICHARD SHELBY.

These Members all had hard working farmers in their districts that were concerned about losing the sales of agricultural commodities to Iraq. They had plans to make and resources to reallocate if there was not going to be sale to Iraq. In other words they had to run their businesses. The administration must be required to answer why they misled U.S. farmers and their representatives in Congress.

CROWDER AVOIDS ISSUE OF NSC INTERVENTION

In recent testimony before the Banking Committee Mr. Crowder purposely failed to answer the committee's questions about NSC and White House involvement in the handling of the CCC Program for Iraq. In a latter of invitation of May 21, 1992, the committee asked Mr. Crowder to answer for his written statement the following questions:

Question No. 2: How did foreign policy considerations affect the USDA's position related to the consideration of the fiscal year 1990 CCC Program for Iraq?

Question No. 3: How did Iraq's human rights record affect the USDA's position related to the consideration of the fiscal year 1990 CCC programs for Iraq?

Question No. 6: Please explain the National Security Council's role in the USDA's administrative review of the BNL scandal?

Question No. 7: Please explain the White House's and National Security Council's role in USDA decision making process related to the fiscal year 1990 CCC Program for Iraq?

Close scrutiny of Mr. Crowder's testimony reveals that he failed to address any of these questions in his written submission to the committee. In fact Mr. Crowder misled the committee about the administrative review and when he testified on May 21, 1992, he stated:

I instructed the team to prepare a report and we met again on May 7, 1990. At that meeting, I determined that I would make a public announcement disclosing the results of the administrative review and my determination not to proceed on any further credit guarantees in connection with sales to Iraq until conclusion of the BNL investigation. Our proposed report and announcement was provided to the U.S. Attorney in Atlanta and to USDA's Office of Inspector General and was circulated within the administration to other interested agencies. The final report was released on May 21, 1990.

All true statements, but thoroughly misleading. I maintain that the reason Mr. Crowder so conveniently failed to address the questions posed and the reason he conspired to mislead the committee is that he was protecting Mr. Yeutter, Mr. Scowcroft, and the State Department from embarrassment related to their obviously political manipulated of the CCC Program for Iraq. In short, he lied to cover up for his superiors.

As I have revealed in previous statements Mr. Crowder repeatedly misled the Congress about the foreign policy nature of the CCC Program for Iraq and about the pressure he was receiving from the State Department. There is more to say about this deception, and I will provide more details as time permits.

CONCLUSION

I must restate the President's recent comments about the CCC program for Iraq. While addressing an agricultural group the President stated:

I think we properly used these (CCC) credits for what they were designed to do, and I think it's been beneficial to American agriculture and I'm going to continue to use them in a way that's beneficial to American agriculture with the national interest of the United States foremost in my mind. So I can't say it's been perfect, but I do think that the Department, and I hope the White House, has done a good job in the implementation of the law and the using of these credits.

Could it be that the President is misinformed about the White House's manipulation of the CCC Program? I doubt it. After all the President's top national security adviser, Brent Scowcroft, was intimately involved in making decisions related to the CCC Program for Iraq.

On Tuesday I showed how Mr. Scowcroft led the charge to deny Iraq-related information to the Congress. It is now becoming increasingly clear that Mr. Scowcroft was the key figure in the manipulation of the CCC Program for Iraq. It is hard to imagine that Mr. Scowcroft did not also have a role in White House calls to the assistant U.S. attorney in Atlanta or the Justice Department's handling of the BNL scandal.

Linking Mr. Scowcroft so firmly to the CCC Program and the BNL scandal raises the question of President Bush's knowledge of Mr. Scowcroft's activities. It is hard to believe that the

President was not aware of his top national security adviser's activities. It is hard to believe that the President was unaware that the CCC Program was being used as a political weapon in violation of the President's own policy.

In my March 16 floor statement I showed that USDA and State Department officials repeatedly lied to the Congress about the use of the CCC Program for Iraq. They came before Congress and say that the CCC Program for Iraq was not used as a foreign policy tool and that the State Department was not pressuring the USDA to go ahead with the program despite concerns of Iraqi wrongdoing. Both the USDA and State Department were aware that they were misleading the public about the CCC Program.

As I mentioned at the outset, the Judiciary Committee announced today that it would recommend to the Attorney General that a special prosecutor be appointed to investigate the high-level Bush administration wrongdoing involving Iraq. I commend Chairman BROOKS and the rest of the committee for having the courage to take such a step.

It has become an all too common practice of the highest level of the Bush administration to lie to the Congress and the American public about its anemic performance in running our Federal Government. The very fabric of our democratic system is torn when people in positions of authority, from the cop on the street to the President of the United States, determine that the best course of action is deception. Regarding Saddam Hussein, President Bush, and his top advisers chose the course of deception instead of owning up to their policy failures.

I think the appointment of an independent counsel is important to remind all those in power that choosing the path of deception will result in investigation, and if warranted, prosecution. Our democratic society needs such checks and balances and the citizens of our Nation deserve the truth—even if it is politically painful.

There is more to say about all this, and I pledge to continue these reports as time allows and circumstances require.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 9, 1992.

Hon. WILLIAM P. BARR,
Attorney General, Department of Justice, Washington, DC.

DEAR MR. ATTORNEY GENERAL: Pursuant to the Ethics in Government Act, 28 USC §592(g), we, the undersigned, constituting a majority of the majority Members of the House Committee on the Judiciary, write to formally request that you, as Attorney General, seek appointment of an Independent Counsel to investigate serious allegations of possible violations of Federal criminal statutes by highranking officials of the Executive Branch. The potential criminal conduct in question relates to activities by both current and former officials to illegally assist the regime of Saddam Hussein prior to the August 1990 invasion of Kuwait, and to attempt to conceal information about potential criminal activity from Congress through the making of false statements, the nonproduction, falsification or alteration of official records and other documents, and through otherwise misleading and obstructing Congress in its investigation of such matters.

As you are well aware, this Committee—as well as at least four other Committees in both the House and Senate—has endeavored to examine the allegations described above through hearings, requests for production of documents, and requests for answers to questions propounded in writing. As a result of these congressional oversight efforts, as well as other information which has now entered the public domain, it appears that there may have been violations by persons in the White House and in various departments of the Executive Branch of government of provisions of the United States Code, including but not limited to: 18 USC §371 (conspiracy to defraud the United States or commit an offense against the United States); 18 USC §1001 (making a false statement); 18 USC §1505 (obstruction of justice); 18 USC §2071 (concealment or falsification of records); 18 USC §1621 (perjury); 18 USC §1341 (mail fraud); 18 USC §1343 (wire fraud); and 18 USC §207 (financial conflict-of-interest by high Executive Branch officials).

Obviously, the Legislative Branch is not constitutionally empowered to either prosecute wrongdoing or adjudicate illegality. For this reason, the enumerated list or potential criminal violations cannot be considered exhaustive, and certainly is not restrictive of the ultimate jurisdictional mandate of an Independent Counsel. Moreover, as the statute provides, the Independent Counsel should be charged with investigating and prosecuting all persons involved in criminal activities under §591(a)-(c). Such persons would include at least all White House and other Executive Branch officials compensated at levels specified in subsection (b) of §591 as well as other officials the investigation of which by the Department would present a conflict of interest within the meaning of subsection (c).

It should be noted that the growing imperative for this request is itself the result of the willful and repeated failure of the Executive Branch to comply with this and other Committees' requests for both documents and witnesses needed to shed light on the lines of inquiry clearly raised by Congressional investigations extending back to 1986. The failure of the Executive Branch to produce witnesses from the White House and National Security Council, the refusal of the Executive Branch to produce numerous requested documents from at least four agencies, and the failure of the Executive Branch to reconcile on-the-record contradictory assertions made by different Executive Branch officials before various Committees, have only reinforced our view that the Judiciary Committee needs to request an Independent Counsel with full subpoena and prosecutorial authority. In this regard, the contradictory Administration testimony is particularly troubling in the areas of the alteration of official records, the "formalized" procedures for screening or rebuffing Congressional requests for information, the possible diversion of government-financed loan proceeds for military purchases, and the apparent misuse of third country arms transfers to Iraq.

Finally, allegations of irregularities in the Department's handling of a host of investigations touching upon U.S. policy to Iraq must be considered carefully from the standpoint of the Ethics in Government Act. Of most obvious concern is the Department's actions in the Banca Nazionale del Lavoro ("BNL") litigation—including the scope and timing of the indictment finally brought, the circumstances surrounding the appointment and recusal of the U.S. Attorney in the district in which the matter was handled, the possible political interference of high Executive Branch officials with the line attorneys handling the case, the possible delay or withholding of classified information from the Atlanta prosecutors, and the sudden and unexpected plea bargaining arrangement by the Department reached with defendant Paul Drogoul—an arrangement which the presiding Federal district judge severely and publicly criticized as mysterious and unseemly, and in his view, warranting the appointment of an Independent Counsel. Because the ethics in Government Act prudently contains a mechanism by which to avoid a situation where a Departmental investigation might result in a "personal, financial, or political conflict of interest" for the Atttorney General or any officer of the Department of Justice (28 USC §5919(c)), we concur in this recommendation. And as you are further aware, this subsection would also apply to any possible criminal violation of persons in or outside of government who are not high-level Executive Branch officials as defined in subsection (b).

Despite your understandable and deserved pride in the generally high professional standards of the Department's personnel, both at Main Justice and in the field, the overriding need to reassure the American public that justice has, in fact, been done in the handling of this case would appear to militate strongly against the Department investigating its own handling of this most controversial matter in addition to the other allegations discussed above.

We know of your abiding and sworn commitment to uphold the law of the United States. In the circumstances presented, we sincerely believe that the law as well as the public trust would best be served by the appointment of an Independent Counsel.

Sincerely,

Jack Brooks, Chairman, Charles E. Schumer, Dan Glickman, Patricia Schroeder, Harley O. Staggers, Jr., Edward F. Feighan, Bill Hughes, John Bryant, Peter Hoagland, Craig A. Washington, Don Edwards, Romano L. Mazzoli, Howard L. Berman, George E. Sangmeister, Barney Frank, Mike Synar, John Conyers, Jr., Mel Levine, Jack Reed, Mike Kopetski.

COMMERCE DEPARTMENT NOTES FROM ROSTOW GANG MEETING

Rostow & Rademaker.
B has gone down that made cuts list.
NSDD 315. NSC will send letter to Fascell.
NSR 17.
Wolf to Cheney 4/17/90.
Scowcroft to Dept. Ag. May 18, 1990.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, June 1, 1990.

Memorandum for the Secretary.
From: Alan Charles Raul, General Counsel.
Subject: End of Week Report.

2. Iraq. I received a further briefing this week from the Department of Justice regarding the Atlanta investigation into the Banca Nazionale del Lavoro and related matters. I briefed the Deputy Secretary on certain new issues in the investigation.

There was an NSC "Deputies Committee" meeting on the Iraq GSM program this week. I thought I should attend that meeting, but the Deputy Secretary determined that Ann Veneman should attend and that I should not. I have not been briefed any on the meeting yet, but I understand that it was decided that no additional guarantees beyond the first $500 million would be provided to Iraq this year. The decision apparently turned on the various investigations that my office has been monitoring closing. Last night, the NSC's Special Assistant to the President for Asian Affairs, Richard Haass, mentioned to me that there was supposed to be a cable sent to Iraq this week informing them of the decision.

END OF WEEK REPORT, JUNE 1, 1990

THE UNDER SECRETARY OF AGRICULTURE FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS,
Washington, DC, May 23, 1990.
[Secret]

Memorandum for: The Honorable Brent Scowcroft, Assistant to the President for National Security Affairs.
From: Richard T. Crowder, Under Secretary.
Subject: USDA's Position on Options in NSC/Deputies Committee Review of PCC Paper on Iraq(S).

The options paper properly characterizes the impact of sanctioning Iraq with respect to CCC export credit guarantees. Iraq is an important market for over twenty U.S. agricultural commodities sold under the credit guarantees of the GSM-102 program. However, it cannot be overemphasized that any constraint on CCC credit guarantees must not be based on a foreign policy rationale.

Notwithstanding the above considerations, additional GSM-102 and GSM-103 credit guarantees to Iraq should not be made over and above the $500 million already authorized in fiscal 1990 until the questions concerning program irregularities with sales to Iraq are cleared up.

USDA wants to sell as many agricultural commodities abroad as possible, including to Iraq, but integrity of the program supersedes the desire to sell at any cost.

IRAQ—TALKING POINTS FOR MAY 29 ORAL BRIEFING FOR NSC MEETING

Meeting has been initiated by NSC staff because they want to prevent the CCC credit program from being cancelled as it would exacerbate the already strained foreign policy relations with Iraq.

Agriculture had planned to put out a press release on May 21 that said the program was being suspended until the investigations into improprieties in the program were completed.

The NSC prevailed on Agriculture to say only that their investigation showed that improprieties may have occurred and remained silent on a suspension.

In fact, there is a suspension in effect, Agriculture has already briefed congress on this prospect, and the press has reported on the investigation.

We believe that further CCC programing for IRAQ should be suspended if USDA believes it is warranted under its own statutes.

The likelihood that Iraq will stop paying on the CCC credits may depend on whether Assad feels that there is the possibility of new credits under the program at a later date.

If Iraq does stop paying there will be a budget cost as USDA starts paying off claims of the banks whose credits were insured.

Iraq may want to reschedule its repayments, but will only do so under a bilateral agreement, while the U.S. will only go through the Paris club.

Source: Treasury Department.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, April 5, 1990.

Memorandum for: Kevin Brosch.
From: Alan Charles Raul, General Counsel.
Subject: Iraq.

Dick Crowder and I met with Under Secretary McCormack on late yesterday afternoon (Wednesday). We advised them of our plans and they more or less concurred, but would ask that we not use the term "suspend" regarding Iraq's GSM program. Instead, we can talk in the press release about the extension of any further guarantees awaiting resolution and additional information regarding the pending questions.

Also, you will be excited to learn that the State Department strongly recommends that we go to Baghdad to ask relevant questions. They believe it will have certain diplomatic benefits, as well as provide better access to the necessary Iraqi officials and documents.

I will be in Seattle on Thursday and Friday, but I would like to be kept apprised of any developments on the Iraq front. I will call in periodically but Kathy will also know how to reach me and how to fax things to me, if necessary.

When the "Qs and As" are done, please get a copy to me somehow.

Thanks.

PRESS RELEASE

APRIL 1, 1990.—Under Secretary Richard T. Crowder announced today that the Department's Fiscal Year 1990 GSM-102 program for Iraq would be suspended after the $500 million line of export credit guarantees, announced in November, 1989, is exhausted. The GSM-102 program for Iraq had been operating, during each of the two prior fiscal years, at a level of approximately $1 billion annually.

The Department launched its own administrative review of the Iraq GSM-102 program late last summer after allegations of lending irregularities involving Iraq surfaced in an investigation by the Office of the United States Attorney for the Northern District of Georgia of the Atlanta agency of Banco Nazionale del Lavoro (BNL). The BNL investigation has allegedly uncovered more than $2 billion dollars in unauthorized loans to Iraq made by the Atlanta branch of BNL. At the time the Atlanta Investigation began, approximately $720 million of that amount were loans to pay for agricultural purchases made under the GSM-102 program.

Various federal agencies, including USDA, have been cooperating with the U.S. Attorney in that investigation which has reportedly involved issues of banking irregularities. In addition, USDA has conducted its own inquiry into past transactions in connection with the Iraq GSM program. That inquiry has raised a number of questions regarding contract pricing, purchasing practices, shipment, requests for additional services and imposition of special taxes and fees. USDA has raised its concerns about these issues with representatives of the Government of Iraq, including Iraq's Ambassador to the United States. USDA expects to work with the Government of Iraq, which has indicated its willingness to cooperate and provide information about these issues.

Under the GSM-102 program, the Commodity Credit Corporation (CCC), a federal corporation within the Department of Agriculture, assists agricultural exporters by providing guarantees which encourage private financing of export sales of agricultural sales for which repayment is made generally over a three year period. There are no direct outlays of funds unless and until there has been a default in payment. In the case of Iraq, no claims have ever been made on the CCC as a result of guaranteed sales to Iraq. The Iraq GSM program began in 1983, and has expanded since that time. Currently, CCC has outstanding guarantees on approximately $2.2 billion worth of sales made over the past three years.

Any lending irregularities that may have occurred at BNL do not affect the risk undertaken by the CCC in issuing the guarantees, because the risk undertaken relates to repayment by the foreign purchaser. Under the GSM program, CCC assumes no risk with respect to the bank in the United States financing the sale. Nonetheless, USDA review of the Iraq program has raised a number of questions regarding conduct of the program, and USDA has, therefore, notified Iraq of its intention, at the current time, to suspend the program for FY 1990 at the current $500 million level.

Source: Department of Agriculture.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, April 16, 1992.

Mr. RICHARD T. CROWDER,
Under Secretary, International Affairs and Commodity Programs, Department of Agriculture, Washington, DC.

DEAR MR. CROWDER: The Committee on Banking, Finance and Urban affairs will hold a hearing on the National Advisory Council on International Monetary and Financial Policy (NAC) and its role in approving the $1 billion FY 1990 U.S. Department of Agriculture (USDA) Commodity Credit corporation (CCC) program for Iraq.

The Committee respectfully requests that you testify at this hearing on May 21, 1992, at 9:30 a.m. in Room 2128, Rayburn House Office Building. The Committee would like you to address the following questions in your written testimony:

1. Please explain the USDA's role in the NAC process.

2. How did foreign policy considerations affect the USDA's position related to the consideration of the FY 1990 CCC program for Iraq?

3. How did creditworthiness concerns affect the USDA's position related to the consideration of the FY 1990 CCC program for Iraq?

4. How did Iraq's human rights record affect the USDA's position related to the consideration of the FY 1990 CCC program for Iraq?

5. What influence did the Banca Nazionale del Lavoro (BNL) scandal have on the USDA's position related to the consideration of the $1 billion FY 1990 CCC program for Iraq?

6. Please explain the National Security Council's (NAC's) role in the USDA's Administrative Review of the BNL scandal.

7. Please explain the White House's and NSC's role in the USDA's decision making process related to the FY 1990 CCC program for Iraq.

Please feel free to submit any further comments that you may have on the above topics. Banking Committee rules require your written testimony be made available to Members of the Committee twenty-four hours in advance of a hearing. Accordingly, please deliver 200 copies of your written testimony to Room 2129 Rayburn House Office Building by 9:30 a.m. May 20, 1992.

Thank you for your time and consideration of this request. The Committee looks forward to your testimony.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

DEPARTMENT OF STATE,
Washington, DC, April 10, 1990.

Hon. RICHARD DARMAN,
Director, Office of Management and Budget.

DEAR MR. DARMAN: This letter forwards the State Department's views on the Berman bill imposing sanctions on Iraq, as you requested.

The bill imposes open-ended sanctions against Iraq without linking them to any policy objective. Thus it would eliminate any Presidential flexibility in dealing with an important but difficult country, without specifically furthering any U.S. national interests.

The President has made clear concern at the recent Iraqi attempts to smuggle capacitors—with possible use in nuclear weapons—out of the U.S. He has made clear his outrage at the irresponsible threats issued by Iraq's President Saddam Hussein. There have always been significant U.S. concerns about Iraqi behavior, and in fact the U.S. Government has long imposed many of the measures the legislation would mandate. The State Department generally prohibits the sale or transfer of U.S. Munitions List items to Iraq. Fifty chemicals identified as potentially usable in chemical weapons programs are prohibited for export to Iraq. Items on the Commodity Control List deemed likely to aid Iraq's nuclear, missile, or other proliferation programs are denied.

Of the other sanctions envisioned by the bill, we note that Iraq is one of the largest markets for U.S. agricultural exports. The primary objective of our agriculture credit programs with Iraq has been to increase sales of U.S. farm products abroad. This GSM program, which has run about $1 billion annually in recent years, provides credit guarantees to U.S. exporters of agricultural commodities. It has been the strong and repeated position of the Administration not to use food as an economic weapon of foreign policy through the imposition of embargoes on agricultural exports, or otherwise to place limits on our export programs for political purposes.

The short-term U.S. Export-Import Bank credit insurance is intended to promote the export of U.S. industrial goods. On January 17 President Bush signed a waiver to the FY 89 Foreign Operations Appropriations Act to enable this program to continue on national interest grounds.

Regarding U.S. votes in International Financial Institutions such as the IMF, which seeks to support a stable, market-oriented economy, the United States has traditionally tried to avoid politicization of the IMF, which would undermine the Fund's technical and monetary character. By basing IMF actions on political criteria, the United States would create a precedent others would inevitably try to exploit in ways inimical to U.S. interests. For example, important U.S. allies such as Israel could be subject to similar efforts by other countries. Such politicization would divert the IMF's attention from pressing needs in the international economic system, including debt strategy and restructuring of Eastern Europe. In addition, it is the opinion of the Department of Justice that legislation mandating U.S. votes in International Financial Institutions would be unconstitutional.

The State Department opposes the virtually total economic embargo of Iraq which would result from this Bill. The President needs flexibility in dealing with Iraq on such important issues as the Arab-Israeli Peace Process, in which Iraq has the capability to play a positive—or negative— role. The Administration maintains an active review of our policy towards Iraq with a view towards assessing how best to further our interests in this thorny bilateral relationship. The Administration's approach to Iraq has been to deal firmly with problems as they arise within the context of broad, many-faceted relations. Imposition of rigid, legislated sanctions will not support vital U.S. interests in the region, and might well undercut important U.S. objectives.

Experience has shown sanctions are most effective when imposed multilaterally. At this point our allies are not contemplating sanctions against Iraq. Any sanctions imposed would therefore be symbolic only, with the costs borne by the United States.

For the above reasons, the State Department opposes the Berman bill.

Sincerely,

JANET G. MULLINS,
Assistant Secretary,
Legislative Affairs.

Madam Speaker, I yield to the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Madam Speaker, I thank the gentleman for yielding.

I would like to compliment our friend, the gentleman from Texas [Mr. GONZALEZ] for the great work he has done in this very important area and to tell him how very much I have enjoyed working with him to the end that we have achieved. I know there will be many other opportunities in the future for us to work together on similar projects such as this.

But I want to pay the gentleman from Texas the compliment of saying that because of his chairmanship and his abilities with this very difficult issue, what we worked on, what I worked on, what my committee members worked on many years ago, it has been paid attention. And I want to thank him for putting his reputation and his expertise to work to bring this whole question of aid to Iraq, the CCC's involvement and the documents that he has provided for us which have made many things possible. I will forever be in his debt for this great piece of work that he has done.

Mr. GONZALEZ. I thank the chairman very much. Let the record show clearly that Chairman ROSE has been in the forefront in this matter as the chairman of the Subcommittee on Department Operations, Research, and Foreign Agriculture of the Committee on Agriculture, the subcommittee of pertinent jurisdiction, and has been in fact indispensable in aligning himself with our efforts from the Committee on Banking, Finance and Urban Affairs' standpoint, and I think the record ought to clearly show that.

I also want to say that I have provided with my presentation a copy of the documentation I have referred to, plus a copy of the letter of the Committee on the Judiciary that was sent today under Chairman BROOKS's signature to the Attorney General.

Madam Speaker, I thank the Speaker for her patience.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HYDE (at the request of Mr. MICHEL), from 4:30 p.m. today, on account of family medical reasons.

Mr. JOHNSON of Texas (at the request of Mr. MICHEL), from 12:30 p.m. today, on account of knee surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. DOOLITTLE, for 5 minutes, today.
Mr. WALKER, for 5 minutes, today.
Mrs. BENTLEY, for 60 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. TAYLOR of Mississippi, for 5 minutes, today.
Mr. FOLEY, for 5 minutes, today.
Mr. HOYER, for 5 minutes, today.
Mr. MCCLOSKEY, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. PANETTA, for 6 minutes, today.
Ms. PELOSI, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. STENHOLM, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,492.

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. DUNCAN.
Mr. WALSH.
Mr. FISH in two instances.
Mr. HORTON in two instances.
Mr. COBLE in two instances.
Mr. BROOMFIELD.
Mr. ROGERS.
Mr. GRADISON.
Mrs. JOHNSON of Connecticut in three instances.
Mr. BILIRAKIS.
Mr. GILMAN.
Mr. COLEMAN of Missouri.
Mr. IRELAND.
Mr. LIGHTFOOT in two instances.
Ms. ROS-LEHTINEN in two instances.
Mr. WELDON.
Mr. VANDER JAGT.
Mr. OXLEY.

Mr. LOWERY of California.
Mr. GREEN of New York.
Mr. GILMAN.
Mr. MCEWEN.
Mr. MCCOLLUM.
(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter.)
Mr. PASTOR.
Mr. BONIOR.
Mr. STOKES in three instances.
Mr. TRAFICANT.
Mr. STARK.
Mr. NEAL of Massachusetts.
Mr. SWETT.
Mr. SLATTERY.
Mr. MCCLOSKEY.
Ms. SLAUGHTER.
Mr. MCMILLEN of Maryland.
Mr. LEVINE of California in two instances.
Mrs. SCHROEDER.
Mr. PANETTA.
Mr. DE LUGO.
Mr. BLACKWELL.
Mr. WEISS.
Mr. SKELTON.
Mrs. KENNELLY.
Mr. KOLTER.

ADJOURNMENT TO TUESDAY, JULY 21, 1992

Mr. ROSE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 343 of the 102d Congress, the House stands adjourned until 12 noon, Tuesday, July 21, 1992.

Thereupon (at 9 o'clock and 35 minutes p.m.) pursuant to the House Concurrent Resolution 343, the House adjourned until Tuesday, July 21, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3882. A letter from the Assistant Secretary of Defense (Force Management and Personnel), transmitting the annual review on adequacy of pay and allowances for members of the uniformed services, pursuant to 37 U.S.C. 1008(a), 1009(f); to the Committee on Armed Services.

3883. A letter from the Deputy Counsel, Department of Defense, transmitting a report of individuals who filed DD Form 1787, Report of DOD and Defense Related Employment, for fiscal year 1991, pursuant to 10 U.S.C. 2397(e); to the Committee on Armed Services.

3884. A letter from the Department of Defense, Acting General Counsel, transmitting a draft of proposed legislation "To amend sections 4342(a), and 9342(a) of title 10, United States Code, to clarify the procedures for nominating candidates for admission to the U.S. Military, Naval, and Air Force academies; to the Committee on Armed Services.

3885. A letter from the Assistant Secretary of Defense for Health Affairs, transmitting a report concerning services to treat post-traumatic stress disorder in its troops since the completion of the Gulf war, pursuant to Public Law 102-25, section 335; to the Committee on Armed Services.

3886. A letter from the Director, Test and Evaluation, Office of the Under Secretary of Defense, transmitting notification for funding to test conventional defense equipment manufactured by major allies of the United States, pursuant to 10 U.S.C. 2350a.(g); to the Committee on Armed Services.

3887. A letter from the Deputy, Office of the Under Secretary of Defense, transmitting a report on both ongoing and proposed projects under the International Cooperative Research and Development Program; to the Committee on Armed Services.

3888. A letter from the President, Thrift Depositor Protection Oversight Board, transmitting the annual report of the Oversight Board for the calendar year 1991, pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); to the Committee on Banking, Finance and Urban Affairs.

3889. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review of Contracts and Contracting Procedures within the Department of Correction," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

3890. A letter from the Secretary of Education, transmitting a copy of final regulations—Individuals with Disabilities Education Act Amendments of 1991, Public Law 102-119, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3891. A letter from the Secretary, Department of the Treasury, transmitting a copy of the Student Loan Marketing Association annual report which includes financial statements for the year ended December 31, 1991, pursuant to 20 U.S.C. 1087-2(k); to the Committee on Education and Labor.

3892. A letter from the President, National Railroad Passenger Corporation, transmitting a report on the economic feasibility of providing new rail service to areas not presently served as of July 6, 1992, pursuant to Public Law 101-322, section 11 (104 Stat. 298); to the Committee on Energy and Commerce.

3893. A letter from the Secretary of Energy, transmitting a report on enforcement actions and comprehensive status of Exxon and stripper well oil overcharged funds; to the Committee on Energy and Commerce.

3894. A communication from the President of the United States, transmitting a report on developments since his last report of January 10, 1992, concerning the national emergency with respect to Libya, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs and ordered to be printed.

3895. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Stanley Tuemler Escudero, of Florida, to be Ambassador to the Republic of Tajikistan; and of Kent N. Brown, of Virginia, to be Ambassador to the Republic of Georgia, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3896. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Mary C. Pendleton, of Virginia, to be Ambassador to the Republic of Moldova; and of Mack F. Mattingly, of Georgia, to be Ambassador to the Republic of Seychelles, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3897. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting certification that Kazakhstan is committed to the course of action described in the Soviet nuclear risk reduction legislation, pursuant to Public Law 102-229, section 211(b); to the Committee on Foreign Affairs.

3898. A letter from the Assistant Administrator, U.S. Agency for International Development, transmitting a summary of three additional activities proposed for funding in Peru during fiscal year 1992, pursuant to 22 U.S.C. 2151u(e); to the Committee on Foreign Affairs.

3899. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3900. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3901. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3902. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3903. A letter from the Deputy Postmaster General, transmitting notification of the permanent incorporation of expedited appeal procedures for the sender of mail matter which is refused entry on the basis of "incorrect mail preparation, postage due, or addressing," pursuant to Public Law 101-524, 3(3) (104 Stat. 2302); to the Committee on Post Office and Civil Service.

3904. A letter from the Assistant Secretary (Civil Works), Department of the Army, transmitting a report providing the views and recommendations of the Secretary of the Army on a study done by the Army Corps of Engineers of possible stream bank erosion improvements at Connecticut River, Turner Falls to State Line, MA; to the Committee on Public Works and Transportation.

3905. A letter from the Acting Secretary of Commerce, transmitting the 1992 annual update of the national implementation plan for the modernization and associated restructuring of the National Weather Service, pursuant to 15 U.S.C. 313 note; to the Committee on Science, Space, and Technology.

3906. A letter from the Assistant Secretary, Department of Energy, transmitting notification that the report which summarizes the expenditures of funds disbursed from the low-level radioactive waste surcharge escrow account for calendar year 1991 is currently under internal review, pursuant to 42 U.S.C. 2120e(d)(2)(E)(ii)(II); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3907. A letter from the Comptroller General, transmitting the financial audit of the Resolution Trust Corporation's 1991 and 1990 financial statement (GAO/AFMD-92-74, June 1992); jointly, to the Committee on Government Operations and Banking, Finance and Urban Affairs.

3908. A letter from the Chairman, Physician Payment Review Commission, transmitting a report commenting on the Secretary of Health and Human Services' 1992 report on access to care in the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE: Committee on Public Works and Transportation. H.R. 5431. A bill to designate the Federal building located at 200 Federal Plaza in Paterson, NJ, as the "Robert A. Roe Federal Building" (Rept. 102-660). Referred to the House Calendar.

Mr. ROE: Committee on Public Works and Transportation. H.R. 5432. A bill to designate the Federal building and U.S. courthouse located at the corner of College Avenue and Mountain Street in Fayetteville, AR, as the "John Paul Hammerschmidt Federal Building and United States Courthouse" (Rept. 102-661). Referred to the House Calendar.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 1063. A bill to amend the Occupational Safety and Health Act of 1970 to establish an Office of Construction Safety, Health, and Education, to improve inspections, investigations, reporting, and recordkeeping on construction sites, to require the appointment of project constructors to monitor safety on construction sites, to require construction employers to establish safety and health programs, and for other purposes; with an amendment (Rept. 102-662). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 3160. A bill to revise the Occupational Safety and Health Act of 1970; with an amendment (Rept. 102-663, Pt. 1). Ordered to be printed.

Mr. BROWN: Committee on Science, Space, and Technology. H.R. 3953. A bill to establish national electromagnetic fields research and public information dissemination programs, and for other purposes; with amendments (Rept. 102-664, Pt. 1). Ordered to be printed.

Mr. FROST: Committee on Rules. House Resolution 514. Resolution providing for consideration of a joint resolution and a bill relating to most-favored-nation treatment for the People's Republic of China (Report No. 102-665). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 4731. A bill to require the Secretary of the Treasury to conduct a study and report to the Congress regarding the insurance industry in the United States; referred to the Committee on Energy and Commerce for a period ending not later than July 31, 1992, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X. (Rept. 102-666, Pt. 1). Ordered to be printed.

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. BORSKI:

H.R. 5580. A bill to establish an infrastructure reinvestment fund for the purpose of funding intermodal surface transportation programs, and for other purposes; jointly, to the Committees on Ways and Means, Public Works and Transportation, and Government Operations.

By Mr. CHANDLER:

H.R. 5581. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts contributed to an education savings account, and for other purposes; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. COLEMAN of Missouri:

H.R. 5582. A bill to amend the Internal Revenue Code of 1986 to provide incentives for increased economic growth, and for other purposes; to the Committee on Ways and Means.

By Mr. DE LUGO (for himself and Mr. MILLER of California):

H.R. 5583. A bill to provide terms for the future status of the Territory of the Pacific Islands; jointly, to the Committees on Interior and Insular Affairs, Foreign Affairs, and Armed Services.

By Mr. DOOLITTLE (for himself and Mr. LEHMAN of California)

H.R. 5584. A bill to authorize and direct the Secretary of the Army to carry out and construct a project for flood control on the Sacramento and American Rivers, California, and to authorize and direct the Secretary of the Interior and the Secretary of the Army to enter into agreements to allow the State of California or other non-Federal sponsors to construct, without cost to the United States, a multipurpose dam and related facilities at Auburn on the American River; jointly, to the Committees on Public Works and Transportation and Interior and Insular Affairs.

By Mr. FAZIO (for himself, Mr. DELLUMS, Ms. PELOSI, and Mr. MILLER of California):

H.R. 5585. A bill to establish U.S. policy relating to wetlands, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. GRADISON:

H.R. 5586. A bill to promote safety and health in workplaces owned, operated, or under contract with the United States by clarifying the United States' obligation to observe occupational safety and health standards and clarifying the United States' responsibility for harm caused by its negligence at any workplace owned by, operated by, or under contract with the United States; to the Committee on the Judiciary.

By Mr. GREEN of New York (for himself, Mr. RICHARDSON, Mr. SCHIFF, and Mr. SKEEN):

H.R. 5587. A bill to establish a program, to be known as the ADEPT Program, for the provision of international assistance in the deployment of energy and energy-related environmental practices and technologies, and for other purposes; jointly, to the Committees on Science, Space, and Technology and Foreign Affairs.

By Mr. HERGER:

H.R. 5588. A bill to provide for the conveyance of lands to certain individuals in Butte County, CA; to the Committee on Interior and Insular Affairs.

By Mr. HOAGLAND:

H.R. 5589. A bill to amend title II of the Social Security Act to increase the retirement test exempt amount, to lower the reduction factor with respect to certain earnings, and to increase the OASDI contribution and benefit base; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 5590. A bill to improve the quality of agency regulations, to increase agency accountability for regulatory actions, and for other purposes; to the Committee on Government Operations.

By Mr. HORTON (for himself, Mr. SHAYS, and Mr. SCHIFF):

H.R. 5591. A bill to provide mandate relief and assistance to State and local governments, and for other purposes; jointly, to the Committees on Government Operations, Rules, and the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mr. LEWIS of California, Mr. FRANKS of Connecticut, Mr. SUNDQUIST, Mr. FISH, Mr. FRANK of Massachusetts, Mr. LIGHTFOOT, Mr. JEFFERSON, Mr. LIPINSKI, Mr. HORTON, Mr. LENT, Mr. KLUG, Mr. BLAZ, Mr. HOCHBRUECKNER, and Mr. BUSTAMANTE):

H.R. 5592. A bill to provide for a demonstration program to test improvements to the financing system for the veterans' health care system; to the Committee on Veterans' Affairs.

By Mr. JONTZ:

H.R. 5593. A bill to provide for the protection of certain benefits of military retirees and their dependents and survivors residing in the vicinity of military bases scheduled for closure, and for other purposes; to the Committee on Armed Services.

By Mr. LEVINE of California:

H.R. 5594. A bill to designate certain lands in the State of California as the Sequoia National Monument, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LEWIS of Georgia:

H.R. 5595. A bill to modify the boundary of Martin Luther King, Jr., National Historic Site and Preservation District, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LIGHTFOOT (for himself, Mr. IRELAND, Mr. GINGRICH, Mr. HUNTER, Mr. ROBERTS, Mr. HANCOCK, Mr. LEWIS of Florida, Mr. ALLARD, Mr. FIELDS, Mr. LAGOMARSINO, Mr. DORNAN of California, Mr. LIVINGSTON, Mr. SENSENBRENNER, Mr. ARMEY, and Mr. DELAY):

H.R. 5596. A bill to amend the Internal Revenue Code of 1986 to provide small businesses a credit for the cost of complying with certain Federal regulations; to the Committee on Ways and Means.

By Mr. MACHTLEY:

H.R. 5597. A bill to remove the District of Rhode Island from the U.S. Trustee System until 2002; to the Committee on the Judiciary.

By Mr. MARLENEE:

H.R. 5598. A bill to amend the Internal Revenue Code of 1986 to provide a credit for physicians commencing medical practice in rural areas; to the Committee on Ways and Means.

By Mr. MAZZOLI:

H.R. 5599. A bill to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization; to the Committee on the Judiciary.

By Mr. DOWNEY (for himself, Mr. PANETTA, Mr. DE LA GARZA, Mr. TALLON, Mrs. KENNELLY, Mr. MCDERMOTT, Mr. ANDREWS of Texas, Mr. HALL of Ohio, and Mr. ESPY):

H.R. 5600. A bill to promote family preservation and the prevention of foster care with emphasis on families where abuse of alcohol or drugs is present, to improve the quality and delivery of child welfare, foster care, and adoption services and to alleviate childhood hunger; jointly, to the Committees on Ways and Means and Agriculture.

By Mr. MAZZOLI:

H.R. 5601. A bill to amend the Immigration and Nationality Act to make changes in the laws relating to immigrants; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. BENNETT, Mr. ROWLAND, Mr. LEWIS of Georgia, Mr. HUBBARD, Mr. BARNARD, Mr. RAY, and Mr. GORDON):

H.R. 5602. A bill granting the consent of the Congress to the Interstate Rail Passenger Network Compact; to the Committee on the Judiciary.

By Mr. McCOLLUM:

H.R. 5603. A bill to provide additional funding for the Resolution Trust Corporation, to reduce the amount of losses of such Corporation through the establishment of the supervisory goodwill buy-back program, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. McCRERY:

H.R. 5604. A bill to amend title VII of the Civil Rights Act of 1964 to prohibit discrimination based on race, color, religion, sex, disability, national origin, or age in employment in the legislative or judicial branches of the Federal Government; and to establish the Employment Review Board composed of senior Federal judges, which shall have authority to adjudicate claims regarding such discrimination; jointly, to the Committees on Education and Labor House Administration, and the Judiciary.

By Mr. McDERMOTT (for himself, Mr. MILLER of Washington, Mrs. UNSOELD, and Mr. MORRISON):

H.R. 5605. A bill to authorize and direct land ownership consolidation in the Cedar River Watershed, Mt. Baker-Snoqualmie National Forest, WA; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. McEWEN:

H.R. 5606. A bill to amend title 23, United States Code, and the Intermodal Surface Transportation Efficiency Act of 1991 to repeal provisions establishing a national maximum speed limit; to the Committee on Public Works and Transportation.

By Mr. McMILLEN of Maryland:

H.R. 5607. A bill to establish a program to provide financial assistance for research relating to oyster diseases; to the Committee on Merchant Marine and Fisheries.

By Mr. McNULTY:

H.R. 5608. A bill to amend the Truth in Savings Act to repeal the maximum amount limitation on certain recoveries for violations of such act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. OWENS of Utah:

H.R. 5609. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish fault-based liability, numerical cleanup standards, and deadlines for remedial action, and to amend the Internal Revenue Code of 1986 to apply the Superfund minimum tax to additional corporations to provide additional revenue to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; jointly, to the Committee on Energy and Commerce, Public Works and Transportation, and Ways and Means.

By Mr. OXLEY (for himself and Mr. McMILLAN of North Carolina):

H.R. 5610. A bill to reduce health costs through uniform claims and electronic billing; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. PANETTA:

H.R. 5611. A bill to direct the Secretary of the Interior to conduct a study on the suitability and feasibility of establishing the California San Antonio Mission as a unit of the National Park System; to the Committee on Interior and Insular Affairs.

By Mr. PEASE:

H.R. 5612. A bill to restrict the use of certain State or local tax incentives; jointly, to the Committees on Banking, Finance and Urban Affairs and Public Works and Transportation.

By Mrs. SCHROEDER (for herself, Mr. LEHMAN of Florida, Ms. NORTON, Mr. MAZZOLI, Mr. MAVROULES, Mr. DELLUMS, Mr. OWENS of Utah, Mr. BACCHUS, Mr. DE LUGO, Mr. KENNEDY, Mr. JOHNSON of South Dakota, Ms. KAPTUR, and Ms. OAKAR):

H.R. 5613. A bill to amend the Federal Food, Drug, and Cosmetic Act to require ingredient labeling for malt beverages, wine, and distilled spirits, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SLATTERY:

H.R. 5614. A bill to amend title XIX of the Social Security Act to repeal the use of the best price mechanism to determine rebates for covered outpatient drugs under the Medicaid Program, and to require manufacturers of such drugs to enter into discount pricing agreements with the Department of Veterans Affairs in order to receive payment for such drugs under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 5615. A bill to amend title 18, United States Code, to preserve personal privacy with respect to information contained in prescription drug records; to the Committee on the Judiciary.

By Mr. STOKES:

H.R. 5616. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for increases in investments in American-made equipment, with an additional credit for equipment made by union labor; to the Committee on Ways and Means.

By Mr. STUDDS (for himself and Mr. YOUNG of Alaska):

H.R. 5617. A bill to provide congressional approval of a governing international fishery agreement; to the Committee on Mechant Marine and Fisheries.

By Mr. WELDON (for himself, Mr. HOBSON, Mr. PARKER, Mr. RAVENEL, Mr. LIGHTFOOT, Mr. HORTON, Mr. BLILEY, Mr. SANTORUM, Mr. KASICH, Mr. GEREN of Texas, and Mr. ANDREWS of New Jersey):

H.R. 5618. A bill to amend the Internal Revenue Code of 1986 to assist families by increasing the amount of the personal exemption for certain dependents, increasing the IRA deduction, allowing a credit for first-time homebuyers, allowing a deduction for interest on certain education loans, and for other purposes; to the Committee on Ways and Means.

By Mr. COLEMAN of Missouri:

H.J. Res. 525. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

By Mr. HUCKABY:

H.J. Res. 526. Joint resolution proposing an amendment to the Constitution of the United States providing for direct popular election of the President and the Vice President; to the Committee on the Judiciary.

By Mr. LOWERY of California (for himself, Mr. BILIRAKIS, Mr. GINGRICH, and Mr. MORAN):

H.J. Res. 527. Joint resolution to designate the week beginning July 19 and ending July 26, 1992, as "National Invent America Week"; to the Committee on Post Office and Civil Service.

By Mr. PANETTA:

H.J. Res. 528. Joint resolution designating August 7, 1992, as "Battle of Guadalcanal Remembrance Day"; to the Committee on Post Office and Civil Service.

By Mr. PASTOR (for himself and Mr. BRYANT):

H.J. Res. 529. Joint resolution supporting the planting of 500 redwood trees from California in Spain in commemoration of the quincentenary of the voyage of Christopher Columbus and designating the trees as a gift to the people of Spain; to the Committee on Foreign Affairs.

By Mrs. VUCANOVICH (for herself, Mr. CARPER, and Mr. ASPIN):

H.J. Res. 530. Joint resolution designating the week beginning January 3, 1993, as "National Law Enforcement Training Week"; to the Committee on Post Office and Civil Service.

By Mr. SANDERS:

H. Res. 515. Resolution expressing the sense of the House of Representatives regarding the need for the President to seek the Senate's advice and consent to ratification of the United Nations Convention on the Rights of the Child; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Ms. MOLINARI, Mr. GEREN of Texas, Mr. MRAZEK, Mr. FOGLIETTA, Mr. BOEHLERT, Mr. COLEMAN of Texas, Mr. CRAMER, and Mr. MOORHEAD.

H.R. 252: Mr. BERMAN and Mrs. BENTLEY.

H.R. 501: Mr. COYNE, Mr. CHAPMAN, Mr. SCHUMER, Mr. BENNETT, Mr. LEHMAN of Florida, Mr. ENGEL, Mr. MAVROULES, and Mr. SAVAGE.

H.R. 766: Mrs. JOHNSON of Connecticut.

H.R. 840: Mr. KLUG.

H.R. 1311: Mr. BUNNING, Mr. HENRY, Mr. McCANDLESS, Mr. IRELAND, Mr. HUCKABY, and Mr. THOMAS of Georgia.

H.R. 1312: Mr. BUNNING, Mr. HENRY, Mr. McCANDLESS, Mr. IRELAND, Mr. HUCKABY, and Mr. THOMAS of Georgia.

H.R. 1495: Mr. ENGLISH.

H.R. 1522: Mr. PASTOR and Mr. DEFAZIO.

H.R. 1969; Mr. COSTELLO and Mr. GILCHREST.

H.R. 2164: Mr. GEREN of Texas, Mr. HARRIS, Mr. JENKINS, Mr. TAUZIN, Mr. VALENTINE, Mr. CRAMER, Ms. HORN, Mr. ERDREICH, Mr. SHARP, Mr. ENGLISH, Mr. MATSUI, and Mr. McCURDY.

H.R. 2362: Mr. BILIRAKIS.

H.R. 2797: Mr. TORRES.

H.R. 2840: Mr. COYNE.

H.R. 2872: Mr. LIGHTFOOT.

H.R. 3164: Mr. HUTTO and Mr. SMITH of Texas.

H.R. 3176: Mr. VISCLOSKY.

H.R. 3198: Mr. HOCHBRUECKNER.

H.R. 3236: Mr. PETERSON of Florida.

H.R. 3360: Mr. VENTO.

H.R. 3373: Mr. DOOLITTLE and Mr. WOLPE.

H.R. 3462: Mr. GEREN of Texas, Mr. MATSUI, Mr. MAVROULES, Mr. SCHUMER, Mr. ATKINS, and Mrs. KENNELLY.

H.R. 3545: Mr. OLIN.

H.R. 3561: Mr. VANDER JAGT and Mr. UPTON.

H.R. 3578: Mr. JOHNSTON of Florida.

H.R. 3627: Mr. WYDEN.

H.R. 4045: Mr. OLVER.

H.R. 4083: Mr. BRYANT.

H.R. 4224: Mr. ROHRABACHER, Mr. PAXON, Mr. HEFLEY, Mr. PACKARD, Mr. COX of California, and Mr. SOLOMON.

H.R. 4299: Mr. PAYNE of New Jersey.

H.R. 4350: Mr. WEISS.

H.R. 4399: Mr. MINETA.

H.R. 4434: Mr. JOHNSON of South Dakota.

H.R. 4528: Mr. MILLER of California, Mr. JOHNSON of South Dakota, Mr. OWENS of New York, and Mr. ATKINS.

H.R. 4613: Mr. ALLEN.

H.R. 4755: Mr. CLINGER and Mr. ERDREICH.

H.R. 4895: Mr. NEAL of North Carolina, Mr. LANCASTER, Mr. PARKER, and Mr. MAZZOLI.

H.R. 5010: Ms. NORTON and Mr. FOGLIETTA.

H.R. 5013: Mr. BEILENSON.

H.R. 5020: Mr. SOLARZ, MR. MEYERS of Indiana, Mr. PETERSON of Minnesota, Mr. LAUGHLIN, and Mr. SKAGGS.

H.R. 5083: Mr. COLEMAN of Texas, Mr. PETERSON of Minnesota, Mr. DAVIS, Mr. HORTON, Mr. TOWNS, Mr. BLAZ, Mr. ATKINS, Mr. MORRISON, Mr. BUSTAMANTE, Mr. STALLINGS, Mr. PASTOR, Mr. BENNETT, Mr. MINETA, Mr. HAYES of Illinois, Mr. RICHARDSON, Mr. GILMAN, Mr. ABERCROMBIE, Mrs. UNSOELD, Mr. FORD of Michigan, Mr. WILLIAMS, Mr. OWENS of Utah, Mr. SAWYER, Mr. JEFFERSON, Mr. GIBBONS, Mr. ORTIZ, Mr. GEJDENSON, Mr. BLACKWELL, Mr. LEWIS of Georgia, Ms. OAKAR, Mr. SMITH of Florida, Mr. MILLER of California, Mr. PAYNE of New Jersey, and Mr. SERRANO.

H.R. 5110: Mr. MCCANDLESS and Mr. LEHMAN of California.

H.R. 5112: Mr. ENGLISH.

H.R. 5136: Mr. CARDIN.

H.R. 5170: Mr. ATKINS, Ms. NORTON, and Mr. BLACKWELL.

H.R. 5230: Mr. BERMAN, Mr. BUSTAMANTE, Mr. DE LUGO, Mr. JEFFERSON, Mr. HUGHES, Mr. NEAL of Massachusetts, Mr. RINALDO, Mr. PASTOR, Mr. TORRES, Ms. KAPTUR, Mr. ATKINS, Mr. LANCASTER, Mr. DICKS, Mr. JOHNSON of South Dakota, and Mr. KOPETSKI.

H.R. 5231: Mr. BERMAN, Mr. BUSTAMANTE, Mr. DE LUGO, Mr. JEFFERSON, Mr. MOLLOHAN, Mr. HUGHES, Mr. NEAL of Massachusetts, Mr. RINALDO, Mr. PASTOR, Mr. TORRES, Mr. SABO, Ms. KAPTUR, Mr. ATKINS, Mr. LANCASTER, Mr. DICKS, Mr. JOHNSON of South Dakota, and Mr. KOPETSKI.

H.R. 5299: Mr. FROST, Mr. DE LA GARZA, and Mr. POSHARD.

H.R. 5317: Mr. SABO.

H.R. 5318: Mr. LEVIN of Michigan, Mr. MOODY, Mr. BUNNING, Mr. MCGRATH, Mr. BONIOR, Mr. WHEAT, Mr. SERRANO, Mr. WALSH, Ms. SLAUGHTER, Mr. JEFFERSON, Mr. SCHIFF, Mr. POSHARD, Mr. DIXON, Mrs. LLOYD, Mr. BALLENGER, Mr. MCNULTY, Mr. RAVENEL, Mr. SANDERS, Mr. SMITH of New Jersey, Mr. WELDON, Mr. KLUG, Mr. NEAL of Massachusetts, Mr. COX of California, Mr. LEHMAN of California, Mr. RIGGS, Mr. WEISS, Mr. SPRATT, Mr. KOSTMAYER, Mrs. MORELLA, Mr. TRAFICANT, Mr. MARTINEZ, Mr. SOLOMON, Ms. NORTON, Mr. FROST, Mr. WAXMAN, Mr. CARPER, and Mr. ATKINS.

H.R. 5321: Mr. THOMAS of Wyoming and Mr. MOORHEAD.

H.R. 5323: Mr. MCCOLLUM and Mr. RITTER.

H.R. 5326: Mr. BONIOR, Ms. PELOSI, Mr. STARK, Mr. STOKES, Mr. CLAY, Mr. MFUME, Mr. JEFFERSON, Mr. EVANS, Mr. SANDERS, and Mr. TORRES.

H.R. 5380: Mr. GALLEGLY, Mr. LEWIS of Florida, Mr. SAXTON, Mr. GOSS, Mr. LAGOMARSINO, Mr. KYL, Mr. ALLEN, and Mr. MOORHEAD.

H.R. 5401: Mr. WELDON.

H.R. 5419: Mr. ACKERMAN, Mr. SPRATT, Mr. MCDERMOTT, Mr. MCCLOSKEY, Mr. RIGGS, Mr. WELDON, Mr. BACCHUS, Mr. TOWNS, Mr. BEILENSON, Mrs. PATTERSON, Mr. PETERSON of Minnesota, Mr. GREEN of New York, Mr. HORTON, Mr. KOPETSKI, Mr. HUGHES, Mrs. ROUKEMA, Mr. MRAZEK, Mr. MILLER of Ohio, Mrs. MORELLA, Mr. ANDREWS of Maine, Mr. LEWIS of Florida, Mr. SOLARZ, Mr. TORRES, Mr. CHANDLER, Mr. JEFFERSON, and Mr. BERMAN.

H.R. 5434: Mr. AUCOIN, Mr. WAXMAN, Mr. RAMSTAD, Mr. MCNULTY, Mr. TOWNS, Mr. STARK, Mr. ACKERMAN, Mr. KOPETSKI, Mr. SAXTON, Mr. CAMPBELL of Colorado, Mr. LEHMAN of California, Mr. HUGHES, and Mr. SHAYS.

H.R. 5466: Mr. ABERCROMBIE, Mr. JONTZ, and Mr. DAVIS.

H.R. 5478: Mr. HATCHER, Mr. RIGGS, Mr. MATSUI, Mr. ROE, Mr. BRYANT, Mr. EDWARDS of Texas, and Mr. CHAPMAN.

H.R. 5498: Mr. BEILENSON, Mr. LEVINE of California, Mr. WAXMAN, Mr. RANGEL, Mr. VISCLOSKY, Mr. HUGHES, and Mr. KOSTMAYER.

H.R. 5500: Mr. FORD of Tennessee and Mr. BUSTAMANTE.

H.R. 5506: Mr. EVANS.

H.J. Res. 152: Mr. LIVINGSTON, Mr. HALL of Ohio, and Ms. HORN.

H.J. Res. 237: Mr. MAVROULES, Mr. VOLKMER, Mr. TANNER, Mr. SARPALIUS, Mr. HOCHBRUECKNER, Mr. FRANKS of Connecticut, Mr. ATKINS, Mr. MCGRATH, Mr. SKELTON, Mr. RAHALL, Mr. MCMILLEN of Maryland, Mr. BILIRAKIS, and Mr. ROSE.

H.J. Res. 239: Mr. DORGAN of North Dakota.

H.J. Res. 271: Mr. SABO, Mr. FAWELL, and Mrs. COLLINS of Michigan.

H.J. Res. 353: Mr. BROWDER, Mr. COUGHLIN, Mr. LEVINE of California, Mr. MCCLOSKEY, Mr. MFUME, Mr. MORAN, Mr. SARPALIUS, Mr. SAXTON, Mr. SKELTON, Mr. SPRATT, Mr. TRAFICANT, and Mr. WOLF.

H.J. Res. 380: Mr. CARR, Mr. MAZZOLI, Mr. SABO, Mr. HAMILTON, Mr. FORD of Tennessee, Mr. OLVER, Mr. PAYNE of New Jersey, Mr. TALLON, Mr. MCDERMOTT, and Mr. TRAXLER.

H.J. Res. 399: Mr. MCDERMOTT.

H.J. Res. 411: Mr. LEACH.

H.J. Res. 422: Mrs. BENTLEY, Mr. BACCHUS, Mr. ANDERSON, Mr. TAYLOR of Mississippi, Mr. HUTTO, Mr. PERKINS, Mr. BILIRAKIS, Mr. KANJORSKI, and Mr. LANCASTER.

H.J. Res. 431: Mr. EDWARDS of Oklahoma, Mr. GRADISON, and Mr. LUKEN.

H.J. Res. 450: Mr. FRANKS of Connecticut, Mr. KASICH, Mr. WALSH, Mr. HUGHES, Mr. ZELIFF, Mr. SKELTON, Mr. KOSTMAYER, Mr. FRANK of Massachusetts, Mr. DIXON, Mrs. MORELLA, Mr. FAZIO, and Mr. ROSE.

H.J. Res. 453: Mr. WHEAT, Ms. WATERS, Mr. TRAFICANT, Mr. FRANKS of Connecticut, Mr. FORD of Tennessee, and Mr. WASHINGTON.

H.J. Res. 474: Mrs. LLOYD, Mr. PICKLE, Mr. ROEMER, Mr. KASICH, Ms. HORN, Mr. BROWDER, and Mr. LAFALCE.

H.J. Res. 478: Mr. PRICE, Mr. MACHTLEY, Mr. TAYLOR of Mississippi, Mr. SANDERS, and Mr. BLACKWELL.

H.J. Res. 486: Mr. CARPER, Mr. SANDERS, Mr. TRAFICANT, Mr. MARKEY, and Mrs. COLLINS of Michigan.

H.J. Res. 495: Mr. SPENCE, Mr. LEVIN of Michigan, Mr. GINGRICH, Mrs. BYRON, Mr. LEWIS of Florida, Mr. OXLEY, Mr. ROSE, Mr. SWETT, Mr. DIXON, Mr. MCDERMOTT, and Mr. LAFALCE.

H.J. Res. 500: Mr. ACKERMAN, Mr. ANNUNZIO, Mr. ATKINS, Mr. AUCOIN, Mr. BEVILL, Mrs. BENTLEY, Mr. BERMAN, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BOEHLERT, Mr. CARPER, Mr. CLEMENT, Mrs. COLLINS of Illinois, Mr. CONDIT, Mr. CONYERS, Mr. COSTELLO, Mr. COUGHLIN, Mr. COYNE, Mr. CRANE, Mr. DEFAZIO, Mr. DINGELL, Mr. DOOLITTLE, Mr. EVANS, Mr. FAZIO, Mr. FOGLIETTA, Mr. FRANKS of Connecticut, Mr. GEREN of Texas, Mr. GREEN of New York, Mr. HARRIS, Mr. HOAGLAND, Mr. HUBBARD, Mr. HUGHES, Mr. HYDE, Mr. JEFFERSON, Mr. JONES of North Carolina, Mr. KANJORSKI, Mr. KENNEDY, Mrs. KENNELLY, Mr. LANCASTER, Mr. LEACH, Mr. LEHMAN of Florida, Mr. LENT, Mr. LIVINGSTON, Ms. LONG, Mr. MCCLOSKEY, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MOORHEAD, Mrs. MORELLA, Mr. MURPHY, Mr. MURTHA, Mr. NEAL of North Carolina, Mr. OBERSTAR, Mr. OWENS of New York, Mr. PASTOR, Mrs. PATTERSON, Mr. PAXON, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. POSHARD, Mr. PRICE, Mr. RITTER, Mr. ROYBAL, Mr. SAVAGE, Mr. SAWYER, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Iowa, Mr. SPENCE, Mr. STOKES, Mr. TORRICELLI, Mr. WASHINGTON, and Mr. WAXMAN.

H.J. Res. 503: Mr. ALEXANDER, Mr. ANDERSON, Mr. AUCOIN, Mr. BACCHUS, Mr. BLAZ, Mr. BORSKI, Mr. CLEMENT, Mr. COUGHLIN, Mr. CRAMER, Mr. DE LUGO, Ms. DELAURO, Mr. DIXON, Mr. DONNELLY, Mr. DOOLITTLE, Mr. ECKART, Mr. EDWARDS of Texas, Mr. ENGEL, Mr. EVANS, Mr. FAWELL, Mr. FISH, Mr. GALLEGLY, Mr. GEREN of Texas, Mr. GILCHREST, Mr. GORDON, Mr. GRANDY, Mr. HAMMERSCHMIDT, Mr. HARRIS, Mr. HERTEL, Ms. HORN, Mr. HUTTO, Mr. JONES of North Carolina, Mr. JONTZ, Mr. KANJORSKI, Mr. KENNEDY, Mr. KILDEE, Mr. LAROCCO, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LIGHTFOOT, Mr. LIVINGSTON, Ms. LONG, Mr. MCCRERY, Mr. MCDADE, Mr. MCDERMOTT, Mr. MFUME, Mr. MILLER of Ohio, Ms. MOLINARI, Mr. MOORHEAD, Mr. MURPHY, Mr. NEAL of North Carolina, Ms. NORTON, Mr. ORTIZ, Mr. PRICE, Mr. PURSELL, Mr. RAHALL, Mr. RAVENEL, Mr. REGULA, Mr. RHODES, Mr. RIGGS, Mr. ROE, Mr. ROSE, Mr. SANDERS, Mr. SAVAGE, Mr. SAWYER, Mr. SCHAEFER, Mr. SLATTERY, Mr. SOLARZ, Mr. STALLINGS, Mr. STOKES, Mr. SUNDQUIST, Mr. TALLON, Mr. TANNER, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TRAFICANT, Mrs. VUCANOVICH, Mr. WAXMAN, Mr. WOLPE, Mr. WYDEN, and Mr. YOUNG of Alaska.

H.J. Res. 523: Mr. DIXON, Mr. TANNER, Mr. SCHAEFER, Mr. MARTIN, Mr. HOBSON, Mr. GEKAS, Mr. CRAMER, Mr. PARKER, Mr. HATCHER, Mr. ROSE, and Mr. PETERSON of Florida.

H. Con. Res. 246: Mr. LAFALCE, Mr. ROE, and Mr. VISCLOSKY.

H. Con. Res. 318: Mr. OWENS of Utah.

H. Con. Res. 335: Mr. HUNTER and Mr. TORRICELLI.

H. Con. Res. 344: Mr. CAMPBELL of Colorado, Mr. MRAZEK, Mr. STARK, Mr. LEHMAN of California, Mr. MCDERMOTT, Mr. POSHARD, Mr. HOCHBRUECKNER, Mr. JOHNSON of South Dakota, and Mr. MAZZOLI.

H. Con. Res. 345: Mr. BOUCHER, Mr. BILBRAY, Mr. FRANK of Massachusetts, Mr. GUARINI, Mr. KOLTER, Mr. MILLER of California, Mr. LAFALCE, Mrs. LLOYD, and Mr. VISCLOSKY.

H. Res. 465: Mr. ZELIFF.

H. Res. 490: Mr. RAMSTAD and Mr. PURSELL.

PETITIONS, ETC.

Under clause 1 of rule XXII,

170. The SPEAKER presented a petition of the Board of Selectmen of York, ME, relative to the naval shipyard at Kittery, ME; which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

PAYROLL TAX DEPOSITS AND SMALL BUSINESS: IRS SIMPLIFICATION SYSTEM MISSES THE MARK

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. IRELAND. Mr. Speaker, as our colleagues are no doubt aware, on May 18, the Internal Revenue Service issued a proposed rule to help untangle its wholly unintelligible payroll tax deposit system. In doing so, the agency claimed a great victory in the battle against Government redtape.

I rise today to inform—and warn—the House that these triumphant assertions greatly overstate the case.

My initial studies of the proposal reveal only a small victory in the making: A system based on absolute chaos may be replaced by one notable for its mere complexity.

Mr. Speaker, I applaud the IRS for its effort, but I am discouraged and disappointed that the opportunity for true reform, for the creation of a system that is simple and fair, may be lost among all the hyperbolic statements and self-congratulation.

For this reason, I would like to insert in the CONGRESSIONAL RECORD my recent letter to Commissioner Peterson which outlines my concerns about the proposal. I hope our colleagues read it with their hometown businesses in mind.

At the same time, Mr. Speaker, I also encourage our colleagues to read the proposal itself as it appears in the May 18 Federal Register. If they agree with my assessment—that the changes do not simplify the payroll tax deposit system and do not help as many small businesses as they should—then I urge them to write the Commissioner and ask for real reform.

Mr. Speaker, small enterprises, the great job creators, producers, and innovators of our country, are suffocating under piles of Government redtape, from coast to coast, border to border. We can pipe some oxygen to them by helping the IRS develop a truly simple, workable tax deposit system. I hope our colleagues will join in this campaign on behalf of America's small businesses.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, July 8, 1992.

Hon. SHIRLEY D. PETERSON,
Commissioner, Internal Revenue Service, Washington, DC.

DEAR MS. PETERSON: As you know, on May 18th your agency announced that it was simplifying its federal employment tax deposit rules with the laudable goal of easing the regulatory burden imposed on small businesses.

As part of that announcement, the IRS states that formal comments are due by July 20th and a hearing is scheduled for August 3rd. I will be filing a more complete, formal statement by the due date and will also ask to appear at the hearing.

My purpose in writing today, however, is to express my immediate disappointment with your agency's proposal. My initial review of the recommended changes suggests they do not simplify the payroll tax deposit system to any great advantage and do not help as many small businesses as they should.

Let me digress for a moment, first, to note that I am flabbergasted that a proposal touted as helping small business would declare that the Regulatory Flexibility Act, the Administrative Procedure Act, and a Regulatory Impact Analysis do not apply.

As to the latter, to suggest, as the IRS does, that the proposal does not constitute a "major rule" when it affects hundreds of millions of payroll tax dollars truly defies reason: If this proposal is not a "major rule", I really have to wonder what the IRS thinks a "major rule" is?

Further, your agency's determination that the Regulatory Flexibility Act does not apply, either, takes us back to the rather tiresome argument over the scope of the Act and whether the IRS is covered by it. Very simply, the Act covers regulations affecting small businesses; your proposal very specifically affects small businesses; so it would logically follow that the Regulatory Flexibility Act applies to the agency's recommendations. If you could explain why the IRS doesn't follow that straightforward logic, I would appreciate it.

As to the proposal itself, my crude calculations indicate businesses—and this is an outside figure—employing seven workers or less, and this estimate applies only if everyone makes $20,000 per year, including the business owner. In real life, the proposed ceiling of $12,000 in quarterly payroll tax deposits may grant relief only to the very smallest enterprises, probably just those employing two to three workers.

As such, the scope of the revisions is rather contracted, denying the monthly deposit option to as many as two million, perhaps three million, small businesses that employ 10 or fewer workers. It seems to me that our purpose here should be to help as many small enterprises as possible, thus allowing them to direct their time and capital into job creation and production, rather than figuring out and filling out IRS forms.

Finally, if it is only the very smallest enterprises the IRS is seeking to help—however misguided that may be—we should note that these businesses typically can't afford to hire accountants and tax attorneys. As such, the proposed revisions should be as simple and understandable as humanly possible.

From my reading of the proposal, however, it seems to me that these small business owners won't be able to understand the revisions and requirements by themselves. In fact, I'm not altogether sure I understand such statements as this: "Because the employment taxes accumulated by A during each quarter in the base period do not exceed $12,000, A is a monthly depositor pursuant to paragraph (b)(2) of this section. Pursuant to paragraph (c)(1) of this section, A is subject to the Monthly rule for the entire first quarter of 1993 regardless of the amounts accumulated, unless the amounts trigger the $100,000 One-Day rule in paragraph (c)(3) of this section."

And please note that this is the agency's idea of an example aimed at clarifying how the proposal works.

As I suggested, these are only a few, initial observations about the proposal. As you probably gather, I'm not very enthusiastic about the scope or style of the changes, and frankly, I'm not very optimistic about what else might turn up under closer scrutiny.

Still, let me hasten to note that if my quick interpretation of the changes is not accurate, I hope you will not hesitate to correct me.

If, however, my understanding is basically on target, I hope your agency will use the public comments and the hearing to the advantage of small enterprises, and will move quickly to create a clear, simple, understandable payroll tax deposit system that will truly help small businesses help America.

I have taken the liberty of enclosing an article that appeared in the Washington Post ten years ago and which described in painful detail the mind-boggling complexity of our payroll tax system. From my conversations with small businessmen and women throughout the country, it seems clear that we have made little or no progress over the last decade. I hope we seize the opportunity to change the system the right way now before another decade passes.

Thank you for your time and consideration.

Sincerely,

ANDY IRELAND.

[From the Washington Post, Nov. 13, 1983]

15 FORMS TO HIRE A DOMESTIC?

(By Spencer Rich)

God help you if you ever hire a domestic employee such as a housekeeper or maid for any length of time. You will be snowed under by a blizzard of federal and state paperwork. Can't somebody unite all this stuff into a single form and make it easy for people to obey the law?

In the State of New York, for example, where I've had some recent experience helping an elderly aunt with her accounts, 12 federal or state forms must be sent in to different agencies during the year if during the year you employ a nurse's aide or housekeeper for any time.

If a domestic workers works for you for a few months, earns a certain amount, then quits and you hire another one, the number of required filings jumps to 15, and it can rise higher if this happens several times a year—and this doesn't count the task of obtaining initial employer ID numbers from the federal and state governments.

My aunt was ill and needed help around the house and with her medicines, so she employed a succession of women as domestic workers.

For several quarters her total outlays to pay all the workers averaged about $2,400 a quarter. She was too ill and old to under-

stand the forms or to know what to do. Letters from the Internal Revenue Service and New York Department of Labor piled up demanding payment of taxes.

When I arranged to help with her forms, this is what the IRS and New York State officials told me:

Under New York law, if you employ a domestic worker, you must obtain a worker's compensation policy so that if the worker is injured on the job, medical and other bills may be taken care of. It took several phone calls and a filled-out form with a check before the policy could be purchased from the insurance agency designated by the state.

The state also imposes unemployment insurance tax on people who hire domestic workers for at least $500 a quarter, and you must send in form 1A5D with a check four times a year after sending in an initial form to get an employer identification number.

The Internal Revenue Service takes its bite too. You must obtain a federal employer ID number and four times a year file IRS form 942, summarizing how much you have paid employees, how much federal income tax you have withheld and how much Social Security tax is owed, then send a check. This brings federal and state filings to nine, not counting the ID applications.

At the end of the year, you must send each employee a W-2 form, showing how much Social Security tax and federal tax were withheld. You must also send IRS a copy of that W-2. Your annual filings are now up to 11.

The IRS also requires unemployment insurance payments and forms to cover the portion of the overall federal-state UI tax that goes to the federal government. Once a year you must file a form 940, stating how much you paid in wages and calculating how much tax you were required to pay and enclosing the check. Normally, unemployment taxes for workers in businesses are paid quarterly, but the tax for anyone employing one domestic worker at a time is normally so low the IRS lets you make one yearly payment.

That makes, with one employee during the year, 12 filings, not counting the initial ID applications.

If you have two or more workers, a W-3 form must be sent annually to the Social Security Administration summarizing the W-2 information so that Social Security can credit each person with Social Security coverage.

I submit that is heavy paperwork for having household employees, and particularly difficult for an older person.

The picture is much the same if you live in the District of Columbia, Maryland or Virginia, according to officials from those states. All three require unemployment taxes be paid quarterly if you employ a household worker for substantial amounts of time on a regular basis.

Officials from Maryland and the District said worker's compensation insurance is also required, in Maryland if the pay is $250 a quarter, in the District if the employee works at least 240 hours a quarter (about 19 hours a week). In Virginia, worker's compensation insurance is not required for a household employee.

Even a paperwork innocent could figure out a single form that could give most state and federal agencies the information and records they need.

All it would need would be the amount paid the person each quarter, how much was deducted for Social Security and income taxes. A separate section of the same form could include state and federal tables for UI. The individual could send that amount with the form, perhaps to the IRS as lead agency, which could send the forms and money electronically to other federal and state agencies.

It is taken for granted among those who work for the Social Security Administration that many who employ domestic workers don't pay Social Security tax and submit records. It's probably a safe bet that many don't buy worker's compensation for their employees or pay unemployment insurance tax.

Sometimes the employer wants to cheat and avoid the cost; sometimes the employee is evading federal income taxes and doesn't want the government to find out he or she is earning anything, so the boss agrees not to send in the forms.

But in a lot of cases, it's pretty certain the employer just finds the whole burden just too much.

The result isn't just a bit of tax cheating. Some of the lowest-paid workers in society may end up being cheated out of their full Social Security benefits when they reach retirement age, or out of unemployment insurance or worker's compensation.

So anything that makes it easier to file these forms—such as the creation of some central master form that could cut the paperwork—would not only help the government on taxes, but make it easier to give these low-paid workers the Social Security and unemployment insurance protection they need.

THE LIBYAN PEOPLE ARE TIRED OF QADHAFI'S FOLLIES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. BROOMFIELD. Mr. Speaker, the Libyan masses are growing weary of Qadhafi's follies. They have paid a high price for his failed domestic and international policies and are beginning to think that anyone could do a better job of ruling Libya than the mad colonel.

Since coming to power, Qadhafi has engaged in military adventures against some of his neighbors, Tunisia and Chad, and even briefly clashed with Egypt. He has assassinated opponents of his regime overseas and made Libya a home for international terrorists, including Abu Nidal and Abu Abbas. His intelligence services destroyed Pan Am 103 and a French airliner, killing nearly 500 innocent people in those two mindless terrorist operations. Tripoli's role in backing this lawless international violence has earned Libya a spot on the Export Administration Act's official list of states supporting terrorism.

In a tasteless show of resentment toward the U.S. Government in 1979, Qadhafi ordered a group of Libyans to burn the American Embassy in Tripoli, a compound he was obliged to protect under international law. He ordered the attack to display his solidarity with the new Iranian Government of the late Ayatollah Khomeini. Qadhafi later promised to rejoin the family of nations by moderating his policies, but promptly turned around and pursued his own radical agenda. Even Libya's friends are embarrassed by his bizarre policies.

Libya is now feeling the effects of recently-imposed U.N. Security Council sanctions designed to compel him to surrender two Libyan terrorists accused in the bombing of Pan Am 103. Those sanctions may now be tightened. Rather than surrender the two suspects, Qadhafi is engaging in an elaborate dance designed to gain him time in his dispute with the international body.

While Qadhafi lives in luxury, the average Libyan is beginning to pay a high price for his leader's mismanagement of the country's domestic and international policies. Qadhafi claims that Libya should be run by the people, but chaos is rampant as people's committees attempt to undertake the challenging task of managing a country. Some products are difficult to find, and many basic services are unavailable.

The Libyan people know that both their leader and their country are increasingly subjects of international derision. Even the Arab world does not take Qadhafi seriously. If the Libyan leader does not soon mend his ways, his people may decide that he should be returned to the desert to while away his remaining years in a remote oasis.

I commend the following New York Times article concerning Libya and Qadhafi to my colleagues in the Congress.

LIBYAN DOUBTS ABOUT QADDAFI ARE GROWING

(By Chris Hedges)

TRIPOLI, LIBYA.—The United Nations sanctions that went into effect against Libya last April are turning out to be more than a symbolic gesture. While they have not yet accomplished their purpose of compelling Libya to turn over two suspects wanted in the 1988 bombing of a Pan Am jumbo jet over Lockerbie, Scotland, they have been politically damaging to the mercurial Libyan leader, Col. Muammar el-Qaddafi.

The Libyan military is struggling with serious shortages. Many Libyans openly call for Colonel Qaddafi's removal and the official information media now admit that the Arab solidarity that was the cornerstone of Colonel Qaddafi's foreign policy was "a mirage."

The sanctions have succeeded in banning flights in and out of Libya and in prohibiting the sale of military equipment. They have also brought a reduction in the diplomatic staff Libya maintains abroad. Western diplomats say the departure of 1,700 Russian advisers and technicians has devastated the military's infrastructure, rendering the air defense system ineffective while much of Libya's hardware rests idle.

One result is that the littered streets and back alleys in Tripoli, where young men once shied away from foreigners because they feared the pervasive security apparatus, are seething with open resentment.

If Colonel Qaddafi were to turn the suspects over, a subsequent lifting of the embargo might permit him to halt the deterioration of his popular support. But Arab and Western diplomats say the extradition of the two men is unacceptable to his security apparatus—the organization that has held him in power for 23 years.

These diplomats also believe that if Libya was involved in an operation of the magnitude of the Lockerbie bombing, it could not have been carried out without Colonel Qaddafi's approval. "Colonel Qaddafi has no desire to see two of his intelligence agents describe the inner workings of his regime to the West and directly tie him to state terrorism," one Arab ambassador said.

The Libyan leader appears to be hoping to bargain his way out of his predicament; he has been trying to meet the sanctions requirements half-way by giving the West some satisfaction in hopes it will drop its demand for the two men. "The Libyans know little about how the outside world works," a senior diplomat said, "and so they are vainly trying to work out a compromise."

The United Nations, in addition to the extradition of the two suspects, has called on Libya to end support for international terrorism and assist in the investigation into the bombing of a French airliner over Africa in 1989. The two bombings killed 441 people. In response, Libyan officials have turned over information about the Irish Republican Army, for which they provided training and funds, to British officials. They have expelled the Palestinian terrorists Abu Nidal and Abul Abbas, and have closed several Palestinian training camps.

The Libyans are hoping that these actions will at least stave off the imposition of stiffer sanctions when the United Nations reviews the measures in August.

Diplomats say this tactic may work; a senior Egyptian official who travels frequently to Libya said that if Colonel Qadhafi can avoid further sanctions he will probably retain power. The Egyptians believe that despite the erosion of Colonel Qadhafi's grip on the country he does not yet have any serious rivals.

When Libyan officials are questioned about the extradition demand, they appear to be stalling for time. In a letter sent last month to the United Nations Secretary General, Boutros Boutros-Ghali, Foreign Minister Ibrahim M. al-Bishari promised that the Libyan parliament would "take an appropriate stand regarding the matter as soon as possible." But the 631-member body, which met for 10 days that ended last Tuesday, skirted the issue for most of the meeting. And at the conclusion, it reiterated the standard Libyan demand that the two suspects be turned over to the Arab League or the United Nations, rather than the United States or Britain. Similar offers were rejected before the sanctions went into place.

A CATALYST FOR ANGER

Within Libya, the sanctions have become a catalyst for popular outrage. After two decades in which efforts to follow bizarre economic and political theories have left many Libyans without basic services such as water or garbage collection, even some Libyan officials admit that they are in trouble.

The problems are evident in one of Colonel Qadhafi's most lavish schemes, a $25 billion effort called "the Great Man Made River Project." After spending $6 billion to channel water from aquifers to reservoirs built for the project, the Libyans have discovered that the desert heat is evaporating the stored water. Many Libyans, watching as planners scramble to build roofs over the reservoirs, have begun calling it "the Great Mad Man River Project."

Such feelings do not sit well with the older bureaucrats who dominated the recent session of the parliament. Most spent much of the nationally televised debate attacking the younger generation for advocating change. But younger delegates, while making sure never to attack Colonel Qadhafi by name, complained of shortages in everything from school desks to electricity.

While the sanctions have eroded Colonel Qadhafi's hold on power, his decision to hold onto the suspects while trying to give the West enough to keep the United Nations from imposing tougher measures might just work. "He has been weakened," said an Arab ambassador, "but if he can maintain the status quo, he might survive."

A TRIBUTE TO THE NORTHERN LIVINGSTON COUNTY RED CROSS

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Ms. SLAUGHTER. Mr. Speaker, it is my honor today to pay special tribute to the Northern Livingston County Chapter of the American Red Cross on its 75th anniversary.

The greater part of the work of the American Red Cross is carried on and financed by dedicated local chapters with the assistance and support of the national organization. Today there are over 3,000 local Red Cross chapters throughout the United States.

Founded during World War I, on July 9, 1917, the Northern Livingston County chapter has continued, over more than seven decades, to assist the public through a variety of services. Through disaster assistance, community blood drives, first aid programs, service to the military and their families, water safety programs, nursing and health services, and educational activities for young people, the Northern Livingston County Chapter of the Red Cross has made significant contributions to the quality of life in upstate New York and has become an integral part of the community in Livingston County.

More than 300 active volunteers in the Northern Livingston County chapter have committed themselves to providing comfort, food, lodging, and clothing to families whose homes were destroyed by fire or other disaster. These dedicated volunteers recently undertook another worthy project to help the families of U.S. Service men and women locate relatives on active duty who had become isolated from contact.

I proudly salute the work of these caring individuals on the 75th anniversary of their organization and, on behalf of the people I represent in Livingston County, I thank them for their service to the community.

INTRODUCTION OF THE SMALL BUSINESS REGULATORY COST RELIEF ACT OF 1992

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LIGHTFOOT. Mr. Speaker, how many times have Members of Congress heard their constituents complain about expensive Federal regulations placed on their small businesses—raising their overhead costs, resulting in higher consumer prices and inhibiting expansion?

Congress and Federal agencies enact dozens of new laws and regulations which affect small businesses every year. Making a small business viable is difficult enough without having to contend with the burden of expensive Federal regulations.

In an effort to relieve some of these federally mandated financial burdens, I am introducing the Small Business Regulatory Cost Relief Act of 1992. This legislation will provide tax relief for small businesses forced to comply with Federal regulations.

My legislation is modeled after the disabled access credit, included in the Americans With Disabilities Act [ADA] but is applicable to all Federal regulations, not just those expenses incurred to provide access to persons with disabilities.

When Congress passed the ADA, it realized that mandating such regulations would impose a costly burden on business and would result in lost jobs and hamper economic growth. Small businesses, which do not have the resources to comply with the expense of regulations imposed by the Federal Government, would have been hit the hardest.

Congress provided the disabled access credit to help businesses comply with the new regulations mandated by the ADA. While this has provided some assistance, many small businesses still suffer from the burden of compliance.

Congress routinely imposes laws on small business yet fails to provide relief for the cost of compliance, with adverse effects on businesses, jobs and ultimately, consumers, who have the costs passed onto them. According to the Rochester Institute of Technology, Federal regulations cost each household in the United States between $4,000 and $5,000 annually.

My legislation would allow small businesses a nonrefundable tax credit equal to 50 percent of verifiable compliance expenses over $250—the same as the disabled access credit. However, my legislation is not limited to the first $10,250 of expenses. My legislation is applicable for all Federal regulations which became final 5 years before the enactment of this legislation. In addition, the eligibility of small businesses to take advantage of the credit is expanded by having small businesses defined by the Small Business Act rather than the more limited definition used by the ADA.

We in Congress must do more for job creation. Small businesses produced 39 percent of the gross national product and employed 58 percent of the work force in 1991. In 1990, small businesses accounted for 90 percent of nonagricultural, net private job growth. Congress and Federal agencies seem to forget this when mandating new regulations on small business.

The Small Business Regulatory Cost Relief Act of 1992 will help small businesses reduce their costs of complying with Federal regulations. By making compliance more affordable, small businesses will be able to implement Federal regulations faster, easier, and more extensively. We all want a cleaner and safer environment, but it can and should be achieved without suffocating small businesses. My legislation will help us achieve both goals.

INTRODUCTION OF THE OYSTER DISEASE RESEARCH ASSISTANCE ACT

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to introduce legislation to establish a Federal program that will provide financial assistance for research relating to oyster diseases.

As many of my colleagues know, oyster diseases have devastated the oyster stocks of this Nation. In the Chesapeake Bay, which once provided almost half of this country's oysters, current harvests are at a historical low. It is estimated that 90 percent of the Chesapeake Bay's oyster beds are infected. However, this problem is not isolated to the bay; the Gulf of Mexico, the Carolina coast, and the west coast have also been ravaged by the diseases MSX, Dermo, and SSO. The situation has worsened over the past 5 years, highlighting how very little is known about oyster disease. The national scope of this problem demands increased Federal assistance and improved coordination between the numerous Federal agencies that work to protect oysters and the Nation's water resources.

Most people recognize the economic benefit oysters provide. Oysters mean jobs, especially in areas such as the Eastern Shore of Maryland. However, what is sometimes overlooked is the fact that oysters are also of vital importance to the environment as well. Oysters support many marine organisms and filter pollutants from the water. Researchers have estimated that at the turn of the century the oyster population of the Chesapeake Bay filtered the entire volume of the bay every 3 to 6 days. By contrast, it is estimated that the current oyster population takes nearly a year to complete this function. It is quite possible, if not probable, that the decline in oysters has significantly contributed to the decline in water quality of the bay.

To date, Federal action to address this problem has been limited. Some research has been conducted and Federal resources have been allocated to assist in the construction of oyster reefs. While this is a worthy effort, little benefit is gained by continuing to repopulate our waters only to feed the diseases which plague them. The reality is we know very little about the diseases afflicting oysters; the life cycle of the diseases and how they are spread remains a mystery. Other questions remain as well, about the ability to make oyster disease resistent, as some have claimed of the Japanese oyster.

The legislation I am introducing today would create a comprehensive, coordinated Federal effort to conduct research on oyster diseases. The legislation would require the Administrator of the Environmental Protection Agency [EPA] to establish and administer, in consultation with an advisory committee, an oyster disease research program that will provide grants to eligible institutions to support research in this area. The Administrator would also be mandated to identify those diseases that should be made a priority for research.

The advisory committee would be composed of nine members with representatives from each of the regions that has experienced oyster disease problems and would be responsible for providing information and advice to the EPA in designing and implementing this new program. Members would serve for 2-year terms and would not be paid.

Perhaps most importantly, this legislation would provide for coordination among all Federal agencies including: the Department of the Interior, the National Institutes of Health, the Food and Drug Administration, the National Science Foundation, and the National Oceanographic and Atmospheric Administration. In addition, all information concerning oyster disease gathered through this program would be shared with other research entities and interested individuals thereby ensuring full dissemination of information.

Mr. Speaker, this legislation will be a serious step in addressing the problem of oyster disease. In Maryland, nearly four centuries of watermen have harvested oysters. It is a way of life for these individuals. But equally important, oysters are an important segment of the Maryland economy and are vital to the health and preservation of the Chesapeake Bay. Other States, I know, are in an identical situation. The situation is beyond crisis, there is no time to spare. It is time for the Federal Government to end its half-hearted efforts and make a real commitment to achieving progress in the area of oyster disease research. I look forward to working with my colleagues on this legislation.

RELAXING THE EARNINGS TEST

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. HOAGLAND. Mr. Speaker, I am introducing a bill today to reduce significantly the burden of the Social Security earnings test on those individuals who choose to work after age 65.

The primary purpose of the Social Security Program since its origin has been to provide income protection to workers over age 65 who have retired. To target benefits to the retired elderly, the program since its origin has included an earnings test to determine whether a person is retired. The earnings test is a provision of the Social Security law that reduces the amount paid to senior citizens who continue to work after they begin to claim retirement benefits. Today, when a person earns over the exempt amount—$10,200 for 1992—benefits are reduced by $1 for every $3 of earnings.

The objective of my bill is to reduce the burden of the earnings test on those senior citizens who choose to remain working. It would increase the amount of money Social Security recipients are allowed to earn without a cut in their benefits. By 1997, the bill would enable an individual to earn more than twice the $10,200 he or she can earn this year without any reduction in benefits.

CURRENT LAW

Under current law, Social Security beneficiaries age 70 and older receive full benefits without regard to any earnings. Those under age 70 are eligible for full benefits only if their earnings are lower than the amount they are allowed to earn, $10,200 this year. The amounts allowed without benefit reduction are indexed and increase annually by the rate of average wage growth in the economy. In 1992, the annual exempt amount for retirees and other beneficiaries age 65 to 69 is $10,200 and it is projected to reach $12,600 by 1996. Individuals with higher earnings will have their benefits reduced by $1 for every $3 of earnings above the exempt amount.

PROPOSED IMPROVEMENTS

First, my bill would increase the amount of earnings exempt from reduction and modify the rate of benefit reduction for earnings above the exempt amount for individuals age 65 to 69. The age 65 to 69 exempt amounts would be increased to $11,760 in 1993, $13,800 in 1994, $16,680 in 1995, $20,760 in 1996 and $24,120 in 1997. The proposed 1997 level would be almost double that projected under present law. Following 1997, annual indexing of the exempt amounts would resume.

Second, starting in 1993 the rate of benefit reduction for the first $5,000 of earnings above the exempt amount would be lowered to $1 of benefits for every $4 of earnings. The present law rate is $1 for every $3 of earnings and would continue to apply to earnings above $5,000.

FINANCING

To protect the fiscal integrity of the Social Security trust fund, my bill pays for the costs of relaxing the earning test by gradually raising the contribution and benefit base subject to Social Security taxes. The base establishes the amount of annual wages or self-employment income subject to the Social Security payroll tax. Increasing the contribution and benefit base has a progressive effect, affecting only those individuals with earned incomes next year of over $55,500.

FAIRNESS AND EQUITY

The earnings test we have today is not designed to meet the real needs of retirees now or in the future. We must update the law. The percent of retirees with private pensions has been slowly declining since 1980. The rate of savings declined by half during the 1980's and is now at rock bottom, barely 3 percent of household disposable income. In order to maintain their standard of living—or even to meet their basic needs—some current retirees must work to supplement their income from Social Security benefits and from other sources. Many more may need to do so in times to come. Thus, we need to allow Social Security beneficiaries to earn more to maintain their standard of living, to pay the expenses they face today. It is time to bring this law up to date.

But there is more to it than financial need. Our society has come to recognize that work at some level is vital if we are to maintain our health and sense of well-being. And its a two-way street. Many senior citizens are able and willing to work today. And many businesses would like to hold on to their most experienced and competent older workers. Our economy—all of us—benefit from having the experience and skills of older workers in the work force.

The elderly can be used to train future workers, while bringing in more tax dollars and helping to keep America competitive. Yet today's earnings test is a serious work disincentive for many seniors and penalizes most of those who want to or need to continue some form of meaningful employment.

I believe the changes in the test that I have proposed in this bill are ones that are necessary to meet the very real needs of today's and tomorrow's Social Security retirees—and ones that will benefit society as a whole.

ECONOMIC GROWTH ACT OF 1992

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. COLEMAN of Missouri. Mr. Speaker, as I have visited with north Missourians over the past few months, they have made clear their foremost concerns: good jobs, good wages, lower taxes, and a growing economy. Today, in response to their comments and the need to get the country working and growing at an acceptable, and sustainable, pace, I am introducing the Economic Growth Act of 1992. This measure, coupled with other legislation I have introduced and am cosponsoring, provides a comprehensive blueprint for recovery and sustained economic growth.

As the recession worsened, one of the most important actions by Congress was the extension of unemployment benefits for those unable to find work. I continue to support efforts to provide extensions for those whose benefits have expired. However, simply providing unemployment compensation to those seeking jobs is clearly only a treatment for joblessness, not the solution.

The solution is to create jobs—and good jobs at good wages require business and industrial expansion. Research and investment are two of the keys to economic growth in today's competitive global environment. My economic revival plan will stimulate research and investment through a permanent extension of the research tax credit, and a restoration of the investment tax credit. Extending the research tax credit could free up an estimated $7.8 billion through 1997, and restoring the investment tax credit could return $30 to $40 billion to the economy per year.

The real estate and construction industries continue to be economic bellwethers. Assisting first-time home buyers into the housing market will not only make the dream of home ownership a reality for millions of Americans, it will directly stimulate jobs in the real estate and construction industries, and in related fields as well. My growth proposal calls for a $10,000, dollar-for-dollar tax credit for the purchase of a new home by first-time home buyers.

Economic growth will be further encouraged through a straightforward reduction in the capital gains tax rate. About half of all Americans report capital gains during their lifetime, and nearly 65 percent of all those who reported capital gains in 1990 had incomes of under $50,000. Cutting the gains tax rate will directly benefit farmers, seniors, small business owners and families, and will unleash job-creating investment as well as boost productivity. And since our most fierce international competitors—including Japan and Germany—impose no or only nominal capital gains taxes, a reduction will further improve our international competitiveness, and provide an incentive to keep jobs here at home.

Another key to sustained economic growth and competitiveness is education. To help make education more affordable, my package restores the income tax deduction for interest on student loans, and creates education savings accounts. Similar to IRA's, these are tax free education savings accounts that will help families save to meet the expenses of higher education.

Americans should be able to plan for their futures over the long term. My proposal includes reinstating full deductibility for individual retirement account contributions, and offers penalty free withdrawals for education expenses, for the first-time purchase of a home, and for medical emergencies.

Neither should Americans have to worry about the security of their pensions; thus, I am cosponsoring legislation to help the Federal program which guarantees company pension plans remain solvent.

Furthermore, I believe older Americans who want to work should be able to do so, and my plan includes specific language repealing the unfair and discriminatory Social Security earnings test. This limitation requires that seniors give up $1 in Social Security benefits for every $3 they earn over the arbitrary income limit of $10,200. If the test were eliminated, an estimated 700,000 seniors could enter the work force, generating some 15 billion dollars' worth of goods and services, and paying an additional $4.5 billion in taxes.

The Federal Government, like families, individuals, and businesses across America, must live within its means. The huge Federal deficit destroys economic growth and results in lost job opportunities. The majority of you join me in that belief, and recently voted accordingly. Although we were stifled by a minority of the Members of this body, I have introduced additional legislation calling for a constitutional amendment to mandate a balanced Federal budget, and to provide for the systematic repayment of the accumulated national debt. I have also introduced legislation providing the President with a power enjoyed by Governors across the Nation—the line-item veto power.

High Federal taxes limit the ability of wage earners and families to plan for their futures, and to survive today. Lower taxes mean more dollars returned to the economy as savings, investment, or spending. In addition to the changes in the Tax Code I've already discussed, I am proposing, as part of my growth package, that the dependent deduction for children under the age of 18 be increased by $500. I am also cosponsoring legislation to make the income tax deduction for the health insurance costs of the self-employed permanent, and phasing in an increase in the allowable deduction, so that it hits 100 percent in 1994. And I continue to believe that Congress should enact no new taxes of any kind.

American business and industry can create the jobs we need to turn our economy around and set us once again on the road to sustained economic growth, but only if they are given the necessary tools. The legislation I've outlined here on the floor today provides those tools. I urge my colleagues to join me in this effort to secure a positive economic future for our children, and a better today for our Nation.

B'NAI JACOB MARKS 100 YEARS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. NEAL of Massachusetts. Mr. Speaker, I take this opportunity to recognize the 100th year anniversary of Congregation B'nai Jacob of Longmeadow, MA. One of the oldest Jewish congregations in the Springfield area, B'nai Jacob was formed when a small group of men separated from the Agudass Achem early in 1891 to form their own congregation. This congregation has evolved into one of the most respected and hard-working organizations in the Springfield area.

Although the founding of the congregation was marked with uncertainty, the founders were determined to press through the tough times and produce a caring and dedicated congregation. The tenuous inception of B'nai Jacob was interrupted in 1920 when the congregation erected its own synagogue on Congress Street in Springfield. Until 1920, B'nai Jacob had met in several different private buildings in the neighborhood. The congregation originally met in a small room above member Benjamin Rosenstein's clothing store on Worthington and Water Streets—Columbus Avenue. Although the congregation was burdened with difficulties, they were able to intensify their commitment to the temple and to each other in order to establish a very pious and supportive congregation.

Mr. Speaker, in 1962, the congregation faced another important crossroad: The synagogue and most of the other buildings in the Jewish neighborhood were being torn down as part of a federally funded urban renewal project. The congregation remained committed, and by 1964 they had built a new synagogue on Eunice Drive in Longmeadow. This new synagogue is where they are presently worshiping.

Currently, the conservative temple is serving over 250 families. The youth director provides a steady list of educational opportunities and social activities for the young folks of the congregation. From classroom study to trips to the ball park, the children of B'nai Jacob have always participated in activities with the other members of the congregation. In addition, the older members have excellent opportunities to participate in the social functions of B'nai Jacob.

Mr. Speaker, the congregation is celebrating its centennial anniversary with a 3-month exhibit through September 6 at the Connecticut Valley Historical Museum. The exhibit features a wide array of both religious and ornamental artifacts that chronicle the congregation's history from its earliest meetings in the 1890's to the original temple and its current location. Religious objects on display include the old Torah, the handwritten scrolls of the five books of Moses, and the silver crowns from

the 1920's and 1930's which fit on the Torahs. The 1920 cornerstone is also in the museum. It was picked up in 1963 from the demolition of the temple on Congress Street by Sadie Norkin, who is now one of the oldest members of the congregation at 96. The people who comprise the congregation of B'nai Jacob all enjoy their connection to the temple with great pride.

The preservation of their heritage and the sacred relics of the church are very important to the congregation. They have an intense pride of their history and their future. Recently, a time capsule marking their 100-year anniversary was lowered into the ground and not to be disturbed until the year 2042. The contents of the time capsule included prayer books, yarmulkes, pictures of people and events that have taken place at the synagogue, a book of sentiments, advice, and best wishes. Mr. Speaker, this congregation has expended their time and energy to give the future generations a sense of our history which is their history. They deserve to be recognized for their tremendous efforts in building and maintaining a temple that has the truly noble characteristics to commitment and to hard work.

INTRODUCTION OF THE INFRASTRUCTURE REINVESTMENT AND ECONOMIC REVITALIZATION ACT OF 1992

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. BORSKI. Mr. Speaker, today I will be introducing the Infrastructure Reinvestment and Economic Revitalization Act of 1992. This legislation will rebuild our roads and bridges, spur economic growth, increase productivity, and put thousands of Americans back to work.

In the last few decades, our investment in infrastructure has declined dramatically. At its peak in the late 1960's, U.S. investment in infrastructure neared 2.4 percent of the gross national product [GNP]. However, by the 1980's, investment had plunged to less than 0.3 percent of the GNP.

Not surprisingly, the standard of living of working American families has simultaneously declined. Since 1980, Americans have seen prices increase, wages decrease, and their savings disappear.

Furthermore, our disinvestment in infrastructure has strangled our ability to create the economic growth needed to end the current recession. Without a substantial influx of new capital, our infrastructure will continue to decay, our economy will continue to stagnate, and Americans' standard of living will continue to decline.

Our trading partners are certainly aware of the inherent link between infrastructure and economic productivity. For example, Japan is investing $3.5 trillion in the next 15 years to rebuild its roads, bridges, and airports. Coincidently, Japan's productivity rates continue to exceed our Nation's rates. Even Taiwan—a nation only a fraction of the size of the United States—is embarking on a 6-year, $300 billion investment program.

In order to compete in the global marketplace of the 1990's we must make similar investments. Unfortunately, our antiquated system of financing infrastructure falls far short of providing the resources needed for investment.

To begin with, not all of the resources in the transportation trust funds are being spent on infrastructure. Working Americans who pay taxes every day at the gasoline pumps are not getting the investment they paid for.

Simply put, the trust in the trust funds is being violated. Because of deficit reduction pressures, it appears unlikely that any of the 5-cent gasoline tax authorized by the Budget Agreement of 1990 will ever be used for highways and transit. Half of that tax is already being used for deficit reduction, and the other half may never be appropriated for infrastructure.

In addition, our Federal Government is not using the proven, innovative means of capital financing needed to maximize the amount of resources spent on infrastructure. By limiting annual infrastructure expenditures to the annual amount of revenue from the gasoline tax, we cannot rebuild America. However, by leveraging trust fund revenue into a larger investment, we will be able to meet the needs of our infrastructure and our economy.

The Infrastructure Reinvestment and Economic Revitalization Act of 1992 will revolutionize the way we finance public works projects by moving beyond today's infrastructure financing system. It will create a new infrastructure reinvestment fund [IRF] which will be kept completely separate from other trust funds and from the unified Federal budget. The IRF will issue Treasury bonds in order to finance a one-time, massive nationwide investment in infrastructure construction and revitalization.

The bonds will generate an estimated $50 billion for new spending on infrastructure and will be spent and apportioned proportionately on the programs authorized by the Intermodal Surface Transportation Efficiency Act [ISTEA]—roughly $40 billion for highway programs and $10 billion for mass transit. This money will provide jobs for the thousands of middle-income Americans who are eagerly looking for work.

In order to finance this new spending, my bill will recapture the 5-cent gasoline tax authorized by the Budget Agreement of 1990 and dedicate it solely for the purpose of capitalizing and servicing the debt on the bonds from the IRF.

Under this proposal, revenue collected from a gasoline tax will, for the first time, be leveraged in order to finance massive capital investment. A 5-cent gasoline tax generates roughly $5 billion in revenue. My bill will leverage that $5 billion to generate 50 billion dollars' worth of bonds for spending on infrastructure.

As our trading partners have demonstrated, investment in infrastructure is money well spent. For every $1 we invest in infrastructure, our economy gets a $10 return. Furthermore, every $1 billion in investment will create 48,000 jobs.

We can no longer afford to wait to rebuild America. We must begin today. If we wait any longer, our infrastructure will continue to decay beyond repair, our economy will flounder, and more middle-income Americans will be out of jobs. America cannot be a prosperous and productive country without this investment.

Mr. Speaker, I hope my colleagues will join me in this effort to rebuild our country for the American worker and family.

COMMENDING DR. LLOYD D. KONYHA, PRESIDENTIAL RANK AWARD WINNER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. BILIRAKIS. Mr. Speaker, I want to take this opportunity to call attention to the vital and dedicated work of Dr. Lloyd D. Konyha, southeastern regional director for Veterinary Services, in the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

Recently Dr. Konyha, who lives in Land O' Lakes, FL, was named a 1992 Presidential Rank Award winner. The Presidential Rank Award is designed to recognize Federal career members of the Senior Executive Service whose performance for at least 3 years merits the favorable attention of the President of the United States.

Dr. Konyha received the rank of meritorious executive in recognition of his contribution to the protection, maintenance and improvement of the health of this country's food and animal populations. Of particular note has been his success in reducing the incidence of brucellosis in the Southeastern United States.

Mr. Speaker, Dr. Konyha is directly responsible for preventing the introduction of foreign animal diseases into this country, for actively working with the poultry industry on disease surveillance and prevention in an area of very heavy poultry production and for maintaining a harmonious working relationship with livestock producers and producer groups to enhance American agriculture.

Dr. Konyha, a native of Michigan, earned a doctor of veterinary medicine degree from Michigan State University in 1960. He began his career with the U.S. Department of Agriculture in 1963 as a field veterinarian in Michigan. He was transferred to Ohio in 1965 as a field veterinarian where he conducted research on equine tuberculosis and earned a master's degree in microbiology at Ohio State University. In 1970, he transferred to Wisconsin as the assistant area veterinarian in charge.

In 1972, Dr. Konyha became the staff tuberculosis epidemiologist at the Animal and Plant Health Inspections Service in Hyattsville, MD. During this period he aggressively promoted a campaign to increase the epidemiologic tracing of infected herds or lesioned animals and brought the bovine tuberculosis incidence down to the lowest point in the program's history. Dr. Konyha developed the comparative cervical tuberculin test that is now used nationwide to differentiate between bovine, avian and other nonspecific tuberculin reactions.

From 1979 through 1980, Dr. Konyha was a staff veterinarian in the plant protection and quarantine staff in Hyattsville, where he acted

as a regional staff veterinarian and had responsibility for setting policy for inspecting imported products and passenger baggage at U.S. ports of entry. From 1980 through 1984, Dr. Konyha was the area veterinarian in charge of Oklahoma. In 1984 he became the assistant regional director in the northern region and regional director for the southeast region in 1986.

When Dr. Konyha began as regional director in the southeast region, many severely brucellosis infected states were in this region. On January 1, 1988, there were 1,028 infected herds in the region and 866 of those were in Florida. By October 1, 1988, all class C brucellosis States or areas had to demonstrate significant improvement in reducing incidence of infection.

Under Dr. Konyha's leadership, a task force was formed consisting of Federal, State and industry representatives to devise a plan to improve the status of the area. Today there are only 243 infected herds in the region—a decrease of 76 percent. The task force was recognized for its fine work, receiving a U.S. Department of Agriculture Group Superior Service Award.

Mr. Speaker, Dr. Konyha deserves our gratitude and praise. He exemplifies a special kind of commitment to the public good which we need to recognize and nurture. His service to our Nation cannot be overstated and I am proud to call attention to his remarkable career achievements today.

A BILL TO ADVANCE WORKPLACE SAFETY

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. GRADISON. Mr. Speaker, I rise today to introduce legislation designed to correct a serious inequity in the Federal Tort Claims Act. Current law protects the Federal Government against suit by citizens pursuing damages due to Federal negligence of its own health or safety standards.

In recent years, there has been considerable controversy and litigation concerning the role of the Federal Government in the unnecessary exposure of citizens to risks associated with a number of health and safety hazards. In a number of cases, there exists considerable documentation which suggests that the Federal Government behaved in a negligent manner and was often lax in its enforcement of Federal health and safety standards in workplaces it owned, operated, or controlled. This is particularly true in cases of unnecessary exposure to asbestos.

For example, in those cases involving exposure to asbestos, it has been documented repeatedly that the Federal Government violated its own health and safety standards at the time of the Second World War, and that it failed to warn, or provide protection for, workers in Government and contract shipyards. The courts have found that Government officials and safety inspectors were well aware of the hazards associated with prolonged asbestos exposure and of the dangerous conditions in the shipyards under their control.

Unfortunately, citizens pursuing their cases in the courts have found that the Federal Government can escape any liability for violating its own health and safety standards by exercising a technical legal defense. By invoking the defense of discretionary function provided under section 2680(a), title 28, United States Code, the Federal Government effectively is able to escape liability.

Numerous challenges have been turned aside by the courts. In many cases, the courts have acknowledged explicitly that the Federal Government had been negligent and was responsible, in whole or in part, for injuries and deaths resulting from accidents in the workplace or from the exposure to hazardous materials. Nevertheless, the courts have routinely denied redress—not on the merits of the cases, but based on the Federal claim of immunity grounded in discretionary function.

Mr. Speaker, the discretionary function immunity was provided to the Federal Government by Congress as part of the Federal Tort Claims Act of 1946. Essentially, this defense was incorporated into the FTCA to immunize the Federal Government against suit by citizens for decisions made by high level officials in the course of conducting public policy. An objective review of the record reveals the clarity of congressional intent. Congress intended that this protection would allow principal Government policymakers to conduct an effective public policy without fear of being sued for the ramifications of policy judgment.

For over 45 years, the Federal Government has expanded the application of the discretionary function defense beyond what was initially intended by Congress. The erosion of the right of a citizen to seek redress through the courts for injuries incurred as a result of Federal negligence must end. I can envision no reasonable situation in which it is deemed to be effective public policy for the Federal Government to permit unsafe, unhealthy, and hazardous working conditions in the workplaces it owns, operates, or controls.

Private individuals and concerns, in similar cases of negligence, have been found liable and ordered to compensate plaintiffs. Litigation, or the threat of litigation, is a deterrent. The public, and particularly citizens who have been wronged by the Federal Government, should insist on a similar check on the power of the Government.

This legislation would make it possible for citizens who are injured as a result of the Federal Government's violation of its own occupational health and safety standards, or by its negligence in workplaces under its control or supervision, to seek to recover damages for those injuries.

I want to stress that this legislation makes no judgment about the merits of any case that may be pending before the courts. It merely asks that the Federal Government be required to prove its case on the merits rather than hiding behind the law. If the Government did not act with negligence, I am certain that the courts will recognize that fact. However, if the Government did act in a negligent fashion, it is irresponsible, unjust, and unacceptable for the Federal Government to absolve itself of any responsibility for its actions.

I urge my colleagues to join me in support of this legislation.

HAIL "COLUMBIA"

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mrs. JOHNSON of Connecticut. Mr. Speaker, our Nation's manned space flight program reaffirmed itself again as the space shuttle *Columbia* landed this morning at Cape Canaveral after a historic and robust 14-day mission that broke the previous shuttle duration record by more than 2 days.

The refitted space shuttle *Columbia* is NASA's first extended duration orbiter. It includes equipment and fuel for extra energy production, additional nitrogen tanks for cabin air, and a regeneration system to remove carbon dioxide—equipment that eventually may permit shuttle missions up to 30 days long.

Columbia's regenerating carbon dioxide removal system, I might add, performed admirably during the mission. It's a system that allows the shuttle to carry less expendables into orbit, a system that's a stepping stone to the advanced regeneration systems that will make space station *Freedom* a reality. A system that was produced with great pride by the fine people of Hamilton Standard in Windsor Locks, CT.

The great success of STS–50 was that it allowed for an extended, round-the-clock investigation of the effects of weightlessness on plants, humans, and materials. In 31 experiments over those 13 days—ranging from the manufacture of crystals for possible semiconductor use to the behavior of weightless fluids—the mission compiled information that will be invaluable in helping the United States maintain world leadership in microgravity research and development.

The success of the *Columbia* mission and the *Endeavour* mission in May of this year that included the dramatic rescue, repair, and redeploy of an Intelsat telecommunications satellite, typifies what this country can do with a strong space industry.

I urge my colleagues to remember these recent triumphs—and to look to the future's continued success in the manner space arena through the space station *Freedom* program—when the NASA appropriations bill comes before us later this month.

Space station *Freedom* is the stepping stone to our future in manned space exploration. Let's not discount the benefits we've received and the pride we've felt from a 30-year history of space triumphs. At the same time, let's not turn our back on the enormous potentials yet to be discovered.

TRIBUTE TO THE BRAZOSWOOD BUCCANEERS

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LAUGHLIN. Mr. Speaker, I rise today to honor the 1992 Texas 5A State Baseball Champions, the Brazoswood Buccaneers. This baseball team not only had an amazing sea-

son by winning their last 19 games in a row, but they were able to make history as well. The Brazoswood pitchers threw back-to-back no hitters in the final tournament which was a first in the State tournament's history. The team managed to keep things in perspective and stay focused, a characteristic of all true champions, until the final game against the South San Antonio Bobcats.

Mark Senterfitt was at the top of the pitching list due to his outstanding 6 inning no hitter in the semifinal round against El Paso Coronado, and he also pitched 2⅔ innings in relief of Justin Bowles and Jason Ferguson's efforts to save the title and the no-hitter record.

Despite the outstanding efforts of the pitching staff, the title could not have been won without the efforts of the defensive players. Both Jason Rendon and Chad Blessing had excellent defensive plays throughout the tournament. Rendon and Blessing also had key runs. Other big hitters were Scott Merritt, Brian Stone, Keith Whitten, and Eric Atkins.

I would like to congratulate all the champions individually: James Ferguson, Chad Blessing, John David Perry, Justin Bowles, Rodney Colon, Keith Whitten, John Dewey, Creighton Collier, Heath Collins, Cody Dingee, Scott Merritt, Brian Guillot, Ryan Chapple, Brian Johnson, Jason Rendon, Cory Townsend, Mark Senterfitt, Cory Gibson, Brian Stone, Eric Atkins, Tobey Stevens, and coaches Bill Poland and Bobby Williams. These players should all be commended for their team effort in securing the State championship.

I rise today to call this body's attention to the hard work and determination that these champions have exemplified. I commend the Brazoswood Buccaneers for their perseverance and exemplary play in their pursuit of the Texas State 5A title.

INTRODUCTION OF THE MANDATE AND COMMUNITY ASSISTANCE REFORM ACT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. HORTON. Mr. Speaker, today I am introducing the Mandate and Community Assistance Reform Act, a measure that I believe will help significantly over the short- and long-term to relieve the fiscal distress under which many of our States and communities are trying to operate.

This bill addresses major concerns that State and local officials have voiced for years in testimony before the Government Operations Committee and other committees as well—specifically, that the out-of-control Federal practice of mandating activities or services and requiring non-Federal governments to foot the bill, and the lack of flexibility in Federal assistance programs for our communities, are hindering their ability to provide efficiently and effectively for their low-income citizens. I am confident that our State and local partners will find this bill provides welcome relief from the burdens of unfunded Federal mandates, and allows them to try innovative approaches to the problems of their low-income residents.

Titles I and II of the Mandate and Community Assistance Reform Act establish a Commission on Unfunded Federal Mandates. The Commission is required to study this growing practice and make recommendations to Congress regarding the termination, temporary suspension, or consolidation of reporting requirements of up to 30 existing mandates. The Commission also is charged with identifying mandates that should be carried out in whole or in part by the Federal Government instead of States and localities. Because I intend these recommendations to serve as more than a mere discussion piece, I have provided that they will take effect automatically if Congress does not enact a joint resolution disapproving them within 60 days of their submittal.

To discourage the passage of new unfunded mandates, I propose to close a loophole in the Congressional Budget Act of 1974 which enables unfunded mandates to be included in legislation in the absence of Congressional Budget Office estimates of their impact on States and localities. This title amends the Congressional Budget Act to delete language stating that cost estimates are required only if submitted in a timely manner. Further amendments I have proposed require that a cost estimate accompany the conference report of legislation to ensure that any major changes made on the floor or in conference will be reported, and require committees to include in their directions to the conference committees the total cost of their provision to all levels of Government. Adequate cost estimating procedures will benefit all Members working to make informed and responsible decisions on legislation that will affect States and localities.

Expensive regulations often have a significant impact on small towns with limited resources available to pay for compliance with complex rules and mandates. The Regulatory Flexibility Act, designed to mitigate such impacts, directs an agency to perform analyses which estimate the economic and administrative impacts of their proposals on small businesses and governments and to identify alternatives to the proposed rule. However, this act contains a loophole as well—an analysis need not be performed if the head of an agency certifies that their rule will not have a significant economic impact on a substantial number of small entities. To minimize this loophole, I have proposed to modify the act's provisions for judicial review of agency rules. I believe this change will prompt Federal agencies to give more consideration to the effects of their rules on small governments with limited economic resources.

Finally, I have a great deal of enthusiasm for a title of my bill that will restore innovation and creativity to existing Federal assistance programs for local governments. Communities often are stifled in their attempt to provide benefits and services to their low income citizens by inconsistent and incompatible program requirements that prevent an integrated approach toward the problems of needy residents. This title would enable local governments to integrate federally funded programs under community based assistance plans, tailored for their distinct needs and constituencies and structured to address the broad spectrum of problems affecting America's low income citizens. The appeal of this proposal is that it allows a community to design its own social service program or programs using money it already receives from the Federal Government—I emphasize that no additional obligations will be incurred by the Federal Government as a result of this title. Local government leaders have always been a force for innovation and change, and I believe they will be effective and creative in implementing this much needed program flexibility to the benefit of their low income residents.

Mr. Speaker, States and communities have long been asking for the Federal Government to abdicate the role of dictator and assume its rightful place as a partner in the intergovernmental system. The Mandate and Community Assistance Reform Act is a fiscally responsible measure, a vehicle through which we can respond to the call for less Federal intervention and more Federal cooperation. I urge my colleagues to join me in this initiative to relieve the fiscal burdens on States and localities and improve the way the Federal Government does business with its State and local counterparts.

THE NEW MISS KENTUCKY: A REPRESENTATIVE OF THE MOUNTAINS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. ROGERS. Mr. Speaker, the area I call home, eastern Kentucky, is known for its beauty and the determination of her people. And those two qualities are combined in one individual whom I take pride in recognizing today: Tawnya Dawn Mullins.

This 25-year-old from the community of Kimper in Pike County was recently crowned Miss Kentucky, and I can think of no one who could better represent our mountains and, indeed, our entire commonwealth.

Miss Mullins is certainly beautiful. But she also possesses warmth, intelligence, charm and determination in addition to her stunning good looks. And it is her inner beauty and strength that make her an outstanding role model for the young women of Kentucky.

Tawnya Dawn earned a bachelor's degree in political science from the University of Kentucky and originally intended to become an attorney. But after working for a year in a law office, she chose to study sports medicine and enrolled at Virginia's Radford University.

At the same time, this bright young woman was competing in pageants. While at Radford, she was named first runner-up in the Miss Virginia Pageant. Back home, this former Miss East Kentucky was competing for the fourth time for the title of Miss Kentucky when she was chosen last month to represent our commonwealth in the Miss America Pageant.

Persistence and determination have certainly paid off—not only in recognition but in education. Miss Mullins has put herself through school on the scholarships she received from those pageants.

Her parents, Stoney and Brenda Mullins, have every right to be proud of Tawnya's ac-

complishments. So do the people of Pike County, who take special pride in having one of their own selected for the first time ever as Miss Kentucky.

Perhaps Tawnya's mother said it best: "She'll do a good job for Kentucky, especially East Kentucky. She's just a little hometown girl."

I wish to congratulate this fine young woman, Mr. Speaker, and hope my colleagues will join me in wishing this "little home town girl" well at the Miss America Pageant.

INTRODUCTION OF LEGISLATION REGARDING THE VA HOSPITAL SYSTEM

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mrs. JOHNSON of Connecticut. Mr. Speaker, this Independence Day was sweeter than any other in recent memory for me and I suspect for many other Members as well, as it was the first Fourth of July since the fall of the Soviet Union. As we celebrate the end of the cold war, we should be careful not to forget the men and women who served in the Armed Forces and made this event possible. And as we honor them for their valor, we must reaffirm our strong commitment to providing them with quality health care in the future.

During the past decade, the VA's inadequate medical budget has been unable to address the system's needs. As a result, VA hospitals have not been able to upgrade critical life-saving resources, and many men and women who suffer from service-connected injuries are not receiving prompt attention.

To remedy this situation, today I am introducing a bill, along with 13 of my colleagues, to change the way the largest hospital system in the Nation conducts business. My proposal will allow the VA to collect from all public payers, including Medicare, Medicaid, and CHAMPUS, while waiving certain copayments to entice veterans to utilize VA hospitals. The goal of this proposal is to increase funding to boost staffing and upgrade facilities and equipment. Yet, unlike Secretary Derwinski's rural health care proposal, mine keeps the VA hospital system open to veterans only and is supported by national veterans groups such as AMVETS and the American Legion.

We owe it to those who fought to preserve the virtues of freedom and democracy to assure that the VA hospital system fulfills its mission to provide highest quality health care to our veterans so they can celebrate many more July Fourths and Memorial Days.

JOSEPH BARBER

(Director and Supervisor of the Office of Advocacy and Assistance CDVA).

I am excited that it will increase VA revenue.

This bill will give the VA the additional money it needs to allow it to do more research and accommodate more veterans.

The VA should be allowed to collect from new payers. I believe in the concept.

The VA is not getting enough money from the federal government. This is good P.R. for veterans who have lost faith in the system. It will enhance the capacity of the health care system.

ROBERT PERREAULT

(Director, Department of Veterans Affairs Medical Center, Newington, CT).

This pilot proposal is both appropriate and welcome. It will determine whether money from federal payers will be sufficient (to make up for years of underfunding).

It is very well structured as it doesn't compromise the well-being of the mandatory care veterans while treating more non-mandatory veterans.

I am optimistic that it will help to counter system underfunding and it will be consistent with the position of the VA nationally to keep the hospital system open to veterans only.

She responded to the kinds of things she heard at the veterans town meeting very well and that is represented in this bill.

MS. BARBARA JACKET NAMED HEAD COACH FOR THE 1992 WOMEN'S TRACK AND FIELD OLYMPIC TEAM

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LAUGHLIN. Mr. Speaker, I rise today to honor a woman from the 14th Congressional District whose many accomplishments on the track and field have brought her a tremendous honor. Barbara Jacket has been named the head coach for the 1992 Women's Track and Field Olympic Team in Barcelona this summer. Ms. Jacket is only the second African-American to be named an Olympic team head coach.

She has led Prairie View A&M University women's track to win an amazingly large number of national championships, including the Association for Intercollegiate Athletics National Championship and the National Association for Intercollegiate Athletics National Championship and the National Association for Intercollegiate Athletics for both outdoor and indoor track for numerous years.

As a result of all her dedication and love for track and field, she has been recognized by multiple organizations for her success in coaching women's track. Ms. Jacket was the Southwest Athletic Conference Coach of the Year for 7 years for cross country, 9 years for indoor track, and 6 years for outdoor track.

On a more international level, Barbara Jacket has been the assistant coach, head manager, and head coach for the World University Games for a number of years. Likewise, in 1987, she was the head coach for the World Championships in Rome, Italy, and now the 1992 Olympics.

I rise today to call this body's attention to Ms. Jacket's competitiveness and adoration of track and field. I hope her inspiring qualities spread throughout the United States as we watch her coach our Nation's best in track and field in Barcelona this summer.

Coach Jacket is an inspiration to not only the student athletes she works with, but to Prairie View A&M University, to the State of Texas and to our Nation.

REGULATORY IMPROVEMENT AND ACCOUNTABILITY ACT OF 1992

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. HORTON. Mr. Speaker, as long ago as 1974 Congress recognized the need to reduce burdensome Government regulations and to secure control of the burgeoning Federal bureaucracy. That year, we enacted the Commission on Federal Paperwork as a means to measure and reduce the level of Government paperwork and redtape.

As many Members know, I chaired that commission and proudly reported our findings in 1977 to President Jimmy Carter. One of the findings of that Commission was that most of the paperwork, in fact, 80 percent, came from the regulatory process. Regulation causes paperwork.

As a result of the Commission's recommendations, the Committee on Government Operations, on which I am the ranking minority member, created the Office of Information and Regulatory Affairs as a means to manage the regulatory agenda of the Federal Government. Agencies were having difficulties in resolving their regulatory disputes, so it was our considered judgment that an office in the Office of Management and Budget keep those regulations on track, eliminate duplication, and make sure that government regulations do not result in additional paperwork requirements.

Under the Paperwork Reduction Act of 1980, OIRA has broad authority to control the collection of information by Government agencies. It is responsible for setting Government wide information policies and ensuring that agency information collection and recordkeeping requirements are consonant with Government policies.

Since 1980, OIRA has been responsible for reducing the paperwork burdens on all Americans by millions of hours and, as a result, saved the economy billions of dollars. Unfortunately, OIRA has not been as successful as it could have been due to the continuing debate over its reauthorization. OIRA has not been reauthorized since 1989 and has not had a Senate-confirmed administrator since early in the Bush administration.

For those who support efforts to reduce the ever-increasing burdens of Government mandates, I ask that you join me in support of the Regulatory Improvement and Accountability Act of 1992. This legislation provides for the long overdue reauthorization of OMB's Office of Information and Regulatory Affairs. It amends the Paperwork Reduction Act to bring regulatory review, in addition to pure paperwork concerns, within its scope. And, it overturns the 1990 Dole versus Steelworkers Supreme Court decision, which held that regulations requiring only disclosure of information to third persons were outside the reach of the Paperwork Reduction Act.

To provide accountability and to guarantee that this authority will not be abused, this bill also subjects OIRA review of proposed regulations to a 90-day time limit and subjects its decisions to court review under the Administrative Procedures Act.

The enactment of this bill should end altogether the debate on the Competitiveness Council as it reauthorizes OMB's Office of Information and Regulatory Affairs in a fair and responsible way. This bill is the product of countless hours of hard work and negotiation put in by Senator WILLIAM ROTH and his fine staff. I thank them for their contribution to this effort.

Finally, Mr. Speaker, let me add that the Paperwork Reduction Act and the Office of Information and Regulatory Affairs were endorsed and used efficiently by Democratic President Jimmy Carter as well as Republican President Ronald Reagan.

It is time to reauthorize this legitimate regulatory review function, create jobs by promoting the competitive position of U.S. industry, and get the Government's regulatory burden off the backs of all Americans.

I am attaching a summary of the Regulatory Improvement and Accountability Act of 1992 to this statement. I urge all Members to support this important legislative proposal.

SUMMARY OF PROVISIONS—REGULATORY IMPROVEMENT AND ACCOUNTABILITY ACT OF 1992

REAUTHORIZES OIRA

The Office of Information and Regulatory Affairs (OIRA), located at OMB, would be reauthorized through FY 1997. OIRA was originally established in 1980 to implement the provisions of the Paperwork Reduction Act (PRA), but has been operating without statutory authorization since 1989.

PLACES REGULATORY REVIEW WITHIN PAPERWORK REDUCTION ACT

The bill amends the PRA to bring "regulatory review" within its scope. When the PRA was first enacted in 1980, Congress did not fully contemplate the reality which soon emerged, which is that about 90% of all of the "information collection requests" (the government actions causing the paperwork burden) were contained in regulations. This revealed an inescapable relationship between paperwork and regulations, and almost immediately caused the new Reagan Administration, in two Executive Orders, to try to limit the burden of regulations themselves, in addition to any pure paperwork concerns.

The bill places the provisions of Executive Orders 12291 and 12498, and hence the regulatory review function, into statute.

REVERSES STEELWORKERS DECISION

The bill implicitly overturns the 1990 *Dole v. Steelworkers* Supreme Court decision, which held that information collection requests requiring only disclosure to third persons (i.e. such as workplace safety fliers) were outside the scope of the PRA. This decision obliterated a very large percentage of OIRA's jurisdiction to lower burdensome government action. Since almost all such disclosures are implemented through regulations, this bill would clearly establish the sorts of information collection requests as within the scope of the PRA.

INCREASES ACCOUNTABILITY

The bill takes several steps to guarantee that OIRA remains accountable and that the regulatory review process is not abused. It limits the amount of time OIRA has to review a regulation to a 90 days. It subjects OIRA decisions to court review under the Administrative Procedures Act. And, finally, it codifies the so-called 1986 "Gramm Memo," in which OIRA subjected itself to certain disclosure requirements concerning OIRA communications with outsiders and agencies.

OTHER PROVISIONS

The bill adds competitiveness criteria into regulatory oversight decisions;

"Independent" agencies could still override OIRA decisions;

Regulations would be "sunset" after three years, requiring new OIRA review.

TRIBUTE TO DEB SWIFT—THE "DREAM MAKER" OF SALEM'S "FIELD OF DREAMS"

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to a very special lady, Deb Swift of Salem, NH. She is a homemaker, wife of a Salem police detective, and the mother of two small children. She is also a woman of great vision and determination.

Four years ago, Deb had a dream of a place where she could take her children to play and climb and do all those things that small children love to do. At that time, there were no community parks, and playgrounds were limited to swing sets and jungle gyms in schoolyards.

With her dream in mind, Deb Swift approached the local government boards and committees of Salem to gain their approval and support for such a project. She asked the town to help her locate a parcel of property. Ultimately, the town of Salem donated the property.

Mr. Speaker, locating the property and receiving the blessing of the town fathers was just the beginning. Bob Leathers, "The Pied Piper of Playgrounds," was hired for the design work. His work was based on the ideas and concepts of the children, teenagers, and young adults of Salem. The project grew from a small playground to a multigenerational, multifunctional, one-of-a-kind community park with an entertainment amphitheater, playground area, and nature trails. Deb Swift rallied her community, local corporate sponsors, and volunteers to raise $225,000 to build Salem's first community park and playground, now aptly named the "Field of Dreams."

Recently, Deb saw her dream become a reality. In an organized effort, similar to an old-fashioned barn raising, approximately 1,000 volunteers gathered to build the playground structure. I was fortunate enough to be one of these volunteers and found this to be one of the most uplifting experiences I've had in a long time. When the final piece was put into place, a cheer went up. Four years had passed, and thousands of volunteer hours had been spent organizing and fundraising in preparation for that day. It happened because one woman had the determination and courage to see her dream through. Because of Deb Swift and her dream, Salem, NH, now has place for all of the children to play and the entire community to enjoy.

Mr. Speaker, I ask my colleagues to join with me in honoring Deb Swift, the "Dream Maker" of Salem's "Field of Dreams."

BATTLE OF GUADALCANAL REMEMBRANCE DAY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. PANETTA. Mr. Speaker, as our country reflects on the heroism of those who bravely served the United States in celebrations marking the 50th anniversary of World War II, it is appropriate that we pay a long-awaited tribute to those who fought valiantly in the campaign to recapture the Island of Guadalcanal between August 7, 1942 and February 9, 1943.

The distinguished Senator from North Dakota, [Mr. CONRAD], has introduced Senate Joint Resolution 248 to designate August 7, 1992, as the Battle of Guadalcanal Remembrance Day. The measure I am introducing today is a companion to the Senate resolution.

Beginning on August 7, 1942, the United States embarked on a pivotal campaign in the Solomon Islands. This offensive was essential to stem the tide of the Japanese imperial advance. Following the tragic fall of Corregidor in the Philippines, the landing on Guadalcanal was a vital American offensive in the Pacific theater during World War II. The ensuing 6-month battle proved devastatingly fierce. During this period, American forces fought what is regarded as some of the most intense combat during World War II. The brutal engagements at Bloody Ridge, around Henderson field and during the naval battle of Guadalcanal from November 12 to 15, 1942 exemplified the true resolve of the American forces. It was at Guadalcanal that the Japanese advance was squarely confronted and set back.

The U.S. Armed Forces distinguished themselves by their brave fortitude during the campaign. The dedication and ultimate sacrifice of those who served in the Solomon Islands of the South Pacific is similarly notable. More than 9,400 Army, Navy, and Marine casualties were suffered during the Guadalcanal campaign. Tragically, 4,343 were killed in action.

Mr. Speaker, it is only fitting that our Nation pay tribute to those who fought at Guadalcanal and whose efforts resulted in the turning point of the war in the Pacific. The planned activities of the U.S. Marine Corps on August 7, 1992, represent an appropriate impetus to extend the commemoration to all who served in the Solomon Islands in the effort to recapture Guadalcanal between August 7, 1942 and February 9, 1943.

It behooves us to join the efforts of Senator CONRAD to honor those who served our country with pride, strength, and loyalty. The veterans of Guadalcanal justly deserve the symbolic day of August 7, 1992, as a day when all Americans can reflect on the sacrifice of our American forces in the Army, Navy, and Marines who fought in the landing and campaign to recapture Guadalcanal. I urge my colleagues to join me in declaring August 7, 1992, as the Battle of Guadalcanal Remembrance Day.

The text of the resolution follows:

H.J. RES. —

Whereas the focus of the military campaign of the Allied forces in the Solomon Islands of the South Pacific during World War II was the island of Guadalcanal;

Whereas the military invasion of the island of Guadalcanal by the United States began on August 7, 1942, with an amphibious landing of Major General Alexander A. Vandergrift's 1st Marine Division;

Whereas, on October 13, 1942, the commitment of ground forces of the United States to the Battle of Guadalcanal began with the landing of the 164th Infantry Regiment of the American Division, making the regiment the 1st unit of the United States Army to engage in offensive combat action in the Pacific theatre during World War II;

Whereas the South Pacific Naval Task Force, under the command of Vice Admiral William F. Halsey, was the principal naval force during the Naval Battle of Guadalcanal in November 1942;

Whereas, throughout the 6-month campaign on Guadalcanal, the United States Navy provided the naval support that was critical to the victory of the armed forces of the United States on the island of Guadalcanal;

Whereas, during the campaign on Guadalcanal, there were more than 9,000 Army, Marine, and Navy casualties;

Whereas, on August 7, 1992, the United States Marine Corps will conduct a ceremony at the Iwo Jima Memorial in the District of Columbia to commemorate the landing of Marines on Guadalcanal; and

Whereas the Department of Defense will recognize the contributions made by all military personnel of the United States during the operations on Guadalcanal as part of its commemoration of the 50th anniversary of World War II: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 7, 1992, is designated as "Battle of Guadalcanal Remembrance Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

TRIBUTE TO STAN STREAKS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. BONIOR. Mr. Speaker, on the evening of June 12, Stan Streaks will be honored at a special dinner at the Van Dyke Manor Restaurant. I am very pleased to join UAW Local 160 in honoring a longtime friend of the working men and women of our community.

In many ways, Stan Streaks has come to symbolize our commitment to fairness and justice in the workplace and society. For more than 35 years, Stan has been an important figure and voice in the labor movement in Michigan. His long record of distinguished service has proven him to be a natural and effective leader. Stan's vision and guidance have always impressed those of us who have had the privilege to know and work with him. His contributions will be truly missed.

Mr. Speaker, on this special occasion of his retirement, I ask that my colleagues join me in saluting Stan Streak's many years of service and dedication to the labor community in Michigan.

ENHANCING RACIAL HARMONY, YOUTH AGAINST RACISM, ELEANOR ROOSEVELT CENTER AT VAL-KILL

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. FISH. Mr. Speaker, recent events in Los Angeles have exposed an urban human condition that cannot be tolerated. Congress is considering what is the appropriate response to inner city unemployment, lack of opportunity, and dispair. Racism is blamed by many for these conditions.

For 2½ years, citizens of Dutchess County, NY, have actively come together to address racial discrimination in their community. There are currently two programs sponsored by the Eleanor Roosevelt Center at Val-Kill in Hyde Park, NY, called Enhancing Racial Harmony and Youth Against Racism. Both programs were developed with national replicability in mind and I salute the creativity and broad-minded efforts made by the many citizens committed to these programs.

Enhancing Racial Harmony came into being in October 1989 in Dutchess County, NY. Its mission: First, identify racial discrimination; and second, make recommendations as to how to improve the situation in five areas: criminal justice, education, employment, housing, and the media.

A steering committee of 30 sets policy and coordinates the activities of the 5 focus groups. Eighty persons sit on the focus groups, while an additional 300 persons have participated in programs initiated by the focus groups. The participants are racially and ethnically diverse, representing leadership in the community, education, business, government, media, and not-for-profit sectors.

One very important aspect of this project has been the process of bringing together groups of people, on a regular basis, who together discuss and address the sensitive and challenging issues of racial discrimination. Another aspect of this project is the programs that have been initiated by each of the groups. Following is a summary of the findings and activities of each of the five focus groups:

CRIMINAL JUSTICE

A racially and ethnically mixed membership on the criminal justice focus group has determined that racial bias and discrimination exists in every element of the criminal justice system from a lack of minorities on police forces, to a predominantly white, male judicial system, to a disproportionate number of minorities in jail and prison.

Two action-based goals have been articulated:

I. REGENERATE THE COMMUNITY

Prevent crime through proactive efforts to address employment and educational opportunities; through a community-based policing initiative; through appropriate programs to stifle drug use and provide drug and alcohol treatment; and a systematic approach to the preservation of families. Encourage the business sector to hire, train, and promote minorities.

II. REDESIGN THE CRIMINAL JUSTICE SYSTEM

Redesign the criminal justice to be responsible to a multicultural community through its enforcement officers and judicial institutions. The system must rely upon a broad spectrum of punishment and intermediate sanctions including community service, probation, and alternatives to incarceration. Restore the community as the keeper of order and the maintainer of justice.

EDUCATION

The mission of the education focus group [EFG] is to assist the local school community to prepare students for citizenship in a culturally diverse world through the development of an understanding and appreciation of all people. To accomplish this mission, the EFG engages in activities to increase multicultural staffing at all levels in the educational system. Also, the EFG recognizes the need for schools to initiate a genuinely multicultural program implemented with enthusiasm, commitment, and sensitivity. Specific projects sponsored by the EFG are a workshop designed to expand the pool of qualified candidates for professional positions. Additionally, the EFG is supporting training for teachers and administrators and recommending policies and procedures that would institutionalize school district multicultural commitments.

EMPLOYMENT

The employment focus group conducted a major study to learn more about racial discrimination in the employment sector. More than 100 citizens participated representing youth, the unemployed, community leaders, the employed, CEO's, and human resources specialists. The results of this study confirmed that racial bias does exist in many aspects of the employment environment in Dutchess County, including hiring practices, promotional opportunities, and management practices.

Twenty-six recommendations resulted from the study. Following are the top two: First, community and business leaders made cultural diversity a personal and public priority; and second, develop coalitions of business, government, and education to provide clear skills training and value development.

The focus group is working on two projects: First, development of a user-friendly publication on the destructive nature of racism in the workplace; and second, development of a workplace awareness program, which will be relevant for both management and the work force, and which will demonstrate the value and economic importance of having a positive, culturally diverse work force.

HOUSING

The housing focus group has a vision of Dutchess County where no one would be denied the right to live in a neighborhood or community they choose, if housing is available. The constant challenge has been to distinguish between economic and racial discrimination.

A major study was conducted to determine the extent to which racial discrimination existed in the housing sector. Participants in the study included: banking professionals, housing specialists, government leaders, homeowners and tenants, realtors, developers, and landlords. Incidents of racial discrimination were revealed on many levels. Resulting recommendations included: First, better public awareness through public service announcements; second, an 800 number guaranteeing

confidentiality that would encourage reporting of discrimination cases; third, better education, including consumer education and creation of support groups; and fourth, support for human rights commission as the best formal structure which can collect data, investigate complaints, followup enforcement, and initiate a broad-based public education campaign.

MEDIA

The mission of the media focus group is to eliminate racial bias and promote racial harmony in the local media. Projects which have been completed include: First, a workshop to inform minority organizations how to better access the media; and second, media seminars for media managers and members of the working press which included sessions on personal bias, equal employment opportunity hiring, semantics, and stereotypes.

A current project of the media focus group is to develop a public service library of antiracism print ads and radio and television public service announcements. The themes will cover housing, employment, education, and criminal justice.

Youth Against Racism is a high school program which was established in 1989 to provide opportunities for teenagers in Dutchess County, NY to explore issues of racism. At weekend seminars and single day workshops led by community leaders and faculty advisors, students address specific issues such as the psychology of racism, institutional racism, as well as racism in education, the media, religion, and the legal system. They heighten their own awareness of racism, explore how it has touched each student, and develop courses of action to foster greater understanding and tolerance.

Students have responded by organizing clubs in their high schools and developing information programs to take to elementary school students. They designed a brochure and a poster which have been distributed to each high school in the country, created a media watch check list, and developed one television and two radio public service announcements. Radio station WKIP submitted the radio spots to the New York State Broadcasters Association where they won first place in 1991. Students also designed an annual T-shirt and a business card that states "I am a Youth Against Racism"; both are awarded at the end of the year to every student who has participated in the program.

The program has been effective not only for the participating students but also for the county and the region. To date, almost 300 students from 10 high schools have participated; an additional 200 elementary school pupils have been part of programs presented by YAR students. In response to painful racist incidents in their buildings, two high schools have asked Youth Against Racism students to help them start the program. The program is also known beyond Dutchess County; a college and two high schools in Ulster County have asked for presentations on Youth Against Racism.

The success of the program can be attributed to four factors: The increasing need to understand and deal with the growing diversity of our communities, the support of the established Eleanor Roosevelt Center at Val-Kill, the strong contributions of community leaders who volunteer their services for seminars and workshops, and the excellent program guidance from participating students who are fully in touch with the changes and emotions of the school community.

Mr. Speaker, the Enhancing Racial Harmony and Youth Against Racism programs of Dutchess County have made a difference. It is the intention of Eleanor Roosevelt Center at Val-Kill to develop models which can be replicated nationwide, bringing the benefit of Dutchess County's experience to communities across the country. The Eleanor Roosevelt Center at Val-Kill [ERVK] is a private, not-for-profit educational organization dedicated to carrying out the humanitarian work of Eleanor Roosevelt. ERVK acts as a catalyst in creating change for the betterment of humanity, all within the context of Eleanor Roosevelt's philosophy and example. More information on Enhancing Racial Harmony or Youth Against Racism is available by contacting Alexa Ward, ERVK executive director, at 914–229–5302, address: ERVK, P.O. Box 255, Hyde Park, NY 12538.

We, in Dutchess County, look forward to helping other organizations and community-minded individuals actively work toward the racial harmony that is necessary for creating an environment of hope and a better future—a nation where there is equal justice and equal opportunity for all Americans.

TRIBUTE TO LEONARD VINCENT

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LEVINE of California. Mr. Speaker, I rise to pay tribute to a remarkable man on the occasion of his retirement. I refer to Leonard Vincent who, this year, decided to move on to new challenges after a long and distinguished career as a teacher in the Santa Monica schools.

Leonard Vincent has dedicated his life to teaching and inspiring young people. He is the personification of everything educators should be. He truly believes that knowledge is power. That belief motivated him to become a vehicle for transferring knowledge to his students.

He has the unique ability to make history and great social issues come alive for his students. He is able to explain to young people why they should be concerned about events that occurred hundreds of years ago or hundreds of miles away. He makes learning enjoyable and rewarding.

Teachers like Leonard Vincent are a national asset. His retirement is a great loss to the Santa Monica/Malibu school system, but is an even greater loss to children who will never have the opportunity to spend time with him, to learn from him, to catch the enthusiasm which he imparts for the subject he teaches, to have a teacher who cares as deeply and passionately about his students as Leonard Vincent does, and to listen to and groan at his excruciating puns.

Leonard's ability to make his students laugh, to find humor in history and current events is one of the reasons why he is an outstanding teacher. Put simply, he makes learning fun. He makes the time his students spend in his classroom enjoyable rather than excruciating.

This year he delivered the commencement address to the Santa Monica High School graduating class of 1992. It was the kind of upbeat, energizing speech which those who know Leonard Vincent have come to expect. The love of his students, his concern for their future, and his commitment to making our society better all are present in his address. It was the kind of inspiring speech which we used to hear from public officials but hear all too rarely now. It exemplified why he is such a special person and why he meant so much to his students.

I include Leonard Vincent's speech in the RECORD so that my colleagues will have the opportunity to read and reflect on it. I also ask my colleagues to join with me in recognizing Leonard and congratulating him on a lifetime of service to our children:

GRADUATING SPEECH, JUNE 18, 1992

To the staff of Samohi, to our distinguished guests . . . to the members of our board of education . . . to my associate retirees, including Superintendent Tucker, to you, the parents, friends and family members, and most especially, to the extraordinary class of 1992 . . . congratulations and well done!

But first could we get everyone in our audience to take a moment to share the unique one-ness of this event. Turn to someone you may not know . . . reach out and shake a hand, give a pat on the back or administer a major squeeze. Everyone . . . go ahead . . . do it . . . share with each other the common cause of this special time . . . for we are here to celebrate the past achievements, perseverance, and present passage of the class of 1992 here assembled.

The four high school years are not easy ones . . . the changes experienced between the ages of 14 and 18 are among the most difficult, sometimes traumatic, and exciting in the life-span of an individual.

Reflecting back on my own high school years there were many times when my parents thought I'd never make it. On occasion they might have been heard to say, "my God, out of 2 million sperm cells how could this one have been the fastest swimmer? But somehow, with the help of caring teachers, I managed to keep my head above water, at least most of the time.

The graduates assembled here have done at least as well, if not much better. They are ready to move on . . . so what lies ahead?

It has been said that the most important fact about our spaceship earth and the life upon it is that it didn't come with a definitive book of instructions. We humans, lacking these instructions, have often stumbled our way over its face. Some we call experts are telling us that we've done too much damage to our planet and some predictions are filled with gloom and doom.

However, while the experts are doing their best . . . and while they can serve as early warning systems, their problem is that they restrict themselves to facts alone while our human experience, our history, is as much shaped by unpredictables as by hard facts. Experts just have no way of knowing where or when human hopes or fears might suddenly be transformed into enormous energy sources that could forever change our lives.

The simple fact is that the most important force at work for us in the future is the way in which the human mind reacts to crisis,

and a great force is set in motion when you, and classes like yours across America decide to go out and face the challenges of the 21st century.

Some say the most serious problem facing this nation is not unemployment or recession or wasteful use of natural resources . . . they say the greatest problem right now is that we appear to be running out of hope for the future . . . that we have lost our sense of direction, our energy to act . . . that our sensitivities are narrowed, our values destroyed.

This is not true! If it were true we would no longer be capable of reaching out to and caring for one another—our faces would be frozen to each other.

But they are not! There is to be found, everywhere, among the members of the class of 1992 enough caring to restore hope to the severist critic—and enough warmth of feeling to thaw the most frozen face.

There is great talent among these young men and women. It is to be found in every form imaginable. That talent will find its way. It won't be easy. Success is not permanent—the same is true of failure. Each of today's graduates has something special to do, something unique to do and to be, and there is much to be accomplished. Nothing is done, finally and right, nothing is known positively and completely. The times in which we live are full of things to do, to find out, to do over, to do right.

We have not now nor have we ever had a government that couldn't be improved upon, there is not now and there never has been a perfectly run bank, factory, school, airline, or business.

What is true of business and politics is true of the professions. The arts and crafts, the sciences and sports. The best picture has not yet been painted, the finest cabinet is still to be crafted, the greatest novel or play remains unwritten, the most important things remain to be done.

In breaking through some of the obstacles we face there are a few thoughts I hope you will consider:

Question authority—Be an agitator, for the agitator is the person who insists that our community, nation and world, as they stand, are not good enough.

Reach out and seek understanding of your brothers and sisters of all colors, creeds and origins, for we are their keepers and they are ours.

Commandment No. 1 of any truly civilized society is this: Let people be different! We must remember, said Colin Powell, that America is a family. There may be many differences and disputes in our family, but we must not allow them to be broken into warring factions. Find strength in your diversity. Fight racism and prejudice in all its crippling forms. We have to make sure that racism withers and dies in this country once and for all. Because every time history repeats itself, the price doubles.

Finally, to this class of 1992 a wish from the hearts of all of us who care for you and love you unconditionally—may the directions you take and may the decisions you make in these difficult, but far from impossible times, lead to the fulfillment of your most deeply held hopes and dreams.

And, so to all of you here assembled, the time has come to say farewell in the loving hope that you will fill your minds with things that never were and demand, why not?

Thank you for allowing me to share this time and these thoughts with you, whom I hold in the highest regard. It is an honor I will long remember. Again, farewell.

INTRODUCTION OF LEGISLATION REGARDING TAX ABATEMENT

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. PEASE. Mr. Speaker, today I am introducing legislation designed to put an end to the use of tax abatement as an economic development tool. Cities and States have been engaged in a bidding war to encourage businesses to locate or remain in their jurisdictions. These bidding wars threaten the tax bases needed in these localities to support the school systems.

Companies are pitting city against city in an effort to increase the enticements being offered. I cannot say that I blame companies for pursuing the most beneficial arrangements that are available to them under the law. The business community faces tough competition in the changing global economy. I do believe, however, that encouraging or even demanding tax abatements will in fact hamper the ability of U.S. companies to compete. The loss of school revenue makes developing an educated, literate work force all the more difficult.

Recently, Elyria, OH's City Council adopted a resolution urging the Congress to ban tax abatements on a nationwide basis. While expressing their distaste for the use of tax abatements as a means to retain or attract business, members of the city council realize that unilaterally banning tax abatement would put the city at a competitive disadvantage with other cities and towns.

Indeed, any effort to stop the tax abatement problem is useless unless all jurisdictions stop. For that to occur, it seems that the Federal Government must take action.

Mr. Speaker, the bill that I am introducing today provides that no State or political subdivision thereof shall be eligible to receive any grant for economic development purposes under title I of the Housing and Community Development Act of 1974 or the Public Works and Economic Development Act of 1965 if such State, any political subdivision thereof, or any agency or instrumentality of such State offers, permits, or grants a tax incentive that relieves a taxpayer from paying any State or local tax which would otherwise be payable for the direct or indirect support of primary and secondary education.

If all jurisdictions were prohibited from giving these tax breaks, then no area would be at a competitive advantage or disadvantage. Companies would base their location decisions on economic factors, not on how much of a tax break a city or town is willing to provide.

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

INTRODUCTION OF THE AMERICAN JOBS INVESTMENT ACT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. STOKES. Mr. Speaker, it is my pleasure today to introduce the American Jobs Investment Act. This legislation would reestablish the investment tax credit, which was repealed by the Tax Reform Act of 1986, but with an emphasis on investment that creates jobs for American workers. The American Jobs Investment Act would not permanently reestablish the ITC, but create a temporary credit effective for a period of 5 years, beginning in 1992.

Numerous analysts and commentators have advocated a temporary investment tax credit as an important element to any economic recovery package passed by Congress. I believe an investment tax credit can be a positive economic tool, if it is designed to encourage wise investment decisions focused on long-term growth, and if the investment generates additional economic activity in the United States. Every Member of this body will acknowledge the fact that increased investment by the private sector is needed to both stimulate the economy, and to foster increased international competitiveness, for American companies. The American Jobs Investment Act will promote just such investment by rewarding companies that invest in new equipment to increase efficiency, competitiveness, and create jobs for American workers.

The American Jobs Investment Act provides a 10-percent investment tax credit for the purchase of new and used equipment which has been produced in America. This is achieved by requiring that equipment eligible for the credit have been constructed or assembled with at least 70 percent domestic content. In addition, the American Jobs Investment Act will reward companies that provide good jobs by granting an additional 5-percent credit for the purchase of new or used equipment which was produced substantially with union labor, and for the cost of installation of equipment for which union labor is utilized.

Mr. Speaker, in light of the discouraging economic news of the last 2 months, with the unemployment rate jumping three-tenths of 1 percent in both May and June, and the announcement that the Department of Labor had undercounted by one-third the number of payroll jobs lost during the current recession, it is imperative that we pass legislation to provide economic stimulus, and create good jobs for American workers.

The American Jobs Investment Act will not only provide an incentive for American companies to increase investment, but it will reward those companies which invest in equipment which provides good jobs, with good pay and good benefits for American workers. I urge all my colleagues to support incentives for investment that benefits all Americans by cosponsoring the American Jobs Investment Act.

HEALTH CARE NEEDS OF OUR NATION'S VETERANS

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. WALSH. Mr. Speaker, I rise today to address the health care needs of our Nation's 27 million veterans, and to call for adequate funding of the massive health care delivery system run by the Department of Veterans Affairs.

As Members of the House have heard time and again from their constituents, health care in our Nation is in some difficulty. Nearly 36 million Americans today have no health care insurance and millions more are considered to be underinsured. For those fortunate enough to have health care coverage, the cost is increasing at four to five times the annual rate of inflation. In central New York, rising health care costs are creating severe financial problems and forcing many families to choose between buying adequate coverage and putting food on their tables.

Perhaps no group has been affected more by this crisis than our Nation's veterans—especially our Nation's older veterans who brought us great victories in World War II and stemmed the tide of communism by winning the cold war. As a nation, and as individuals, we owe an awesome debt to these brave men and women who have given so much in days past to ensure that each of us can enjoy freedom today. In my view, Mr. Speaker, we must translate our appreciation of these veterans into action by providing adequate financial resources so that no veteran is denied quality health care by the Department of Veterans Affairs.

Earlier this year, Cleveland Jordan, the national commander of the 1.4 million-member Disabled American Veterans, told Congress that our actions have fallen short in this area. "Veterans are still being denied care; waiting times for certain clinical appointments are as long as 9 months; inequities in access to care still persist; and the needs of aging veterans are being largely unmet," commander Jordan said.

Mr. Speaker, we in Congress can no longer allow such conditions to exist. We have a statutory duty and a moral obligation to care for those courageous men and women who have borne the battle. We must act now to provide the financial resources necessary to ensure that the health care needs of our Nation's veterans are fully addressed. To do less would be immoral and inexcusable.

OMNIBUS CONSTITUTIONAL AMENDMENT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. DUNCAN. Mr. Speaker, Dudley Brewer, a well respected journalist from Knoxville, TN, has presented me with a proposed omnibus constitutional amendment, which is printed below. I want to take this opportunity to call his ideas to the attention of all my colleagues and other readers of the RECORD.

Dudley Brewer is one of the most thoughtful and intelligent men I know. He spent many years on the staff of the Knoxville Journal, a daily morning newspaper in my district, and has written numerous thought-provoking articles which have stimulated the interests and helped thousands of people throughout Tennessee to make informed decisions on various issues.

I hope everyone will take the time to read his proposal:

(NOTE.—The purpose of this proposed omnibus* amendment is to correct the following perilous faults in federal government as it is being conducted today in the United States of America: congressional corruption: fiscal irresponsibility: judicial tyranny and its abetment of moral degeneration: the undermining of true representative democracy)

SAMPLE AMENDMENT—ARTICLE XXVIII

Section 1. Affected existing provisions of the United States Constitution are hereby amended to accord with the following determinations of the people.

Section 2. The House of Representatives shall be composed of members chosen every fourth year by the people of the several States.

Section 3. No Representative shall be elected to more than three consecutive terms, nor any Senator to more than two consecutive terms.

Section 4. Except in national emergency, appropriations by Congress for any fiscal period shall not exceed anticipated revenues for the same period.

Section 5. Members of Congress shall not establish or maintain perquisites for themselves at taxpayer expense, nor exempt themselves from legislation that affects the public generally. But Congress shall pass laws to control contributions to political candidates and officeholders from persons, groups, corporations or associations.

Section 6. Judges of both the Supreme Court and inferior federal courts who are appointed after ratification of this Amendment shall hold their offices during good behavior for terms of ten years, and may be eligible for reappointment.

Section 7. Whereas there is no provision in the United States Constitution that empowers the Supreme Court or the inferior federal courts to invalidate or to declare unconstitutional laws duly enacted by Congress or the legislatures of the States, those courts shall cease and desist from so doing.

Section 8. The term freedom of speech in this Constitution shall always mean freedom of verbal expression only, and the freedoms of speech, of the press, and of peaceable assembly to petition for redress of grievances shall be subject to abridgement when there is violation of federal, state or local law that prohibits public defamation, libel, indecency, disorder or sedition.

Section 9. Sections 2 and 3 above shall be in effect for individual incumbents at the time when they complete the terms in which they were serving on the date of the ratification of this Amendment. All other sections of this Amendment shall take effect upon ratification.

(The above prepared by Dudley E. Brewer, Knoxville, Tennessee.)

A CONGRESSIONAL SALUTE TO GLADYS ALMEDA BONNER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. ANDERSON. Mr. Speaker, on July 12, 1992, the family and friends of Mrs. Gladys Almeda Bonner will gather together to celebrate her 100th birthday. It is with great pleasure that I rise today to pay tribute to such an extraordinary lady.

Born in a farmhouse in Republican City, NE, on July 16, 1892, Gladys received her grade school education from the local one room school. In her early teens, she moved to Colorado and graduated from high school in Colorado Springs. At a time when most women did not consider continuing their education, Gladys enrolled in Greeley College in Greeley, CO, and graduated with a degree in pedagogy (education) in 1914.

Returning to Nebraska, Gladys became a high school principal working in schools in Palisade and Kenesaw. While Gladys was serving as a principal in Kenesaw, she determined that her school was in need of a chemistry and physics teacher. Little did she know that the man she had hired for this position was her husband-to-be, James Norris Bonner. They were married on May 19, 1928, in Minden, NE, and soon after moved to the land of golden opportunities, Long Beach, CA.

For the past 57 years, Mr. and Mrs. Bonner have been residents of Bellflower. Gladys worked for the Bellflower School System, retiring after 20 years of service. The tradition of teaching has been firmly established with the Bonner family as the grandchildren have entered the profession.

Mr. Speaker, on this momentous occasion, my wife, Lee joins me in extending this congressional salute and special birthday greeting to Gladys Almeda Bonner. We wish Gladys, and her husband, Jim, and their son John, grandchildren, Esther and Paul, and great-grandchildren, Susy and Marc, all the best in the years to come.

SEQUOIA NATIONAL MONUMENT

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LEVINE of California. Mr. Speaker, anyone who has visited a forest containing giant Sequoias and who has been awed by their beauty will understand why these forests must be saved. They are a national treasure and one of the great wonders of the world. This monument will contain some of the world's oldest and largest trees, many of which are hundreds and even thousands of years old. These magnificent trees are a remnant of a species whose ancestors once stretched as far north as Idaho. As climatic and other conditions have changed, the habitat of these giants has been reduced to their current range. These ancient trees are a part of our heritage which should be handed down to our children and grandchildren.

Today I am introducing legislation to establish the Sequoia National Monument in the Sequoia National Forest. My bill would prohibit logging on approximately 365,000 acres of Federal lands within the monument boundaries in order to protect the giant Sequoia groves and contiguous forests. The Forest Service would be required to manage the monument in a manner which will restore the forest to its natural state, and enable giant Sequoias to flourish in the Sierra Nevada range again.

It is enough to prohibit logging in the groves. Despite their massive size, giant Se-

* Omnibus in its basic meaning of "for all".

quoia are extremely sensitive to disturbances in their ecosystem. Sequoias have evolved with very specific needs for soil, water flow, and temperature. Leaving Sequoias intact in isolated groves, while allowing disturbances in the surrounding forests may imperil the entire species over the long term. In order to preserve the species, great care must be taken to protect their watersheds, soils, and even the microclimates surrounding the trees.

Watersheds disturbed by logging and roadbuilding can create changes in surface water flow downslope that can alter the amount of water reaching Sequoias. In addition, clearcut logging and roadbuilding can cause severe erosion, which can deplete soils and deposit silt in watersheds. Logging, particularly clearcutting, creates openings in the forest where temperatures can be significantly higher than in the deep forest. Over time, such increases in temperature also affect the temperature of adjacent forest.

Logging near the trees themselves damages their shallow root structure, which can cause the trees to die. Similarly leaving Sequoias isolated and surrounded by clearcuts leaves them vulnerable to blowdown in severe storms, which are not uncommon in this part of the Sierras.

If only the isolated groves are protected, the species may not be able to migrate throughout their entire habitat and potential habitat. Millions of years ago, the trees grew to the north of their present range and east of the Sierra Nevada range. The species will certainly die over the long term if trees cannot grow beyond the narrow confines of the groves. There are also concerns that if groves become too isolated, there will be inadequate genetic diversification to maintain the species.

Mr. Speaker, I ask my colleagues to join me in this endeavor. A national monument which protects not only the Sequoia groves themselves, but the contiguous forests is necessary to support the continued health and vitality of the species for generations to come.

A TRIBUTE TO JOSE LUIS RODRIGUEZ, "EL PUMA"

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, a constituent of my congressional district, José Luis Rodriguez, popularly known as El Puma, adds to his already successful collection a new album, "Piel de Hombre." Sony Music, El Puma's record label, has just announced that José Luis Rodriguez has been awarded a gold record in Spain for this album. This is another milestone for El Puma, who is presently on tour in Europe.

The success of this famous artist from Venezuela stems not only from his singing talent, but from his incredible stage presence as well. He has been featured in numerous programs on Spanish television, reaching audiences across the globe. His charisma has allowed him to cross over into the field of television, where he has starred on 17 different soap operas.

The door of opportunity seems to open very easily for the popular José Luis Rodriguez. Admirers in his home country of Venezuela now want El Puma to venture into the political world, placing him as their first choice for governor of the state of Zulla. He has stated that his first priority right now is his upcoming trip to Mexico, where he will act in "El Patio."

Mr. Speaker, I commend Mr. José Luis Rodriguez for his constant success, especially his most recent gold record. He has earned a large following entertaining many around the world. His many accomplishments are the result of a great talent and continuous hard work. Best wishes to José Luis Rodriguez for continued success and further development of his many talents.

A SPECIAL TRIBUTE TO WO OFFICER MICHAEL E. JOHNSON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. STOKES. Mr. Speaker, I rise today to express my deepest sympathy and condolences to the family and friends of WO Michael E. Johnson who was tragically killed on July 2, 1992, while taking part in a training mission for the U.S. Marine Corps.

Born on July 23, 1953, Mike was raised in the Washington, DC, area and graduated from T.C. Williams High School where he was known statewide for his outstanding track and field abilities. He spent most of his adult life serving his country in the Marine Corps, but always called this area home.

During his lengthy career with the USMC, Mike, better known as Gunny J to his fellow marines, was stationed in South Weymouth, MA, and at Andrews AFB. Mike was respected and admired by all of his fellow marines.

In 1986, Mike made the difficult decision to leave active duty to spend more time with his children, yet he remained active in the Marine Corps with the 4th Civilian Affairs Group Reserve Unit. In 1986, Mike joined the U.S. Capitol Police and obtained the rank of technician in the K–9 unit.

Responding to the call of his country, Mike returned to active duty to serve with his fellow marines in Desert Storm. Remaining in the gulf region for 8 months, Mike combined his police and military skills to coordinate the searching and processing of thousands of POW's.

Mike was decorated for service to his country throughout his career. Most recently he was decorated with the Combat Action Ribbons, the Kuwaiti Liberation Medal, and the Humanitarian Service Medal for his actions in the Persian Gulf.

Mike returned to the United States in 1991 and resumed his position with the USCP. Mike's love of the Marine Corps convinced him to return to active duty in January 1992, where he served as the aviation ordinance officer for the MAG 42 Naval Air Station in Marietta, GA.

Mike is survived by his three children: Alex, Michael II, and Megan and innumerable friends. He will be greatly missed by everyone who knew and loved him. The country has lost one of its bravest and proudest marines. Semper Fi.

SOUTHERN ALAMANCE HIGH SCHOOL GIRLS SOFTBALL TEAM WINS 3–A STATE CHAMPIONSHIP

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. COBLE. Mr. Speaker, the Southern Alamance High School girls softball team from the Sixth District of North Carolina recently won the North Carolina 3–A State championship. I am proud to congratulate this team for the leadership and excellence which it has displayed.

This State title capped off an excellent 1992 season in which the Patriots compiled a record of 27–5. This title has established Southern Alamance as a true competitor in softball, since they have won the State championship 2 out of the last 3 years.

The players who completed this tremendous accomplishment include Jenny Coble, Sherry Briggs, Gina Herring, Crissy Herring, Lynne Knighten, Kimberly Shoffner, Honda Gwynn, Nikki Pritchett, Stephanie Oakes, Melinda Lutterloh, Julie McVey, Anitra Dodson, Tracey Norris, Robin Isley, Frances Woody, Heather Dean, Tennille Robertson, Misty Robbins, and Kasey Griffin. They were directed by the fine coaching of Danny Pope and his assistants Mike Johnson and Annie Loflin.

Southern Alamance Principal Ben F. Howard and all of the faculty, staff, students and fans of Southern Alamance High School can take pride in the softball team's accomplishment. The entire Sixth District is proud of these young women who have achieved this admirable title. Congratulations to all of those involved.

FAMILY RENEWAL AND SUPPORT ACT OF 1992

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. WELDON. Mr. Speaker, I rise today to introduce important legislation designed to assist the sometimes ignored and often overlooked middle-income family. In normal times, most American families experience financial hardships, and they have great difficulty buying their first homes, sending their children to college or vocational school, and saving enough money for retirement. During a period of economic stagnation, these families have even greater difficulty making ends meet.

For this reason, I am introducing a package of familiar and popular initiatives that will help financially strapped families to invest and to save again. This legislation, which includes the first-time homebuyer tax credit, the super IRA, an increase in the personal exemption for children, and the restoration of the deductibility of certain student loans, is badly needed.

These four provisions enjoy very broad bipartisan support and represent a real opportunity to break the legislative gridlock we currently face. With the failure of Congress and the Bush administration to agree on a comprehensive economic growth package, the American public is justifiably angry, as well as disillusioned about the political process. Our constituents need serious help, and even though we are now fully engaged in the quadrennial Presidential circus, there is no excuse not to take action on these widely supported tax measures.

The American family, Mr. Speaker, could easily become an endangered species unless the Federal Government takes the necessary steps to support this fragile institution, the problems of our Nation will surely multiply. With both parents working to earn enough money to barely survive, it is certainly no wonder why there has been a decline in family values. There is simply not enough time in the day for many parents to help children with their homework and to provide them with moral guidance.

While this legislation will not solve the complex problems confronting the American family, it is the right place to start. Therefore, I urge my colleagues to support this legislation. In particular, I would encourage the Committee on Ways and Means to hold hearings and to report out this bill as soon as practicable. The committee is familiar with these provisions. All I have done is to put them together in a package that could move quickly through the House and Senate and be signed by the President. The American people are waiting for results.

IN HONOR OF RITA MORGAN AND IN MEMORY OF CHRISTOPHER BAKER, JULIE DICKS, AND ROB CASH

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LEVINE of California. Mr. Speaker, it is with deep sorrow that I rise today to pay tribute to four young people; three whose lives were ended abruptly and one who is valiantly struggling to live. Rita Morgan, Julie Dicks, Rob Cash, and Christopher Baker were hit by a drunk driver on the morning of June 7, 1992. This has been the worst accident in Santa Monica's history.

Rita Morgan, the group's designated driver, has been in a coma since the accident. On June 30, 1992, she was disconnected from a respirator and began to breathe on her own. Rita graduated from California State University at Northridge with a degree in physical therapy last May. She previously worked as a physical therapist for the Los Angeles Clippers. In addition to her educational and professional accomplishments, Rita has been a great asset to the community. Her greatest joy has been her community service work as a clown. Rita, also known as Titi the clown, performed extensively with the volunteer organization visiting convalescent homes, children's hospitals and the Special Olympics.

Julie Dicks and Rita Morgan had been friends since they attended Notre Dame High School. Julie graduated from San Diego State University in May 1992. She served this past year as a resident assistant in her dormitory, helping the in-coming freshman to adjust to college life. Julie planned to continue her education in order to establish a career in teaching. Although Julie lived in San Diego while attending school, she drove home every Sunday to visit her family and friends. She was also active in her church, singing in the choir and setting an example to all who knew her.

Rob Cash had returned home to Santa Monica on June 2, after spending a year studying and working in Germany. Fluent in German, Rob graduated from the School of International Training in Brattlboro, VT in June 1992 after completing his course of study and internship under the World Issues Program at that institution. Before transferring to the School of International Training, Rob attended Santa Monica College. While living in Santa Monica, he worked as a teaching assistant at the neighborhood nursery school. Mr. Rob, as he was known to the children, also volunteered much of his time to various programs at the local YMCA. He also possessed great love for an talent in soccer, having competed in the sport for much of his life.

Christopher Baker spent his life teaching and caring for the children in the community. Christopher worked full time as a teacher at the neighborhood nursery school. Known to the children as Mr. Chris, Christopher, along with Rob Cash, provided the nursery school children with the rare experience of having male role models at that level. Following his work each day at the nursery school, Christopher had a second job as a coach at St. Joan of Arc School teaching athletics. He also taught tumbling at the YMCA on a voluntary basis. Even more than teaching, however, Christopher loved baseball. Christopher was involved with Santa Monica Little League for 16 years. He was manager and coach of a number of teams throughout those years and took great pleasure in the achievements of all of his players. He also took time out to give the players extra practice sessions and batting practice and to provide transportation to and from the games if necessary. In addition, Christopher played on three different softball teams, one of which plays in the Santa Monica Men's League.

The loss of these three young people who made such great contributions to the community is particularly tragic. The families, friends, coworkers, and countless children and young adults whose lives they touched feel a great loss. They have now rallied together to encourage Rita to continue her struggle for survival.

Julie, Rob, and Chris will be sorely missed. They provide a vivid reminder of the human cost of the crime of drunk driving. Congress must continue to find ways to get drunk drivers off the road and punish anyone who continue to drink and drive. And, I urge my colleagues to join with me in sending our wishes to Rita Morgan and her family for a swift recovery in the hope that she may live a long, healthy, and productive life.

I would like to submit for the RECORD a copy of the speech given by one of Christopher Baker's colleagues from the Santa Monica Little League. Dr. Barry Weichman helped Christopher coach his 1992 team and made these remarks at the dedication of the new batting cages at Memorial Park in Santa Monica to Christopher R. Baker.

On Sunday I was informed of the tragic and senseless death of someone who had just recently become a friend and teacher, Chris Baker. Chris was my son Jeff's baseball coach this year. As assistant coach, I was fortunate to spend time with Chris both in the dugout and on the field. Chris knew baseball. Chris loved baseball. He imparted his knowledge of and love for the game with great zeal and great dignity. He was respectful of his players and would relish in their accomplishments. He had coached my oldest son, Jerry, as an all-star and he had befriended my youngest son, Joseph, whom he hoped to coach in the future. Chris had no children of his own. He was 26 years old.

Chris Baker was the ultimate volunteer. He nearly always chose to say yes. In a world of take, I only saw Chris give. From his player he asked only that they do their best. Chris always gave them his best. So in losing Chris, what answers had I found? My friends, life is short. No one can predict when or even if we as individuals will be able to impact the world in which we live. From my perspective, Chris Baker impacted my life profoundly, my family's lives, as well as the lives of many other children and families in Santa Monica by doing something that he chose to do, by saying yes to coaching and teaching the children. It was not his job, he received no payment. Coaching the children was not a stepping stone to advance his career. He gave of himself because Chris Baker did not have a concept in his life in which he did not give. Sure, there were plenty of other things that he could have done with his time and energy, but Chris' concept of himself included giving of himself to help others, and it felt good.

CUBAN WOMEN'S CLUB HONORS TWO MIAMI WOMEN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, this year the Cuban Women's Club observed Women's History Month with a celebration of achievement and tradition. The club honored two outstanding Miami women who exemplified community service. The women were Ms. Essie D. Silvia and Ms. Arva Moore Parks.

Ms. Silvia, a woman who helped cultivate cultural unity, was posthumously honored for her lifetime of achievement. A native Floridian, Ms. Silvia held many positions throughout her life which enabled her to help the youth of our Nation. For 15 years, Ms. Silvia acted as the youth coordinator for Dade County. She organized a multitude of recreational, athletic, and job-related activities for the young people of south Florida. She designed a project for the youth called the Urban Corps, which became known as the third largest of its kind in the country. Ms. Silvia's unique talent of uniting people across cultural boundaries was exemplified by her founding and producing of the popular Sunstreet Festival and Parade. As the

first black president of women in radio and television, she was able to highlight Afro-American issues in light of the other cultural issues facing south Florida. Ms. Silvia passed away in 1991, so her daughter, Ms. Jolita Dorsett, who is the Tri-City Cultural Center executive director, accepted her mother's honor.

In addition to honoring Ms. Silvia, the Cuban Women's Club recognized the outstanding accomplishments of Ms. Arva Moore Parks, historian and activist. Ms. Parks, a native of Miami, has been a historian of the State of Florida for the past 20 years. Ms. Parks both records events which occur in south Florida and participates in many of them. She has authored several award-winning books and is the editor of "Tequesta", a journal produced by the Historical Association of South Florida. Ms. Park's willingness to give of herself to the community is highlighted by the fact that she donates proceeds from her books to charity. In 1983, she received the Robert B. Knight. Outstanding Citizen Award, and in 1985, Ms. Parks was inducted into the Florida Hall of Fame.

The events for the Cuban Women's Club were organized by its chairperson, Eugenia Rivero Sierra and its coordinators, Mercy Diaz Miranda and Dolores F. Rovirosa. Ms. Miranda was also the mistress of ceremony for the event.

A SPECIAL TRIBUTE TO JUANITA JACKSON MITCHELL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. STOKES. Mr. Speaker, I was saddened to learn of the recent passing of Mrs. Juanita Jackson Mitchell. Mrs. Mitchell, a Baltimore lawyer and pioneer in the civil rights movement, died on July 7 at the age of 79. With her passing, our Nation has lost a great leader.

Juanita Jackson Mitchell was a dynamic individual who accomplished a great deal during her lifetime. She graduated from the University of Pennsylvania and Maryland School of Law. Juanita Mitchell was admitted to the bar and became the first black woman to practice law in the State of Maryland. She also served as President of the Maryland Conference of the NAACP where she was credited with filing cases that led to the desegregation of public schools throughout Maryland.

Those who knew Juanita Jackson Mitchell will remember her as a pioneer, a strong leader, and a determined individual. She was a woman I greatly admired and she was a good friend. I was also privileged to maintain a close friendship with her husband, Clarence Mitchell, Jr., during his lifetime. Clarence was a well known civil rights leader whom friends and associates affectionately referred to as the "100th Senator."

Mr. Speaker, I extend my deepest sympathy to the Mitchell family upon the loss of Juanita Jackson Mitchell. She lives on in our hearts and will never be forgotten. I want to share with my colleagues Juanita Mitchell's obituary as it appeared in the July 8, 1992, edition of the Washington Post.

JUANITA MITCHELL DIES AT 79; CIVIL RIGHTS LEADER

Juanita Jackson Mitchell, 79, a lawyer in Baltimore for many years who was a pioneer in the civil rights movement, died July 7 at the University of Maryland Hospital.

A grandson, Clarence Mitchell IV, said Mrs. Mitchell, who had been in poor health in recent years, was taken to the hospital yesterday after apparently suffering a heart attack and stroke at her west Baltimore home.

Mrs. Mitchell, a 1932 graduate of the University of Pennsylvania, entered the University of Maryland's law school in the late 1940's, passed the bar examination in 1950 and became the first black woman to practice law in Maryland.

She was born in Hot Springs, Ark., and came to Baltimore with her family as a child.

Her mother, Lillie Carroll Jackson, was president of the Baltimore branch of the NAACP and oversaw all of Maryland's branches. Mrs. Mitchell worked with her mother in the civil rights cause for many years and was president of the Maryland Conference of the NAACP.

She was credited with filing the cases that, in the wake of the Supreme Court's 1954 ruling on segregation in public schools, desegregated public schools in Maryland.

Her husband, Clarence Mitchell Jr., who died in 1984, was a nationally known civil rights leader because of his longtime role as Washington lobbyist for the NAACP.

Mrs. Mitchell was the first national director of the NAACP's youth and college division.

In a statement issued last night, Benjamin L. Hooks, executive director of the NAACP, called her "one of the greatest freedom fighters in the history of Maryland and the nation."

"She was a strong proponent of civil rights and truly was a leader, never losing her vision in what she believed," the Associated Press quoted Maryland Gov. William Donald Schaefer as saying. "She was an inspiration, a fighter, and she never deviated from her principles."

Survivors include a sister, Bowen Jackson of Baltimore; a brother; Virginia Jackson Kiah of Savannah, GA.; four sons, Clarence Mitchell III, Michael Bowen Mitchell, George Davis Mitchell and Keiffer Jackson Mitchell, all of Baltimore; 15 grandchildren; and two great-grandchildren.

A CONGRESSIONAL SALUTE TO NORMONT TERRACE AND THE HOUSING AUTHORITY OF THE CITY OF LOS ANGELES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. ANDERSON. Mr. Speaker, on Saturday, July 18, 1992, the community of Normont Terrace will celebrate its golden anniversary. On behalf of the residents of Normont Terrace and the Housing Authority of the city of Los Angeles, I would like to share with you the roots of this unique and very special community.

One year following President Roosevelt's signing of the Housing Act of 1937, the Housing Authority of the city of Los Angeles was established. Normont Terrace was one of the first public housing communities owned and operated by this newly created commission. Originally intended as temporary housing for war workers, Normont Terrace opened on July 1, 1942. Since that time, this community has been home to scores of low-income families and continues to provide housing for hundreds of people.

Throughout the years, the residents of Normont Terrace have demonstrated exceptional pride in their community. They have organized a coordinating council and elected council officers to oversee community projects and activities. In addition, this council has served as a positive and productive force in the establishment of a new Normont Terrace community. Recently, Normont Terrace received a technical assistance grant from the U.S. Department of Housing and Urban Development and is entering into the initial phase of an ambitious resident management training program. This program will empower the community's low-income tenants to take an active roll in the control of their environment.

Mr. Speaker, on this momentous occasion I congratulate the Housing Authority of the city of Los Angeles on 50 years of providing quality housing for the residents of Normont Terrace. I also congratulate the residents and coordinating council of Normont Terrace on the 50th anniversary of their community. My wife, Lee, joins me in wishing them continued years of growth, development, and success in their ventures.

A TRIBUTE TO JULIA CUDDEBACK KENISTON, M.D.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. GILMAN. Mr. Speaker, it is an honor to bring to the attention of all our colleagues the dedicated service of Dr. Julia Cuddeback Keniston at Mercy Community Hospital, Port Jervis, NY. Dr. Keniston will be retiring this year after 45 years of service.

Dr. Keniston started her career as a member of the medical staff of Mercury Community Hospital in June 1947. Throughout her 45 years of service, Dr. Keniston has served meritoriously as president of the medical staff, vice president of the medical staff, secretary-treasurer of the medical staff, chief of pediatrics, and various other committees.

Dr. Keniston has served our community faithfully for 45 years and has earned the admiration of those people she has been associated with over her career. Dr. Keniston's retirement is a great loss not only to the staff and patients of Mercury Community Hospital but to our Nation. Dr. Keniston's service to our community is a perfect example of a person dedicating her life to the betterment of society. Her unselfish actions will be sorely missed and I would hope that she is a role model for younger people in our country to serve in some capacity their communities.

Mr. Speaker, I invite my colleagues to join me in honoring Dr. Julia Cuddeback Keniston for her service to her community, and wishing her a long and fruitful retirement.

NATIONAL INVENT AMERICA! WEEK

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LOWERY of California. Mr. Speaker, it is with great pride that I rise today with three of my distinguished colleagues to introduce legislation designating the week of July 19 through July 26, 1992, as National Invent America! Week. Invent America! is a nationwide program which encourages young inventors in kindergarten through 8th grade to develop problemsolving and advanced thinking skills by sponsoring State, regional, and national invention programs and competitions. Invent America seeks to inspire in our youth what has always made America great: innovation, imagination, and excellence.

Where are the ingenious inventors of yesterday, people like Thomas Edison, Alexander Graham Bell, Eli Whitney? Where are all the gadgets and machines—the cotton gin, the electric light bulb, the phonograph—that made life simpler as well as more fun and put money in our national pocket to boot? The inventive spirit in America is not gone, but as a Nation we have been resting on our laurels.

Stories about how America is losing its technological edge have become all too common in recent years. Today it is imperative that we focus the Nation's attention on the critical pursuit of ideas in a global marketplace where America no longer is considered the undisputed leader.

To respond to these developments, Invent America! was launched in 1987 by then-Vice President George Bush—who remains honorary chairman—and the United States Patent Model Foundation, a private nonprofit organization enjoying generous support from good corporate citizens like Polaroid, Kmart, 3M, and Pepsi, and private contributors.

Invent America! invites students to create, to explore their dreams, and to improve life for themselves and their country. As we in Congress continue to wrestle with excruciating budget decisions, Invent America! offers this program to more than 87,000 schools free of charge. They provide the materials, educator training, and support to establish invention programs to every classroom, and administer an invention competition at the State, regional, and national level. This simple yet brilliant program touches the lives of 15 million young people each year and recognizes the importance of nurturing curiosity and spreading the joy of discovery throughout the United States.

Invent America! succeeds because it allows students to learn and have fun at the same time. Last year more than 300,000 students from California and millions more nationwide entered the competition with ideas as diverse as an assist-a-chef apron, battery-powered ski lights, disposable bibs, and a devise which extracts prizes from cereal boxes with uncanny speed. Three years ago, I was delighted when a student from my district became one of the regional finalists. Her roadside accident screen is but one shining example of the tremendous potential Invent America! unleashes.

National prizes in past years have gone to a puddle detecting cane for the blind, a biodegradable golf tee that fertilizes the lawn, and a remember clock to help Alzheimer's victims with their daily needs. The first national prize in 1987 went to a young man from Brooklyn, NY for his invention, the Swivel Head Rest. As he explained to David Letterman on the late night talk show, his invention was designed for people to rest their head without falling over when sleeping on an airplane.

This summer, Invent America! will again bring its 45 regional finalists to Washington, DC, to showcase their ideas and to celebrate the 1992 competition. Among this year's finalists are two Californian's: Brian Nowell of Spring Valley and Michael Chan of Monterey Park. Brian is in first grade and calls his invention, the "Speedee Seeder." He has designed a gardening tool that makes holes in the ground—at just the right planting depth—without the usual dirt under the fingernails. Michael's entry is a tri-level commuter car train called CATS that can transport both the commuter and his or her car to and from work. Michael knows that sometimes you need your car for errands during and after work. As these kids so aptly demonstrate, American ingenuity is not lost.

The highlights of Invest America! Week are the annual congressional ice cream social and the national awards ceremony announcing the nine best student inventors in America. I invite all of my colleagues to come out and meet the pioneers of tomorrow in 2 weeks. In addition, the winning entries will earn a distinguished exhibitions spot at the Smithsonian Institution's National Museum of American History in Washington, DC.

Mr. Speaker, Invent America! has the enthusiastic support of the U.S. Departments of Education and Commerce, as well as the National Science Foundation. In fact, Invent America! was singled out for recognition from among 140,000 such programs in the Secretary of Education's special report to the President, "America's Schools: Everybody's Business." This successful public-private partnership is proof that government and industry can work together, hand-in-hand, with tremendous results.

Invent America! shows what our children will offer our future if properly motivated and challenged. Creativity builds creativity and this program embodies the idea that the objective in life is not to pass, but to surpass. Congressional recognition of Invent America! Week draws attention to a program that works by harnessing the boundless energy of the mind.

I urge all of my colleagues who envision a bright and challenging future, who can see the potential in young minds, and who want to ensure that our young people are prepared to meet the future's challenges, to support this resolution. We need to further encourage the young dreamers, discoverers, and doers among us. Our future rests with them.

IN MEMORY OF ALFRED CLARK

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LEVINE of California. Mr. Speaker, I rise today to pay tribute to Alfred Clark, a 17-year-old high school senior who was tragically slain in Los Angeles on June 17. I do so with deep regret and anger. Alfred's family, community, and the Nation have lost a loving son and brother, loyal friend, and a promising young leader.

Alfred was celebrating the achievement of reaching the conclusion of his senior year of high school with his classmates when his life was taken by senseless violence. While having lunch with his friends in a McDonald's near campus, Alfred was fatally shot after refusing to surrender his compact disc player to two unidentified robbers. It is a pathetic statement on the breakdown of our society's value system when this kind of senseless, random violence occurs over something as insignificant as a CD player.

Alfred was an extraordinary young man, and left a remarkable and memorable impression upon all whose lives he touched. He exemplified academic excellence. Alfred received a Principal's Award for merit, and was a member of the Science Club at Paramount High School, from which he was to graduate a day after his tragic death. He served as a congressional youth representative in 1991. Alfred was an outstanding athlete, starring on the football field and on the track team. The University of California at Los Angeles, where Alfred was scheduled to enroll as a scholarship winner this fall, was deprived of these and many other talents that Alfred had to offer. In the words of a school administrator, Alfred "was truly an all-American young man."

His leadership reached all segments of his community. He was respected and admired by his peers. As a friend commented, "He always cheered you up," and was well known for his "ready smile and ready laugh." As his friends mourned his passing many grieved that they lost a positive role model for whom they held much admiration.

Alfred's death must spark a recommitment to the fight for hope in our cities, safety for our citizens, and opportunity for young people like Alfred who represent the best hope for our Nation's future. His murder is yet another reminder of the terrible price the residents of the inner city are paying for our failure to protect the public safety and ensure law and order. They are on the front lines of the war being waged between law enforcement and the law breakers in our society.

While there is no question that job opportunities and economic growth must be a fundamental part of any program to improve the quality of life for inner city residents, our first priority must be to stop the killing and violence which has become part of every day life for many of its residents.

To these ends, we must commit ourselves today, and every day, to honoring the memory of Alfred Clark with the same sense of duty to our responsibilities as elected leaders, and with the strong sense of kindness, that he carried on in his life during his 17 years.

I ask my colleagues to join with me in sending my deepest sympathies to Alfred's family, his classmates and other members of his community who grieve his loss.

FACILITATING THE USE OF ENVIRONMENTALLY SOUND TECHNOLOGY WORLDWIDE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. GREEN of New York. Mr. Speaker, today it is my pleasure to introduce legislation, along with Representatives BILL RICHARDSON, STEVEN SCHIFF, and JOE SKEEN, that would establish the "Assisting Deployment of Energy and Environmental Practices and Technologies" Program [ADEPT] at the Department of Energy. The objective of this bill is to enable the Department of Energy national laboratories to use their expertise to adapt environmentally sound technologies to the needs of developing countries who request assistance.

As a congressional observer to the recent U.S. Conference on Environment and Development, the "Earth Summit" in Brazil, I am especially pleased to champion this legislation in the House, as an essential step in implementing goals expressed at that conference.

Under this bill, the DOE national labs would provide leadership in soliciting, reviewing, and funding development proposals from officials of foreign countries. In addition to national lab scientists, DOE would draw from the skills and knowledge of representatives of U.S. businesses and industry, educational institutions, governmental agencies, and nonprofit organizations to create environmentally should technology for developing nations. At a time when the United States is making the transition from a defense-oriented to a peacetime economy, this legislation will go far to accomplish that aim.

As this effort is a global one, I believe the costs as well as the benefits should be shared. This legislation will require, where feasible, that program participants share at least half a project's cost. Foreign governments or other qualified foreign organizations, non-Federal governmental agencies, U.S. business or educational institutions will all be required to contribute to the funding of ADEPT projects. The bill authorizes funding for the program at $14 million for fiscal year 1993, increasing gradually to $30 million by 1997.

The ADEPT Program has the potential to take the fertile seeds sowed at Rio and bring forth a fruitful crop of sustainable development. I urge my colleagues to cosponsor.

A section-by-section summary of the ADEPT Program legislation follows:

SUMMARY OF PROPOSED DEPARTMENT OF ENERGY NATIONAL LABORATORY INTERNATIONAL ENERGY AND ENVIRONMENTAL TECHNOLOGY DEVELOPMENT ACT

Overview (sections 1 & 2): This bill establishes the "Assisting Deployment of Energy and Environmental Practices and Technologies" program within the Department of Energy. The bill authorizes and directs the DOE national laboratories to take the lead in addressing global environmental and energy issues. The program establishes a mechanism to coordinate the laboratories with other government agencies, private businesses, industries and educational institutions, to promote environmentally friendly technology development projects in "cooperating countries."

Section 3. Important definitions: "Cooperating countries" are developing and transitional countries with sufficient scientific infrastructure to share research activities and project costs, such as many countries in Latin America and the Warsaw Pact; "National laboratory" means a DOE multi-purpose laboratory, including the 11 listed; "Qualified foreign organization" means appropriate foreign businesses, foreign educational and international institutions.

Section 4. Summary of purposes: (1) to increase participation in and enhance the potential of the national laboratories in technology cooperation to benefit the global environment (2) to ensure adaptation of ADEPT technologies and creation of new markets by early involvement of and cost sharing with the private sector and foreign partners.

Section 5. How ADEPT projects are encouraged, proposed, reviewed and funded: The Secretary authorizes the national laboratories, in coordination with U.S. and cooperating country partners, to negotiate, develop and present proposals for ADEPT projects. The project proposals should involve the laboratories in developing cost-effective technology to solve environmental and energy related environmental problems in cooperating countries. Project may also be cooperation supporting activities such as a clearinghouse, or technology demonstrations to provide information on energy and environmental technology alternatives to potential ADEPT partners in the U.S. and abroad. Officials of foreign countries—including appropriate scientists and planners—representatives from industry, educational institutions, non-governmental organizations or any governmental agency may also submit proposals. Small business proposals shall be given preference as in previous technology transfer legislation.

An intra-DOE Management Panel, an Interagency Working Group and non-governmental business and scientific reviewers will advise the Secretary on project assessment and approval. These groups will also help to coordinate projects within the government, with foreign nations and organizations and with U.S. business and educational institutions. The Management Panel, chaired by the Secretary's designee and composed of the national laboratory directors and appropriate DOE officials, will oversee and support the ADEPT program. This Panel will also, as necessary, implement policies to protect intellectual property rights. The Working Group, comprised of the Secretary's designee and representatives from the Department of Commerce, EPA, U.S. A.I.D., OSTP, the NSC and other federal agencies the Secretary deems appropriate, is responsible for ranking the project proposals and integrating information from their respective jurisdictions.

In any case feasible, the Secretary is to require 50 percent non-federal funding of ADEPT projects. This non-Federal share may come partially or wholly from any one of the following: foreign government or other qualified foreign organizations, including businesses and educational institutions or international organizations, U.S. business or educational institutions or non-Federal governmental agencies. The bill also encourages coordination and cost-sharing with other federal programs—but it requires that ADEPT programs be managed independently of foreign assistance programs.

Section 6. The Management Panel will prepare a "consolidated plan", with input from the Interagency Group, which evaluates the program and suggests additional legislative or administrative actions.

Section 7. Existing international technology cooperation projects which are qualified to be ADEPT projects may be funded under the ADEPT program.

Section 8. The program is authorized to be funded at $14 million for FY 1993, $18 million for FY 1994, $22 million for FY 1995, $27 million for FY 1996 and $30 million for 1997.

INTERNATIONAL CONFERENCE FOR A FREE VIETNAM

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. GILCHREST. Mr. Speaker, I would like to call to the attention of our colleagues the activities of the Vietnamese Council for a Free Vietnam and the American Committee for a Free Vietnam. Members of these organizations sponsored an International Conference for a Free Vietnam in Washington, DC, on June 29, 1992. More than 300 Vietnamese, Americans, Canadians, Australians, and Europeans gathered to discuss human rights in Vietnam.

At this point I wish to enclose in the RECORD the minutes from the conference, and the reports adopted by the members of the conference:

REPORT ON THE INTERNATIONAL CONFERENCE ON VIETNAM HELD ON JUNE 29, 1992, AT THE SENATE DIRKSEN OFFICE BUILDING AUDITORIUM, WASHINGTON, DC.

The conference was called to order at 12 noon by Co-Chairman Dr. Le Phuoc Sang.

Welcoming remarks were made by the Co-Chairman, Ambassador William E. Colby.

Remarks were also made by the Honorable Allen Rocher, M.P. Federal Australian Parliament, Mr. Saad al-Jabr, Chairman, Iraqui Opposition Forces Council and messages from former Presidents Nixon, Carter and Reagan were read by Ambassadors Colby, Lehmann and Rear Admiral Earl Yates, USN (Ret.). Mr. James Shafer, Associate Director of the Office of Public Liaison of the White House and the Asian-American Deputy Assistant Secretary from the Department of the Interior brought greetings of the Bush Administration.

The reports of the Political Issues, Human Rights and Religious Freedoms and Social and Economic Reconstruction Committees were read by Ambassador Wolf Lehmann, Rev. Andrew Nguyen Huu Le and Rear Admiral Earl Yates, USN (Ret.). A lively discussion ensued with many of the 300 attendees participating. The reports, with minor amendments, were unanimously adopted. A copy of the reports is attached.

At 4 p.m. speechmaking by Members of Congress and other dignitaries commenced. Dr. Z. Michael Szaz from the U.S. Joint Congressional Task Force introduced Mr. Stanley Roth, Counsel, House Subcommittee on Asian and Pacific Affairs, representing his Chairman, Rep. Stephen Solarz who had to remain in New York. He was followed by Rep. Dana Rohrabacher (R., Ca.), a member of the Task Force, by Rep. David Skaggs (D., Colo.), and Mr. John Summer, Executive Director of the Washington office of the American Legion. The next speaker was the Executive Director of the Congressional Human

Rights Caucus, Ms. Alex Arriaga, representing the ranking Democratic member of the House Subcommittee on Asian and Pacific Affairs, Rep. Tom Lantos, who also was in New York on that day hosting a delegation of the European Parliament. General Erle Cocke, USA (Ret.), former National Commander of the American Legion also made remarks to the conference. Before introducing the other speakers, Dr. Szaz gave a short outline of the objectives and activities of the U.S. Joint Congressional Task Force. Thereupon short remarks were made by Senator Charles Robb (D., Va.). Around 5:30 p.m. the Republican co-chairman of the U.S. Joint Congressional Task Force, Rep. Wayne T. Gilchrest delivered a speech on U.S.-Vietnamese relations praising the commitment of the overseas Vietnamese community. Finally Senator John Seymour, the sponsoring Senator, sent a representative to excuse his absence and to assure the conference of his wholehearted support. The Senator was in California on that day.

Co-Chairman Dr. Le Phuoc Sang then outlined the program for a Coalition of Vietnamese, American and International forces for a Free Vietnam which would not only include lobbying efforts to promote freedom and democracy in Vietnam, but the organization of human rights and religious freedom committees on local, country and international levels and charitable projects to help the needy in the refugee camps and in Vietnam.

At the end of the session, it was unanimously resolved to declare the formation of a Coalition of Vietnamese, American and International Forces for a Free Vietnam desirable and to charge the Vietnamese Council for a Free Vietnam to establish such a Coalition trying to include all forces sharing the common objective: a free and democratic Vietnam. The resolution also called for the opening of a permanent headquarters in Washington, DC. Dr. Le announced that ten national non-Vietnamese councils from Europe have already announced in fax messages their willingness to join and Rear Admiral Earl Yates, USN (Ret.) announced that 24 organizations represented at the conference already signed up for the Coalition before the end of the meeting.

The meeting ended at 6:20 P.M.

[The International Conference for a Free Vietnam]

REPORT OF THE POLITICAL COMMITTEE (AS AMENDED DURING THE DEBATE AT THE CONFERENCE)

As Communist dictatorships collapse all over the world Vietnam remains, as one recent newspaper headline put it: "The Land that Freedom Forgets".

The country is ruled by a closed group of Communist ideologues who make decisions affecting the lives of millions in secret conclave. The so called constitution confers a monopoly of power on the Communist Party.

Modest steps toward economic liberalization have not been matched by even minimal progress toward political liberalization. On the contrary, multiplying reports of arbitrary arrests, imprisonment and harassment of anyone voicing even mild dissent or, in some cases, associating with foreigners indicate that the regime remains firmly committed to a course of political repression.

Political prisoners continue to be held in camps and other prisons. Religious liberty has not been fully, restored. President Yeltsin's recent statement and General Vessey's testimony to the Congress make it clear that the regime in Hanoi has not been dealing in good faith with the United States in efforts to resolve the fate of Americans missing in action during the Vietnam war.

In recognition of these realities and dedicated to the cause of freedom and democracy in Vietnam—

The International Conference for a Free Vietnam meeting in Washington, DC on June 29th, 1992

1. Calls for prompt action to restore human rights to the Vietnamese people to include but not limited to:

Release of all political prisoners regardless of where they are incarcerated and cessation of arbitrary arrests and harassment for political reasons;

Freedom of speech and expression;

Freedom of the press;

The right to form political parties and meet in peaceful assembly;

Freedom of religion;

2. Declares that Article IV, which in the present Constitution of Vietnam reserves all political activity and power to the Communist Party, must be rescinded and replaced by a provision for a multi party political system. Along with this constitutional change there should be a timetable for free elections, monitored by international observers, and held after an interim period to permit the organization of political parties and allow them to conduct election campaigns without restrictions on speech, freedom of the press, access to media and peaceful assembly.

3. Calls on Vietnamese communities in exile and governments of free and democratic countries everywhere to support by all peaceful means at their disposal the Vietnamese people in Vietnam in the struggle for freedom and democracy in their country.

4. Urges governments of democratic countries to refrain from any actions which would serve to strengthen the political position of the regime in Hanoi, a dictatorship which rules without the consent of the governed.

5. Requests the United States Government and other governments whose citizens have given their lives for the cause of freedom in Vietnam to insure that their policies toward the present regime are not forgetful of continued repression of human rights and political liberties in Vietnam, and that genuine normalization of relations cannot occur until there are clear and irreversible steps to restore freedom and democracy to the Vietnamese people.

6. Invites attention to the report of the Committee on Human Rights and Religious Freedom and its recommendations.

OPERATION PROVIDE COMFORT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. GILMAN. Mr. Speaker, following the gulf war, the world was faced with a refugee crisis when Iraqi Kurds, fearing their fate at the hands of a defeated dictator, fled to the borders of Iran and Turkey. As a response, the allies established a security zone in northern Iraq and encouraged Kurds to return to their homes. The United States, with international cooperation, organized a relief effort which became known as Operation Provide Comfort. In order to facilitate this operation, the Turkish Government agreed to station United States military forces in southern Turkey. This decision was heroic, given the possibility of Iraqi retaliation. The agreement was first extended through June 1992 with the Understanding that, because Turkey is a parliamentary democracy, additional extensions would have to be approved by Parliament.

Mr. Speaker, many of us in the Congress are pleased that our Turkish friends in Parliament voted decisively this month to extend the agreement authorizing support for Operation Provide Comfort. This vote, the most recent example of Turkey's cooperation with the West, will encourage stability in the region and give new hope to tens of thousands of people.

This reaffirmation of support for Operation Provide Comfort underscores Turkey's importance in the region. Turkey, whose cooperation was essential to the success of the international coalition during the gulf crisis, will play a crucial role in building a peaceful future. Turkey is a good role model, not just for the newly independent republics of the former Soviet Union, but for the Arab world as well. Committed to the idea of peace through greater economic cooperation and trade, Turkey recently hosted leaders of 11 nations, including those of six former Soviet republics, to sign a Black Sea economic cooperation declaration. Included in the group were Armenia and Azerbaijan, two countries at odds over Nagorno-Karabaugh.

Mr. Speaker, Turkey's decision to extend the Operation Provide Comfort agreement will give Iraqi Kurds new hope. Turkey's decisive stand is a reminder that the West can count on Turkey and that it will play an increasingly important role in regional and world affairs.

SIXTH DISTRICT SCHOOLS RECEIVE STATE TITLES OF ACADEMIC EXCELLENCE IN ATHLETICS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. COBLE. Mr. Speaker, recently two schools from the Sixth District of North Carolina achieved State titles of academic excellence in athletics. This award is presented to the teams with the highest academic averages in our State among class 1A–4A girls' and boys' basketball teams. I am proud to congratulate these two teams who have demonstrated leadership and excellence both on and off the court.

The girls' winner is Central Davidson High School basketball team with a team academic average of 3.68. The players who achieved this tremendous feat include Charlotte Hedrick, Kim Reagan, Keesha Scott, Sandy Tysinger, Elizabeth Crook, Carrie Garner, Shelly Peters, Jacqualine Black, Mandy Everhart, Holly Lookabill, Anna Brady, and Michelle King. They are coached by head coach Danny Davis and his assistant Danny Robertson. Assistants and volunteers include Jimmy Beck, Don Palmer, and Tia Grubb. Congratulations to Principal D. Bert Wagner and all of the faculty, staff, students and fans of Central Davidson High School.

The boys' winner is the Ledford Senior High basketball squad with a team academic average of 3.47. These outstanding student athletes include Adam Craven, Ryan Christian, Brian Hege, Matt Ridge, Brett Speight, Scott Dunbar, Matt Jacobs, Steve Haskins, Scott Newton, Jason Reich, T.G. Smith, and Jason Younts. Head Coach Robert Kent and Burke Miller were aided by a number of volunteers and assistants including Scott Young, Michael Martin, Chad Bowman, Erin Smith, Angela Chamberlain, Chris Curry, and Stuart Hunter. Ledford Principal Max T. Cole and all of the faculty, staff, students and fans of Ledford Senior High School can take pride in the basketball team's accomplishment.

In fact, the entire Sixth District is proud of the young men and women who have achieved this most admirable status. Congratulations to all those involved.

THE 10TH ANNIVERSARY OF THE FREE THEATER PROJECT IN NEW YORK CITY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. WEISS. Mr. Speaker, I would like to share with my colleagues a very special event that I will soon have the pleasure of participating in.

On July 16, 1992, I will have the privilege of introducing actors Eli Wallach and Anne Jackson who will be offering a special performance to celebrate the 10th anniversary of the Free Theater Project in New York City.

Ten years ago, Stanley Eugene Tannen founded the Free Theater Project to promote the arts, literacy, and cultural democracy. He has done so by bringing internationally renowned writers, actors, musicians, and other artists to his theater to perform free for the public. The remarkable success of his efforts have allowed thousands of people who might never have had the opportunity to attend the theater to enjoy some of the finest performances available anywhere.

The remarkable array of talent that has performed, or had its works performed, at the Free Theater Project is testament to the extraordinary success of the theater. At a time when the arts are under assault for being a luxury the Nation can do without, the Free Theater Project has demonstrated the ability of the arts to educate and enrich all of our lives.

ADELAIDE "ADA" ROSENSCHEIN CELEBRATES 100TH BIRTHDAY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LEVINE of California. Mr. Speaker, I rise today to honor a lifelong family friend and great American, Adelaide "Ada" Rosenschein, as she celebrates her 100th birthday on July 14, 1992.

Ada Rosenschein has been described by her friends and family as a 4-foot 9-inch dynamo, a liberated woman, a businesswoman always interested in the day's events—especially business issues. As a young woman, Ada worked at Bloomingdales in New York as a buyer of children's wear. Later, she owned and managed her own store on Madison Avenue, "Ada's Inc. . . ." From Pram to Prom. During her busy life with family and friends, she still found the time to travel to Europe on buying trips with the knowledge that her shop would have the most current in style and trends for children and teens.

Ada Naftal grew up with her two brothers, Wesley and Adrian Naftal, in New York City. She attended Hunter College and married David Rosenschein in 1917. They raised a lovely family of two children, Jane Rosenschein Lane, and Robert Rosenschein. Unfortunately, tragedy struck the Rosenschein's during World War II when Robert, a member of the Army Air Corps, did not survive a plane crash while on a test flight in the United States. In 1960, Ada lost her daughter, Jane, to cancer.

In early 1960's Ada and David moved to the west coast and set up household. Sadly, David Rosenschein passed away in 1963. In the meanwhile, Ada had an office at the California Apparel Mart in downtown Los Angeles. Here she continued her business interests as a manufacturer's representative of children's wear. Ada retired at the age of 89.

Throughout all her endeavors, Ada has enjoyed the love and support of her family, especially that of her grandchildren and great-grandchildren. They are: Patricia Lane Greene of Woodinville, WA, and husband Gary Green, parents of Gregg; Robin Lane LaBonge of Irvine, CA, and husband Denis LaBonge, parents of Lindsay and Kevin; Jack H. Lane III of Dunwoody, GA, and wife, Deborah, parents of Brent, Todd, and Chad.

I am pleased to join Ada's loving family as they celebrate the wondrous occasion of the 100th anniversary of her birth. I wholeheartedly ask my colleagues in the U.S. House of Representatives to join me in saluting this fine lady, Ada Rosenschein.

A TRIBUTE TO THE SOJOURNER COUSINS: THE FAMILY HISTORY

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to pay tribute to a truly remarkable family: the Sojourner Cousins. The Sojourner Cousins have delighted audiences for 13 years. They have performed many concerts and have made guest appearances locally and nationwide rendering selections that are soul-stirring and enriching old-time favorites, basic hymns, and contemporary gospel.

The Sojourner clan began in Denmark, SC, which is located south of Orangeburg, north of Bamberg, between the South and North Fork Edisto River.

Daniel Sojourner, a sharecropper put the wheels into motion when he married Cornelia Riley. The couple was united at the Jericho A.M.E. Church where Daniel served as a trustee. Since that time, Daniel and Cornelia have shared their love with 10 children: Agnas, Bunyan, Georgia, Jim, Julia, Leta, Marie, Paul, Rebecca, and Sarah Ann.

Mr. Speaker, over the years, the Sojourner Cousins have used their family reunions as outlets for exercising their musical talents. During their reunions, they engage in spiritual devotional services, thereby remembering their deceased and sick ones with prayers and gospel songs.

The Sojourner Cousins work together and assist each other at church; and they are well known for sponsoring concerts and donating the proceeds to the church members. God has truly blessed this family with the ability to sponsor benefits, and has enabled them to travel around the country utilizing their musical talents at other churches.

Presently, the Sojourner family members are researching information to complete the development of their family tree. The Sojourners are striving to collect, create, and preserve their heritage of artifacts, heirlooms, and keepsakes as they are passed from one generation to the next. The family surname of Sojourner will continue to be honored by generations yet unborn.

The Sojourner Cousins, near 25 strong, is home-based at the New Bethel A.M.E. Church in Germantown, with members at Triumph, Foster Memorial, and Vine Memorial Baptist Churches in Philadelphia.

Mr. Speaker, today, July 11, 1992, the Sojourners will celebrate their 13th Family Reunion. The Sojourner Cousins offer these valuable words of inspiration: "We love the Lord, and He's our strength. With His blessings we shall continue on praising His name in gospel songs, until God calls us home."

Mr. Speaker, it is a tremendous honor for me to present this family to my colleagues. The Sojourners have given themselves to their churches and to their community. I ask my colleagues to rise and join me in extending our best wishes and future success to the Sojourner Cousins.

MEDICAID PRESCRIPTION DRUG PRICING

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. SLATTERY. Mr. Speaker, today I am introducing legislation to address a serious problem that has developed as a result of efforts to help lower the cost of prescription drugs for State Medicaid programs.

In the last Congress, I was an original cosponsor of H.R. 5589, the Medicaid Prescription Drug Fair Access and Pricing Act of 1990. This bill was an attempt to provide States with an opportunity to design their own price negotiating plan for prescription drugs and was intended to encourage State-level Medicaid administrators to drive harder bargains with drug manufacturers. The core provisions of H.R. 5589 were included in Public Law 101–508, the Omnibus Budget Reconciliation Act of

1990 [OBRA 1990]. A specific goal was to obtain the same sharp discounts on drugs for the Medicaid Program that often were obtained by hospitals, health maintenance organizations [HMO's], long-term-care pharmacies, group purchasing organizations [GPO's], and even another Federal agency, the Department of Veterans Affairs [DVA]. Under the OBRA 1990 amendments, essentially, manufacturers were required to provide drugs to Medicaid at the best price available in the market.

Unfortunately, implementation of the OBRA 1990 provisions prompted many drug manufacturers, to significantly increase prices charged to hospitals, HMO's, and others, including DVA, who were already receiving discounts—clearly not what Congress intended nor the type of behavior the drug companies had promised. Because prices charged to these large purchasers, such as the DVA, were often the best prices offered on drugs, these manufacturers dramatically increased the prices charged to DVA in order to avoid being required to significantly lower prices charged to Medicaid customers. Some estimates place the cost of the price hikes to the DVA alone at roughly $150 million per year. These price hikes are increasing prescription drug costs to consumers at a time when health care costs are already soaring.

I believe that this is the kind of abuse that OBRA 1990 was designed to stop. I have cosponsored H.R. 2890, legislation that would solve the problems created by the OBRA amendments for the DVA, but that alone is not enough. I am offering this legislation in an attempt to address the real problem: Inappropriate pricing behavior by prescription drug manufacturers in response to the incentives created by OBRA 1990. I believe the problem lies in setting the Medicaid rebate requirements at best price levels. Manufacturers are not restricted from raising the best prices, and, as we have seen, the best prices are disappearing.

I feel one way to correct this problem would be to set the Medicaid discounts at a flat rate. Using recent budget information from the Congressional Budget Office, my legislation would establish a flat-rate discount, phased in over 4 years, for State Medicaid programs that would capture the OBRA 1990 intended savings for Medicaid. The discount rate included in my legislation is budget neutral. I would, of course, be willing to work with my colleagues to set a fixed-flat-rate discount, instead of the phased in rates, that capture the intended savings for Medicaid. Further, I am interested in obtaining similar relief from rising drug prices for community health centers and other public health service grantees, and will work with my colleagues to achieve this goal.

With the elimination of the best price from the Medicaid discount formula, large purchasers of pharmaceuticals, including the DVA, would again be able to negotiate discounts with the manufacturers based upon the volume of their purchases. Medicaid's flat discount rate would have no impact on these negotiated prices.

Mr. Speaker, I believe a flat-rate discount for the Medicaid Program is essential to reestablishing a competitive market for pharmaceuticals and restoring the negotiating position of pharmaceutical purchasers. As I indicated above, I will be pleased to work with my colleagues to develop a comprehensive solution to this pressing problem.

THE HIGHER EDUCATION ACT AMENDMENTS

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. BALLENGER. Mr. Speaker, I want to comment briefly regarding to the Higher Education Act amendments [HEA]. I supported passage of the conference report to the HEA because the legislation is important to students across the country who depend on Federal student aid; however, my support was reluctant. Specifically, I am concerned with the provision of the bill that establishes a direct loan demonstration project. First, let me explain why I supported the bill.

As approved by the House, the HEA includes provisions that will assist institutions of higher learning in establishing teacher training programs, improving library resources, and developing new education and information services programs. In addition, the bill reauthorizes valuable programs at historically black colleges and universities.

The major goal of the bill, however, is to reauthorize title IV student assistance programs—the Federal Pell Grant Program and the Federal Family Education Loan Program, and to beef up program integrity and eligibility requirements for institutions under title IV.

Primarily, the bill would simplify the needs analysis by using the same needs test for all Federal student aid programs. Under the new formula, the legislation eliminates home and family farm equity and all minimum student contributions from the needs test. Easing the needs analysis will allow more students to participate in the programs in order to achieve the goal of a college education.

As originally passed by the House Committee on Education and Labor, the bill would have made the Pell Grant Program as entitlement. I opposed this provision, and was happy to support legislation that maintained the current grant program. Under the legislation passed by the House, the maximum Pell grant is increased from the current $3,700 to $4,500 by fiscal year 1997 with the minimum grant being $400. And, the bill raises to $42,000 the maximum income a family of four may earn and still qualify for a grant—currently the maximum amount is $30,000.

The legislation also reauthorizes the Federal student loan programs and increases the maximum loan amounts for students in their second year of school or higher. Also, the bill phases of the current 5-percent loan origination fee for borrower. In addition, the legislation establishes a new unsubsidized loan program for all students, regardless of family income. The difference from the subsidized loan program would be that the student, not the Federal Government, would pay banks the interest on their loans while they are in school, and the student would be required to pay a 6.5-percent combined loan origination and insurgence fee to the Government.

I also support reforms to the program integrity provisions of the bill, part H. Part H requires each State to designate a postsecondary approving agency that would be responsible for the review and approval of institutions of higher education with the State.

Specifically, the legislation establishes a two-tier system for reviewing the eligibility of institutions. An initial review is done by the Secretary of Education based on a list of ten criteria including the institution's default rate, the amount of title IV funding it receives, and the number of student complaints. If an institution passes all of these criteria, the state takes no further action; however, should a school fail one of these, a deeper review is undertaken. Under deeper review the State judges the institution based on such criteria as the quality and content of the school's courses on programs, the adequacy of space, equipment, personnel and student support services, and enforcement of attendance and academic progress standards. Should the school not meet the second list of criteria, the state may work with the school to come into compliance or the state will disapprove the school and the institution will be terminated from participation in title IV programs.

Finally, the bill places strict requirements on eligibility under title IV for proprietary school. Specifically, to be eligible, a proprietary school can receive no more than 85 percent of its revenues from under title IV, and requires these schools to offer courses of 30 weeks on 900 clock hours in order to be eligible.

These provisions are particularly important in removing the fraud and abuse that currently plague the system. For example, in 1980, defaults represented 10 percent of the total program costs. In 1991, defaults represented 62 percent of the total costs. Further, of the total $52 billion in outstanding loans guaranteed by the Federal Government, currently, $17 billion is in default.

As stated, I have strong reservations regarding the 5-year direct loan demonstration project included in the legislation. Under the demonstration project, independent leaders would no longer participate in the program, but instead, the loans would be administered directly by the Federal Government through the Department of Education. The Secretary of Education would be responsible for accepting applications from the schools, and ensuring that an adequate number of schools participate. Under the project, 500 schools would be selected to participate; however, once selected, there is no cap on the dollar volume of the loans that could be originated. In addition, if a sufficient number of schools do not apply, the Secretary is required to designate additional institutions.

Although proponents of the program claim that the direct loan project will save Federal dollars, I am concerned that the lack of a cap on the loan volume of the participating schools could result in the Federal Treasury borrowing unknown billions of dollars in future years. In addition, I do not like the idea of the Secretary of Education drafting schools into the program that do not want to participate. And finally, I am concerned that the Department of Education will not have the necessary resources needed to administer the program. This again, could result in additional funding needs for the Department.

Again, I supported the bill because of its positive aspects. The legislation reauthorizes needed programs and increases access to these programs to members of the middle class. I am glad that as a member of the House Committee on Education and Labor I was able to pay an active role in the drafting of the bill, and look forward to its swift enactment.

INTRODUCTION OF LEGISLATION TO EXPAND THE MARTIN LUTHER KING, JR., HISTORIC SITE AND PRESERVATION DISTRICT

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LEWIS of Georgia. Mr. Speaker, today I am introducing legislation that would expand the Martin Luther King, Jr., Historic Site and Preservation District in Atlanta, GA. Visitors from all over the world as well as residents of Atlanta come to this important historic site to understand better the legacy of Martin Luther King, Jr.

The King Historic Site is the 10th most visited national park site in the country. Last year, 2.8 million people visited the site. Visitation at the site has grown each year since its creation in 1980 and will continue to grow. Record numbers of visitors are expected to the site when Atlanta hosts the summer Olympics in 1996. During that time an estimated 100,000 to 150,000 people will visit the site each day.

Althought the site was created more than 10 years ago, it still needs some essential components including a visitors' center and a maintenance facility. Additionally, the majority of the homes on the block with Dr. King's birth home are in need of rehabilitation and the site needs adequate parking facilities.

It is imperative that we make the necessary improvements and expansion to the site before the 1996 Olympics when Atlanta, and the United States, will be under international scrutiny. The story of Martin Luther King, Jr., the civil rights movement and the history of "Sweet Auburn" Avenue must be told in its entirety. This is part of American history that we must preserve and present.

INTRODUCTION OF THE CALIFORNIA SAN ANTONIO MISSION NATIONAL HISTORIC PARK STUDY ACT OF 1992

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. PANETTA. Mr. Speaker, I rise upon the introduction of legislation to direct a park study for the Mission San Antonio de Padua in the State of California.

Mission San Antonio, founded in 1771, is well recognized as a historic site of national significance. The mission is an important component of the Juan Bautista de Anza National Historic Trail and is on the National Historic Register of Historic Places. Yet the mission is only one part of the area's historic appeal. Unlike most missions of the west, the area surrounding Mission San Antonio de Padua remains undisturbed and preserved in its original state. The surrounding area is also unique in that it has significant artifacts from all stages of California's development dating back from the settlements of the pre-Columbian Indians, to the Spanish missionaries, and the pioneers of the western expansion. Few areas in our Nation can boast such historical value and offer such an opportunity for historical research.

Furthermore, because of its undeveloped state, the area offers unparalleled opportunities for recreation and historic interpretation in a realistic setting.

The legislation directs the National Park Service to study the San Antonio Mission and surrounding historical areas to determine the suitability and feasibility of designating the area as a national historic park. In conjunction with the Friends of Historic San Antonio Mission, the National Park Service is conducting a historic landmark study of the mission for designation as a national historic landmark. The landmark study is expected to be completed early this fall. Early findings of the study strongly indicate that the mission warrants a historic landmark designation.

I would also point out that there is a great deal of support within the local community, and throughout the State of California, for the designation of a national historic park at the San Antonio Mission. The Friends of Historic San Antonio Mission have worked very hard to protect the mission and its surrounding historical sites and have made a very convincing case for designating this area as a national historic park.

Although they are an important part of the history of this country, the profound role of the Franciscan missions has gone unheralded and unrepresented in our National Park System. Sadly, Mr. Speaker, there are not many places like San Antonio Mission left in our country. It is rare that we find a centuries old operating mission preserved in its original isolated state. Congress should take advantage of this opportunity by acting to commemorate this time period of our history and protect this area through a national historic park designation. I hope my colleagues will join me in this effort by supporting this legislation. A copy of the bill follows:

H.R. —

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 "California San Antonio Mission National Historic Park Study Act of 1992".

SEC. 2. AUTHORIZATION OF STUDY.

(a) AUTHORIZATION.—The Secretary of the Interior shall conduct a study of area described in subsection (d) to determine its significance in illustrating and commemorating the role of pre-Colombian Indians, Franciscan Missionaries, post-mission Mexican ranchos, and pioneers of the western expansion in the development of the State of California. As part of the study, the Secretary shall provide recommendations on the suitability and feasibility of establishing the area as a unit of the National Park System.

(b) CONTENTS OF STUDY.—The study of the Secretary shall contain, but not be limited to, findings with respect to—

(1) measures for preserving and interpreting historic resources associated with the Mission San Antonio de Padua, including its architectural and cultural resources;

(2) measures for preserving and interpreting historic and prehistoric archaeological features of the area;

(3) opportunities within the area to memorialize and interpret four stages of California history, including pre-Colombian Indians, Franciscan Spanish Missionaries, post-mission Mexican ranchos, and pioneers of the western expansion; and

(4) natural and recreational values of the area.

(c) CONSULTATION.—In preparing the study under this section, the Secretary shall consult with the Friends of Historic San Antonio Mission, San Antonio Valley Historical Association, other interested historical organizations and appropriate local, State, and Federal agencies.

(d) AREA STUDIED.—The area studied pursuant to subsection (a) shall include the Mission San Antonio de Padua in California and its surrounding historic and prehistoric archeological as described in map entitled "San Antonio Historic Park District" and dated July 1992.

(e) CONGRESSIONAL REVIEW.—The Secretary shall transmit the study to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate within one year after the date on which funds are appropriated for the study.

(f) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

INTRODUCTION OF LEGISLATION REGARDING ALCOHOLIC BEVERAGE LABELING

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mrs. SCHROEDER. Mr. Speaker, today, I am pleased to introduce a very low-cost proposal that requires makers of alcoholic beverages to label each beverage container with the alcohol, other ingredients, and calories it contains. Several colleagues join me in proposing to amend the Federal Food, Drug, and Cosmetic Act to provide consumers with the information they need to use alcoholic beverages safely.

The Surgeon General, Antonia Novello, identified the need for labeling alcohol contents at a Select Committee on Children, Youth, and Families' hearing, entitled "Preventing Underage Drinking." Committee members learned that beer and malt liquor makers are not permitted to disclose the percentage of alcohol by volume, while wine and distilled spirits are required to list this information. The inconsistency dates back to a law passed in 1935. As the Surgeon General pointed out, today's consumer is vastly different from the prohibition era consumer of the 1930's, and has the right to be informed about what she or he is consuming.

To clarify the meaning of percentage of alcohol, the proposal also requires labels to include a straightforward, user friendly unit of serving size called the drink. A drink equals 0.6 ounces of alcohol—the amount usually found in one beer, or one shot of distilled spirits, or one glass of wine. We must keep in mind that children have died from overdosing on fortified wines that contain the equivalent of five shots of hard liquor in a container the size of a beer can. Failing to make the alcoholic contents of these products perfectly clear is courting disaster for our kids, as well as for adults.

In addition, the bill requires that a toll-free help line number be listed on each alcohol container. Consumers can call the number for referrals for help with a drinking problem. This much-needed service is administratively very simple and has been estimated to cost $500,000.

Last year, Congress passed legislation requiring the labeling of contents of foods. I urge my colleagues to join me in support of this next logical step toward safeguarding the health of American consumers—especially our most vulnerable teens.

SUMMARY OF ALCOHOL CONTENTS LABELING PROPOSAL

This bill amends section 403 of the Federal Food, Drug, and Cosmetic Act to require:

SECTION 1

Disclosure of alcohol content by volume in a non-promotional manner.

Disclosure of the number of drinks per container.

The statement: "If you or someone you know has a drinking problem, a call may be made to (a toll-free number established by the Secretary) for help."

That label information is located in a conspicuous place, in legible type, and offset by borders.

SECTION 2

Authorization of $500,000 for establishment of a toll-free number in FY93, and for each succeeding year.

SECTION 3

Submission of a report mandated in 1988 by Section 206 of the Alcoholic Beverage Labeling Act on the effectiveness of warning labels required at that time.

TRIBUTE TO ALEX R. MURPHY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. TRAFICANT. Mr. Speaker, I would like to pay tribute to an outstanding individual in my 17th District of Ohio. He has served the Mahoning County educational needs for over 25 years and contributed monumentally.

Mr. Murphy began his career in the education field as a teacher at Science Hill Elementary School and progressed through the administrative system to assistant principal at Hillman Junior High. Eventually, Mr. Murphy earned a position as principal at Chaney High School and, 11 years later, he was selected as principal of the Rayen High School. During his tenure at each school, Mr. Murphy made significant strides integrating the city schools as well as installing a positive approach to the field for those on staff at each school.

Mr. Murphy not only puts both feet forward in the field of education, but also finds additional feats to accomplish in the community. He is a member of the Phi Delta Kappa fraternity and trustee of the Third Baptist Church as well as recipient of the Outstanding Community Role Model Award given by the Martin Luther King Jr. Holiday Committee. In 1987, the Buckeye Lodge #73 made Mr. Murphy an honorary member.

Mr. Speaker, on July 24, 1992, the Oak Hill Athletic Club will sponsor a dinner in Mr. Murphy's honor. I send to Mr. Murphy and his good friends who speak so highly of him my best wishes and congratulations for such outstanding contributions to the field and for maintaining his position with integrity and honor.

A TRIBUTE TO THE LATE ABE P. MORRIS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. PASTOR. Mr. Speaker, I rise before my colleagues in the U.S. House of Representatives to memorialize the late Abe P. Morris of Arizona.

Mr. Morris, an Arizonan for 40 years, was a true renaissance man. He was an outstanding copper mining engineer known for imaginative and innovative ideas, with credentials recognized worldwide. He was interested in people and concerned for their welfare. He was a friend to laborers in the mine as well as to engineers, university presidents, lawyers, bankers, and scientists. He was a benefactor of education at all levels from kindergarten to university graduate school.

Mr. Morris helped to make Arizona history by serving as the guiding force behind the building of the town of Kearny in Pinal County. In its early days, Kearny was unique among mining towns. Most mining towns got their beginnings as company towns where the mining company owned the house that the miners and their families inhabited, owned the stores in which they shopped, and paved the streets they traveled. In other words, the miner had to rely on the company to satisfy every basic human need. The town of Kearny, through the efforts of Abe Morris, succeeded in offering miners the opportunity to own homes and to enjoy all of the other opportunities of urban life.

Mr. Speaker, it is my honor to offer this belated tribute to Abe P. Morris, a great Arizonan and a great human being.

THE ALTON AREA MERGED BRANCH 309 CELEBRATES 100TH ANNIVERSARY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the 100th anniversary of a branch of the National Association of Letter Carriers in my congressional district in Illinois. The Alton Area Merged Branch 309 will celebrate their 100th anniversary on August 22, 1992.

The Alton Branch has been dedicated in their service to the community through the past 100 years. Numerous current and former residents of southwestern Illinois greatly appreciate the activism of this organization.

Although they currently have only 127 active and retired members, the Alton Branch was able to raise over $10,000 for the Muscular Dystrophy Association. Their commitment to fundraising earned them the recognition of "No. 1 Fundraiser" in the State of Illinois.

I ask my colleagues to join me as I salute the Alton Area Merged Branch 309 on their 100th anniversary for their exceptional dedication to the community of southwestern Illinois.

NORTH AMERICAN FREE-TRADE AGREEMENT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. TORRES. Mr. Speaker, the Bush administration appears ready to notify Congress of its intent to sign a North American Free-Trade Agreement with Mexico and Canada.

Notification date, we are told, will be later this month.

We have also been told that the NAFTA will be a historic trade agreement.

Yet, bilateral trade with Mexico is already at $60 billion a year. And Mexico is our third largest trading partner.

Mr. Speaker, the NAFTA is not a trade agreement, it's an investment agreement.

The NAFTA is about the elimination of barriers to United States investment in Mexico.

Under a NAFTA U.S. firms will no longer have to worry about laws governing maximum foreign ownership which in some cases is at 49 percent. Nor will major firms worry about import licensing requirements, restrictions on sales in Mexico, or worse, the nationalization of their property.

Because Members of Congress are not permitted to review the current negotiations, I worry that the investment agreements being reached will not extend to individuals. Today, individuals choosing to invest in Mexico, face losing their investment capital due to the lack of any judicial recourse or their own unfamiliarity with Mexico's customs or laws.

Mr. Speaker, many small businesses and individual investors have been led to believe that the NAFTA will extend benefits to them. I call on my colleagues to join me in working to ensure that it does.

DEFEND THE SCOUTS

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. ROHRABACHER. Mr. Speaker, scouting in America is under attack. Leftwing organiza-

tions, pressure groups and some large corporations including Levi Strauss, Wells Fargo, and the Bank of America have joined forces to demand that the Boy Scouts lower their longstanding moral standards. The following editorial that appeared in the Orange County Register is an eloquent and forceful defense of the Scouts and I ask that it be incorporated in the RECORD:

MEMO TO THREE BANKS: BE PREPARED TO LOSE SOME ACCOUNTS

(By Harold Johnson)

Boy Scouts of America: 378; spineless San Francisco bankers: 5.

That's the lopsided score recorded on my voice-mail over the past couple of weeks. On June 19, I wrote a column about how three San Francisco firms—Wells Fargo (corporate telephone number, 415-396-3606), Bank of America (415-953-1411), and Levi Strauss (800-872-5384)—announced they were canceling future donations to the Boy Scouts because the Scouts don't allow homosexual scoutmasters. I said I was closing my own Wells Fargo accounts in protest, and I asked readers who had any comments to give me a buzz.

Well, a monsoon ensued. My line was jammed for days, and the calls are still coming. Nearly 400 so far. (If you left a message asking me to call back, and I haven't, I apologize, but now you know why.)

Most everybody who phoned is mad as H at the three wimpy companies that caved to Politically Correct pressure lobbies, suddenly announcing they couldn't accept Boy Scout policies that have been around for 80 years. (Actually, it's four companies now: First Interstate has joined the dishonorable parade). By the way, Judge Robert Frazee of Orange County, who forced a local Cub Scout pack to admit two kids who won't recite the Scout Oath's pledge to God, should take note of my phone-call tally; it suggests his next retention vote, in June '94, might not be a slam-dunk.

The ironies in the funding cutoff are exquisite. Kids are up against harrowing dangers these days—gangs, drugs, pregnancy, suicide. And how do these four corporate giants respond? By targeting the Crips or Bloods? No, by going after a really cutthroat bunch—the Boy Scouts! Seems they're determined to protect kids from Scouting and its dangerous values. All that stuff about duty, honor, reverence, and "helping other people at all times" might warp impressionable young minds, don't you know.

If you ask me, an assault on the Scouts, especially at a time when the fabric of community in this country is already fraying, is nothing short of an anti-social act. My college political-philosophy class comes to mind. There we learned about the theorists who've taught that a free society requires the cultivation of humane virtues—precisely the kind of self-discipline and regard for others that the Boy Scouts try to instill.

Now, you'd think that captains of big business, concerned about the bottom line and, by extension, about the health and prosperity of the neighborhoods where they try to turn a buck, would see the importance of groups that nurture the old verities, a catechism of personal responsibility. You'd think. But apparently not at BofA, Wells Fargo, Levi Strauss, and, now, First Interstate.

No, these companies are ahead of the rest of us in the sophistication department. Or, on the other hand, is it that they're far behind? Could it be that, staring out from ritzy homes in posh, guarded residential enclaves, these wealth execs have forgotten about the fragility of the social landscape beyond their gates? Is it arrogance or naivete that makes them think they can mock our civilizing institutions, and the traditional values such groups impart, without doing harm?

They spout a lot of platitudes, but there's nothing redeeming about what these four firms have done to the Scouts—no code of values affirmed, just pure cowardice.

They say they're against "discrimination." Yet they apply the word selectively, just broadly enough to satisfy the homosexual and other left-wing activist groups to whom they're kowtowing. If they're really against discrimination, why do at least a couple of these companies boast about supporting the Girl Scouts, who, of course, don't admit boys?

They also tell protesting callers they still give to the United Way, and that the United Way in most communities gives to the Boy Scouts. Well, that argument is the smoking evasion, proving their hypocrisy. If they have a genuine ethical problem with Scout policies, why support Scouting even indirectly? I'd have a tad more respect for them if they were at least consistent, instead of trying to have it both ways. But their funding cutoff isn't about principle, it's about absence of principle.

I called LA County Supervisor Mike Antonovich to talk about the issue, because he has helped get Scout troops off the ground in several rough neighborhoods around LA, hoping to counter the gangs. "It's very sad that good corporations would be so narrow-sighted as to miss entirely the overall societal good that groups like the Boy Scouts accomplish," he said.

Some of the people who called me weren't as measured in their comments.

An LA County sheriff's sergeant said he's "real angry," and he's urging fellow officers to beef to the offending banks and pull their accounts.

An elderly Orange County woman who took her (substantial) savings account out of Wells Fargo said she "hadn't had the enjoyment of doing something so right in a long time."

"I was somewhat shocked—I am going to close my $10,000-plus Wells Fargo account," said an Orange County man. "I've had the account for four years; I hate to close it, but it's something I have to do."

Bob French, a businessman in Stockton, is going to do more than just close his accounts with Bank of America, where he has nearly $1 million. A local Scouting leader, he'll be taking out half-page ads in area newspapers publicizing what these jelly-fish companies have done.

Where will he transfer his funds? He's not necessarily looking for a bank that gives to the Scouts, he says, because it's not the funding cutoff itself that's the real problem, it's the way the cutoff was handled—publicly, politically. Many firms shift contribution priorities from one year to the next without airing the matter to the world. But these San Francisco companies made sure to let the press know they were giving the Scouts the kiss-off, and they shouted about their ideological motivations.

In short, they attacked the Scouts through a megaphone. They had to do it this way, of course, if the were to be fully submissive to the pressure groups that were leaning on them. A public shaming of the Scouts, for the crime of holding traditional values, is what those groups want.

No other banks have done anything comparable. So every bank looks good by comparison, no matter what non-profit agencies it does or doesn't subsidize.

For my part, I switched to Union Bank, and was pleased to learn they waive service charges on checking accounts for a year if you come from Wells Fargo.

What now for the Boy Scouts? Will they buckle under the organized pressure? Doesn't look like it. "The silent majority of this country have been becoming less silent, and we believe will become quite vocal about (these) attempts to manipulate American values," said Buford Hill, Western regional director for the Boy Scouts.

July Fourth is coming up. What better time to stand with the Boy Scouts—by sharing your thoughts with the companies that are standing with the Boy Scouts' enemies?

THOMAS HUTCHINSON: A LEADER WITH VISION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. GORDON. Mr. Speaker, our Nation was built by men and women with vision, a vision not just of how the world is but how it should be. Their leadership has made our country great, building a bright future for generations who will follow them.

Thomas Hutchinson is one of those men of vision. Mr. Hutchinson can take credit for much of the growth that made Rutherford County, TN, one of the 50 fastest growing counties in the country during the 1980's.

For example, Mr. Hutchinson recognized more than two decades that a plentiful water supply was the key to attracting new business and industry that would complement the area's strong agricultural base. He helped form the Consolidated Utility District and still serves as president of the utility, which now serves more than 15,000 customers.

His efforts to bring a reliable water supply to underserved areas was a natural extension of his service as a trustee with the Middle Tennessee Electric Membership Corp., a post he first assumed in 1962. He served as chairman of the board of directors from 1976 to 1990. He also served in a variety of posts with the Tennessee Electric Cooperative Association, which has been instrumental in bringing electricity to rural and urban areas throughout Tennessee.

While Mr. Hutchinson's leadership has provided the foundation for growth in all segments of Rutherford County's economy, his heart has remained with the farm community that has been his life since childhood. He served on the board of the Rutherford Farmers Co-Op for a dozen years. In addition, he served another 12 years as the organization's president, during which time it grew more than tenfold to a $17 million-a-year operation.

As president of the Rutherford County Farm Bureau and a member of its board for more than 20 years, he's fought for policies important to the farming industry. Today, Mr. Hutchinson still farms full time on 600 acres outside Murfreesboro, TN.

On July 25, Mr. Hutchinson will be honored by dozens of friends and business associates at a roast in Murfreesboro. I join them in

thanking Mr. Hutchinson for the contribution he has made to building a better America. He is a perfect example of how one person still can make difference.

MODIFY FUTURE STATUS ARRANGEMENT WITH PALAU

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. DE LUGO. Mr. Speaker, the distinguished chairman of the full Interior and Insular Affairs Committee, GEORGE MILLER, and I are today introducing legislation to modify the future status arrangement which has been negotiated with leaders of the remaining part of the territory that our Nation is responsible to the United Nations for developing: The western Pacific islands of Palau.

The free association arrangement has not been approved by Palau in seven referenda to date. The territory's leaders have said for over a year that their people cannot be expected to approve it unless modifications are made.

The bill that we are introducing would make the two modifications that Palau's leaders have said are essential.

One would provide that the United States could use specific areas of the islands for military purposes—rather than any area. The areas that would be available are those which are already specified for possible military use in the arrangement. They would not, however, include areas which have not been specifically identified in the current arrangement, unless further agreement with Palau is reached.

The other modification would provide that these areas could be used for 15 years—rather than 50 years. Fifteen years is the period over which Palau would be provided assistance by the United States under the current arrangement. The areas could only be used for a longer period if further agreement with Palau is reached.

Mr. Speaker, these modifications are reasonable and would not compromise vital U.S. interests. And, based on what administration officials have told Palau's leaders and the Insular and International Affairs Subcommittee about the issues involved, I believe that the administration can accept them. I note in this regard that the minority leadership of our committee joined Chairman MILLER and I in urging the administration to work out modifications based on these proposals, believing that they were worthy of serious consideration.

I am disappointed that the administration has not itself proposed modifications to the arrangement based on these proposals, apparently believing that Palauans would accept the free association arrangement as is if it did not.

But, since the administration is authorized to implement the arrangement through legislation, it is not essential that the administration propose the modifications. We can initiate them.

And, in this connection, it should be remembered that many of the terms of the current arrangement are ones that we initiated through the authorization law that I am proud to have sponsored with the support of Chairman MILLER and other Members.

Our Nation's primary obligation in Palau is to develop the territory into a self-governing status based upon the wishes of its people. There is ample evidence that they want a free association relationship containing the modifications that Chairman MILLER and I have now joined their leaders in proposing. We, in this House, have an obligation to consider and act on them as does our Government as a whole.

IRA-TYPE SAVINGS THAT WORK: INDIVIDUAL RESPONSIBILITY ACCOUNTS

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. VANDER JAGT. Mr. Speaker, recently, while holding office hours in our Muskegon district office, I had the truly good fortune to visit with Mr. Doug Kepner, of Muskegon, MI, regarding his thoughts—and a plan—for encouraging individual savings and taking advantage of the private financial markets to provide a broad range of personal financial security and opportunity.

This Congress has recently attempted to grapple with savings incentives and the need for a national economic growth program. I believe that we can all agree that, whenever possible, individuals, not Government, ought to provide for their own long-term security.

Parallel with this idea, of course, is that Government has an interest in encouraging such individual planning—both because it relieves Government of a potential burden and because such planning involves savings and investment which fuel the economic engine of the Nation.

As a member of the House Committee on Ways and Means, I am, of course, supportive of the prudent use of our tax system to provide the appropriate incentives to individuals to engage in personal planning. Doug Kepner has developed a broad-ranging approach to the use of a familiar personal savings tool, the Individual Retirement Account, to meet personal growth and financial security objectives.

A clear advantage of Mr. Kepner's plans is that they infuse capital into financial markets at the same time that they provide for personal needs. The merits of shifting a major share of certain health, education, and retirement burdens to the system of tax incentives rather than tax consumption are also clear.

Because of what I believed to be the unique nature of the range of Mr. Kepner's ideas, I asked our minority committee staff to do a brief analysis. As anticipated, it was pointed out that these ideas would lose significant amounts of revenue. However, what was not said, and what would clearly be the case, is that the medical and educational savings incentives, in addition to the unique retirement program, would save government, Federal and local, billions of dollars.

And, in addition to the savings, the programs would permit individuals to control their own destiny. Finally, of course, such an approach would permit the allocation of scarce, and growing scarcer, Government resources to those who are truly disadvantaged in programs which could offer true hope for the future.

I recommend to my colleagues' careful review the suggestions and analysis of Glen Kepner which follows. I have included, at the conclusion, the comments of staff which demonstrate both the validity of the concepts and their uniqueness. I look forward to the opportunity to explore these ideas, and to a future opportunity to use them as the basis for a true reform of Government's incentives for individual responsibility and for economic growth.

Three things I was never taught:

1. You are responsible for your own financial security.
2. You can do it!
3. Here is how you do it.

To help each individual to take charge and improve his/her financial security, I propose three new types of individual accounts:

1. IDA—Individual Development Account. This account would be designed to provide funds for the individual's education and development.
2. ISA—Individual Security Account. This account would allow the individual to build personal and family wealth. It would eventually replace the present Social Security system, but would continue to be backed up by a new system that would guarantee that the individual would come out as good as or better than now.
3. IMA—Individual Medical Account. This account would provide a way for the individual to accumulate the funds needed to pay the deductibles and co-payments not covered by insurance, especially those required by the higher-deductible, lower-cost policies. Those who are fortunate enough to not need to spend these funds on medical costs would accumulate individual and family wealth in this account. These accounts could grow to substantial amounts and could pave the way for significantly changing the role of medicare and medicaid.

These three accounts, together with retirement accounts—IRA, 401k, 403b, Keough plans, employer sponsored plans, etc.—will provide the foundation for an individually based cradle-to-grave security system. Government programs will still have to supplement for some, but hopefully not as many as now. This is not a quick fix solution, but will take time. Results and benefits will grow gradually as the individual accounts grow. Full benefits of some of these programs will come in only a few years, others will take 20 or 30 years to develop—but the real benefits will be realigned by our next and succeeding generations through the controlled and forced growth of individual and family wealth and through the firmer financial foundation that this makes for our entire country. We are talking billions and trillions of dollars in savings and investments.

IDA—INDIVIDUAL DEVELOPMENT ACCOUNT

Invest up to $2000 at birth: 6% for 20 years equal $6,400; 9% for 20 years equals $11,200; 12% for 20 years equals $19,300; and 15% for 20 years equals $32,700.

Invest up to $2000 per year for 20 years: 6% equals $74,000; 9% $102,000; 12% equals $144,000; and 15% equals $205,000.

Contributions to come from gifts, individual earnings

Contributions not tax-deductible.

Even those on welfare or other assistance would be able to invest in an IDA for each child without affecting their eligibility. (Wouldn't it be great if they would put the cigarette and beer money into an IDA instead to help break the cycle of poverty for their children?)

Adults would, of course, be expected to use their IDA to stay off of or get off of assistance.

Account grows tax-free.

Proceeds are tax-free when used for:

Education. Funds would be paid through Financial Aid department of school.

Volunteer and charitable service. Funds would be paid through church or other organization.

Spouse's or children's education.

If there is sufficient money left in account, up to $20,000 could be used, tax-free, for down payment on home, but this would affect taxable basis of home.

Proceeds could also be available for "emergencies", but only under very limited conditions.

Funds not used for above purposes could be transferred to ISA, IMA, or IRA subject to conditions.

At death:

25% to IRS

Balance to spouse's, children's, relative's IDA.

Much of this can be done now within the IRA program, but it requires an extreme amount of creativity, only a few can "get away with it legally", and proceeds are subject to a 10% penalty and are taxable when withdrawn.

The President's proposal for $25,000 in student loan guarantees would be an excellent transition to this IDA program.

ISA—INDIVIDUAL SECURITY ACCOUNT

Invest 6% of gross wages. (Funded from present Social Security contributions, individual and employer.)

Half retained by IRS or SSA in individual interest-bearing account, government securities.

Half could be transferred once/year to an individual, private account.

Encourage individuals to use equity mutual funds for their individual accounts to provide capital investment funds for the growth of the economy and to provide for the possibility/probability of higher investment return. The role of Social Security and of the government would be to insure that the individual would get at least as much as under the present program. The government would, in effect, be guaranteeing the economy. Instead of encouraging individuals to preserve capital, this would encourage them to go for growth, and with this amount of capital being continuously invested, the chances of major recession or depression are greatly reduced.

The balance of the Social Security contributions would be used for the insurance aspects of the program and for transition from the present program.

Money can be drawn out only for retirement or disability.

Retirement would be at age 65, or it could be earlier if and when the individual account reaches an amount sufficient to provide adequate lifetime income. (If you could invest 6% of your earnings at a 12% rate of return for 25 years, you could live forever from the proceeds—if you could live forever.)

Individual Security Income would be based on the higher of:

Amount determined from present Social Security formula.

Amount determined from account value.

Amount determined from future changes to Individual Security/Social Security programs.

Payments to the individual would come first from the individual account.

If/when the individual account is exhausted, Social Security would take over as insurance to continue payments at the appropriate level.

Income would be partially taxed, as at present or as determined to be appropriate. There would be no "earnings test". It would be your money in the individual account, your money that paid for the insurance part of the program.

At Death:

25% to IRS.

Balance to family IDA's and ISA's.

This program requires major legislation and major changes in thinking, but would be a true win-win program!

IMA—INDIVIDUAL MEDICAL ACCOUNT

The individual would choose own health insurance policy—this can be self-paid, employer-paid, government-subsidized, or whatever. (Tax deductible.)

The ideal policy would be a major medical policy with a high deductible, say $3000.

Deposit $2000 per year in IMA, an interest bearing account, managed and administered privately. (Tax deductible.)

Use a "Health Care Card" to pay for care. (Similar to Visa, Mastercard, etc., but prepaid.)

Insurance, government subsidy would also be channeled through health care card.

If costs exceed $2000, individual pays difference up to $3000 level. (Tax deductible.)

Funds not used can be left to accumulate for future needs or used to replace/reduce future premiums and contributions.

These "excess funds" could be invested in equity mutual funds for better growth and for better growth of the economy.

The incentive is for the individual to control and reduce own costs and to find the most cost-effective care and treatment and insurance, because what you save, you keep. For those in good health, the accumulation could be substantial.

No tax on accumulation or on funds used for medical insurance or for medical care.

At Death:

25% to IRS.

Balance to family IMA's.

Most of this could be done now except that the tax deductibility of funds depends on who pays them, and growth of the fund is usually taxable.

IRA—INDIVIDUAL RETIREMENT ACCOUNT

Optional, supplementary retirement account.

IRA, 401K, Keough plans, employer plans, etc. Plans are good now, no major changes needed.

Allow funds to be transferred to IMA without penalty or taxation.

GLEN W. KEPNER.

JUNE 1, 1992.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 30, 1992.

MEMORANDUM

To: The Honorable Guy Vander Jagt.

From: Paul M. Auster, Assistant Minority Tax Counsel.

Re: Correspondence of Mr. Glen Kepner.

Mr. Kepner's correspondence contains three proposals that are modeled after the current IRA provisions and are intended to assist taxpayers in the following areas—financing educational expenses, providing for their retirement by establishing an alternative to the current Social Security system, and providing financing for their medical expenses. In general, the proposals call for the establishment of an IRA type account to which contributions would be made. Contributions would be deductible only in the case of the medical account. However, earnings in all three accounts would be tax-exempt. After reviewing the applicable materials it would appear as if the tax-free income accumulation and the tax deductible contributions to only one account would, because of the amounts involved, result in a significant revenue loss. Of course, only a revenue estimate from the Treasury or Joint Committee on Taxation could verify this.

It should be noted that each proposal raises significant tax policy and technical tax issues. At this stage of discussion, a review of these issues is premature. However, a brief review of one proposal should be done here. Mr. Kepner proposes three separate accounts—an Individual Development Account, an Individual Security Account and an Individual Medical Account. Of these three, the Individual Security Account appears to be the most unique. More specifically, this account would be used to supplement and replace our current Social Security system. While the other two accounts do address legitimate areas of need—education and medical—the use of IRAs for these purposes has been attempted in numerous proposals. On the other hand, few proposals have attempted to use the IRA to replace the Social Security system. Thus, the ISA represents a new and innovative use of IRA accounts. In this regard you may be aware of the fact that Mr. Thomas has introduced H.R. 5159 which also uses the IRA to supplement and replace our current Social Security system. Thus, Mr. Kepner appears to have developed a proposal that is one of the first to use the IRA in this unique way.

In summary, Mr. Kepner's proposals raise a number of technical and tax policy issues. In addition, it appears as if the proposals would lose significant amounts of revenue. While each of his proposals seeks to provide taxpayers with additional funds to meet various needs, one account, the ISA, represents a new unique way of using IRAs to allow people to meet the financial needs of their retirement years.

Please contact me if I may be of further assistance.

A TRIBUTE TO CAPT. DONALD HENDRIX NASH, USN—FAREWELL CAPTAIN NASH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. SKELTON. Mr. Speaker, in 1969 a young man from a Navy family graduated from the U.S. Naval Academy in Annapolis, MD. That young man was Donald Hendrix Nash. Since November 1989 Captain Nash has served as the Director of House Congressional Liaison for the Secretary of the Navy. Over the past 2½ years, Capt. Don Nash has been the Navy's man to the House of Representatives. Equally important, maybe even more so, he has also been the key individual who has represented the varied views of the House of Representatives about Navy matters to the Navy leadership.

Over these past few years, I have had the opportunity to observe the performance of Captain Nash on both a formal and informal basis. In one word he is a leader—an individual who understands that the job comes first, but the people he leads come a very close second. He is intelligent, friendly, professional.

The Navy has done well to have him as Director of its House Congressional Liaison Office. The most important quality that any individual who holds that position can bring to the job is integrity. It is the essential ingredient that is necessary if good relations are to exist between the executive and legislative branches. Don Nash has helped to promote that relationship. It is not always an easy task, but his unfailing determination to foster an honest exchange between Navy leaders and Members of Congress is vitally important in helping ensure that the wheels of Government turn in a smoother fashion.

Captain Nash will leave his present position to assume command of the newest Aegis cruiser, the U.S.S. *Cape St. George*. This will be the third ship that he has commanded. From November 1979 to January 1982 he commanded the U.S.S. *Impervious*, a minesweeper. He later commanded the U.S.S. *Scott*, a guided missile destroyer, from July 1987 until October 1989. I have every reason to expect that he will perform in an outstanding fashion getting the U.S.S. *Cape St. George* ready to join the fleet.

During Captain Nash's duty at sea and challenging staff positions, he has been supported by his devoted wife Donna and his three children—Meredith, Joseph, and Anne Marie. The world little knows—and even less appreciates—the sacrifice of a Navy family. To Don's wife and children go heartfelt gratitude. I am fortunate to consider Don a friend and wish him and his family well as he prepares to go on to a new assignment.

ANDRE AGASSI WINS WIMBLEDON

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. BILBRAY. Mr. Speaker, this past weekend, an American from Las Vegas brought the glory of the Wimbledon championship back to the United States by conquering the grass courts of England. Andre Agassi took the championship this past weekend and brought the Wimbledon trophy back to the United States where it had not been since 1984.

Since his entrance into the pro ranks in 1986, Andre Agassi has taken the tennis world by storm with his style of play and his fresh breath of youth which has captured the interests of both tennis fans and sports enthusiasts worldwide. His hard hitting game has brought a new aggressiveness and athleticism to the court, pushing tennis to new levels of power and play.

Yet, this world renowned superstar remains a Vegas boy, making his home his native Las Vegas. Whether training with coaches at the University of Nevada Las Vegas, where I myself played during college, or spending time with his family, Andre remains a part of the Las Vegas community.

I can remember when Andre was just a kid and would come to my house to spend time with my daughter. To see a young boy grow into a man and achieve his life's ambition is about as satisfying a feeling as any in life. Watching him win Wimbledon was like watching my own son win. I am proud for him and for the people of Las Vegas who all consider him their son.

As I have told my colleagues many times in the past, Las Vegas is a world-class city, and now one of its jewels is shining even brighter. I ask my colleagues to join me in congratulating Andre Agassi, the new American Wimbledon champion. As we look to the U.S. Open and other upcoming tournaments, I am sure that Andre will not only make the citizens of Las Vegas proud, but all American sports fans as well.

INTERNATIONAL CENTER FOR AEROSPACE AND AVIATION TECHNOLOGIES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. ROE. Mr. Speaker, I appreciate the opportunity to address my colleagues today on a matter of major importance to the aviation and aerospace industries in both our country and abroad.

Today, more than ever, there are compelling reasons for the United States to maintain a forward-looking position in aerospace and aviation technologies. The military importance of aerospace and aviation technology was amply demonstrated by Desert Storm. Of equal significance is the paramount role of aviation in the global economy. Commercial aviation is by far the largest contributor to U.S. exports of any industry with a net favorable balance of trade in 1990 of $30 billion. Air commerce contributes $200 billion annually to the U.S. economy, and its efficiency in moving passengers and freight is vitally important to the commercial infrastructure of our country.

United States leadership cannot, however, be taken for granted, and there is growing evidence of the difficulties of U.S. companies relying solely on U.S. resources. New initiatives are required. International cooperation in education and research can provide a fresh stimulant to U.S. industry.

Mr. Speaker, the Congress has the unique opportunity to fund such an initiative which will greatly increase international cooperation in education and research. In the past several months, the Florida Institute of Technologies in Melbourne, FL, and the University of Limerick, located near Shannon International Airport and the Shannon World Aviation Park in the Republic of Ireland, have worked hard to develop an International Center for Aerospace and Aviation Technologies in conjunction with corporate partners in each country. The Harris Corp., long a leader in air traffic control systems in the United States, and the Guinness Peat Aviation Co. in the Republic of Ireland, which is the largest commercial purchaser of United States built aircraft in the world, are to be commended for their support of this Center. Further, I understand conversations are currently underway with the Stevens Institute of Technology in my home State of New Jersey to incorporate the world-class research capabilities of the Stevens Institute into this Center, further adding to the impressive capabilities of the Florida Institute of Technology and the University of Limerick.

Mr. Speaker, several months ago I met with our colleague, the chairman of the Transportation Appropriation Subcommittee, and we had hoped to secure funding this year to further the development of this mutually beneficial venture in the legislation before us today. Apparently, the subcommittee was not able to fund the Center at this stage, but I remain confident that we will prevail this year to get this Center moving forward. Certainly today is an historic day in aviation and aerospace, given the successful and safe completion of the historic mission of the *Columbia* space shuttle. If we are to maintain the capabilities of our aerospace and aviation industries as evidenced by this shuttle mission, we must maintain both industry and university research within our country and with our friends in other countries of the world.

I remain committed to securing adequate funding for the International Center for Aerospace and Aviation Technologies [ICAAT] and look forward to working with my good friend from Florida, Chairman BILL LEHMAN and other Members of the Congress to insure this worthy endeavor moves forward.

CEDAR RIVER WATERSHED AND THE CITY OF SEATTLE

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. McDERMOTT. Mr. Speaker, along with my colleagues from Washington State, Representatives JOHN MILLER, JOLENE UNSOELD, and SID MORRISON, I am introducing legislation today to consolidate the city of Seattle's control over the Cedar River watershed through an exchange of lands with the U.S. Forest Service. The exchange authorized in this bill will achieve important public benefits for both the city and the United States.

The Cedar River watershed in the Mount Baker-Snoqualmie National Forest encompasses more than 100,000 acres east of Seattle and is the primary source of water for about 1.2 million people in the Seattle metropolitan area. Over the past 100 years, the city of Seattle has worked to expand its ownership of the watershed in order to gain full control over the quality of this vital resource. At present, the only other remaining owner is the U.S. Forest Service, which retains 17,000 acres of land.

For the last several decades, the city of Seattle has worked with the Forest Service to consolidate city ownership of the watershed. In 1947, the city of Seattle initiated the first of three land exchanges with the Forest Service. The third exchange was completed in 1985 after 17 years of effort and resulted in city ownership of 81 percent of the watershed.

In 1962, the Forest Service and the city signed a cooperative agreement that detailed the responsibilities and goals of each party with respect to the management of the Cedar River watershed. According to the agreement, the Forest Service's ultimate objective within the watershed is to exchange National Forest

lands therein to the city in order thereby to consolidate National Forest holdings elsewhere. Pursuant to this agreement, the city has acquired roughly 17,500 acres of land for exchange with the Forest Service. Each parcel was acquired with the knowledge and approval of the Forest Service.

Over the years, Congress has encouraged the exchange of land between the Forest Service and the city of Seattle. In 1911, Congress supported the city of Seattle's goal to consolidate its ownership of the Cedar River watershed and gave the city the right to ownership of the watershed through acquisition. Most recently, Congress reiterated its support in section 318 of the 1990 Interior appropriations bill when it endorsed the city's policy to engage in comprehensive negotiations between the city and the Forest Service to achieve land and timber exchanges.

Both the city of Seattle and the Nation will benefit from the exchange proposed in this legislation. Strict and total control over the watershed will enable the city to manage the watershed for the sole purpose of protecting water quality and avoiding treatment facilities that would require a $160-million investment. In addition, the city will manage the watershed in a manner that will contribute significantly to the preservation of biological diversity, protection and regeneration of old-growth forest ecosystems, and conservation of declining species and plants dependent on or associated with old-growth forests.

In return, the public will obtain lands outside the watershed that are better suited to long-term multiple use management. The offered lands possess important recreational, wildlife, fisheries, watershed, wilderness, and timber production values desirable for acquisition by the United States.

Disputes over the management of our natural resources have divided residents of the Pacific Northwest for several years now. I am pleased that, in this instance, environmental groups and small mill owners alike have contributed to this legislation and will support its passage. This land exchange provides an opportunity for all sides to benefit—an opportunity that the Northwest cannot afford to pass up.

TRIBUTE TO PETER J. O'CONNOR

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. CARDIN. Mr. Speaker, today I rise to pay a very special tribute to a man who has dedicated his life to saving lives. Peter J. O'Connor, who recently retired as chief of the Baltimore City Fire Department, has had a distinguished career serving his community.

Since 1954, Mr. O'Connor has dedicated his life to the Baltimore City Fire Department. During his long, distinguished career, Mr. O'Connor has received many honors for his courage, compassion, and dedication. He has been awarded the Distinguished Service Medal, the Meritorious Conduct Medal, and the Police Department Citizens Award. He has also been named the Firefighter of the Year by the Highlandtown Exchange Club.

Mr. O'Connor has also played a strong leadership role in instituting a strong fire prevention policy in Baltimore and Maryland. He was a charter appointee of the Maryland Fire Rescue Education and Training Commission and was appointed to the Governor's Emergency Management Commission. He did an outstanding job chairing the chief's council, regional planning commission and the combined charities campaign.

As chief of the Baltimore City Fire Department for 12 years, Mr. O'Connor has set a record of excellence that will be hard to match. Baltimore's transportation network coupled with our high-density population and environmental concerns have made firefighting a high-technology skill. Chief O'Connor has worked tirelessly to ensure that our department is continually up to date with new equipment and personnel training. Chief O'Connor has ensured our safety—citizens and firefighters. Those of us who are privileged to know him personally as well as professionally know what a loss his retirement is to our community.

Baltimore City is lucky to have had 38 years of Mr. O'Connor's public service. I think it will be a long time before Baltimore is graced by someone of Peter O'Connor's personal and professional qualities. Mr. Speaker, I hope that you and my colleagues will join me and the citizens of Baltimore in paying tribute to this very special public servant.

EQUAL CIVIL RIGHTS REMEDIES FOR PEOPLE WITH DISABILITIES: THE TIME HAS COME

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mrs. KENNELLY. Mr. Speaker, I would like to commend to my colleagues an article by Charles D. Goldman, Esq., that appeared recently in Horizons, a newspaper by and for people with disabilities serving the Washington, DC, metropolitan area. A copy of his article follows my statement.

As Mr. Goldman points out, the women's movement and the disabilities community share common goals and common obstacles. Although the landmark Americans with Disabilities Act [ADA] has now become law, people with disabilities who sue under the ADA are subject to caps on compensatory and punitive damage awards—the same caps to which victims of intentional discrimination on the basis of gender or religious belief are subject.

Mr. Speaker, it is by joining together to meet common ends that we can bring parity and justice to civil rights law. That is why I introduced the Equal Remedies Act, H.R. 3975, that would remove the damage limitation imposed on victims of international discrimination. I urge my colleagues to read Mr. Goldman's thought-provoking article and to cosponsor H.R. 3975.

LEGAL ACCESS: THANKS TO THE WOMEN'S MOVEMENT!

(By Charles D. Goldman, Esq.)

Christine Franklin. Barbara Kennelly. Gloria Steinem.

These are not exactly three household names in the community of persons with disabilities. But they should be as each in her own way has made a major contribution. Let me explain.

Christine Franklin is the high school student who filed an action under Title IX of the Education Amendments alleging sexual harassment in a federally funded school in Georgia. She complained of being forced to have involuntary intercourse with a teacher, who resigned on condition that all charges against him be dropped, which led the school to close its investigation. Christine Franklin persevered and filed suit. In a landmark decision the United States Supreme Court held that plaintiffs have the right to file private lawsuits to compel compliance with Title IX and, most significantly, can recover monetary damages! Franklin v. Gwinnett County, 12 S.Ct. 1028 (1992), is a major victory in support of a longstanding principle of civil rights law: where legal rights have been invaded and a federal statute provides for the general right to sue for such invasion, federal courts may use any and all available remedies, including monetary damages, to redress the wrong.

The implications of Christine Franklin's lawsuit are profund. It could lead to awards of damages under Section 504 of the Rehabilitation Act, which like Title IX, has a general right to sue for its violation. Damages and Section 504 is an issue which has never reached the United States Supreme Court. Hopefully, after Franklin, it won't have to get that far as all the courts will follow the rationale of Franklin and award damages. (Some lower courts had already awarded damages under the Rehabilitation Act but other courts have not.)

One key in the Franklin case was the absence of a congressional limitation on remedies. And that brings us to Barbara Kennelly, who is at the forefront (along with other civil rights stalwarts—men and women) in trying to reverse the congressional limitation on remedies that is in the Civil Rights Act of 1991, P.L. 102-166. Ms. Kennelly's bill, H.R. 3975, would eliminate the caps on the awards of damages that now is in effect for victims of discrimination based on sex; certain religious beliefs, or disability.

The Women's Political Caucus has been quite active in marshalling support for the bill. The consortium of Citizens with Disabilities also has been actively supporting the bill. The Bush Administration is opposed to it. There is a real possibility of an election year showdown on this bill. Give Congresswoman Kennelly credit. She is at the forefront of trying to legally empower persons with disabilities to be on the same tier as minorities and other persons protected by civil rights laws.

"Empowerment" is a concept that runs rampant through Gloria Steinem's best seller, "Revolution from Within." While this wonderful book is not a "disability" book, it is must reading because of its message for all pesons—whether or not they have a disability. Ms. Steinem explores at length concepts of self esteem and our ability to empower ourselves by creating adult selves with self-esteem. The self-esteem which "Revolution from Within" describes is epitomized in people such as Christine Franklin and Congresswoman Kennelly.

Reading "Revolution from Within" led me to reflect on the exponential empowerment that persons with disabilities experienced when the Americans with Disabilities Act was signed. There has been an unprecedented

ground swell of pride, of self esteem that began with the signing ceremony at the White House lawn.

Laws, such as ADA, the Rehabilitation Act, and Title IX of the Education Act, shaping how we view ourselves, can help us—disabled or able-bodied, female or male—empower ourselves. Laws can provide the legal fabric, which in turn gives each of us, including Christine Franklin, the right to assert our self esteemed selves to ensure vindication of our legal protections. These same laws lead to a political climate in which persons such as Barbara Kennelly can be in responsible positions to advocate for further progressive change. The self esteem and empowerment which Gloria Steinem addresses are inextricably interwoven in a mutually reinforcing paradigm with the movements for progressive legal and social change.

The women's movement does not benefit only women—or men. The women's movement benefits people—women and men, able-bodied or disabled, black or white, of whatever faith. And in this day of scrutinizing activities for their bottom line benefit, it is refreshing to recognize a movement which benefits us all.

MARIO CUOMO'S ADDRESS AT 1984 DEMOCRATIC CONVENTION

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. KOLTER. Mr. Speaker, I rise today to speak to my colleagues on the eve of the Democratic National Convention in New York, where we Democrats will nominate Gov. Bill Clinton for President. Before rushing headlong into the campaign maelstrom, and with this momentous start looming in front of us, I would ask my colleagues to pause for just a moment to reflect on past political conventions.

One of my—and many others'—most vivid memories is of Gov. Mario Cuomo's 1984 keynote address. His electrifying oratory is memorable for its eloquent description of who we Democrats are, what we stand for, our accomplishments and our goals. His near poetic speech paid tribute to the democratic principles that we all represent, and I would ask that the text of Mr. Cuomo's address be entered into the RECORD at this time:

[Official Proceedings of the 1984 Democratic National Convention]

(George R. Moscone Convention Center, San Francisco, CA, July 16–19)

KEYNOTE ADDRESS, GOV. MARIO M. CUOMO

Governor CUOMO: Thank you very much. On behalf of the great Empire State and the whole family of New York, let me thank you for the great privilege of being able to address this Convention. Please allow me to skip the stories and the poetry and the temptation to deal in nice but vague rhetoric.

Let me instead use this value opportunity to deal immediately with the questions that should determine this election and that we all know are vital to the American people.

Ten days ago, President Reagan admitted that although some people in this country seem to be doing well nowadays, others were unhappy, even worried, about themselves, their families and their futures. The President said that he didn't understand that fear. He said, "Why, this country is a shining city on a hill." And the President is right. In many ways we are "a shining city on a hill."

But the hard truth is that not everyone is sharing in this city's splendor and glory. A shining city is perhaps all the President sees from the portico of the White House and the veranda of his ranch, where everyone seems to be doing well.

But there is another city. There is another part of the shining city—the part where some people can't pay their mortgages and most young people can't afford one; where students can't afford the education they need and middle class parents watch the dreams they hold for their children evaporate.

In this part of the city there are more poor than ever, more families in trouble, more and more people who need help but can't find it. Even worse, there are elderly people who tremble in the basements of the houses there, and there are people who sleep in the city streets in the gutter where the glitter doesn't show.

There are ghettos where thousands of young people, without a job or an education, give their lives away to drug dealers every day. There is despair, Mr. President, in the faces that you don't see, in the places that you don't visit in your shining city. (Applause)

In fact, Mr. President, you ought to know that this Nation is more a "Tale of Two Cities" than it is just a "shining city on a hill." (Applause)

Maybe—maybe—Mr. President, if you visited some more places; maybe if you went to Appalachia, where some people still live in sheds; maybe if you went to Lackawanna, where thousands of unemployed steel workers wonder why we subsidize foreign steel; (Applause)—maybe, maybe, Mr. President, if you stopped in at a shelter in Chicago and spoke to the homeless there; maybe, Mr. President, if you asked the woman who had been denied the help she needed to feed her children because you said you needed the money for a tax break for a millionaire or for a missile we couldn't afford to use—maybe then you'd understand (Applause)—maybe, maybe, Mr. President.

But I'm afraid not, because the truth is, ladies and gentlemen, that this is how we were warned it would be. President Reagan told us from the very beginning that he believed in a kind of social Darwinism—survival of the fittest. Government can't do everything, we were told. So it should settle for taking care of the strong and hope that economic ambition and charity will do the rest.

Make the rich richer, and what falls from the table will be enough for the middle class and those who are trying desperately to work their way into the middle class.

You know, the Republicans called it trickle-down when Hoover tried it. Now they call it supply side. But it is the same shining city for those relative few who are lucky enough to live in its good neighborhoods. But for the people who are excluded, for the people who are locked out, all they can do is stare from a distance at that city's glimmering towers.

It is an old story. It is as old as our history. The difference between Democrats and Republicans has always been measured in courage and confidence. (Applause)

The Republicans believe that the wagon train will not make it to the frontier unless some of the old, some of the young, some of the weak are left behind by the side of the trail. (Applause)

The strong, they tell us, will inherit the land. We Democrats believe in something else. We Democrats believe that we can make it all the way with the whole family intact, and we have, more than once. (Applause)

Ever since Franklin Roosevelt lifted himself from his wheelchair to lift this Nation from it knees, wagon train after wagon train, to new frontiers of education, housing, peace, the whole family aboard, constantly reaching out to extend and enlarge that family, lifting them up into the wagon on the way, Blacks and Hispanics, and people of every ethnic group, and Native Americans—all those struggling to build their families and claim some small share of America.

For nearly 50 years, we carried them all to new levels of comfort and security and dignity, even affluence. And remember this. Some of us in this room today are here only because this Nation had that kind of confidence, and it would be wrong to forget that. (Applause).

So, here we are at this Convention to remind ourselves where we come from and to claim the future for ourselves and for our children. Today our great Democratic Party, which has saved this Nation from depression, from fascism, from racism, from corruption, is called upon to do it again—this time to save the Nation from confusion and division, from the threat of eventual fiscal disaster and, most of all, from the fear of a nuclear holocaust. (Applause)

But that's not going to be easy. Mo Udall is exactly right, it won't be easy. And in order to succeed we must answer our opponent's polished and appealing rhetoric with a more telling reasonableness and rationality. We must win this case on the merits. We must get the American public to look past the glitter, beyond the showmanship, to the reality, the hard substance of things—and we will do it not so much with speeches that sound good as with speeches that are good and sound, not so much with speeches that will bring people to their feet as with speeches that will bring people to their senses. (Applause)

We must make the American people hear our "Tale of Two Cities." We must convince them that we don't have to settle for two cities, that we can have one city, indivisible, shining for all of its people. (Applause)

Now, we will have no chance to do that if what comes out of this Convention is a babel of arguing voices. If that is what is heard throughout the campaign, dissonant sounds from all sides, we will have no chance to tell our message.

To succeed we will have to surrender some small parts of our individual interests to build a Platform that we can all stand on at once and comfortably—proudly singing out. (Applause)

We need a Plato we can all agree to, so that we can sing out the truth for the Nation to hear in chorus, its logic so clear and commanding that no slick Madison Avenue commercial, no amount of geniality, no martial music will be able to muffle the sound of the truth—and, we Democrats must unite. (Applause)

We Democrats must unite so that the entire Nation can unite, because surely the Republicans won't bring this country together. Their policies divide the Nation into the lucky and the left-out, into the royalty and the rabble.

The Republicans are willing to treat that division as victory. They would cut this Nation in half, into those temporarily better off and those worse off than before, and they would call that division "recovery." (Applause)

We should not be embarrassed, or dismayed, or chagrined if the process of unifying is difficult, even wrenching at times. Remember that unlike any other Party, we embrace men and women of every color, every creed, every orientation, every economic class.

In our family are gathered everyone from the abject poor of Essex County in New York to the enlightened affluent of the Gold Coast at both ends of the Nation and in between is the heart of our constituency—the middle class, the people not rich enough to be worry-free but not poor enough to be on welfare. (Applause)

The middle class, those people who work for a living because they have to, not because some psychiatrist told them it was a convenient way to fill the interval between birth and eternity. (Applause)

White collar and blue collar, young professionals, men and women in small business desperate for the capital and contracts that they need to prove their worth.

We speak for the minorities who have not yet entered the mainstream. We speak for ethnics who want to add their culture to the magnificent mosaic that is America. (Applause)

We speak for women who are indignant that this Nation refuses to etch into its governmental commandments the simple rule "thou shalt not sin against equality," a rule so simple—I was going to say, and I perhaps dare not, but I will—it is a commandment so simple it can be spelled in three letters: E-R-A! (Applause) (Chants of E-R-A!)

We speak for young people demanding an education and a future. (Applause)

We speak for senior citizens. We speak for senior citizens who are terrorized by the idea that their only security, their Social Security, is being threatened. (Applause)

We speak for millions of reasoning people fighting to preserve our environment from greed and from stupidity, and we speak for reasonable people who are fighting to preserve our very existence from a macho intransigence that refuses to make intelligent attempts to discuss the possibility of nuclear holocaust with our enemy. (Applause) They refuse. They refuse because they believe we can pile missiles so high that they will pierce the clouds and the sight of them will frighten our enemies into submission.

Now, we are proud of this diversity as Democrats. We are grateful for it. We don't have to manufacture it the way the Republicans will next month in Dallas by propping up mannequin delegates on the convention floor. (Applause)

But we, while we are proud of this diversity, we pay a price for it. The different people that we represent have different points of view, and sometimes they compete and even debate and even argue. That is what our primaries were all about.

But now the primaries are over and it is time, when we pick our candidates and our Platform here, to lock arms and move into this campaign together. (Applause)

If you need any more inspiration to put some small part of your own difference aside to create this consensus, then all you need to do is to reflect on what the Republican policy of divide and cajole has done to this land since 1980.

Now, the President has asked the American people to judge him on whether or not he has fulfilled the promises he made four years ago. I believe as Democrats we ought to accept that challenge, and just for a moment let us consider what he has said and what he has done.

Inflation is down since 1980, but not because of the supply-side miracle promised to us by the President. Inflation was reduced the old fashioned way, with a recession—the worst since 1932. (Applause)

Now, we could have brought inflation down that way. How did he do it? Fifty-five thousand bankruptcies; two years of massive unemployment; 200,000 farmers and ranchers forced off the land; more homeless—more homeless than at any time since the Great Depression in 1932; more hungry, in this Nation of enormous affluence, the United States of America, more hungry; more poor—most of them women; and he paid one other thing, a nearly $200 billion deficit threatening our future. (Applause)

Now, we must make the American people understand this deficit because they don't.

The President's deficit is a direct and dramatic repudiation of his promise in 1980 to balance the budget by 1983. How large is it? The deficit is the largest in the history of the universe. President Carter's last budget had a deficit less than one-third of this deficit. It is a deficit that according to the President's own fiscal advisor may grow to as much as $300 billion a year for as far as the eye can see.

And ladies and gentlemen, it is a debt so large that almost one-half of the money we collect from the personal income tax each year goes just to pay the interest. It is a mortgage on our children's futures that can be paid only in pain. And that could bring this Nation to its knees.

Now, don't take my word for it. I am a Democrat. Ask the Republican investment bankers on Wall Street what they think the chances of this recovery being permanent are. (Applause) You see, if they are not too embarrassed to tell you the truth, they will say that they are appalled and frightened by the President's deficit.

Ask them what they think of our economy now that it has been driven by the distorted value of the dollar back to its colonial condition—now we are exporting agricultural products and importing manufactured ones.

Ask those Republican investment bankers what they expect the rate of interest to be a year from now. And ask them, if they dare tell you the truth, you will learn from them what they predict for the inflation rate a year from now—because of the deficit.

Now, how important is this question of the deficit? Think about it practically: what chance would the Republican candidate have had in 1980 if he had told the American people that he intended to pay for his so-called economic recovery with bankruptcies, unemployment, more homeless, more hungry, and the largest government debt known to humankind? If he had told the voters in 1980 that truth, would American voters have signed the loan certificate for him on election day? (A chorus of noes) Of course not! That was an election won under false pretenses. It was won with smoke and mirrors and illusions, and that is the kind of recovery we have now as well. (Applause)

What about foreign policy?

They said that they would make us and the whole world safer. They say they have: by creating the largest defense budget in history—one that even they now admit is excessive; by escalating to a frenzy the nuclear arms race; by incendiary rhetoric; by refusing to discuss peace with our enemies; by the loss of 279 young Americans in Lebanon in pursuit of a plan and a policy that no one can find or describe. (Applause)

We give money to Latin American governments that murder nuns, and then we lie about it. (Applause)

We have been less than zealous in support of our only real friend, it seems to me, in the Middle East, the one democracy there, our flesh and blood ally, the state of Israel. (Applause)

Our policy, our foreign policy drifts with no real direction other than an hysterical commitment to an arms race that leads nowhere—if we are lucky—and if we are not, it could lead us into bankruptcy or war.

Of course we must have a strong defense! Of course Democrats are for a strong defense. Of course Democrats believe that there are times that we must stand and fight—and we have. Thousands of us have paid for freedom with our lives, but always, when this country has been at its best, our purposes were clear. Now they are not. Now our allies are as confused as our enemies.

Now we have no real commitment to our friends or to our ideals, not to human rights, not to the refuseniks, not to Sakharov, not to Bishop Tutu and the others struggling for freedom in South Africa. (Applause)

We have in the last few years spent more than we can afford. We have pounded our chests and made bold speeches, but we lost 279 young Americans in Lebanon, and we live behind sand bags in Washington.

How can anyone say that we are safer, stronger, or better? (Applause)

Now, that is the Republican record. That its disastrous quality is not more fully understood by the American people I can only attribute to the Presidents amiability and the failure by some to separate the salesman from the product. (Applause)

Now, it is up to us, now it is up to you and to me to make the case to America and to remind Americans that, if they are not happy with all that the President has done so far, they should consider how much worse it will be if he is left to his radical proclivities for another four years, unrestrained. (Applause) Unrestrained. (Applause)

Now, if July brings back Anne Gorsuch Burford, what can we expect of December? (Applause)

Where would another four years take us? Where would four years more take us? How much larger will the deficit be? How much deeper the cuts in programs for the struggling middle class and the poor to limit that deficit? How high will the interest rates be? How much more acid rain killing our forests and fouling our lakes?

And ladies and gentlemen, please think of this. The Nation must think of this. What kind of Supreme Court will we have? (Applause)

We must ask ourselves what kind of Court and country will be fashioned by the man who believes in having government mandate people's religion and morality; the man who believes that trees pollute the environment (Laughter); the man that believes that the laws against discrimination, against people, go too far; the man who threatens Social Security and Medicaid and help for the disabled.

How high will we pile the missiles?

How much deeper will the gulf be between us and our enemies?

And, ladies and gentlemen, will four years more make meaner the spirit of the American people?

This election will measure the record of the past four years. But more than that, it will answer the question of what kind of people we want to be.

We Democrats still have a dream. We still believe in this Nation's future, and this is our answer to the question. This is our credo:

We believe in only the government we need, but we insist on all the government we need. (Applause)

We believe in a government that is characterized by fairness and reasonableness—a reasonableness that goes beyond labels, that doesn't distort or promise to do things that we know we can't do.

We believe in a government strong enough to use words like love and compassion and smart enough to convert our noblest aspirations into practical realities. (Applause)

We believe in encouraging the talented, but we believe that while survival of the fittest may be a good working description of the process of evolution, a government of humans should elevate itself to a higher order. (Applause)

Our government, should be able to rise to the level where it can fill the gaps that are left by chance or by a wisdom we don't fully understand.

We would rather have laws written by the patron of this great city, the man called "the world's most sincere Democrat," St. Francis of Assisi, than laws written by Darwin. (Applause)

We believe, we believe as Democrats, that a society as blessed as ours, the most affluent democracy in the world's history, one that can spend trillions on instruments of destruction, ought to be able to help the middle class in its struggle; ought to be able to find work for all who can do it; room at the table; shelter for the homeless; care for the elderly and infirm; and hope for the destitute.

And we proclaim as loudly as we can, the utter insanity of nuclear proliferation and the need for a nuclear freeze, if only to affirm the simple truth that peace is better than war because life is better than death. (Standing ovation)

We believe in firm, we believe in firm but fair, law and order. We believe proudly in the union movement. (Applause)

We believe, we believe in privacy for people, openness by government. We believe in civil rights, and we believe in human rights. (Applause)

We believe in a single, we believe in a single, fundamental idea that describes better than most textbooks, and any speech that I could write, what a proper government should be. The idea of family, mutuality, the sharing of benefits and burdens for the good of all: feeling one another's pain; sharing one another's blessings reasonably, honestly, fairly—without respect to race or sex or geography or political affiliation.

We believe we must be the family of America, recognizing that at the heart of the matter we are bound one to another, that the problems of a retired school teacher in Duluth are our problems. (Applause) That the future of the child in Buffalo is our future. (Applause) That the struggle of a disabled man in Boston to survive and live decently is our struggle. (Applause) That the hunger of a women in Little Rock is our hunger. (Applause) That the failure anywhere to provide what reasonably we might, to avoid pain, is our failure. (Applause)

For 50 years, for 50 years, we Democrats created a better future for our children using traditional Democratic principles as a fixed beacon, giving us direction and purpose, but constantly innovating, adapting to new realities: Roosevelt's alphabet program; Truman's NATO and the GI Bill of Rights; Kennedy's intelligent tax incentives, and the Alliance for Progress; Johnson's civil rights; Carter's human rights, and the nearly miraculous Camp David Peace Accord. (Applause)

Democrats did it. (Applause) Democrats did it, and Democrats can do it again. We can build a future that deals with our deficit.

Remember this, that 50 years of progress under our principles never cost us what the last four years of stagnation have. (Applause) And we can deal with the deficit intelligently by shared sacrifice with all parts of the Nation's family contributing, building partnerships with the private sector, providing a sound defense without depriving ourselves of what we need to feed our children and care for our people.

We can have a future that provides for all the young of the present by marrying common sense and compassion.

We know we can, because we did it for nearly 50 years before 1980, and we can do it again if we do not forget, if we do not forget that this entire Nation has profited by these progressive principles, that they helped lift up generations to the middle class and higher, that they gave us a chance to work, to go to college, to raise a family, to own a house, to be secure in our old age, and before that, to reach heights that our own parents would not have dared dream of.

That struggle to live with dignity is the real story of the shining city, and it is a story, ladies and gentlemen, that I didn't read in a book or learn in a classroom. I saw it and lived it like many of you. I watched a small man with thick calluses on both his hands work 15 and 16 hours a day. I saw him once literally bleed from the bottoms of his feet, a man who came here uneducated, alone, unable to speak the language, who taught me all I needed to know about faith and hard work by the simple eloquence of his example. I learned about our kind of democracy from my father, and I learned about our obligation to each other from him and my mother. They asked only for a chance to work and to make the world better for their children. (Applause) And they asked to be protected in those moments when they would not be able to protect themselves.

This Nation and this Nation's government did that for them, and that they were able to build a family and live in dignity and see one of their childrendden go from behind their little grocery store in south Jamaica on the other side of the tracks where he was born, to occupy the highest seat in the greatest state in the greatest Nation in the only world we know (Applause)— is an ineffably beautiful tribute to the democratic process.

And, ladies and gentlemen, on January 20, 1985, it will happen again, only on a much, much grander scale. We will have a new President of the United States, a Democrat born not to the blood of kings, but to the blood of pioneers and immigrants. (Applause)

And we will have America's first woman Vice President. (Applause) The child of immigrants. (Applause) she will open with one magnificent stroke, a whole new frontier for the United States.

Now, it will happen. (Applause) It will happen if we make it happen, if you and I make it happen.

And I ask you now, ladies and gentlemen, brothers and sisters, for the good of all of us, or the love of this great Nation, for the family of America, for the love of God, please make this Nation remember how futures are built.

Thank you, and God bless you.

(Standing ovation)

Governor COLLINS. Thank you, Governor Cuomo. (Applause) Thank you, Governor Cuomo. (Applause).

Governor CUOMO. Let me ask you one question.

Are you ready for this campaign? (a chorus of yesses) (Applause)

Governor COLLINS. Thank you, Governor Cuomo.

Let's clear the aisles, please. Would the Sergeant-at-Arms please clear the aisles?

And now, ladies and gentlemen, let's demonstrate our support for the tradition of civil rights and the memory of Dr. Martin Luther King.

I am pleased to welcome to the podium a remarkable leader in both civil rights and education. He lives and works in the great State of Alabama. He has been in the forefront of the battles for civil and human rights.

It is my pleasure to introduce the respected educator, the Chairman of the Alabama Democratic Caucus, the Honorable Joe Reed. (Applause)

While Governor Cuomo spoke glowingly of America's better side, there were other, somber, undertones. He warned of a darker spirit slowly invading our national psyche. I often think of how prophetic that ominous description was, especially during these currently difficult economic times. When Mario Cuomo spoke of his tale of two cities he was referring to a nation slowly being divided by wealth and poverty. And let me tell you, conditions have not improved since his 1984 clarion call, they have gotten worse. The growing chasm of economic disparity in this country between rich and poor has created despair in those who have not equally shared in our bounty, a mean-spiritedness in those who have been refused justice and fair treatment, and doubt in those unable to find a job in this depressed market. None of these increasingly pervasive emotions can help this country in its recovery, nor aid us in our future achievements.

It has been these unpleasantries I have been continuously reminded of during these past months as our economic recovery has faltered. I point them out to my colleagues to let them ruminate for themselves the corrective actions this country needs to take. Let us identify the true corrosive conditions creating anguish in our family members, so we may properly eradicate them and erase these destructive thoughts from our minds. But most importantly I highlight this grave situation for those who may be President; to ask for your help, to refrain from inflicting anymore needless wounds, to heal our pain and to face the daunting task ahead. I wish that person success.

TRIBUTE TO THE REVEREND DR. RICHARD W. MOSLEY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to recognize the lifetime accomplishments of a religious fulcrum for the community of Pontiac, MI, the Reverend Dr. Richard W. Mosley of God's Tabernacle of Truth Church. On July 11, 1992, church and community members will honor the work that he has done in the name of the Lord for over 23 years.

Dr. Mosley received an honorable discharge from the U.S. Army in 1964. He attended the Detroit College of Commerce in Macomb County, MI, Wayne State University in Detroit, and has received a doctorate of divinity. In

1969, Reverend Dr. Mosley founded God's Tabernacle of Truth Church with a seven-member congregation. Since that time, the church has grown physically and spiritually through the strength and guidance of Reverend Dr. Mosley. He has been the copastor of Wings of Truth Gospel Church since 1982. Both congregations respect and appreciate the years of dedicated work he has done for his community.

Through his church, Dr. Mosley has begun scholarship and tuition assistance programs for area youths. Moreover, Reverend Mosley provides food, medication, and eyeglasses to children from needy families. The lives of hundreds of young people in Pontiac have been touched by his good works. All this he has contributed of himself, not for public recognition and acclaim. Reverend Mosley seeks only to satisfy the Lord. His community dearly loves him and has been edified through his example. He has truly been a good shepherd of his flock in the city of Pontiac.

Mr. Speaker, it is with great pride that I ask my colleagues in the House of Representatives to join me in saluting the Reverend Dr. Richard Mosley of God's Tabernacle of Truth. Our State and our community is a better place in which to live due to his good work and shining example. A true community leader, he has devoted his life to helping others for the Lord and deserves all our respect.

TRIBUTE TO LT. ELAINE M. HOGG

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. McEWEN. Mr. Speaker, Lt. Elaine M. Hogg, U.S. Navy, has completed her tour of duty as liaison officer at the Department of the Navy's Congressional Liaison Office, U.S. House of Representatives. I would like to take this opportunity to recognize her superlative accomplishments.

Hailing from Long Island, NY, Elaine was selected for this sensitive position based on her exemplary record as a naval aviator. As a CH–46 Sea Knight helicopter pilot, serving aboard the U.S.S. *Butte,* U.S.S. *Concord,* U.S.S. *Mount Baker,* and U.S.S. *Saturn,* she transferred by vertical replenishment literally thousands of tons of critical supplies to deployed ships. She never lost her calm, even while transferring pallets of supplies to ships navigating in rough seas during the night.

During her tenure as liaison officer, she proved to be instrumental in planning and flawlessly executing numerous tasks for congressional delegations which observed naval operations around the world. Elaine has been a vital link in maintaining the flow of information between the Navy and Congress. She promptly resolved thousands of sensitive congressional inquires. Elaine could always be counted on no matter how complex the task.

Elaine is respected for both her knowledge and honesty by my colleagues on both sides of the aisle. I know that they, as well as I, wish ther "fair winds and following seas."

THE RESOLUTION TRUST CORPORATION LOSS REDUCTION AND FUNDING ACT OF 1992

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. McCOLLUM. Mr. Speaker, today I introduced a bill entitled "The Resolution Trust Corporation Loss Reduction and Funding Act of 1992." The following is a section-by-section analysis of this bill:

SECTION 1. SHORT TITLE.

The Resolution Trust Corporation Loss Reduction and Funding Act of 1992.

SEC. 2. FUNDING.

The Resolution Trust Corporation Refunding and Improvement Act of 1991 is amended to eliminate the April 1, 1992 deadline for use of appropriated funds by the Resolution Trust Corporation (RTC). This frees the remaining $17 billion which was appropriated last year but not used by the RTC by the deadline.

The Secretary of the Treasury shall provide to the RTC additional funding up to $25 billion to carry out its functions until April 1, 1993.

These appropriated funds will be reduced by the amount the Secretary determines to be the net savings achieved by the supervisory goodwill buy-back program.

SEC. 3. REDUCTION OF RTC LOSSES.

A Supervisory Goodwill Buy-Back Program is established for the purpose of reducing the amount of taxpayer funds needed by the RTC and the number of savings associations closed at taxpayer expense through buying back supervisory goodwill from savings associations that would be healthy and viable but for the goodwill they received in resolving failed savings and loans in the 1980s.

This law will not affect any litigation regarding supervisory goodwill between the United States and any savings associations ineligible for the buy-back program.

A savings association qualifies for the buy-back if: (1) unless it participates in the buy-back, the Office of Thrift Supervision (OTS) will close it and appoint the Resolution Trust Corporation (RTC) as conservator or receiver, (2) it has supervisory goodwill on its books, (3) the Director of OTS determines it will be viable and not fail if it participates in the buy-back, and (4) it agrees to waive all claims against the Federal Government resulting from legal changes in the treatment of goodwill since the association received the goodwill.

In buying back an association's goodwill, the Director will pay the association the replacement amount from RTC funds, and in turn, the association will reduce the amount of its supervisory goodwill by the amount of the payment. The replacement amount is the lesser of (1) the amount required to make the association adequately capitalized under all fully phased-in capital requirements, and (2) an amount determined appropriate by OTS which is at least the amount of goodwill the association then has and is at most the amount it had at the enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA).

If the buy-back brings the association into compliance with fully phased-in capital standards, then it must continue to meet those standards from that time forward. Otherwise, the OTS can establish additional capital requirements as needed to ensure that the association is taking appropriate steps to meet required capital standards.

The Director shall impose an annual assessment on an association that participates in the buy-back. The assessment is for the repayment of the entire buy-back amount and begins on the date the Director determines the association to be sufficiently viable to begin paying it. The amount of the annual assessment will be determined by the Director considering the viability and profitability of the association, the amortization period for the supervisory goodwill when it was first placed on the association's books, and the amount of the buy-back.

All amounts received in repayment of the supervisory goodwill buyback will be transferred to the Secretary of the Treasury, deposited in the general fund of the Treasury and used solely for the reduction of the national debt.

No savings association may make a capital distribution or pay dividends until its buyback funds have been repaid.

The Office of Thrift Supervision (OTS) can establish additional requirements needed to ensure the safety and soundness of qualified savings associations.

The RTC shall provide the necessary funds to implement the supervisory goodwill buyback program from the funds appropriated in this bill.

For associations which OTS has already decided to close but for which the RTC has not yet been appointed conservator or receiver, the Director will determine whether they qualify for the buy-back when this bill is enacted.

FINDING AND RECOMMENDATIONS OF THE FIRST ANNUAL MENTAL HEALTH FORUM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Ms. NORTON. Mr. Speaker, on February 3 of this year, I hosted the First Annual Congressional Mental Health Forum, along with the Coalition for Adequate Mental Health, Alcohol and Drug Abuse Services and the Washington Foundation for Psychiatry. This focus was overdue because mental health and drug abuse problems traditionally have been kept in a dark closet, hidden like a family secret not to be mentioned in public. It is time for us to bring these important issues out of the closet into the light of day.

Most existing insurance actually discriminates against individuals with mental illness. Amazingly, despite the deep concern about drug and alcohol abuse today, insurers limit access to treatment as they do for few other conditions. The result is to force the spending of millions of dollars because treatment can be provided if at all only when the problems become so serious as to require institutional treatment.

Mental illness comes in a variety of forms that plague millions of Americans. Anxiety orders, such as phobias, panic disorders and obsessive compulsive disorders, affect nearly 26 million Americans, yet 75 percent of them never seek treatment. Depression affects 11.2 million Americans—resulting in the suicides of

more than 18 children each day and 6,000 older Americans each year. Yet 90 percent of those suffering from depression can be cured in weeks with appropriate treatment. The homeless have become a reality of daily life in our cities. Thirty-three percent of them have persistent and severe mental illness and over half suffer from either alcohol or drug addictions. Many of these people were once in State mental hospitals. Having been deinstitutionalized, they have ended up on our streets, ill-equipped and unable to function independently. These statistics reveal the widespread nature of mental illness and drug abuse. Yet individuals are not receiving the treatment they need. Why? Lack of insurance coverage, lack of access to treatment, fear of stigma of mental illness, or a combination of all these things. The narrow-minded and regressive attitude that pervades the policies of our Nation's insurance companies only exacerbates what are already crises situations for many ailing individuals.

We must develop and pass legislation to improve delivery of treatment for mental illness and to make treatment more accessible to those who need it. We must actively work to eliminate discrimination against the mentally ill, particularly in the insurance industry. As the House considers the various national health care reform proposals on the table, it is especially crucial that mental health and substance abuse issues be included on the national health care agenda. Whatever proposals are ultimately adopted must require that mental health and drug abuse problems be treated as the legitimate illnesses that they are and that those who suffer these problems are able to obtain the help they need.

I am pleased to submit for my colleagues' review the findings and recommendations from this year's Congressional Mental Health Forum. I encourage my colleagues to review this insightful summary and to take stock of these ideas as they consider the larger issue of health care reform.

FIRST ANNUAL CONGRESSIONAL MENTAL HEALTH FORUM FINDINGS AND RECOMMENDATIONS

FINDINGS

The Forum identified pervasive discrimination in the delivery of treatment services to victims of mental illness and substance addiction. Discrimination is perpetuated in coverage and benefits, by third party payers and under self-insurance schemes. Federal subsidies discriminate along with federal financing guidelines. Discrimination exists in programs such as Medicare and Medicap and extends to Health Maintenance Organizations, CHAMPUS and to virtually all federally approved or supported treatment settings.

A few examples of how such discrimination is manifested:

I. Outpatient Care and Hospitalization. Patients diagnosed with the most severe forms of mental illness or substance addiction, unlike all other patients, are not afforded treatment on the basis of medical or psychological necessity. They are limited to artificial, arbitrary and unjustified restrictions imposed by insurance companies, managed care providers and governmental agencies.

["We need the decision about treatment to be based on the condition of the patient, not on the basis of some arbitrary law or insurance contract which is not clinically based."][1]

["Where the 20 visit number comes from is a mystery. Twenty visit outpatient coverage is like adopting a rule that says all surgery must stop after one hour."]

II. More Enlightened State Policy. Policies of many states, including the District of Columbia and Maryland, require access to health care for victims of mental disease and substance addiction. These state-imposed mental illness benefits may be avoided under federal ERISA provisions. Moreover, virtually all proposals pending in Congress which purport to improve access to health care preempt these more generous state policy mandates and perpetuate discriminatory benefits.

III. Pre-Existing Conditions. A history of mental illness or substance abuse stigmatizes victims through unfair disclosure requirements and bars them from access to adequate health care unlike victims of other health problems.

["People who need treatment will not seek treatment because they are fearful of the future impact on their insurability; people diagnosed with depression cannot get life insurance."]

IV. Managed Care. Managed care including the HMO settings and utilization review strategies unjustifiably preempt medically necessary treatment of serious mental disease and substance addiction. The lack of review standards further exacerbates such discrimination.

["Accountability should be placed across the board; utilization review companies and managed care companies have to be brought out into the open. The cost to us, the patients in terms of truncated treatment, treatment aborted, treatment interfered with is enormous. Then there is the cost in terms of paperwork, of an extra-percentage of the health care dollar going to forms and to these utilization reviews."]

["Many of the most seriously ill patients cannot get care in the HMO's."]

["There are no published review standards."]

V. Cost—A Myth Used to Justify Discrimination. Is there a scientific basis supporting the premise that non-discriminatory treatment for mental illness costs proportionately more than the treatment of other illnesses? Not according to most studies. Too often one hears the argument that the reason for discriminating against the delivery of mental illness services is the cost. Somehow the cost of these services as compared with services for other illnesses, it is urged, justifies artificial caps and treatment interruptions. But there is no data supporting this premise. In fact, there is a strong scientific case that costwise, non-discriminatory treatment of mental-based disease does not inflate costs.

["By diagnosing and treating mental illness early, there is a strong likelihood that there will be less treatment of other illnesses later. Further, there is increasing recognition that treatment of mental illnesses plays a substantial role in mitigating other diseases including heart disease."]

["Studies support the notion that affording mental treatment based on "medical or psychological necessity" and without discrimination is cost effective."]

["Another aspect of this issue has to do with the reduction in more costly hospitalization by providing non-discriminatory coverage for less costly office treatment."]

VI. All Health Access Proposals Now Pending in Congress Would Perpetuate Discrimination. Without exception, every health care access proposal now pending in Congress flatly discriminates against treatment programs for victims diagnosed with mental diseases and substance addiction.

At best, these proposals provide a few outpatient visits and some hospitalization for victims of the most severe mental disorders. For mental disease, not one of the pending proposals employs a treatment access standard based upon medical psychological necessity, as they do for other medical problems.

RECOMMENDATIONS

1. All Relevant Committees of Congress as a high priority should examine the issue of health care discrimination against victims of mental illness and substance addiction, conduct hearings and otherwise employ their resources to end such discrimination.

2. Model legislation should be developed and enacted specifically to eliminate existing discrimination in the delivery of mental illness and substance abuse services.

3. Pending legislation should be amended to eliminate and correct those provisions which perpetuate discrimination in access to health care by victims of mental illness and substance addiction.

[1] Quotations in brackets are from expert testimony at the Forum proceedings which have been transcribed. Copies of transcripts are available. Contact CAMADAS—(202) 682-6270.

REFORM THE SUPERFUND LAW

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. OWENS of Utah. Mr. Speaker, I rise to introduce legislation to reform the Comprehensive Environmental Response, Compensation, and Liability Act, which is commonly known as the Superfund law.

The Superfund law is a super disappointment. This law was supposed to ensure cleanup of contaminated hazardous waste sites and to make polluters responsible for cleaning up the contamination. In practice, the Superfund law has wasted public resources while private lawyers and consultants clean up at the bank.

The Superfund law has been on the books for more than 10 years and Congress has appropriated billions of dollars for the Superfund Program. Despite the time and money that has gone into the program, only about 70 sites out of the most contaminated sites have been fully cleaned up. That's only 5 percent of the more than 1,200 Superfund sites identified by EPA as the most serious threats to public health and the environment.

A 5-percent return over a 10-year period would be unacceptable to most businesses. When the health and safety of our citizens and the protection of our environment is at stake, a 5-percent cleanup rate is not only intolerable but also a tragic failing that must be corrected.

The Superfund law was also intended to make polluters pay for the environmental damage they cause. No doubt some real polluters get caught in the Superfund liability net. But the law has also been used to force innocent parties to pay for cleanup of contaminated waste sites.

Under the Superfund law's strict liability scheme, it's been said that "no good deed

goes unpunished." The experiences of two Utah businessmen who I know personally provide graphic illustrations of how Superfund unfairly punishes individuals and businesses for wrongs they did not commit.

One of the Superfund law's victims, David Early, owns several auto service centers. Over the years, used oil from these centers was sent to Ekotech for recycling. Ekotech was licensed by the State of Utah as a recycling facility, and this company picked up used oil from Mr. Early's auto centers for that purpose. Subsequently, Ekotech ceased operations and its property was discovered to be contaminated.

Last year, the Ekotech property became a Superfund site and EPA identified Mr. Early as a party responsible for cleanup of the site. It did not matter that he did nothing illegal or negligent that caused the Ekotech site to become contaminated. All that mattered was that used oil from David Early's auto centers had ended up at the site and that Mr. Early had money and Ekotech didn't.

Nor did Mr. Early's innocence prevent EPA from treating him like a criminal. EPA told Mr. Early that if he did not contribute to the cleanup of the Ekotech site by April 30 of this year, he would face penalties of $25,000 per day. Not surprisingly, Mr. Early agreed to contribute to the Ekotech cleanup.

Another of my constituents, Kevin Steiner, now finds himself in a predicament similar to Mr. Early's. Only Mr. Steiner has the misfortune to be identified as a potentially responsible party at one of the most costly Superfund sites in the country, the Lowry landfill in Colorado. The estimated cost of cleaning up this site ranges as high as $4.5 billion. So even though the waste the Steiner Corp. sent to the Lowry landfill is a fraction of a percent of the total, the company must pay hundreds of thousands of dollars in cleanup costs.

What did the Steiner Corp. do to incur this liability? Did the company break the law? Did it dump toxic waste at the Lowry landfill? The answer to both these questions is "no."

Steiner, a linen supply company, hired licensed carriers to ship about 75,000 gallons of dirty wash water that was eventually deposited at the Lowry landfill. This waste water was a mixture of dirt, sand, lint and other by-products from Steiner's washing of textiles.

Mr. Steiner would like to fight the EPA but he cannot take the risk because, if he loses, his company could be forced to pay hundreds of millions of dollars in cleanup costs. In order to protect his rights, Mr. Steiner would have to bet the ranch and he can't afford that gamble.

Every Member of Congress has probably heard similar stories from constituents about the inherent unfairness of the Superfund law. The fact that these stories are common shows that the Superfund liability scheme must be reformed.

Congress needs to make the Superfund law fairer, so that innocent parties like Mr. Early and Mr. Steiner are not caught up in the Superfund liability net. And Congress needs to make the Superfund law work more effectively so that more than a handful of contaminated sites are cleaned up each year.

The legislation I am introducing today is designed to do just that. First, it changes the liability standard so that only real polluters pay for Superfund cleanups. Parties who violated applicable environmental laws or negligently disposed of hazardous waste would remain fully liable for cleanup. But parties who complied with all legal requirements and were not negligent in disposing of their wastes would no longer be required to pay for cleanup merely because their wastes ended up at a contaminated site.

My bill also contains provisions that would speed up cleanups at Superfund sites. Instead of spending years determining the appropriate cleanup levels before active cleanup even begins, my bill requires EPA to develop cleanup standards that would answer the "how clean is clean" question upfront, so cleanup would get underway sooner. And, to ensure that cleanup proceeds expeditiously, EPA would also establish deadlines for responsible parties to design and implement a remedy for the site.

Finally, my bill provides additional revenue to fund cleanups at Superfund sites by expanding the coverage of the corporate environmental tax currently used to provide part of the funding for Superfund cleanups. This will be a fairer means of ensuring that EPA has sufficient funding to conduct cleanups than its current practice of shaking down innocent parties like Mr. Early and Mr. Steiner and forcing them to remedy environmental problems they did not cause.

The legislation I am introducing today is itself a remedy for the deficiencies in the Superfund Program. It's time to clean up Superfund so that it can accomplish the objectives Congress intended the law to achieve.

BALANCED BUDGET AMENDMENT

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. STENHOLM. Mr. Speaker, I would like to submit additional explanatory materials regarding House Joint Resolution 290, the balanced budget amendment to the Constitution, for the permanent RECORD of June 10, 1992. It is my hope that this information will make the record on the amendment complete.

The most important document is a memo answering several questions raised by Budget Committee Chairman LEON PANETTA regarding the substitute amendment that I offered on behalf of Representatives BOB SMITH, TOM CARPER, OLYMPIA SNOWE, and JIM MOODY. Chairman PANETTA and I agreed that this information would be submitted for the RECORD at the point of a colloquy between Mr. PANETTA and myself, on June 10, on the questions. I am also submitting for the RECORD several editorials by columnists George Will and Michael Kinsley, as well as information on the national debt prepared by the National Taxpayers Union.

ANSWERS TO THE "TOUGH QUESTIONS"—SUBMITTED BY CHAIRMAN LEON PANETTA ABOUT THE STENHOLM-SMITH-CARPER-SNOWE-MOODY BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

(By Congressman Charles W. Stenholm)

Is the text in the Record (of June 9, 1992) the final version?

That certainly is the intent of the principal authors, with the caveat that two errors need to be corrected that are purely typographical:

First, H.J. Res. 290, as introduced, was printed without most of the Resolving clause; this, of course, is boilerplate, and will be restored to the official text of the substitute that is sent to the desk. Obviously, there will be no surprises here.

Second, the word "principal" was misspelled in section 7. We wanted to make sure to get the final text in the Congressional Record for June 9, to make sure that our colleagues—and all other interested parties—had the maximum amount of time possible to review the amendment. This way, all members will have had two full days to review the language of the substitute before we vote on it.

I want to re-emphasize that the substitute makes no substantial changes in the joint resolution, as introduced.

SECTION 1

1. What is a "specific excess of outlays over receipts"? Is this a set amount for the entire year or does this refer to each bill that might cause a deficit?

The exact nature and amount of the "specific excess of outlays over receipts", and the legislative vehicle which will carry it into law, is going to depend on several things.

Most important of those is the final design of the legislation that will implement and enforce this amendment, which I expect the Chairman of the Budget Committee will have a pivotal role in shaping. Whether the excess to be voted on is contained in a single bill or set out piecemeal in more than one bill will be determined the way any such procedure should be, in that implementing legislation.

In general, at its parameters, this language requires Congress to vote on the specific, maximum, allowable amount of the deficit for the fiscal year in question. That excess amount needs to be approved by three-fifths of the whole number of members of both Houses and presented to the President for signature or veto. As is obvious from the context of the rest of Section 1, which addresses measuring total outlays of one fiscal year against total receipts for the same fiscal year, the excess would be approved for no more than that same fiscal year.

One additional procedure will be obvious. After a fiscal year has begun, all appropriations and any other direct spending laws for that year have been enacted, and either a balance has been planned or a deficit amount already approved, an additional exigency may raise the possibility of an additional excess. For example, a natural disaster may occur, an economic downturn may increase certain benefit payments, armed hostilities may erupt, or some other emergency may arise. At that point, Congress and the President must decide—much as they do today under the pay-as-you-go process in the 1990 Budget Enforcement Act—whether this unanticipated need should be met by rescinding other planned spending or by approving a specific, additional excess amount of outlays. The former option may be approved by a simple majority and the latter by a three-fifths majority of each House.

SECTION 2

1. The gentleman refers to the "limit on the debt held by the public." What does this mean? Does this establish a whole new test for the debt limit? What happens to debt held by trust funds?

As the Chairman of the Budget Committee knows, "* * * debt of the United States held

by the public * * * " is a widely used and understood measurement tool. The Congressional Budget Office defined "publicly held federal debt" in its 1992 Economic and Budget Outlook: Fiscal Years 1993–1997 book as "Debt issued by the federal government and held by nonfederal investors (including the Federal Reserve System)." The "debt held by the public" differs from the gross federal debt or the "public debt", in that it does not include the securities issued to government trust funds.

The amendment would establish a new statutory limit on debt held by the public which would require a three-fifth vote to increase. Congress may or may not wish to continue to set by statute a limit on the public debt. Congress may choose to include an increase in the current, statutory limit on public debt in legislation to increase the debt held by the public (which would require a three-fifths vote), or choose to continue passing increases in the public debt in separate legislation (which would require a simple majority). (A separate increase in the public debt, which would reflect primarily just trust fund surpluses in the future, would become a more ministerial, less controversial, function.)

The authors of the amendment chose to use the formulation "debt held by the public" because we did not wish to require a three-fifths vote when a trust fund surplus necessitates an increase in the public debt. In addition, common sense suggests, and CBO states, that the most appropriate benchmark to use is debt held by the public, the federal government's borrowing from all non-federal-government sources.

SECTION 3

1. The gentleman requires that "a" balanced budget be submitted "prior to each fiscal year." Could the President submit an unbalanced budget in January or February, and then wait until September 30th to submit a document that purports to be a balanced budget?

The amendment does not change existing statutory provisions establishing a deadline for submission of the President's budget. As the Chairman knows, the current statutory deadline is in February. Our amendment provides simply that Congress could not enact a statutory deadline for submission of the President's budget later than the beginning of the fiscal year.

SECTION 4

1. What is "a bill to increase revenue"? Is this a net test or a gross test?

The clear intent of the amendment is to look at the overall revenue effect of a bill. Section 4 therefore requires a net test. For a further definition, see the following question.

2. Why does the gentleman use the word "receipts" in section 1 and "revenue" in section 4? What is the difference in meaning, if any?

Our amendment uses the words "receipts" and "revenue" in exactly the same way the Constitution already does.

In Article I, Section 9, Clause 7, "Receipts" are treated as a quantitative description of money received by the Treasury in consequence of the exercise of the government's sovereign power to compel payments to the Treasury. That clause states, in part: "* * * a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

In Article I, Section, 7, "Revenue" is described as the subject of legislation enacted by Congress setting or changing tax rates, tax bases, fee structures, formulas for fines, and other such policies. That section begins: "All Bills for raising Revenue shall originate in the House of Representatives. * * *"

Our intent is that these words mean the same things in our amendment as they already do elsewhere in the Constitution.

Obviously, a "bill to increase revenue" is legislation that would make a change in law calculated on a net basis to raise more revenue than current policy at any given time.

3. What would the test be for the President's capital gains proposal, which cuts tax rates but which, according to OMB, raises revenues? Is it subject to this requirement?

This essentially represents a decision about scorekeeping and scorekeepers that would have to be resolved in implementing legislation.

4. If a single tax provision has the effect of reducing revenues in one fiscal year and raising them in another, is that provision subject to this section? Does it matter in which fiscal year the increase would occur?

The intent of the provision is to measure the revenue impact of a tax bill over the period of time most relevant for the purposes of scoring the legislation. This, too, is obviously the type of procedure best established in implementing legislation. Under current law, the five year period over which CBO scores spending and tax legislation normally would apply, except in instances in which legislation has an obvious revenue impact that will not occur until after the five year window.

SECTION 5

1. The gentleman states that the Congress may waive the provisions of this article for any fiscal year when there is a declaration of war in effect. Does this mean that this can be done by concurrent resolution, without Presidential involvement?

No. Article 1, Section 7 of the Constitution provides that "Every Order, Resolution or Vote to which the Concurrence of the Senate and the House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States" for signature or veto. Generally, this clause also has been interpreted to exempt from presentment to the President legislation passed by both Houses in concurrence that has no impact beyond the internal operations of either House, such as the committee targets set out in a budget resolution. Therefore, a Congressional waiver of the amendment during a declared war would have to be submitted to the President for his signature or veto.

2. Would the gentleman share with the House the meaning of the second sentence in this section, relating to national security?

The waiver is not a waiver for any threat to national security, but for a threat to national security caused by a military conflict. This provision would apply only to an engagement of military forces in active hostilities. Congress would be given appropriate discretion in deciding when a military conflict constituted an "imminent and serious military threat to national security" under the plain meaning of this phrase.

3. Would the "cold war" meet the test for this national security waiver? If not, why not?

The cold war clearly would not meet the requirement for a waiver under Section 5 under any reasonable interpretation of the language. As I stated in response to the previous question, the operative language in Section 5 is "military conflict", which requires that military forces be engaged in active hostilities.

4. What about Grenada, Panama, Kuwait, or the reflagging effort several years ago?

The provisions could have been waived, one fiscal year at a time, if U.S. military forces were engaged in active hostilities, as they were in Grenada, Pamama and Kuwait. In each of those instances, Congress would have had the responsibility to decide whether or not the military conflict resulted in an increase in expenditures and an imminent threat to national security significant enough to necessitate waiving the provisions of this article by a joint resolution. For example, Congress could have chosen to include a waiver of the amendment in H.J. Res. 62, the joint resolution authorizing Desert Storm, if it was the will of the House and Senate to do so.

SECTION 6

1. Does this section modify section 1, so that the requirement is not actual outlays against actual receipts, as in section 1, but estimated outlays against estimated receipts?

Section 6 clarifies that Congress has the flexibility to rely on reasonable estimates when appropriate in complying with section 1. Over the course of the year, outlays may not exceed receipts unless specifically approved under the terms of section 1. On the other hand, a temporary dip in receipts or jump in outlays need not trigger a sequester, rescission or other offsetting action it is reasonable to assume that such a "glitch" will be offset in the near-term by normal economic or budgetary fluctuations.

2. Could the legislation provide for measuring estimated receipts against actual outlays or actual receipts against estimated outlays, or must it be both estimated outlays and estimated receipts?

The provision does not require that Congress utilize estimated outlays or estimated receipts. It allows Congress the discretion to rely on estimates in, or pursuant to, implementing and enforcing legislation, where appropriate. There are certain cases in which Congress almost certainly would wish to rely on estimates, and others in which actual measurements are more appropriate. For example, under Gramm-Rudman-Hollings, a sequester would be triggered by aggregate estimates of outlays, while the sequester itself would affect actual amounts of specific outlays.

3. Whose estimates would these be?

Estimates would be determined and used pursuant to legislation passed by Congress to implement and enforce the amendment, as has been the case under the 1974 Budget Act, Gramm-Rudman-Hollings, and the 1990 Budget Enforcement Act.

Congress has various options for the procedure it may use in establishing estimates. This is an issue most appropriately addressed in implementing legislation. It is the expectation of the authors of the amendment that any implementation legislation will include a mechanism for arriving at accurate and responsible estimates.

4. What is the constitutional requirement if the Congress does not adopt the legislation contemplated in this section? Is the test then actual receipts and actual outlays?

This section creates a positive obligation on the part of Congress to enact appropriate implementing and enforcing legislation. If Congress does not pass implementing and enforcing legislation, it has made a decision by default not to utilize estimates as provided for in Section 6. In this unlikely event that there was no clarifying legislation, section 1 would provide for a test of actual receipts and outlays.

OTHER

1. The gentleman does not include a time limit on ratification, as he did in the 101st Congress version of a balanced budget amendment, in either the text of his amendment in the Record in the introduced bill. In light of the recent experience with the 27th amendment, does he intend to do so?

Yes. As noted above, the resolving clause, which includes the time limit, was inadvertently omitted from the text of the amendment as introduced. The customary 7-year limit will be included in the final text of the amendment that is offered at the desk as a substitute.

2. What does the gentleman contemplate with respect to the issue of whether the amendment gives the President impoundment authority?

The amendment does not broaden in any way the current powers of the President. Absent some other process being legislated, the President would have the same non-discretionary duty to order that no funds be disbursed from the Treasury, at the point in time when actual outlays would otherwise exceed the maximum amount allowed, just as the President has such a duty today in the event appropriations have not been enacted in time to keep programs going. This does not envision in any way any sort of discretionary impoundment power on the part of the President or courts. The President could not order that funding for certain programs be halted while allowing funding to continue for other programs.

3. What does the gentleman think the role of the court would be in enforcing the amendment?

4. Who would have standing to sue under this amendment? What about taxpayers or Members of Congress?

5. Professor Tribe of Harvard and Professor Dellinger of Duke advised the Senate Budget Committee that taxpayers probably would have standing. Do you think they are wrong? Do you think taxpayers shouldn't have standing?

6. What kinds of remedies will be available to the courts to enforce this amendment? Could they enjoin passage of legislation that would cause a deficit?

These four questions are answered completely and eloquently in a memo prepared by Joseph Morris of the Lincoln Legal Foundation. I am inserting this memo for the record. This memo accurately states both the intent and the understanding of the authors of the amendment as to how our amendment will operate in this regard.

The attachment memo concludes, ". . . It is our view that there is virtually no danger that the constitutional balanced budget amendment contemplated by H.J. Res. 290 would cede the power of the purse to a runaway judiciary. . . If ratified and made part of the Constitution, the balanced budget amendment would retain responsibility and accountability for all Federal outlays squarely to the Congress.

THE LINCOLN LEGAL FOUNDATION,
Chicago, IL, June 5, 1992.

Hon. L.F. PAYNE
House of Representatives, Washington, DC.

DEAR MR. PAYNE: On behalf of the Lincoln Legal Foundation, let me extend my thanks to you for providing this opportunity to comment on the proposed Balanced Budget Amendment outlined in H.J. Res. 290. We at the Foundation take pride in serving as advocates for the broad public interest in defending liberty, free enterprise, and the separation of powers. It is in this capacity that we have undertaken our evaluation of the proposed Amendment.

We have confined our remarks to the prospects for judicial enforcement of the Balanced Budget Amendment. Critics have charged that the Amendment will unleash an avalanche of litigation, thereby paving the way for the micro-management of budgetary policy by the federal judiciary. As defenders of the Madisonian system of checks and balances, we at the Foundation take such charges seriously and have scrutinized them in light of the relevant case law.

We begin with a brief overview of standing doctrine and its impact on the justiciability of the proposed Amendment. We than consider the political question doctrine and the barriers it creates to judicial review. We conclude with our recommendations for refining and implementing the Amendment.

I. STANDING UNDER THE BALANCED BUDGET AMENDMENT

Standing refers to a plaintiff's interest in the issue being litigated. Generally speaking, in order to have standing a plaintiff must have a direct, individualized interest in the outcome of the controversy at hand. Persons airing generalized grievances, common to the public at large, invariably lack standing.

Limitations on standing stem from two sources. Article III, Section II of the Constitution restricts the jurisdiction of the federal judiciary to "cases" and "controversies." As a result, only plaintiffs with a personal stake in the outcome of a particular case have standing to litigate. The general prohibition against advisory opinions also can be traced to Article III.

In addition to Article III restrictions, federal courts have outlined certain "prudential" restrictions on standing, premised on non-constitutional policy judgments regarding the proper role of the judiciary. Unlike Article III restrictions on standing, prudential restrictions may be altered or overridden by Congress.

Standing requirements under the proposed Balanced Budget Amendment will vary according to the type of litigant. Potential litigants fall into three categories: (1) Members of Congress, (2) Aggrieved Persons (e.g. persons whose government benefits are reduced or eliminated by operation of the Amendment), and (3) Taxpayers.

A. MEMBERS OF CONGRESS

The federal courts by and large have denied standing to members of Congress to litigate issues relating to their role as legislators.[1] Only when an executive action has deprived members of their constitutional right to vote on a legislative matter has standing been granted.[2]

Accordingly, members of Congress are unlikely to have standing under the proposed Balanced Budget Amendment, unless they can claim to have been disenfranchised in their legislative capacity. Assuming that Congress does not ignore the procedural requirements set forth in the Amendment, the potential for such disenfranchisement seems remote.

B. AGGRIEVED PERSONS

Standing also seems doubtful for persons whose government benefits or other payments from the Treasury are affected by the Balanced Budget Amendment. In order to attain standing, such persons must meet the following Article III requirements: (1) They must have sustained an actual or threatened injury; (2) Their injury must be traceable to the governmental action in question; and (3) The federal courts must be capable of redressing the injury.[3]

Assuming a plaintiff could meet the first two requirement, he still must show that the federal courts are capable of dispensing a remedy. Judicial relief could take the form of either a declaratory judgment or an injunction. A declaratory judgment, stating that Congress has acted in an unconstitutional manner, would do little to redress the plaintiff's injury. On the other hand, injunctive relief could pose a serious threat to the separation of powers.

For example, an injunction ordering Congress to reinstate funding for a particular program would substantially infringe upon Congress's legislative authority. Similarly, an injunction ordering all government agencies to reduce their expenditures by a uniform percentage—would undermine the independence of the Executive Branch. It is unlikely that the present Supreme Court would uphold a remedy that so blatantly exceeds the scope of judicial authority outlined in Article III.

C. TAXPAYERS

Taxpayers may have a better chance of attaining standing under the proposed Balanced Budget Amendment. Traditionally, the federal courts refused to recognize taxpayer standing. However, in 1968 the Warren Court held in Flast v. Cohen that a taxpayer plaintiff does have standing to challenge Congress's taxing and spending decisions if the plaintiff can establish a logical nexus between his status as a taxpayer and his legal claim.[4]

The logical nexus test consists of two distinct elements. First, the plaintiff must demonstrate that the congressional action in question was taken pursuant to the Taxing and Spending Clause of Article I, Section 8 of the Constitution. Second, the plaintiff must show that the statute in question violates a specific constitutional restraint on Congress's taxing and spending power.[5]

Taxpayers suing under the proposed Balanced Budget Amendment probably could meet both prongs of the logical nexus test.[6] In order to satisfy the first prong, potential litigants would have to tailor their complaint to challenge the unconstitutional enactment of a law by Congress (e.g. an appropriation bill), not the unconstitutional execution of a law by the Executive. Litigants could satisfy the second prong by demonstrating that the statute in question violates the Balanced Budget Amendment, an express restriction on Congress's taxing and spending power.

Even if a taxpayer satisfies Flast's logical nexus test, more recent opinions like Valley Forge suggest that the Supreme Court also would expect taxpayer plaintiffs to fulfill the

---

[1] *Harrison v. Bush*, 553 F. 2d 19 (D.C. Cir. 1977) (standing denied to a senator seeking declaratory and injunctive relief against the CIA for its allegedly unlawful activities).

[2] *Kennedy v. Sampson*, 511 F. 2d 430 (D.C. Cir. 1974) (standing granted to a senator challenging the constitutionality of the President's pocket veto).

[3] See, e.g., *Simon v. Eastern Kentucky Welfare Rights Organization*, 426 U.S. 26 (1976); and *Allen v. Wright*, 468 U.S. 737 (1984).

[4] *Flast v. Cohen*, 392 U.S. 83 (1968).

[5] *Valley Forge Christian College v. Citizens United for the Separation of Church and State*, 454 U.S. 464 (1982) (standing denied because an executive agency's sale of surplus federal land to a religious college was not an exercise of Congress's taxing and spending power).

[6] See Note, Article III Problems in Enforcing the Balanced Budget Amendment, 83 Columbia L. Rev. 1064, 1079–80 (1982).

Article III standing requirements. In other words, in order to have standing, a taxpayer would have to demonstrate that he has sustained an actual or threatened injury traceable to a specific congressional action.

In theory, a taxpayer could claim that excess spending in violation of the Balanced Budget Amendment will harm him by undermining the national economy or by increasing the national debt. However, a majority of the Supreme Court probably would find the connection between the excess spending and the alleged injuries too tenuous to grant standing. As a result, standing would be limited to taxpayers with concrete injuries, stemming directly from the congressional action in question.

II. THE AMENDMENT AND THE POLITICAL QUESTION DOCTRINE

Even if a litigant attained standing under the proposed Balanced Budget Amendment, a federal court could refuse to hear the case on the grounds that it raises a political question. The leading case with respect to political questions remains *Baker v. Carr*.[7] In *Baker*, the Supreme Court held that the constitutionality of a state legislative apportionment scheme did not raise a political question. In doing so, the Court identified a number of contexts in which political questions may arise.

Foremost among these are situations in which the text of the Constitution expressly commits the resolution of a particular issue to a coordinate branch of government. The Judicial Branch will refrain from adjudicating an issue in such circumstances. However, this textual constraint would not preclude judicial review of the proposed Balanced Budget Amendment, since H.J. Res. 290 does not assign responsibility for enforcing the Amendment to either the President or the Congress.

The Baker court also identified the following prudential considerations in deciding whether to invoke the political question doctrine as a bar to judicial review:[8]

(A) Is there a lack of discernable or manageable judicial standards for resolving the issue?

(B) Can the court resolve the issue without making an initial policy determination that falls outside the scope of judicial authority?

(C) Can the court resolve the issue without expressing a lack of respect for the coordinate branches of government?

(D) Will judicial intervention result in multifarious pronouncements on the same issue from different branches of government?

Each of these considerations creates an impediment to judicial review of the proposed Balanced Budget Amendment. In particular, courts may find the fiscal subject matter of the Amendment difficult to administer. For example, what happens if "estimates receipts" fall short of projections halfway through a fiscal year? On what data and accounting methods would the courts be expected to rely? Given the lack of concrete standards, apparently rudimentary determinations (e.g. When do "total outlays" exceed "estimated receipts"?) may prove beyond the competence of the judiciary.

Moreover, the potential judicial remedies for violations of the Amendment may undermine the separation of powers. As discussed above, various forms of injunctive relief almost certainly would infringe upon the prerogatives of Congress and the Executive Branch. Given the Supreme Court's structalistic adherence to the separation of powers doctrine in cases like *I.N.S. v. Chadha*[9] and *Bowsher v. Synar*,[10] it is almost impossible to imagine a majority of the justices on the present, or a future, Court jumping at the opportunity to become embroiled in a partisan wrangle over the size and scope of the federal budget. Instead, one would expect the Court to make every effort to avoid such an intrusion.

III. CONCLUSIONS

The constraints imposed by standing requirements and the political question doctrine by no means preclude judicial review of the Balanced Budget Amendment. Nevertheless, they do place substantial barriers to litigation. In light of these impediments the foundation believes that the prospects for a flood of new litigation and the specter of budgeting by judicial fiat have been greatly exaggerated.

The Amendment proposed in H.J. Res. 290 would clearly invite judicial review of any spending or taxing legislation purportedly enacted in violation of the formal requirements (e.g. a supermajority for increasing the debt limit, a full majority on recorded for a tax increase) set forth in the text. This is no different from the status quo, for even now we would expect a court to strike down an act that was somehow enrolled on the statute books without having properly cleared the requisite legislative process of votes, presentment, and the like.

What the Amendment would not do is to confer upon the judiciary an authority to substitute its own judgment as to the accuracy of the revenue estimates, the needfulness of taxes, or the prudence of a debt limit. The courts would merely police the formal aspects of the work of the political branches: Did they enact a law devoted solely to an estimate of receipts? Are all outlays held below that estimate? Were measures passed by requisite majorities voting, when required, on the record?

Sections 2 and 4 of the proposed amendment clearly invite only limited judicial scrutiny of this kind, and then only of the process, and not of the substance, by which the political branches have acted.

Section 3 seems to be purely hortatory, and probably provides no predicate at all for judicial action. Whatever the political ramifications of a failure on the part of a President to propose a balanced budget in any given year may be, there appear to be no legal implications whatsoever. No act of lawmaking depends in any constitutional sense upon the President's compliance with this requirement, let alone upon the substance that any such proposal may contain.[11]

Section 1 is the crucial text, then, but even here the boundaries of justifiability would be tightly limited. A purported enactment might be struck down by the courts if it provided for outlays of funds in excess of the level of estimated receipts established for the year in the annual estimates law, or if it called for such an excessive outlay without having been passed on a roll-call vote by the required super-majority, or if it attempted to avoid the balanced budget limit applicable to the fiscal year of its enactment by purporting to be within the limits of receipts estimated for another year, past or future.

But there is no basis in the text of Section 1 for a court to pick and choose among congressional spending decisions on any basis. That is, the proposed amendment would confer no authority on the judiciary to choose which appropriations would be satisfied from the Treasury and which would not, but only to say that once outlays had reached the level established in the estimates law then the officials of the Treasury must cease disbursing any additional funds.

Because Section 6 of the proposed amendment would define "total outlays" to "include all outlays of the United States Government except for those for repayment of debt principal", the amendment would abolish permanent indefinite appropriations, revolving funds, and the funds, such as the Judgment Fund, from which they are disbursed.[12] This would decisively prevent the courts from invading the Federal fisc in the guise of damages awards against the United States Government. Upon effectuation of this amendment, damages awards against the Government in all cases (except for repayment of debt principal) would have to be part of the outlays voted each year by Congress, and the current congressional practice of waiving the sovereign immunity of the United States on a blanket basis in the adjudication of various kinds of damages against the Government would have to end.

In short, it is our view that there is virtually no danger that the constitutional balanced budget amendment contemplated by H.J. Res. 290 would cede the power of the purse to a runaway judiciary. To the contrary, it would eliminate certain authorities that courts currently have to order the disbursement of Federal funds without appropriations. If ratified and made part of the constitution, the balanced budget amendment would return responsibility and accountability for all Federal outlays squarely to the Congress.

Sincerely yours,

JOSEPH A. MORRIS,
President and General Counsel.[13]

[7] 369 U.S. 186 (1962).

[8] *Baker v. Carr*, 369 U.S. at 217.

[9] 462 U.S. 919 (1983) (legislative veto held unconstitutional for violating the Bicameralism and Presentment Clauses of Article I Section 7).

[10] 478 U.S. 714 (1986) (Gramm-Rudman Deficit Reduction Act violated the separation of powers by placing responsibility for executive decisions in the hands of an officer who is subject to control and removal by Congress).

[11] Section 3 would confer constitutional dignity upon a practice that has evolved on an extra constitutional basis in this century, the submission of a Presidential budget each year. The practical and political wisdom of the practice is debatable, as is the wisdom of the contents of any particular budget. But the practice, even with the constitutional sanction that H.J. Res. 290 would give it, in no way derogates from the responsibility of Congress to account for the power of the purse or from the procedural rules adopted by the Framers for safeguarding the separation of powers respecting the fisc, such as the requirement that bills for raising revenue originate in the House of Representatives. The President would now have a constitutional duty to propose an annual balanced budget, but his submission would be only a proposal, and the existing ground rules of Articles I and II would continue to define the procedures by which laws are made and the separation of powers maintained.

[12] It is our view that this would also abolish other permanent indefinite appropriations arrangements and revolving funds as they now stand, including those for the Social Security, Medicare, and Civil Service Retirement Systems. They all involve "outlays" within the comprehensive meaning of Section 6, and so would all require affirmative congressional action for each year's disbursements. Congress could continue to provide that outlays be made on formulaic bases (e.g., as "formula payments"), but they would be subject to the total annual ceiling on outlays and mere qualification of an individual to receive a payment would no longer automatically work to raise the spending limit.

[13] I would like to thank Charles H. Bjork, a third-year law student at Northwestern University and a student intern at the Lincoln Legal Foundation, for his invaluable assistance in the preparation of this analysis.

FACTS ABOUT THE NATIONAL DEBT

In fiscal year 1993, interest on the National Debt is expected to total $316 billion.

This is:

the largest item in the budget (21% of all Federal spending).

more than the total revenues of the Federal government in 1976.

105% of Social Security payments.

$7,005 per family of four.

$6,077 million per week, $866 million per day, $601,218 per minute, or $10,020 per second.

27% of all Federal revenues.

61% of all individual income tax revenues.

The National Debt has now topped $3.9 trillion.

The Federal government has run deficits in 53 out of the last 61 years and 30 out of the last 31 years.

The national debt has increased 1240% since 1960, 620% since 1975, 329% since 1980 and 114% since 1985.

During the 1960's, deficits averaged $6 billion per year.

During the 1970's, deficits averaged $35 billion per year.

During the 1980's, deficits averaged $156 billion per year.

During the 1990's, deficits have averaged $296 billion per year.

It took over 200 years to accumulate our first trillion dollars in national debt. FY '91, FY '92, and FY '93 will increase the national debt with an additional $1 trillion.

[From the Washington Post, May 14, 1992]

THE LIBERAL CASE FOR A BUDGET AMENDMENT

(By Michael Kinsley)

"It is the Congress that tells the executive how to spend every dime," said President Bush, attacking "the spending habits of the Congress" at a Bush-Quayle fund-raiser the other day.

To call this hoary Republican bluff is one reason I'm for Sen. Paul Simon's balanced budget constitutional amendment. Each year, it declares, "the President shall transmit to the Congress a proposed budget * * * in which total outlays do not exceed total receipts." Neither Ronald Reagan nor George Bush has ever come close.

The amendment also would require Congress to enact a deficit-free budget, unless a three-fifths majority in both houses voted not to. Congress, terrified of the sour public mood, is near-certain to pass some kind of balanced budget amendment next month. But voting for a balanced budget amendment is not just a desperate short-term political expedient. For Democrats, it is good long-term politics.

The voters are hypocrites about federal spending: hating it in general, cherishing it in the particular. The deficit is the concrete expression of this voter hypocrisy. Politicians of both parties cater to it. But, by and large, it is Republicans who since 1980 have made this hypocrisy the central feature of American politics and Republicans who have benefited politically from it.

A balanced budget amendment, if it worked, might lead to lower spending or higher taxes or some combination. But at least it would lead to an honest debate. That would not just be hygienic. It would be helpful to the party that's been losing the dishonest debate of the past decade.

Of course, mere pastisan advantage is not a good enough reason to amend the Constitution. There are those who think that the goal of a balanced budget is neither necessary nor wise. And there are those who support the goal but doubt the means.

The argument against the desirability of a balanced budget has many byways, but the main point is the traditional Keynesian one that the stimulus of a deficit should be available during recessions: The proper goal is balance over the course of an economic cycle. Simon's three-fifths escape clause is intended to allow for deficits during bad times. If exercised promiscuously, this escape clause could make the amendment worthless. But the medicine is there if needed.

What's driven some liberals to support a balanced budget amendment, however, is the realization that deficit spending has become a medicine we Americans can't be trusted with. We use it when we're sick, then when we're healthy we just increase the dosage. When, inevitably, we get sick again, even gargantuan doses don't have their usual therapeutic effect. Even to use this drug properly in the future, we first will have to clear it out of our system.

The deficit also makes new forms of government activism nearly impossible. If liberal politics is to be anything more than a holding action ("reactionary liberalism," in Kevin Phillips's devastating phrase), the nation's deficit addiction must first be cured.

As a general rule the Constitution ought to dictate the procedures of democracy and the protection of individual rights, not specific policy outcomes. As Justice Holmes famously put it, "a constitution is not intended to embody a particular economic theory. * * * It is made for people of fundamentally differing views."

But have you read the Constitution lately? Many of its clauses address concerns that now seem trivial. See the Third Amendment, about quartering soldiers. We should only be so lucky that fiscal responsibility seems a passe issue in future years. And the balanced budget amendment, despite its name, is arguably procedural, not substantive. It doesn't mandate a balanced budget, but amends the legislative process to counteract the current bias against one.

Robert Reischauer, head of the Congressional Budget Office, calls the balanced budget amendment a "cruel hoax" on the public because—like Gramm-Rudman before it—it substitutes procedure for substance. It allows politicians to pretend they're addressing the deficit while actually putting off the painful slicing for later. (The amendment takes effect two years after ratification by the states, which also could take years.)

Reischauer is right that the amendment is a hoax on the public, which is not being told what a balanced budget would actually entail. But is it a cruel hoax? It would be if the three-fifths escape clause became a routine exercise. But if the amendment actually produced genuine fiscal discipline even four or five years down the road, it would be kind hoax, not a cruel one—sort of like enticing beloved relative into a drug treatment program.

It is cowardly, to be sure, for today's politician to support a balanced budget amendment instead of actually taking action toward a balanced budget. But that cowardice will catch up with them one way or another. They'll either have to face the music in four or five years or retire in order to avoid it. In fact, the balanced budget amendment could make that other constitutional cure-all term limits—superfluous.

[From the Washington Post, May 24, 1992]

PEDIGREE OF THE BUDGET AMENDMENT

(By George F. Will)

What's new? Not much. At least not in American political argument. Follow the thread of most current controversies back into American history, and you reach arguments from the 1790s. Today's argument about a constitutional amendment requiring a balanced budget rekindles an argument that engaged Madison and Jefferson against Hamilton, as William Niskanen knows.

As economics professor at Berkeley and UCLA before joining President Reagan's Council of Economic Advisers, Niskanen now is chairman of the Cato Institute and an advocate of "a new fiscal constitution." A balanced budget amendment would, he says, restore what was lost when America abandoned two linked understandings, one of the Constitution and one of fiscal morality.

During the nation's first 140 years, he says, government growth was restrained and budget discipline was maintained by a constitutional interpretation and an "informal rule." The interpretation was of Article I, Section 8's enumeration of Congress's powers. It said Congress could spend only to exercise powers specifically enumerated in Section 8.

Niskanen, in the Jeffersonian tradition, construes that section as empowering Congress to spend pursuant to "only 18 rather narrowly defined powers," few of which—establishing post offices and post roads, raising an army and navy—involve the potential for substantial expenditures. (President Jefferson, doubting the constitutionality of most public works spending, reluctantly signed the national road bill but urged Congress to initiate a constitutional amendment specifically authorizing such activities.) Strict constriction of Section 8's enumerated powers accorded with the informal rule" that government should borrow only during recessions and wars.

Niskanen's fidelity to the Madisonian motion of enumerated powers (one of Madison's last acts as president, was to veto a roads and canals bill on the ground that "such a power is not expressly given by the Constitution") may seem of merely antiquarian interest. History has long since settled the constitutional question in the Hamiltonians favor, with a permissive construction of the first of Section 8's clauses. That clause, which says Congress has the power to act for "the general welfare," has become a loophole large enough for Leviathan to stride through.

In 1936 the Supreme Court, stepping out of the way of the New Deal, formally interred the doctrine of enumerated powers. The court opened the way to the modern state by asserting that "the power of Congress to authorize appropriations of public money for public purposes is not limited by the direct grants of legislative power found in the Constitution."

Still, Niskanen notes that as late as the Eisenhower administration there was rhetorical deference to the doctrine of enumerated powers. Thus when creating the Interstate Highway System, Congress called the legislation the National Defense Highway Transportation Act, a title linking the project to the enumerated power to "provide for the common defense." Similarly, the federal government's first major education program, providing loans for college students, was called the National Defense Education Act.

Nowadays government, unlimited by constitutional enumeration of its proper purposes, permeates life, and there is no longer even a nod toward the old idea of limited congressional powers to spend. The dissolution of political and constitutional restraints on Congress has been a boon to legislative careerists. They have a permanent vocational incentive to borrow to finance

current expenditures, thereby pleasing current voters by passing burdens on to future voters.

Niskanen, says a balanced budget amendment would restore the constitutional values trampled since the overthrow of the strict construction of Congress's enumerated powers. The Constitution's substantive limits on the purposes for which Congress may spend, and the old political culture's "informal rule" about borrowing have both been abandoned. Therefore, Niskanen says, a balanced budget amendment, with more constraining rules on voting that affects budget totals, is a conservative means to achieve a traditional end: limited government.

There are two basic ways to limit a government that is based on popular sovereignty. One is by a constitution that authorizes government to exercise its powers by simple majority rule but enumerates only a narrow range of powers. The other way is to grant government a broad range of purposes, and all power necessary thereto, but to require super majorities for particularly important decisions. Niskanen says that because we have abandoned strict construction of enumerated powers, the correct road back to the constitutional goal of limited government is an amendment requiring votes of two-thirds of the membership of both houses of Congress to raise the debt ceiling or to impose a new tax or raise an existing one.

The intellectual pedigree of Niskanen's argument underscores the unconvincing nature of most opposition to the amendment. Many opponents simply assert that "it won't work." But, no one claims the current attempt to limit government is "working." And the most fervid opponents of the amendment (public employees organizations, lobbies for the elderly, cities and other grasping interests) are not fervid because they fear the amendment might be ineffectual. The intensity of their opposition testifies to their belief that the amendment would work too well to limit government.

Meanwhile, Democratic leaders defend the status quo. And if there is one absolute certainty in the entire budget debate, it is that the status quo is indefensible. Whatever happened to guts and tough choices?

Mr. Panetta and others say their package would be an attempt to bring realism into the debate. But is it wise to make spending decisions, including drastic cuts, after one or two weeks of closed-door, partisan discussions? Is this the leaderships idea of realism?

Of course not. It is cynical and unreasonable, designed not to effect any budget reform or spending control, but to frighten the balanced budget amendment's supporters. That brand of political gamesmanship is what got us into this fiscal mess to begin with.

The balanced budget amendment, on the other hand, is eminently reasonable. The amendment would take effect two years after ratification by the required 38 states, which itself is expected to take from two to three years. In other words. Congress would have four to five years to make rational, comprehensive budget reforms that gradually bring the budget into balance.

The amendment is, in fact, a fundamental change in fiscal policy. It would put an end to the idea that whenever the federal government cooks up a new spending program it can simply be tacked onto the deficit, imposing order and discipline on a body wholly lacking in either.

Best of all, the amendment would control spending by requiring that new programs be financed by new taxes or by cutting existing programs. Congress won't spend what it has to pay for because Congress hates to ask the American people for the money. That fact alone will act as a curb on spending.

In other words, the balanced budget amendment would require Congress to make tough choices. Messrs. Mitchell, Panetta and others claims to support making those tough choices, but cannot seem to get around to doing it in a Congress they run. Congress never will make those tough choices unless it is required to do so.

The Democratic leadership's gripes notwithstanding, the balanced budget amendment is sensible and effective. On this point, 277 members of the House of Representatives, including 118 Democrats, agree.

And so do the American people. In a 1990 poll taken nationwide, more than 75 percent of the respondents supported the balanced budget amendment.

Support is wide and deep, coming from every quarter except that occupied by the Democratic leadership.

Considering the troubles it has had, it would seem the leadership cannot afford to defend an indefensible system, to hold back progress on the nation's most threatening economic problem while the Congress and the country move ahead.

[From the Philadelphia Inquirer, Apr. 30, 1992]

THE TIME HAS ARRIVED FOR CONGRESS TO ADOPT A BALANCED-BUDGET AMENDMENT

(By George F. Will)

What House Speaker Tom Foley recently said would have sent shivers down Washington's spine, if it had one. He predicted the end of civilization, as Washington has known it. He predicted Congress this year would pass a constitutional amendment to require the federal government to balance its budget.

The unlikely Robespierre of this revolution is Illinois' mild-mannered Sen. Paul Simon, who calls himself a "pay-as-you-go" Democrat. With the patience learned in nearly four decades in politics, he has been visiting colleagues one at a time, warning that the federal government's gross interest costs, which were just $74 billion in fiscal 1980, are projected to be $315 billion in fiscal 1993, when interest—the rental of money—will be the largest federal expenditure.

Discerning conservatives know that huge deficits make big government cheap for current consumers of its services, thereby reducing resistance to the growth of government. Sentient liberals recognize that huge deficits involve regressive transfer payments. We are transferring $315 billion from taxpayers to buyers of Treasury bills—generally rich individuals and institutions—in America and places like Tokyo and Riyadh.

These are among the reasons why in 1986 the Senate cast 66 votes—just one short of the two-thirds needed—for a balanced-budget amendment. And in 1990 the House fell just seven votes short. Today, Congress is battered by scandal, by anti-incumbent fever and by the term-limits movement, and is bracing to be the villain in President Bush's campaign rhetoric. So a balanced-budget amendment is indeed likely to be sent to the states.

Will the necessary three-fourths of the states ratify it? Forty-nine of them—all but Vermont—operate under similar requirements. And a vote against the amendment looks like a vote for big government.

A balanced-budget amendment would serve Congress' institutional interests by requiring the president to propose a balanced budget, something neither Reagan nor Bush has come close to doing. Thus the amendment would end the tiresome presidential posturing—"Only Congress can spend money"—that places on Congress exclusive blame for deficits. In fact, in states as well as in Washington, executive branches generally determine the level of spending, and legislatures merely modify—and not very much—spending patterns.

Some people predict that a balanced-budget amendment would be used as an excuse for large tax increases. That is possible but, given today's taxaphobia, not likely.

Other people predict that an amendment would result in cuts in program X, or Y, or Z. Such predictions are implicit confessions that if Congress is forced to enforce priorities, then X, or Y, or Z will be deemed dispensable. When $400 billion deficits are permitted, marginal, even frivolous programs get funded because costs can be shoved onto future generations.

Anyway, it is wrong to make support for a constitutional change contingent on guesses about particular short-term policy consequences. A sufficient reason for a balanced-budget amendment is to impose, on both the legislative and executive branches, a regime of constitutionally compelled choices.

Simon's amendment has a clause permitting escape from restraint by vote of a supermajority. Sixty percent of the full membership of both Houses can vote an imbalanced budget for, say, countercyclical purposes.

An unsolved and perhaps ultimately insoluble problem for any balanced-budget amendment is enforcement. What will be the penalties for noncompliance? An unenforceable amendment is less a law than an expression of intention. No one, least of all conservatives, can equably contemplate involving courts in enforcement of such an amendment, and evasion of it would deepen public cynicism.

But at certain points, and this is one, the governed must simply presuppose a sufficiency of honor among the governors. Furthermore, elevating fiscal responsibility to the rank of a constitutional duty will heighten public scrutiny of budgeting behavior and will intensify public indignation about any disregard of the duty.

I have hitherto (July 25, 1982) argued against a balanced-budget amendment on the ground that it is wrong to constitutionalize economic policy. Since then there have been 2.9 trillion reasons for reconsidering—the 2.9 trillion dollars added to the nation's debt. My mistake was in considering deficits merely economic rather than political events. In fact, a balanced-budget amendment will do something of constitutional significance: It will protect important rights of an unrepresented group, the unborn generations that must bear the burden of the debts.

The Constitution is fundamental law that should indeed deal only with fundamental questions. But as the third president said, "The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves." Simon's amendment is, in Jefferson's language, an emphatic withdrawal of an authorization government has wrongly assumed.

SALUTE TO THE GRADUATING CLASS OF THE ACTION TO REHABILITATE COMMUNITY HOUSING TRAINING CENTER

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Ms. NORTON. Mr. Speaker, I would like to take this opportunity to apprise my colleagues of an outstanding vocational educational training program for young adults of the District of Columbia who aspire to enter the building trades industry.

On Friday, July 10, 1992, approximately 70 men and women will complete their training in two specialized skills-building programs conducted by the Action to Rehabilitate Community Housing [ARCH] Training Center. For many of the students the activities will symbolize their first completion of any educational program, and all are looking forward to rewarding futures in the building trades.

The trainees of ARCH's Mini Cycle 9 specialized training program for electrical house wiring are: Leroy P. Dade, Jr.; Donald Deans; Michael M. Ferguson; James A. Harris; Ernie O. Hines; David F. Jackson; Melody D. Lawson; Richard Marshall; Sean McLaughlin; Daniel Philson; John M. Quick; Erik E. Robert; Sean P. Ward; and Henry Williams.

Trainees completing the broader Cycle XI training program in the areas of floors, walls and ceilings, interior finishings, electrical wiring, weatherization, and maintenance are: Bernard Akinyode; John Atterbury; Melvin A. Barnwell; Marie A. Beal, Calvin Bellamy; Amida Betts; Walter Allen Beynum; Vashon Bolden; Claude B. Brooks; Shawn Brooks; Robert Brown; Thomas E. Brown; Calvin T. Buggs; Paul Carter; Roy A. Chapman; Clarence N. Cherry; Robert F. Conner; David R. Crowell; Ian Cruickshank; Roderick Davis; Lolita E. Fitzgerald; Christopher Franklin; William C. Greenfield; Gregory A. Henderson; Michael A. Hines; James Jackson; Clifton Johnson, Jr.; Michelle A. Johnson; Charles H. Jones; Reginald Jones; David E. King; Timothy P. King; Mauricio Lopez; Ray B. Louden; William A. Majette; Marsha L. McDowney; Jeffrey R. Moore; Stephen Morten; Randy Powell; Kevin M. Reed; Calvin L. Ridley; Joanne Rogers; Eugene Ross; Kenneth Saunders; Dennies L. Simmons; Arntae Smith; Ethel Smith; Paul A. Swann, Jr.; Joseph Thomas; Omar T. Thomas; Michael B. Walker; Thomasine Watkins; Derek A. West; Sandra Wilkinson; James E. Williams; Tanya C. Williams; and Leonard Yates.

ARCH is a program which operates under the Cooperative Employer Education Program [CEEP]. Since its beginning in 1986, as a joint venture of Pepco, District of Columbia Public Schools, and the District of Columbia Department of Employment Services, ARCH has had a profound effect on the lives, education, and well-being of the hundreds of students and the neighborhoods it serves.

Mr. Speaker, I ask my distinguished colleagues to join me in saluting the dedicated staff and leadership of ARCH, Mr. C. Duane Gautier, president of the board of directors, and Ms. Annette Banks-Moseley, executive director for their untiring efforts to bring economic independence to the residents of the District of Columbia.