

HOUSE OF REPRESENTATIVES—Tuesday, May 19, 1992

The House met at 12 noon.

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

As the psalmist has prayed, "Lord, Thou has been our dwelling place in all generations. Before the mountains were brought forth, or even Thou hadst formed the Earth and the world, from everlasting to everlasting, Thou art God."

At the dawn of every morning until the last light of day, we are grateful, O God, that Your grace is ever with us. Though the world may tremble with divisions and pain, we know too that Your power was present at the beginning of all time and Your Spirit nourishes us on the daily path of life. 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 California [Mr. DOOLITTLE] come forward and lead the House in the Pledge of Allegiance.

Mr. DOOLITTLE led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2342. An act to amend the act entitled "An act to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes", approved October 25, 1972 (86 Stat. 1168 et seq.).

The message also announced that pursuant to sections 1928a-1928d, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. HEFLIN, and Mr. AKAKA, as members of the Senate delegation to the North Atlantic Assembly Spring Meeting during the 2d session of the 102d Congress, to be held in Banff, AB, Canada, May 14-18, 1992.

CLEAN AIR ACT PERMITS

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

Mr. WAXMAN. Mr. Speaker, the President has apparently decided to rewrite the Clean Air Act to include a massive new loophole that Congress explicitly rejected. That loophole would allow polluters to increase emissions without notifying the public, as the law expressly now requires.

Leading experts from the lead counsel at the Environmental Protection Agency, the Comptroller General, and the Department of Justice have concluded that this loophole is not lawful. The President of the United States took an oath of office to faithfully enforce the laws. This law was passed by the Congress and signed by this President. For him to now create loopholes that were expressly rejected by the Congress not only does an enormous amount of harm to the environmental objectives of protecting public health and the environment, but it does an enormous amount of harm to the idea that this is a nation of laws and not men.

The decision will now come from Bill Reilly, the Environmental Protection Agency Administrator. That is where the lawful decision must be made. We urge Mr. Reilly to reject this recommendation by the President and those who would advise him to increase loopholes to increase pollution.

CALLING FOR A PERFORMANCE AUDIT OF HOUSE OF REPRESENTATIVES

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

Mr. DOOLITTLE. Mr. Speaker, we need more accountability in the way we spend money, the way, that is, that the House spends money from its legislative appropriation accounts.

In the February 5, 1992, CONGRESSIONAL RECORD, there is a record of a transfer of \$314,000 to renovate so-called vacated space in the Capitol Building. Looking into this transfer, I have come to find out that this money was supposed to be used to repair sagging steps on the east side of the Capitol, which are still sagging. Members may have seen them as they came in to the Chamber this morning.

Instead, this money is being used to renovate vacated space in the Capitol.

The vacated space referred to in the CONGRESSIONAL RECORD is actually the offices of the Democratic Steering and Policy Committee. Apparently the steps will continue to sag.

Mr. Speaker, as one Member of Congress I would like to know how our money, that is the money of the people that I represent, is being spent. I urge full disclosure of the legislative appropriations accounts and a performance audit of the House of Representatives.

CLEAN AIR ACT IMPLEMENTATION

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

Mr. SIKORSKI. Mr. Speaker, 1½ years ago, George Bush stood in the Rose Garden of the White House and signed into law sweeping changes in America's Clean Air Act. We were all happy for the fanfare. Many in this body worked long and hard for a decade for those amendments. For a decade we had to fight special interests that sought to slash, and dash, and dice, and stall and kill clean air proposals aimed at healing the worst threats to the health and safety of over 100 million Americans. For a decade, the American public had a role in the process, an opportunity to hear and be heard on a law that will greatly affect their kids' lives.

But George Bush and his faithful sidekick, DAN QUAYLE, have now rewritten the 1990 Clean Air Act without bothering to do it legally, without bothering with the concerns of the American people, without bothering with the legal and scientific opinion of the Environmental Protection Agency. Every Member, Republican and Democrat, should be troubled by this action.

The administration is willfully ignoring statutory language and delivering a huge election year payoff to America's biggest polluters and campaign contributors and turning our constitutional process on its head.

Mr. President, the American people want clean air, not fanfare, not photo ops, and not payoffs to polluters, clean air.

THE MADISON AMENDMENT

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

Mr. SMITH of Texas. Mr. Speaker, almost 203 years ago, James Madison,

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

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

proposed a constitutional amendment prohibiting Congress from giving itself a midterm pay raise.

The required 38 States now have ratified this provision and yesterday the national Archivist ruled that it has become our 27th amendment.

I strongly support the enactment of this amendment.

Three years ago, I joined together with a number of other Members to sponsor a bill to require Congress to take this action.

The amendment will require a delay of any approved congressional pay raise until after the next election.

This will give citizens an opportunity to express their views at the polls before a pay raise goes into effect.

I look forward to casting my vote in favor of the resolution endorsing our 27th amendment.

GEORGE BUSH—THE ENVIRONMENTAL DISASTER PRESIDENT

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

Mr. SMITH of Florida. Mr. Speaker, we all remember when George Bush promised to be the environmental President.

But it's clear now that President Bush has compiled one of the worst environmental records of any 20th century President.

Two years ago, President Bush attempted to fulfill a campaign promise by signing a clean air bill. The ink was not even dry before he started to gut it.

While campaigning in Texas, he announced he would relax controls on emissions from powerplants.

While campaigning in Michigan, he said he would permit higher benzene emissions.

And just last week the President re-wrote the reporting requirements under the Clean Air Act, despite protests from his own Environmental Protection Agency that his action was illegal.

Unfortunately, the President's failure to enforce the Clean Air Act is just the tip of the globally heated and melting iceberg.

Four years ago, President Bush promised no net loss of wetlands: Then he changed the official definition, effectively removing half of America's wetlands from Federal Government protection.

At the direction of President Bush, the United States weakened the international treaty to control CFC's and the depletion of the ozone layer. Prior to the Rio conference.

Last week, administration officials decided to override the Endangered Species Act and permit logging on about 1,700 acres of Federal land in Oregon, endangering the spotted owl and

failing to provide any long-term solution to America's need for jobs.

Mr. Speaker, George Bush is not the environmental President. George Bush is the environmental disaster President.

LAWRENCE WELK: WUNNERFUL, WUNNERFUL

(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, Lawrence Welk was America's No. 1 musicmaker in an era when America was No. 1 in all areas of human endeavor. His name will always remind us of a time when wholesome entertainment was cherished by all Americans.

From his humble beginnings in Strasburg, ND, he took his champagne music into over 30 million American homes each Saturday night for 26 years. It was an incredible achievement.

Lawrence Welk started his career with few advantages other than natural ability, and a strong moral code. His success again demonstrates what a person in America can achieve with self-confidence and courage, persistence, and initiative.

Lawrence Welk once said, "There's no greater joy than standing in front of a band and having it play to perfection." That says a lot about the man and his music.

Lawrence Welk's life exemplifies the American dream. Thanks to hard work and perseverance, America rewarded him with 26 years of television success. And we all enjoyed the bubbles while we tapped, clapped, and danced along the way.

CONGRESS SHOULD LEAD THE WAY BY PASSING FEDERAL WORK FORCE FAMILY LEAVE ACT

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

Mr. DARDEN. Mr. Speaker, as the administration and Congress remain deadlocked on whether to grant family and medical leave to all American workers, Congress needs to take action right here on the home front. We need to mandate family and medical leave to all 3 million Federal employees of the executive branch and our own employees in the legislative branch as well.

□ 1210

One of the biggest criticisms the American people have about Congress is that we pass laws they must adhere to but Congress often exempts itself. I believe that before we attempt to mandate leave policies for private Amer-

ican businesses we must make ourselves and the Federal Government adopt these policies first.

That is why today I am introducing the Federal Work Force Family Leave Act.

Mr. Speaker, recent studies confirmed that the Federal Government has fallen behind many private employers who already grant leave for workers to care for sick family members and for early child care. Unlike previous legislation which would dictate the leave policies for many private American businesses, my bill, the Federal Work Force Family Medical Leave Act, applies only to our own employees and Federal workers.

Mr. Speaker, let us show private enterprise the way by setting the example.

LET US START REPRESENTING AGAIN

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

Mr. HEFLEY. Mr. Speaker, I do not have to tell you or anybody in this Chamber that the people across America are mad, and they are mad at us.

Yes, it has crystallized in the anger over the bank and the restaurant and things like that, but even more so, I think they are mad at us because we are not taking the title of "Representative" seriously. They do not feel that we are representing their interests here in these Chambers.

We are not getting anything done that they would like to see us get done. For instance, as I go to town meetings all over the country and as the polls are run, we know that 80 percent of American people want a balanced-budget amendment and have for some time. We know that 70 percent of the American public say they want a line-item veto. It comes up at every town meeting that any of us hold. And, yet, we are not producing that.

These are things we could do, and we could do it right now. We could do it now. There is no problem, there is no hindrance to it. Let us start representing again, taking our title seriously.

NO INTELLIGENT LIFE LEFT IN CONGRESS

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

Mr. TRAFICANT. Mr. Speaker, President Bush said the economy is getting better, and to in fact stabilize it, he is embarking on a new significant economic endeavor. President Bush wants a free-trade agreement with Chile.

That is right, Mexico is not enough. The President is absolutely convinced that we will strengthen our economy

by having free-trade agreements with countries that hire workers at 30 cents an hour.

Now, when you look at that, the President's plan will do two things. The good news is American companies will begin to invest hundreds of billions of dollars back into manufacturing. The bad news is the American companies will invest hundreds of billions of dollars in Chile and in Mexico.

Meanwhile, the Land of the Rising Sun says, "Do not take away our free ride for trade or we will retaliate."

Members of Congress, take a look at our balance of payments, and I think it would be wise for the American people to say, "Beam me up, Scotty, there is no intelligent life left in the Congress."

SUGGESTED ELIMINATION OF LSO'S SPECIAL INTEREST CAUCUSES

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

Mr. WALSH. Mr. Speaker, I rise today to address the issue of LSO's or legislative service organizations. Congress, as you know, is divided into committees with legislative jurisdiction. Everyone agrees we have too many committees and subcommittees. Further, we have select committees with no legislative responsibility. They have nice sounding names that impress our constituents, but really do nothing but give us a platform to talk.

Beneath these layers of our mammoth bureaucracy we have LSO's. These, for the uninitiated, are our special interest caucuses. Organizations like the Sunbelt Caucus, Populist Caucus, Border Caucus, Arts Caucus, are supported with taxpayer funds. Do we really need these? Can we afford them? What do they do? They tend to mix public funds with private donations. Staffing is comingled and this creates turf battles with committees of jurisdiction.

I do not think we can afford them, other than for State delegations which have a need to coordinate activities. Let us eliminate all LSO's on the way toward streamlining our operations here. Let us get back to basics, to the committee structure that has served our Nation well for 200 years.

AN ENVIRONMENTAL DISASTER

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

Mr. ECKART. Mr. Speaker, President George Bush claims to be the President of change, and we are delighted to hear that. We know that he has changed his position on abortion; he has changed his position on taxes; and now he has changed his mind about clean air.

Yes, this same environmental President who trumpeted the accomplishments of the previous Congress in ensuring cleaner and better air for ourselves and our children now, with his willing accomplice sneaking around in the dark of night, caters to the people with the real power in America, the corporate moneyed interests, and has undone what this Congress did and which he trumpeted with such great fanfare of protecting the Nation's environment.

His clean air bill now becomes his clean air folly, and the failure of this administration to fulfill the fundamental promise of ensuring a brighter future and a better tomorrow for ourselves and our children has been sullied by the tawdry accomplices, the Vice President's Competitiveness Council, in the back rooms of the White House.

This environmental President is truly an environmental disaster, and the mitigation he owes the American people will come due on election day.

OPPOSING CONFERENCE REPORT ON ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH REORGANIZATION ACT

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

Mr. JAMES. Mr. Speaker, I rise today to urge my colleagues to oppose the conference report on the Alcohol, Drug Abuse, and Mental Health Reorganization Act.

Mr. Speaker, Florida has the fourth largest population of any State in the Union. Yet with all the problems that come with a population of more than 13 million, this conference report cuts Florida out of an estimated \$16.5 million, retroactively.

This bill will require Florida to give up funds it was previously told it could spend. We want to pass a good bill, Mr. Speaker. This one is simply unfair.

And the impact on Florida, Mr. Speaker, will be devastating. More than 1,300 inpatient rehab clients will be put out on the street; 2,400 people will no longer receive outpatient treatment.

Mr. Speaker, we cannot simply turn these people away and expect them to become productive members of society. This conference report is unfair to the State of Florida. I urge my colleagues to oppose it.

A SAD DAY FOR AMERICA

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

Mr. KENNEDY. Mr. Speaker, last evening after I had finished dinner with my two young sons, we turned on the television to watch the national news,

and in that program, once again, came the assassination of my uncle.

But this was a different one. In this program not only did my children and I have to bear witness to my uncle's killing once again, as we have had to do hundreds of times, as I have had to do, watch my father killed hundreds of times, but this time the national news of this country chose to publish the autopsy photographs of my uncle.

I want the people of this Chamber to know how outrageous an act I feel that was, how harmful to my family I feel that was, how harmful I hope that the American people feel that was.

This does nothing to further the cause of the investigation of President Kennedy's murder. Our family has spoken loud and clear and said that we want whatever records that this Chamber and that the Senate feel are necessary to conduct an investigation to be made available to the public.

We asked for one thing, which was that the autopsy photographs remain private as a part of our family. It is the most private request, and last night the national news chose to break that request.

It is a sad day for America.

□ 1220

URGING OPPOSITION TO CONFERENCE REPORT ON S. 1306, ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATIVE REORGANIZATION ACT

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

Mr. GOSS. Mr. Speaker, the Alcohol, Drug Abuse and Mental Health Administrative Reorganization Act, scheduled for consideration under suspension of the rules today, would reorganize Florida's allocation, cutting our share by \$16.5 million.

Mr. Speaker, there are only 4 more months left in fiscal year 1992, and changes of this magnitude would be devastating to people in our State. Florida is the ultimate provider State. We rank dead last—No. 56 of 56 States and territories in Federal return on our tax dollars. Florida is the fastest growing, large State.

Florida is under enormous pressure to care for a burgeoning immigrant population. These individuals have needs for drug, alcohol, and mental health services, too. We are not talking about discretionary spending, either. These changes would mean we are going to have problems meeting federally mandated, State requirements. What should we tell these people who come to treatment centers desperate for help? That our funds have dried up? Sorry, try another State?

Mr. Speaker, enough is enough.

I urge all who care about fairness and effective service delivery to oppose the

conference report on S. 1306, the Alcohol, Drug Abuse and Mental Health Administration.

PROGRESS AFTER 200 YEARS

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

Mr. DEFAZIO. Mr. Speaker, in recent months this institution has been shaken by public criticism. The American public has tilted the Capitol dome back like a big rock and taken a critical look at what lies underneath. Let us show the American people that not all that lies underneath this dome burrows in the ground when shown the light of day.

This Congress is an honorable body with many hard working Members. We can eradicate the aura of privilege that has hung over this Chamber for 200 years. Two hundred years ago James Madison started something which we have the honor of carrying to completion today, if we so vote. James Madison saw something wrong with Members of Congress increasing their own salaries, unchecked by their constituencies.

Adoption of this much delayed amendment to the Constitution will prevent a future Congress from raising its own pay until a recorded vote has been held and an election has intervened.

This is progress, after 200 years of delay.

Mr. Speaker, I urge my colleagues to join with me in voting to approve this amendment. Let us show that the Constitution is truly a living document that represents the will of the people of this country.

A SALUTE TO THE GORDON-PIATT ENERGY GROUP OF WINFIELD, KS

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

Mr. NICHOLS. Mr. Speaker, today I rise to salute a company in my district, the Gordon-Piatt Energy Group located in Winfield, KS.

I am saluting the Gordon-Piatt Energy Group because they have been named the recipient of the national Subcontractor of the Year Award from the Small Business Administration.

Since their founding in 1949, the Gordon-Piatt Energy Group has earned worldwide recognition for the excellence of their work ethic and the superior quality, delivery and competitive pricing of their products.

The Gordon-Piatt Energy Group was nominated for the award by the Beech Aircraft Corp. of Wichita who wanted the 202 skilled employees of this company to receive the recognition they deserve.

Again, congratulations to the employees of this outstanding Kansas company for their dedication and commitment to being the best.

WHAT IS AN ANCIENT FOREST?

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

Mr. RAVENEL. Mr. Speaker, do you know what an ancient forest is? It is a place never before defiled by man, where trees of great age and girth reach hundreds of feet toward the heavens and are nourished by their fallen brothers, a home for diverse creatures great and small and a comfort for the human soul. Only a remnant of these cathedral woodlands yet remain, mostly in the public domain. But now another portion of these precious places has been condemned to death by chain saw, fire, bulldozer, and erosion, never to exist again as now. To save a thousand jobs is the excuse but won't the jobs be gone after the butchery? Of course they will. Shame on the death squad and those who convened it. Reverse with an executive order this outrage against nature, Mr. President, lest you be held personally responsible at the polls.

TIME TO GET RID OF POLITICAL ACTION COMMITTEES

(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, it may be a little strong for some tastes to compare special interest political contributions, political action committee contributions, to fungus, particularly to the giant fungi we now find are underlying the forest floors.

But, just as these giant fungi, which stretch over hundreds of acres, undermine the forest floor and weaken the healthy vegetation in the forests, special interest political action contributions have undermined citizen confidence in the government and they have weakened the political process.

Mr. Speaker, political action committees were invented in order to level the playing field and to make political races more competitive. But, a Federal Election Commission study of the first quarter of 1992 contributions found that of the \$44 million political action committees gave in the first quarter of this year, \$43 million went to incumbents, only \$1 million to challengers.

Before it is too late, Mr. Speaker, in order to save the political process, we have to get rid of political action committees.

WRONGFUL U.S. POLICY ENCOURAGES BLOODLETTING IN THE BALKANS

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

Mr. ROHRBACHER. Mr. Speaker, the Serbian army has killed 1,300 people in the last 45 days in Bosnia-Herzegovina. First it was Slovenians, then it was thousands of Croatians, now, it is the Muslims', in Bosnia, turn to die. Next in line, no doubt, will be ethnic Albanians in Kosova.

Mr. Speaker, 15,000 to 20,000 people have been killed so far in the former Yugoslavia. Most of them civilians including many women and children.

Serbia's strongman, Sloba Milosevic, and his henchmen are responsible for this killing spree. When the fighting ends, and it will end, Milosevic and his Communist conspirators should be tried as war criminals. They are guilty of crimes against humanity.

Milosevic's psychopathic frenzy is communism's last bloody bout with Western civilization in Europe. Just as the Nazis were held responsible, we should hold these Serbian gangsters responsible. They are proving again that there is no difference between nazism and communism except the shape of the lapel pin.

Unfortunately, our own Government has acquiesced to the bloodletting in the Balkans. That acquiescence, too, is a disgrace. Those in our Government who have shaped this policy of total inaction if not neutrality, in the face of murderous aggression are wrong and will be held accountable.

□ 1230

CONFERENCE REPORT ON S. 1306 UNFAIR TO FLORIDA

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

Mr. BENNETT. Mr. Speaker, it is a great thing to live in a growing State but sometimes hurtful, as far as being assisted by the Federal Government is concerned. As to the alcohol, drug abuse, and mental health bill which will be before us this afternoon, I hope you will not vote for the conference report, because it is very unfair to the State of Florida. Actually it cuts deeply in these particular fields where we have a need for greater funds.

Due to the way in which the formula is arranged, growing States like Florida, California, Texas are hurt by this matter, and I sincerely hope you will vote against the conference report this afternoon so that we can correct this.

**CATHOLIC SCHOOLS OF LIMA, OH,
COMMENDED FOR STRONG FIGHT
AGAINST DRUGS, ALCOHOL**

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

Mr. OXLEY. Mr. Speaker, I rise today to recognize the positive addiction antidrug abuse program of the Catholic schools of Lima, OH, following the occasion of their 10th Annual Positive Addiction Week.

Positive addiction is a vibrant program that helps keep young people from becoming involved with alcohol and illegal drugs by stressing the benefits of remaining drug free, in addition to spelling out the very real dangers of drug abuse. By emphasizing the good things in students' lives, such as athletics, academic achievement, and community values, positive addiction reaffirms the knowledge that drugs have no place in the lives of the physically and intellectually vigorous.

Mr. Speaker, last week the Select Committee on Narcotics Abuse and Control, on which I serve, held a hearing on community-based antidrug initiatives. Community-based efforts are not a substitute for Federal action, but neither can Federal dollars substitute for community and school-based activism.

I want to commend the students and faculty of the Lima Catholic schools for their commitment to the fight against drugs and underage drinking.

**ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE**

The SPEAKER pro tempore (Mr. MFUME). The Chair would advise persons seated in the gallery that they are here as guests of the House, and that any act of approval or disapproval of the proceedings is not allowed.

**PLEASE VOTE AGAINST THE
CONFERENCE REPORT ON S. 1306**

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

Mr. SHAW. Mr. Speaker, the first thing after the one minutes today, we are going to be discussing a bill which is, I think, perhaps misnamed. It will be the conference report on S. 1306, the Alcohol, Drug Abuse, and Mental Health Reorganization Act, which is the first suspension vote that we will have.

Mr. Speaker, I would ask all of our colleagues to take not only a close look at this bill but after you do so, for God's sake please vote against it. This is one of the worst pieces of legislation that I have ever seen.

I cannot believe that we are bringing it up under suspension. What this does,

this is a needle exchange program. We are going to the taxpayers across this country and say for the first time the Federal Government is not only opting out of the drug abuse business but we are going to go over to parks and give needles, we are going to go across America and give needles to those who abuse drugs.

Now needless to say, Mr. Speaker, AIDS is a problem, the spread of disease is a problem. We know that. But it would be a bigger problem for us in the Federal Government, for the Congress of the United States to condone the use of drugs by financing the use of the needles and actually taking them out and making them available to those who abuse the laws of this country and those who abuse drugs.

Vote against the first suspension.

**THE CANCER WEAPON AMERICA
NEEDS MOST**

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

Mr. SANDERS. Mr. Speaker, the New York Times today ran a full-page ad entitled, "The Cancer Weapon America Needs Most." And what the ad does is describe an article which will soon be appearing in Reader's Digest in support of H.R. 4206, the Cancer Registry Amendment Act of 1992 which I introduced in the House and Senator PATRICK LEAHY of Vermont introduced in the Senate.

Mr. Speaker, H.R. 4206 will give our country vitally needed information upon the scourge of cancer which now impacts one of three Americans, and it will give us information about the epidemic of breast cancer which is sweeping this Nation, especially New England.

Mr. Speaker, the good news is, the Senate has already passed this legislation; the conference committee between the House and the Senate has passed the legislation.

It will come before the floor of the House next week. Let us all work together, pass this legislation and strike a real blow against this killer disease.

**SPACE SHUTTLE "ENDEAVOUR":
MAIDEN VOYAGE MADE IN STYLE**

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

Mr. LEWIS of Florida. Mr. Speaker, this past week has been a triumphant one for the American space program.

The space shuttle *Endeavour* made its maiden voyage—and made it in style.

The heroic retrieval of the satellite was a source of pride for millions of Americans and taught our astronauts valuable lessons for the future.

Personally, however, I was most moved by the reaction of the students

from Mississippi and Georgia who shared in naming the orbiter the *Endeavour*.

Six years ago when my amendment passed the House to create the nationwide name the orbiter contest I never dreamed over 70,000 students would participate and submit over 6,000 proposals.

It was worth the wait. As I saw the tears of those young people I said a silent thank you.

Thank you for caring about the future of our country and making the effort to be a part of it.

We are all proud of you.

**UNITED STATES SPECIAL FORCES
COMMENDED FOR BRAVERY IN
SIERRA LEONE OPERATION**

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

Mr. SISISKY. Mr. Speaker, I rise today to pay tribute to the professionalism and bravery of the United States Special Forces who recently evacuated 359 American citizens from the West African country of Sierra Leone. I want to personally commend Col. Bill Tamgney and Lt. Col. Stan Florer, who were responsible for planning and executing this top-flight operation.

John Crowley, a constituent from Chesapeake, VA, was one of the Americans rescued from Sierra Leone after a military rebellion erupted on April 29. Mr. Crowley, who is vice president of Earl Industries in Portsmouth, VA, kept a diary of his harrowing experience. As published in the *Virginian Pilot and Ledger-Star*, the final entry in Mr. Crowley's remarkable account reads: "Sunday, May 3—We are in the air! * * * This whole operation was extremely professional! The Army and Air Force personnel were first class." Afterward, he said, "I was pretty proud to be an American."

Our first class military operations in Sierra Leone and elsewhere should make us all proud to be Americans. We can all take inspiration from the skill and courage that the men and women of our armed services exhibit day in and day out. We must never take for granted the freedoms we enjoy as Americans, nor forget the vital role of our armed services in protecting those freedoms for all of us.

**ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE**

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceed-

ings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Any votes ordered on the first three suspensions will be postponed until after debate has concluded on all motions to suspend the rules. If a vote is ordered on the final suspension, the ratification of the 27th amendment to the Constitution, the vote will be postponed until Wednesday, May 20, 1992.

CONFERENCE REPORT ON S. 1306, ADAMHA REORGANIZATION ACT

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill S. 1306 to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse and Mental Health Administration, and for other purposes.

□ 1240

The Clerk read the title of the Senate bill.

(For conference report and statement, see proceedings of the House of May 14, 1992, at page 11319.)

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report now under consideration.

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

There was no objection.

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

Mr. Speaker, on behalf of the House conferees, I am pleased to present the conference report on S. 1306, the ADAMHA Reorganization Act. Passage of this landmark legislation represents an important continuation of the Federal Government's leadership in the fields of addictive and mental disorders.

First and foremost, the legislation provides for the reorganization of the Alcohol, Drug Abuse and Mental Health Administration. Under the legislation the three ADAMHA national research institutes will be transferred to the National Institutes of Health. All service-related activities of the institutes, including clinical training and program evaluation activities, are transferred to the new Substance

Abuse and Mental Health Services Administration. Under the proposal, three new centers—the Center for Mental Health Services, Center for Substance Abuse Prevention, and Center for Substance Abuse Treatment Improvement—will be established to administer the Federal Government's substance abuse prevention, treatment, and mental health services programs.

The legislation also provides for the first comprehensive reform of the Federal alcohol, drug abuse and mental health services block grant. The conference agreement reflects the original House proposal to establish two discrete block grants: one for mental health services and one for substance abuse services. In addition, the funding formula for allotting block grant funds between the States is revised to more accurately target funds to those populations most in need. Under the agreement, the relative population at risk will be taken into account as well as the State's fiscal capacity and the cost of providing services.

In addition to extending expiring programs, the legislation establishes several new initiatives. For example, in the mental health area a new categorical program is authorized to develop systems of care to assist severely disturbed children and adolescents. The gentleman from California [Mr. MILLER] deserves special recognition for his leadership—and that of the Select Committee on Children, Youth and Families, in promoting this initiative. Combined with related incentives in the mental health services block grant, the legislation will help put the needs of this vulnerable population back on the national agenda.

In the substance abuse area I want to highlight three important initiatives. The conference agreement provides for establishment of new categorical programs, to establish treatment programs for expectant mothers, to provide financial assistance to trauma centers impacted by drug-related violence, and finally to establish a first rate, national treatment demonstration program in the National Capital area. The agreement represents the culmination of 3 years of work by many Members and I'd like to recognize several for their contributions.

The gentleman from Illinois [Mr. DURBIN] was of great assistance in advocating establishment of residential treatment programs to help reduce the number of infants born exposed to drugs. The agreement responds forcefully to the continuing problem of women being denied access to drug and alcohol abuse treatment programs because they are pregnant. Under the legislation, new residential treatment programs will be established that can provide the child care and prenatal services that these women need. In addition, the legislation prohibits the denial of treatment services to women

because of their pregnancy and makes the States responsible—as a condition of receiving block grant funds—for assuring the availability of appropriate care.

The gentleman from Texas [Mr. COLEMAN] and the gentleman from California [Mr. LOWERY] were tireless advocates for including trauma care centers as full partners in the fight against illicit drugs. The legislation authorizes a new program of grants to assist financially troubled trauma centers, particularly those serving large undocumented populations.

The gentleman from Virginia [Mr. MORAN], first as mayor of Alexandria, and now as a colleague, provided eloquent testimony of the need to channel new drug treatment resources into the National Capital area and make it an example of quality for the Nation. Under the agreement, the Department of Health and Human Services will allocate \$25 million over 3 years to better organize and improve the availability of drug treatment in Washington and the surrounding jurisdictions of Maryland and Virginia.

Passage of the legislation is also necessary to implement the recommendations of the President's national drug control strategy. The legislation: First, establishes a new treatment capacity expansion program; and second, provides greater State accountability for the use of Federal substance abuse block grant funds through the preparation of State substance abuse prevention and treatment plans.

Finally, I want to say a few words about the importance of this legislation in the fight against AIDS. It has become increasingly clear that AIDS and substance abuse are public health threats that are integrally linked. The conference agreement recognizes this reality. New provisions are provided to require the provisions of interim treatment services—including interim methadone at the option of the State and only if the State health officer certified that such treatment would not reduce the availability of comprehensive treatment services—to all intravenous drug abusers seeking assistance and to begin, on a limited basis, the provision of intervention services to IV drug users infected with HIV. In view of the skyrocketing rates of HIV among many drug using populations, it is essential that HIV risk reduction methods be incorporated into all drug treatment programs.

Mr. Speaker, I urge support for the conference agreement.

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

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, despite significant strides that have been made in the reduction of illicit drug abuse, many problems associated with substance abuse still remain. Among the prob-

lems that continue to plague the country:

Each year an estimated 375,000 babies are born exposed to cocaine and other drugs;

Fetal alcohol syndrome [FAS] affects as many as 1 to 3 infants per 1,000 live births;

Nearly 50 percent of Federal prison inmates and 75 percent of State prison inmates have used drugs. In major cities, as many as 80 percent of those surveyed who were arrested for serious crimes tested positive for drug use; and IV drug use now accounts for almost a third of the people infected with AIDS and is the primary cause of transmission of AIDS to newborns. Over half of the heterosexuals infected with HIV have contracted the virus through sex with an IV drug user.

These few statistics demonstrate the need for an effective program of substance abuse treatment. In light of this, I am pleased that a compromise could be reached on the reauthorization of the alcohol, drug abuse, and mental health administration [ADAMHA].

One of the major objections that the minority has had with the House bill is that it placed a number of onerous set-asides, earmarks, and taps on the block grant to fund new categorical programs. This shifting of moneys from the block grant to set-asides and categorical grant programs significantly reduces the flexibility of States to address the critical needs of their populations.

To increase State flexibility in administering the block grant, the conference agreement has eliminated the set-aside for drug abusers and narrowed the existing set-aside for women. In addition, the taps on substance abuse and mental block grants have been eliminated or considerably narrowed.

Also, I am pleased to state that this conference report meets the administration's goal to reorganize the agencies of ADAMHA. This legislation transfers the three research institutes to the National Institutes of Health [NIH]. The remaining agencies are reconstituted as the Substance Abuse and Mental Health Services Administration, with the responsibility for Federal treatment and prevention programs. Also, a new center for mental health services has been created.

Mr. Speaker, I ask my colleagues to support this bill.

Mr. Speaker, I would like to engage the gentleman from California [Mr. WAXMAN] in a colloquy, if he would consent.

Mr. WAXMAN. If the gentleman will yield, absolutely.

Mr. BLILEY. Mr. Speaker, I am concerned that one of the block grant enforcement provisions in the conference report would give complainants a right to participate in noncompliance hearings that is broader than the right they

currently enjoy. Under current law, complainants may present evidence at a hearing, but may not participate as parties. I do not believe that the conferees intended to give complainants the right to participate as parties, but the conference report provisions are somewhat ambiguous and might be misconstrued to expand the participation rights of non-Federal entities. Will the chairman confirm that we did not intend to expand such rights?

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

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

Mr. WAXMAN. The gentleman is correct.

Mr. BLILEY. Am I therefore correct that if the conference report is enacted into law, non-Federal entities should not be permitted to participate as parties in noncompliance hearings?

Mr. WAXMAN. I agree with the gentleman's statement.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from California [Mr. WAXMAN], and, Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. SYNAR] who was a lead sponsor of a very important provision in the legislation dealing with cigarette control.

Mr. SYNAR. Mr. Speaker, let me first of all take this opportunity to thank both the gentleman from California [Mr. WAXMAN] and the gentleman from Virginia [Mr. BLILEY] for the excellent job they have done of holding the House position during the conference. Particular recognition ought to also go to Ripley Forbes on the staff who did an excellent job putting this together.

Mr. Speaker, I am pleased to rise in support of the conference report on the Community Mental Health and Substance Abuse Services Act.

The conference report includes three provisions which demonstrate the Congress' commitment to eliminating tobacco use among adolescents.

In almost every jurisdiction in this country, it is illegal for young people to purchase tobacco products. Yet, 3,000 teenagers are smoking every day.

Clearly the law is not being enforced. The conference report requires states to: First, enact laws prohibiting those under 18 from purchasing tobacco products; and second, that States enforce those laws.

It is completely appropriate that provisions relating to adolescent tobacco use be included as part of the reauthorization of funding for substance abuse treatment and prevention.

Adolescent tobacco use has been linked to use of other illicit drugs like marijuana and crack cocaine.

Tobacco use teaches kids how to resolve their problems through chemi-

cals. The nicotine in cigarettes is an addictive drug.

The ready availability of tobacco products sends kids the false message that tobacco use is OK.

The provisions in the conference report are an important step in the fight to eliminate adolescent tobacco use and to protect the health of our children.

I want to thank my colleagues, HENRY WAXMAN and TOM BLILEY, for working with me on this provision and for holding to the House position during the conference. I want to particularly thank Ripley Forbes for his assistance.

□ 1250

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. BILIRAKIS] a member of the committee.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from yielding this time to me.

Mr. Speaker, as a Floridian, I rise to express my reluctance and strong opposition to the bill before us today. S. 1306 would have a serious and irreparable effect on Florida's alcohol, drug abuse, and mental health service programs. According to the Florida Department of Health and Rehabilitative Services, Florida could lose \$16.5 million in fiscal year 1992. What this means in simplistic terms is that as a result of this bill, Florida will have to give back \$16.5 million of their grant award money, with only 4 months left in the grant year. This, Mr. Speaker, is unsound and unfair financial practice.

For mental health programs, there will be a reduction of \$4 million. This will result in services not being available to an estimated 3,436 seriously emotionally disturbed individuals who require a range of community support services to live in their community.

The reduction of \$12.5 million for substance abuse programs is even more severe. It will result in services not being available to an estimated 1,383 alcohol and drug abusing-addicted individuals requiring a range of community-based treatment services. The full range of community-based treatment programs will be affected, both by reducing capacities of some programs and closure of others.

As far as my congressional district is concerned, the service loss in Pasco and Pinellas Counties, both in my district, will exceed \$1 million. The Pasco-Pinellas Alcohol, Drug Abuse, and Mental Health Planning Council and the Development Center of Pasco, which provides mental health, alcohol, and drug abuse services, have indicated to me that the impact on these services would be severe—several local services would virtually be eliminated. I am submitting with this statement for the RECORD a more detailed account of how these reductions would affect the people of Florida.

Mr. Speaker, this conference report needs some work. Florida has numerous urban areas which have been struggling to combat drug abuse and due to Federal funding, progress is being made. However, if funding is reduced for a State like Florida, which is considered to be a high growth State, what will happen in the future? It is my belief that this legislation must be reviewed by the conference committee, once again, so that Florida's concerns can be addressed. Until then, I must oppose this legislation.

STATE OF FLORIDA, DEPARTMENT OF
HEALTH AND REHABILITATIVE
SERVICES,

Tallahassee, FL, May 18, 1992.

Congressman MICHAEL BILIRAKIS,
Rayburn House Office Building,
Washington, DC.

DEAR SENATOR BILIRAKIS: This is to provide you with information specific to Florida's Alcohol, Drug Abuse and Mental Health (ADM) Program to be used on Tuesday and Wednesday, May 19 and 20, when the House and Senate are scheduled to consider the Conference Report on S. 1306, the Alcohol, Drug Abuse and Mental Health Reorganization Act.

The loss of \$16,505,000 in the Federal Fiscal Year 1992 ADM Block Grant award will have a serious and irreparable effect on Florida's ADM service delivery system. This reduction is occurring simultaneously with shortfalls in the projected amount for Florida's general revenue collections. Substantial state funding reductions for ADM services are proposed by the Legislature for state fiscal year 1992-93 to maintain a balanced budget. It is unlikely that state revenues will be available to make up the funding loss in the ADM Block Grant. Consequently, the loss of \$16 million significantly diminishes the continued availability of services to citizens who desperately need them.

For mental health programs, the reduction of \$4 million will result in services not being available to an estimated 3,436 seriously emotionally disturbed individuals requiring a range of community support services in order to live in their community. The reduction of \$12.5 million for substance abuse programs is even more severe. It will result in services not being available to an estimated 1,383 alcohol and drug abusing/addicted individual requiring a range of community-based treatment services. The full range of community-based treatment services will be affected, both by reducing capacities of some programs and closure of others.

The attached summary provides additional details about the effect of the reductions. Certainly, a reduction of this magnitude will manifest a negative consequence on virtually every one of the issues of concern in the conference bill. It will damage our ability to improve efforts directed toward the special populations identified in the bill and to comply with the many assurances the bill requires of states.

We consider it unconscionable to place a retroactive effective date of October 1991 for implementation of the new formula. Literally taking back \$16 million of Florida's grant award, with only four months in the grant year left to obligate the funds under statutory requirements of a one year obligation period, is unsound and unfair financial practice. As you are aware, states have been under considerable pressure to draw down funds during the current grant year. In effect, this has forced Florida into an acceler-

ated spending rate, when compared to the pro rata amount we would have spent based on the federal fiscal year 1991 award amount, to comply with federal statute. Now the bill would require us to give up funds the previous statute required us to obligate.

We would appreciate any change you can accomplish to improve our funding situation. Most ideal would be either to alter the formula approved in the bill, or to obtain an amendment which would change the hold harmless effective date to the original FFY 1992 allocation level, rather than the 1991 funding level. If this is not possible, at a minimum, it is desirable that an amendment be added to the bill to stipulate that the FFY 1992 grant awards will not be revised. In this case, the effective date for implementing the new formula needs to be FFY 1993, consistent with all other provisions of the bill.

We respectfully appreciate your efforts on behalf of obtaining changes which would minimize the effect of S. 1306 on Florida's ADM system. Please let me know if I can assist further in this respect.

Sincerely,

ROBERT B. WILLIAMS,
Secretary.

SUBSTANCE ABUSE SERVICES: ADAMHA BLOCK GRANT REDUCTION

The reductions of \$12,502,538 in ADAMHA Block Grant funding for Substance Abuse Services in FY 1992-93 and the future are as follows:

Impact on continuation base funding,
\$7,439,702:

Residential Services—These services include detox, short and long term residential and half-way house services. This will eliminate 202 beds providing services to approximately 1,383 clients for a total of \$4,529,764.

Outpatient Services—These services include counseling, testing, methadone treatment, aftercare, case management and day treatment services. This will eliminate services to approximately 2,416 clients for a total of \$1,509,938.

Over 3,000 clients are currently on waiting lists statewide for residential and outpatient services at this time. As a result of the above reductions, statewide waiting lists will increase by over 100%.

Loss of Florida Addiction Treatment Center, the only statewide facility exclusively for substance abusers with mental health problems (dually diagnosed). This loss results in 450 clients not receiving services.

Based on the above reductions, 64% of all clients statewide, 2,719, are criminal justice involved. Without the benefit of substance abuse treatment, these clients will likely continue criminal activity.

Approximately 32% of all clients statewide are at risk for HIV as a direct result of their substance abuse. Given the sex for drugs trade and sharing of injection equipment, these high risk individuals are increasingly in danger of both contracting and spreading this disease. Based on the above reductions, 1,360 clients at high risk of, or infected with, HIV will not receive needed substance abuse treatment.

Impact on new services, \$5,062,836

Residential Services—\$3,797,127 in anticipated funding, now eliminated, could have served approximately 1,161 additional clients in 170 beds.

Outpatient Services—\$1,265,709 in anticipated funding, now eliminated, could have served approximately 2,024 additional clients in outpatient programs.

ADULT MENTAL HEALTH: ADAMHA BLOCK GRANT REDUCTION

The following summarizes the estimated impact of a \$4,002,463 reduction in the ADAMHA Trust Fund on Adult Mental Health Services:

Reduced Service Units—An estimated 86,358 service units will be lost leaving 3,436 individuals unserved.

Service Center Reductions—The block grant reduction will impact adult mental health's ability to provide the following services: assessment; clozaril; day/night; intervention services in the jails; outpatient treatment; overlay services to nursing homes and adult congregate living facilities; and all levels of community residential services.

Additionally, this ADAMHA block grant reduction could place the department out of compliance with the Johnson vs. Bradley stipulated agreement and with the Sanbourne vs. Chiles negotiations. This could result in a federal court takeover of adult mental health services in Florida and resulting in a multi-million dollar additional cost to the state's taxpayers.

Most adult mental health major initiatives will be set back particularly the reduction of the state mental health treatment licensed bed capacity to 15 licensed beds to 100,000 population. By reducing the ability of communities to serve people with serious mental illness, increased utilization can be expected in mental health institutions and crisis stabilization units, all of which are already over capacity.

Also, this current reduction could cause Florida to lose additional ADAMHA Block Grant by forcing the state to be out of compliance with Public Law 99-660.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, first I want to commend the work of the chairman of the subcommittee and the ranking member for this conference report.

Mr. Speaker, I rise in support of the conference report. This bill makes major improvements in our mental health and substance abuse programs. I am especially proud of the new provisions on comprehensive mental health services for children with serious emotional disturbances.

I also urge Members to support the language on interim methadone maintenance. I respect the concerns the gentleman from New York [Mr. RANGEL] has raised about this provision. Anyone involved in drug treatment will agree that methadone alone does not amount to real, effective treatment for heroin addiction. You have to provide other services.

But the AIDS virus is spreading faster among intravenous drug users than any other group. Sharing a needle with an infected person is the easiest way to get AIDS, because the virus enters the bloodstream directly. Anyone who has sex with an IV drug user is at high risk of infection. Those are the hard realities we must face.

Those realities are too urgent to justify forcing addicts to wait for real treatment slots to open up, when meth-

adone can reduce their dependence on heroin, and on the shared needles that spread AIDS virus. I am ready to vote the money for real treatment for everyone who needs it, to eliminate the waiting lists. So is the gentleman from New York.

But we must not put people at daily risk of their lives while we wait until we can provide money for effective treatment. We must not abandon people without any help, just because we cannot provide all the help we know they need immediately.

I know that my colleague from New York does not want to abandon people who need help. I respect his sincerity and his lifelong dedication to the war against narcotics. But interim methadone maintenance can save lives. It can be provided responsibly, under medical supervision. I must, respectfully, ask my colleagues on this floor to vote for the conference report.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the ranking member for yielding this time to me, and I rise in strong support of the conference report which reauthorizes the alcohol, drug abuse, and mental health services block grant.

This bill adds another level of defense to our communities so they may continue to fight against drug abuse with prevention and treatment.

I want to particularly thank the chairman and the ranking member for striking some of the burdensome set-asides that have been in this bill in the past. I introduced a bill to reduce the required percentage States must spend on intravenous drug use, which Chairman WAXMAN agreed to, and I want to thank him for that.

This piece of legislation was part of the rural health caucus' program, and the group that has come together in the conference report has strengthened that position. Rural areas will greatly benefit from the added flexibility.

While this bill still requires States to treat drug users, it does not micromanage the block grant programs. The result is that there will be much less stress on compliance and more on education.

Mr. Speaker, I urge my colleagues to support the conference report.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the chairman for yielding time to me, and I commend him for his leadership on this issue.

I rise in support of the conference report, and I would like to address two provisions that I think are of particular importance to the war on crime and on drug abuse. The first deals with drug treatment in the prisons.

The bill authorizes demonstration programs that provide treatment for

substance abuse for prison inmates through fiscal year 1994. One cannot underestimate the importance of this issue. Our Subcommittee on Crime and Criminal Justice has found that when prisoners are given drug treatment, particularly therapeutic drug treatment, in the prisons, the recidivism rate plummets, thereby reducing crime and reducing cost to the Government.

The programs that are in the bill are those that we have in the crime bill. We have an allowance to give mandatory drug treatment in the prisons to every Federal prisoner. Unfortunately, those are being held up by the filibuster in the Senate. Therefore, this bill does not have as much money, but it is something, and it is, I think, something that Republicans and Democrats and liberals and conservatives can all agree upon, because it is not only economic but it reduces costs.

The bill also extends the authorization for the high-risk substance abuse prevention grants program. This is another crucial part of crime prevention. We have to have tougher sentences, and we have them. We have to have enough prisons to put the criminals in, and we are getting there. But unless we do something about what is fundamentally wrong with the people who are committing crime, people who are just going in and coming out, we are not going to succeed. The programs here, targeting high-risk youths and providing an ounce of prevention of medicine, are worth a pound of cure later when it may be too late if we do not do something.

Mr. Speaker, I want to thank the gentleman from California [Mr. WAXMAN], and the committee for their leadership, and I ask for passage of this fine bill.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. HOLLOWAY].

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

Mr. Speaker, this to me is a shameful bill that we bring up on suspension. With something that is as important as this, I do not understand why we do not simply take it up in a few minutes and go from there.

I want to first of all criticize the drug control policy department for its inactivity as this bill proceeded through subcommittee and committee. We saw it as a danger. We saw that exactly what we are facing today could be a part of this bill, and until last week we saw very little action from the Department. But I do want as part of the record to read the opening paragraph of the statement of Bob Martinez, the drug czar, and then I would like to submit it as part of the record. This is what it says:

The Congress has before it legislation permitting the use of Federal funds for needle exchange programs. Enacting this legisla-

tion would be shameful; indeed it would be morally bankrupt. It would mean that Federal tax dollars would pay for the needles addicts use to inject illegal drugs.

□ 1300

I think that basically sums up my standing before us here today. It is sad that I have to vote against a bill that has important parts to it, addressing mental health and addressing the issue that we have of illegal drugs being used in this country. But I have to on the basis that I do not believe the taxpayers of this country intend for us to pay for needles to pass out to drug users and addicts. How do you convince a drug addict to come forward and get treatment when the Federal Government itself is handing needles out to them and paying for them?

Mr. Speaker, so I think this issue is very big before us today. I think every Member of this House should vote against this report, and I think we should send it back and change it.

Mr. Speaker, for the RECORD I include the statement by Bob Martinez, the Director of National Drug Control Policy.

DRUG CZAR URGES CONGRESS TO RETAIN PROHIBITION AGAINST FUNDS FOR NEEDLE EXCHANGE PROGRAMS

WASHINGTON.—The Congress has before it legislation permitting the use of Federal funds for needle exchange programs. Enacting this legislation would be shameful; indeed it would be morally bankrupt. It would mean that Federal tax dollars would pay for the needles addicts use to inject illegal drugs.

Despite the likelihood that dispensing needles will mean more drug addiction and more death, and despite the fact that there is precious little evidence that such programs actually stop the spread of AIDS, Congress will soon consider legislation to rescind the current statutory prohibition on the use of Federal funds for this purpose.

Rather than support such dangerous gimmicks as needle exchange, Federal funds should be used to back programs of demonstrated value. For instance, many cities have successfully used aggressive outreach programs both to educate IV drug users about the dangers of the HIV virus and to get them to enter drug treatment programs. I would hope that Congress would help promote this proven alternative by continuing to forbid the use of Federal funds for needle exchange programs.

Providing free needles to drug addicts only helps them die sooner, because it makes it more difficult to get these desperate individuals the treatment they need. How can Government convince an addict to enter treatment while it is providing him with free needles? And how can the Government continue to convince others that drug use is wrong at the same time it is facilitating drug use by the most desperate and seriously ill addicts? Surely the answer is not to increase the number of infected needles in our urban environment, where children and others may come in contact with them.

I urge Congress to retain the prohibition against using Federal funds for needle exchange programs. And I urge them to act quickly on the Administration's request for more treatment slots in those areas of the country where treatment shortages exist.

Needles exchange programs are an admission of defeat, a throwing in of the towel. We can do better than this.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia [Mr. ROWLAND], a very important member of the subcommittee.

Mr. ROWLAND. Mr. Speaker, I thank the chairman and commend him on the work he has done on this legislation.

Mr. Speaker, I rise today in support of the conference report on S. 1306, community mental health and substance abuse services. This bipartisan initiative has resulted in an improvement in our efforts to combat mental illness and substance abuse. These are growing problems to which we must structure innovative solutions.

This legislation will create an Office of Rural Mental Health which will coordinate the activities of Federal, public, and nonprofit private entities to ensure that the mental health needs of rural adults and children are addressed and that these individuals receive needed services.

Under the provisions of this bill, all States must provide tuberculosis services. The number of tuberculosis cases in this country are growing at an unbelievable rate, posing an increasing public health threat to citizens across the country and to health care workers who are increasingly coming into contact with undiagnosed cases of tuberculosis. I have spoken with officials in my own State of Georgia who are very concerned that aggressive diagnosis and treatment of tuberculosis be forthcoming.

Mr. Speaker, this conference report represents one step in the strong stand we must take to deal with the health care problems that weaken both our urban and rural communities. I urge the passage of the S. 1306 conference report.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from California [Mr. WAXMAN] has 8½ minutes remaining, and the gentleman from Virginia [Mr. BLILEY] has 11 minutes remaining.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from the near-by Commonwealth for yielding.

Mr. Speaker, I would like to be able to rise in support of S. 1306 because it has a lot of good material in it that is going to do a lot of good for needs that we have in our Nation that have been well-identified. Unfortunately, it also has a fatal flaw of unfairness in it. It has retroactively taken away from our fourth most populous State, which has many, many well-documented needs in this area, funds which are critical for us to do our job down there, to the point it has alerted the Governor and the whole delegation.

Mr. Speaker, we are very concerned. We believe the appropriate solution would be to pull this bill and send it back for some retroactive work so this unfairness is removed and we can all go forward together on it.

Just in my own district we are going to lose one detox center. We are going to have the closing of beds in one of our major cities, have outpatient counseling closed down in another area, and residential treatment in another area. We have over 4,000 clients who are going to lose services and over 40 employees will be laid off down in my part of the world.

Mr. Speaker, I do not think this is fair, and I do not think this is what the committee nor the conference intended. I think we need to go back and resolve this matter, because I do think there is a better answer.

Mr. Speaker, I therefore will vote no and urge the sponsors to do that.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding, and I certainly want to commend him on the job he has done over the years on this issue.

Unfortunately, I have to take exception to this particular bill because the bill authorizes many excellent substance programs, but they are all negated, Mr. Speaker, by the devastating changes in the block grant allocation formula.

If Congress approves this conference report, Florida will lose approximately \$16.5 million retroactive to October 1, 1991. Such a reduction would have a devastating effect on our alcohol, drug abuse, and mental health programs.

Mr. Speaker, we are not talking about an unfair allocation under a new formula. We are not talking about what we think Florida ought to get. This is what Florida has been getting in the face of a rising population, rising drug abuse problems, rising alcohol problems, a rising number of residents, and something anybody hardly ever talks about, Mr. Speaker, a rising problem among the elderly. Elderly drug abuse is one of the major concerns now in Florida.

All of these programs would be absolutely devastated. In fact, Florida would have to give back money.

Mr. Speaker, I urge my colleagues to reverse this unfair issue and vote no on this bill. Let us send it back and keep the formula the way it was.

Mr. BLILEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I do so at this time to point out to my colleagues and friends from Florida that when this bill passed through the other body, both Senators supported this bill which contained the funding allocations for Florida as currently in the conference report. That is my understanding.

So I would point that out to Members, because this bill has many important features. It has been a long time since we have been able to get an authorizing bill through. So I would hope that they would, in light of that, in light of the action of their two Senators, remove their obligations.

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

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, today, I would like to join my colleagues in support of the conference report and to thank Chairman WAXMAN and the other conferees for the hard work and dedication they have given to this bill.

Among many other programs, this legislation would specifically fund the establishment of a model program in the Washington metropolitan region for providing comprehensive treatment services for substance abuse.

The committee has aptly chosen Washington, DC, for this demonstration project because the substance abuse problem here is so acute. The best weapon in the war on drug and alcohol abuse is early and effective treatment. While the Washington metropolitan region does have some of the best programs, they are not nearly enough to meet demand. The Washington metropolitan region currently exceeds national averages in both alcohol use and drug abuse. Conservative estimates, using federally approved formulas, put the demand for drug treatment at 62,191 while more than 328,000 individuals currently need alcohol treatment. This great demand for services have overwhelmed the ability of local government to provide drug and alcohol treatment and, as a result, a majority of residents in the area must wait more than 4 weeks to be admitted to a treatment program.

Substance abuse programs only work if the individual is a willing participant. Similarly, these programs are only effective if they can reach out and help individuals when they first seek treatment—before they have time to go home and rethink their predicament. If we force these individuals onto 1-month waiting lists, we risk losing the men and women who need our service the most. We risk losing them to the crack dealers and the other merchants of death who can provide their services any time, day or night.

I applaud the conference report we are considering today because it mitigates the problems of substance abuse in this region by establishing a model treatment program in the Washington metropolitan area. This program ensures, to the extent practical, that all individuals seeking drug and alcohol abuse treatment can be provided with this important service on a timely basis. By providing education and employment assistance for patients, this

program will also give the Washington region the tools to end the cycle of unemployment and limited opportunities that often cause individuals to fall into substance abuse.

The Washington metropolitan region greatly needs this program as the entire Nation needs the other provisions contained in this important bill. I appreciate the efforts of the committee to keep this project in this conference report.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, this bill would be a disaster for the State of Florida in its efforts to provide much needed services in the drug abuse and mental health area. The loss of \$16.5 million in block grants will have a serious impact on Florida's ability to provide these drug abuse and mental health services. These are funds which were granted to the State of Florida. And it is unacceptable to place a retroactive effective date of October 1991 for implementation of the new formula.

The reduction of \$12.5 million in substance abuse services will likely result in the closing of the Florida Addiction Treatment Center, which is the only statewide facility supporting those with substance abuse and mental health problems.

Over 3,000 clients are currently on waiting lists statewide for services and the proposed reduction in these funds will cause this list to double.

Approximately 32 percent of all clients statewide are at risk for HIV as a direct result of their substance abuse. These high risk individuals, if they do not receive these critical services, will continue to pose a health threat to the general public.

The loss of \$4 million of mental health services will greatly impact the ability of communities to serve people with serious mental illness by adding to the already existing problem of overcapacity in mental health institutions.

I urge my colleagues to reject this bill and send it back to the conferees with instructions to modify the bill to retain the current grant structure for the State of Florida.

Mr. WAXMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Speaker, not to be redundant, but I rise to regrettably and strongly urge the defeat of this bill. It is very unfair and very detrimental to the State of Florida.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. PETERSON].

□ 1310

Mr. PETERSON of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

I also regrettably rise in opposition to this conference report. Otherwise, in this report some very good things have been done by our chairman.

Clearly, as has been heard by my Florida colleagues, the State of Florida is unfairly admonished for doing a good job in this area in the past. The formula used for the block grant positions and programs will impact Florida in a fatal manner.

Added to the negative process is the fact that this is retroactive to October 1991. In fact, the State of Florida will have to reimburse the Federal Government for programs they have already delivered on.

We must look at this very seriously. We must take this conference report, refer it back to the conference for these necessary corrections and bring it back to the full House and then pass it so that we can get on with the business of addressing the mental health and substance abuse needs of this country.

Mr. BLILEY. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, reluctantly, I rise today to urge my colleagues not to pass this conference report on the Suspension Calendar today.

This vote today is not about reauthorizing the ADAMHA Program. I do not know of any Member who is opposed to the crucial work that ADAMHA is doing to reduce the problems of alcoholism and drug abuse in America. Having been personally involved in substance abuse issues for many years, I take a back seat to no one in my support for reauthorizing ADAMHA.

It is my concern about substance abuse, however, that leads to my opposition to the present conference report, which would allow, for the first time, the use of Federal funds for needle exchange programs.

I have heard virtually every public official, including Members of this body, call drug abuse and addiction the most critical problem facing America. Yesterday, former health secretary Joseph Califano called addiction our country's No. 1 health problem.

And he is right. The 5.5 million Americans who are chemically dependent need treatment services, not a Government-administered needle program. Federal funds should be used to get people off drugs, not to facilitate drug abuse.

But, last year, Congress reduced the President's request for drug treatment funds by \$134 million. As a result, there were 16,000 fewer Federal drug treatment slots and 64,000 fewer State and local treatment slots for those who need them. And yet, there is money available for the distribution of needles?

If we're serious about reducing the spread of AIDS in this country, let's

support programs that save lives, not destroy lives. Proposals such as aggressive outreach programs to educate intravenous drug users about the dangers of the HIV virus and, most importantly, higher funding for drug treatment programs to get people off drugs for good are the real keys to preventing the spread of AIDS through IV drug use.

Mr. Speaker, there has been a lot of talk this election year about combating the drug abuse problem in our country. But the American people will be watching what we do, not what we say. It's time to turn rhetoric into action. I urge my colleagues to support funds for drug treatment, not needle exchange, and to vote against passing the conference report on the Suspension Calendar today.

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

Mr. Speaker, I want to make a clarification to Members who might think there is a Government-funded needle exchange program in this legislation. That is absolutely incorrect. This bill does not provide for such a program whatsoever. However, if the States choose to do so, that is up to them, and some States may and other States may not. I do not want any Member to think that we have a Government-funded program for needle exchanges.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Speaker, I thank the gentleman for yielding time to me. I thank him for his leadership on this and so many other issues.

Mr. Speaker, I rise today in strong opposition to S. 1306, the conference report that reauthorizes the Alcohol, Drug Abuse, and Mental Health Administration. I am deeply concerned about a provision in the report that would result in a \$16.5 million reduction in Florida alone; that includes \$12.5 million for critically needed substance abuse programs and \$4 million in mental health funds. I strongly urge the conferees to reconsider this report, which is retroactive to October 1, 1991, so that States' awards for this fiscal year are held harmless from a third quarter retroactive reduction.

Florida, like many States, is facing a severe budget crisis. Services are being cut while State and local administrators are forced to stretch public funds to meet substance abuse and mental health needs in one of our fastest growing States. A reduction in ADAMHA funds 8 months into this fiscal year would be a devastating blow to our ability to maintain the current marginal levels of critically needed alcohol, drug abuse, and mental health services. This conference report is the Federal Government's abandonment of the people in Florida who rely on these services.

Let me point out the direct impact this report will have on Florida. Sub-

stance abuse services in this fiscal year in Florida will lose more than \$12.5 million. The continuing base funding of residential services and outpatient services will be cut by nearly \$7.5 million. In other words, 202 beds providing detox, short- and long-term residential treatment will be lost as a result of this report. Moreover, nearly 2,500 individuals who rely on counseling, testing, and methadone treatment will be denied services. Today, more than 3,000 clients are on waiting lists statewide for residential and outpatient services. These waiting lists will grow by more than 100 percent if this bill is approved.

Here is another alarming fact: Approximately 32 percent of all clients in Florida are at risk for HIV as a direct result of their substance abuse. Given the sex-for-drugs trade and sharing of needles, these high risk individuals are increasingly in danger of both contracting and spreading AIDS. Based on the above reduction, 1,360 clients at high risk of HIV or infected with HIV will not receive substance abuse treatment.

As to the impact on mental health funding, the formula in the conference report will reduce by \$4 million the Florida trust fund on adult mental health services. This will result in a direct loss of 86,358 service units, leaving 3,436 individuals unserved. Should this report become law, the adult mental health program in Florida will no longer provide day and night intervention services in the jails or outpatient treatment. Services to nursing homes and adult congregate living facilities and all levels of community residential services will suffer.

Mr. Speaker, Florida already ranks first among the States in the crime per capita rate, first among the States in cocaine trafficking, second among the States in pediatric AIDS cases, and third among the States in cumulative AIDS cases. ADAMHA funds account for one-fourth of Florida's resources for alcohol and other drug abuse programs. Florida simply does not have additional State funds to continue funding these badly needed programs. The State has been counting on this Federal money. The State has planned for this Federal money. A retroactive reduction is unfair to Florida, and I adamantly oppose this conference report.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, each year in America 375,000 babies are born who have been exposed to illegal substances before birth. That is 1 out of every 10 newborns. The cost for caring for these children is enormous. Hundreds of millions of dollars in hospital costs and literally billions of dollars for health care, foster care, special education and other special services are the legacy of these unfortunate infants.

There is one aspect of this conference report that I think is an important

step forward in remedying this problem and I suggested it to the committee.

The gentleman from California, Chairman WAXMAN, and the gentleman from Virginia [Mr. BLILEY] have been kind enough to include it, and I think it is very important. It will provide for residential treatment of those mothers who are addicted and want to have a drug-free pregnancy. It gives them a chance to get out of the crack-infested neighborhoods into a residential treatment program to get off of drugs and to give birth to a healthy baby.

What an important investment this is. For all the criticism of this bill, and we certainly have heard enough of it today, there are many positive aspects. To think that by moving forward on this grant program we will give some of these 375,000 babies a chance, I think is an important reason to vote for the conference report.

Mr. Speaker, I would like to call to the attention of my colleagues the provision of this conference report that establishes a new grant program to provide comprehensive residential treatment services to substance-abusing pregnant and postpartum women and their children.

It has been my pleasure to work on this provision with the chairman of the subcommittee, Mr. WAXMAN, and I would like to thank him for his support.

Mr. Speaker, 375,000 babies are born each year in the United States who were exposed to illegal drugs before birth—1 out of every 10 newborns. The cost of caring for them is enormous: hundreds of millions of dollars in hospital costs each year just to stabilize them immediately after birth, and billions of dollars annually for health care, foster care, special education, and other social services they will need as they grow up.

For many addicted pregnant women, only a long-term residential treatment program can provide the services they need, including counseling, child care, room and board for the women and their children, and other services. Many women need to be able to get away from the environment that nurtures their drug use. A residential treatment program provides the support system they need to stop their drug use and focus on their recovery.

According to the Institute of Medicine, the clients of longer term residential treatment programs end virtually all illicit drug taking and other criminal behavior while in residence. They also demonstrate lower drug use and criminal activity and greater social productivity after discharge than they did before admission and than other individuals who did not receive similar treatment. As a result, the Institute of Medicine included residential treatment programs for pregnant women and their children in its core strategy for addressing our Nation's drug treatment needs.

Unfortunately, many of our Nation's residential treatment programs currently refuse to serve pregnant women or refuse to make provision for their children. As a result, pregnant women who desperately need treatment, languish on the waiting lists for the few programs that are available. While they look for a program that has an opening and will accept them, they and their children suffer the continuing effects of their addiction.

This measure will help change that tragic reality by establishing a grant program offering to addicted pregnant women and their children the opportunity for comprehensive treatment in a residential setting in which the children are allowed to reside with their mother.

The legislation spells out the comprehensive list of services that must be provided so that programs will deal with the women and children's full range of needs. For example, services for women must include health care, AIDS and domestic violence counseling, training in parenting, involvement of other family members as appropriate, counseling on obtaining employment, and planning and counseling to assist re-entry into society both before and after discharge. Similarly, services for children must include health care, child care, counseling as appropriate, and other social services to help them overcome the effects of maternal addiction.

This residential treatment grant program and a related outpatient program for pregnant women are jointly authorized at a funding level of \$100 million in 1993, and such sums as necessary in 1994. Emphasis is given to the residential treatment program, including additional funding from the block grant and potential funding from the special drug asset forfeiture fund. It is my hope that we will soon see many women and their children given a new lease on life because of the residential treatment services authorized in this program.

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

I want to close the debates by indicating to my colleagues that this conference report received the support, unanimously, of all the conferees, both the House and the Senate on a bipartisan basis. I know we could not make every State happy with the funding formula, and it is obvious that the Members from the State of Florida are particularly aggrieved.

In 1991, the Department of Health and Human Services notified each State that its allotment for fiscal year 1992 would likely change. The States were notified about this fact and that there might be a change, not to ask for money back in the fourth quarter of this fiscal year.

The funding formula, the allocation formula is the best we could do. I think it is a fair one.

I would urge Members to support the legislation. We have done the best we can on a number of difficult issues. I think we have a product that we can support with pride.

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

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

I, too, would like to urge all Members to support this. We could go back to conferences and work for many days and come back. We will never have a funding formula 100 percent satisfactory to every State in the Union.

I would like to point out, particularly to the Members on this side of the aisle, that contained in this legislation are reorganization policies of ADAMHA that the Secretary of HHS and the administration desperately want. As the gentleman from California said, this was unanimously approved by the Members from the other body on the conference committee and by the Members from this body.

Therefore, I would urge in the best legislative spirit for those minor differences we may have, put them aside and vote for this legislation which is needed for this vital program for this country.

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

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. SHARP], a member of our Committee on Energy and Commerce.

Mr. SHARP. Mr. Speaker, I thank the gentleman for yielding time to me, and I want to praise the efforts of the gentleman from California, Chairman WAXMAN, with the assistance of the gentleman from Virginia, [Mr. BLILEY]. They have done an extremely important job on a complex set of issues.

All of us know we have a terrible problem of drug abuse, alcoholism, a greater need to do more on mental health treatment in this country. And we are very limited on resources.

We have heard a lot today about the battle of the allocation of funds. I come from a State where we were at risk of losing significant funds, at risk of having to cut back services that are in existence now.

I appreciate the efforts of the committee to see to it that no State is cut back from the 1991 levels, that we can sustain what we are doing now even through all of us know we have a lot more to do.

There was no simple answer to this problem. The committee, I know, struggled mightily with trying to be fair and equitable across the country, and it is a miserable task. But they have succeeded in making sure that all programs and all services have a chance to go forward.

I appreciate that very much and want to praise their efforts and strongly endorse the committee's bill.

□ 1320

Mr. WAXMAN. Mr. Speaker, before yielding back our time I want to mention the hard work by our subcommittee staff, Rip Forbes and Tim Westmoreland and of the full committee staff, Dave Keaney, and from the minority staff Howard Cohen, and from the Office of Legislative Counsel Peter Goodlow. I want to thank them all for their strong efforts in working on this legislation.

Mr. RANGEL. Mr. Speaker, I rise in opposition to the conference report on S. 1306, the ADAMHA Recognition Act.

I supported H.R. 3698, the House version of the bill, when it came to the floor back in March. Although the conference report provides important authorizations for a number of critically needed substance abuse treatment and prevention programs, I have decided, with great reluctance, that I cannot support it.

The conference report includes highly controversial and unwise provisions relating to the treatment of intravenous drug users that represent a major departure from Federal treatment policy. These provisions were not passed as part of the House or Senate versions of the ADAMHA authorization bill. They were inserted in the bill in conference without opportunity for debate by the Members of the House. In my view, the inclusion of these provisions make the entire bill unworkable.

S. 1306 would require the Secretary of Health and Human Services to issue regulations permitting methadone maintenance treatment programs to provide so-called interim, or minimum, maintenance treatment to narcotic addicts seeking treatment when programs have insufficient capacity to admit addicts into treatment. Interim, or minimum, maintenance involves dispensing methadone to drug addicts without providing any, or just minimal, drug counseling and other rehabilitative services such as education, vocational training and employment counseling that are essential to helping addicts recover and lead productive, drug-free lives.

Interim maintenance has been called no frills methadone maintenance, an unfortunate misnomer because what it cuts out are non-essential frills but the very heart of treatment services. Interim maintenance is not treatment. It is the antithesis of treatment. S. 1306 puts the Government's stamp of approval on a policy that says the mere distribution of a highly addictive substitute for heroin is an adequate response to addiction.

The purpose of the interim maintenance provisions, according to the bill, is to reduce the spread of HIV and AIDS by intravenous drug users. Unquestionably, intravenous drug abuse is a major factor in the spread of AIDS. I do not doubt that those who put the minimum maintenance provisions in the bill were well-intentioned. The problem with minimum maintenance is that it is not effective.

Methadone maintenance is not a magic bullet for narcotics addiction. When used properly as part of a comprehensive treatment program providing a broad array of counseling and rehabilitation services, methadone can help addicts stop using illicit narcotics and start rebuilding their lives. In too many cases, however, methadone had failed to live up to its

early promise because of funding cutbacks, growing client loads, lack of oversight and supervision by Federal and State agencies, and in some cases mismanagement and unscrupulous behavior by program operators. In a 1990 report on methadone maintenance to the select committee, the GAO concluded that many programs are not effectively treating heroin addiction. In addition to other problems, many patients continue to use heroin and other drugs, primarily cocaine, which continues to put them at risk of contracting and spreading the AIDS virus. GAO strongly recommended against interim maintenance, finding that the provision of methadone without counseling or rehabilitative services would not significantly reduce heroine use.

Interim maintenance has been considered and rejected by the very agencies that would have to administer it under S. 1306. In 1989, the Food and Drug Administration and the National Institute on Drug Abuse in the Department of Health and Human Services published a proposed rule in the Federal Register to authorize interim methadone maintenance for the same reason given in S. 1306—to reduce the spread of HIV and AIDS. After extensive hearings on the record, FDA and NIDA concluded that interim maintenance would not be effective and decided to withdraw their proposal. This decision was announced by former NIDA Director, Bob Schuster, at a June 1990 select committee hearing.

Drug abuse treatment providers, and methadone maintenance programs in particular, overwhelmingly opposed the FDA/NIDA proposed interim maintenance rule. They feared that interim maintenance would be unresponsive to patients' complex needs, would undermine public funding for comprehensive treatment and further erode public support for a fragile treatment system already weakened by years of underfunding and neglect.

Ironically, if the HHS Secretary fails to issue regulations for interim maintenance within 180 days, S. 1306 requires the proposed rule rejected by NIDA, FDA and the treatment community to go into effect.

The bill does not require programs to provide minimum methadone maintenance, and no program could provide interim maintenance if the chief public health officer of the State objects. Other provisions of the bill, however, require a State, as a condition of receiving its Federal substance abuse block grant funds, to agree that it will assure access to treatment for any intravenous drug user within 14 days after treatment is requested or within 120 days if no program has space for the individual and if interim services are provided. Because treatment capacity is already severely limited in many parts of the country, States and drug treatment programs may feel pressured to accept interim maintenance as a low-cost alternative to the loss of Federal treatment dollars. With Federal block funds comprising less than one-third of public treatment funding, this becomes a case of the tail wagging the dog.

We desperately need to both expand and improve the quality of drug treatment in our country. Interim maintenance may temporarily expand treatment capacity but only at the expense of treatment quality, and it will not be effective in reducing the spread of AIDS.

Improving and expanding drug treatment, and reducing the spread of AIDS by IV drug

users, requires a long-term commitment of additional resources to provide comprehensive drug abuse treatment services. There are no cheap or quick solutions. Federal mandates on access to treatment and interim maintenance will not work and ultimately will prove to be counter productive.

The inclusion of interim maintenance in S. 1306 is bad drug abuse policy, bad public health policy, and bad legislative procedure. These provisions should be stripped from the conference report. I urge my colleague to vote against S. 1306.

Ms. PELOSI. Mr. Speaker, today we consider legislation which would provide the necessary framework for community mental health and substance abuse services. This conference report responds to the input of experts in the fields of mental health and substance abuse treatment—and responds directly to the input of the Institute of Medicine.

The legislation begins the planning process for comprehensive treatment of pregnant women and injection drug users.

This legislation is also essential to improve our national response to the HIV epidemic. Years of prevention research sponsored by Federal agencies have been converted into HIV prevention services which will make a difference in rates of new HIV infections in this country. We cannot wait any longer to authorize these vital programs. Each day that we wait will be counted in increased cost to the Government and—more importantly—increased number of lives needlessly lost to AIDS.

I commend Chairman DINGELL and Chairman WAXMAN on this conference report. I urge my colleagues to agree to the conference report.

Mrs. MORELLA. Mr. Speaker, I rise in support of S. 1306, the conference report on community mental health and substance abuse services.

This legislation will provide the authority for a number of critical substance abuse prevention and treatment programs. I am particularly pleased that the conferees retained language providing for residential substance abuse treatment for pregnant women. This provision embodied legislation introduced by my good friend and colleague, Congressman DURBIN; I am an original cosponsor of the bill.

Our failure to provide residential treatment for pregnant women has had a tragic impact on our Nation. An estimated 375,000 drug-affected babies are born every year, many with serious medical problems. The cost of providing medical treatment and foster care for these children is far greater than the cost of residential substance abuse treatment for pregnant women. Hospital care for drug-affected newborns alone totaled \$121 million in Maryland in 1989. The cost of providing hospital and foster care services through age 5 for the 9,000 cocaine-exposed children in only 8 major cities in 1989 totaled \$500 million. This cost does not include special education programs and services needed after the age of 5.

And yet, two-thirds of the hospitals surveyed in 1989 by the Select Committee on Children, Youth and Families reported that they had no place to refer pregnant addicts for treatment. This bill authorizes grants for residential treat-

ment, providing these women with the services needed to regain control over their lives, and preventing damage to their children. Society will benefit from the contributions of these women and their children, and we will avoid the enormous costs of caring for addicted infants.

S. 1306 also reauthorizes a number of demonstration projects to fund innovative programs of treatment and outreach that are critical in our efforts to prevent the spread of HIV disease, as well as to provide substance abuse treatment where it is most needed. This demonstration project funding has been one of the only means of reaching women at high risk of contracting HIV. This program must be supported and expanded.

Mr. Speaker, I commend Chairman WAXMAN and the members of the committee for their efforts, and I urge my colleagues to join me in supporting this legislation.

Mr. PETERSON of Florida. Mr. Speaker, I rise in strong opposition to the conference report on S. 1306, the Alcohol, Drug Abuse, and Mental Health Administration block grant program.

If this conference report is approved by Congress, the State of Florida will lose approximately \$16.5 million of our share of the block grant. To make matters worse, this loss is retroactive to October 1, 1991. Florida would have to give back \$16.5 million with only 4 months left in the current fiscal year.

Of this cut, \$4 million would be cut from mental health programs, which will result in an elimination of services to an estimated 3,536 seriously emotionally disturbed individuals requiring a range of community support services in order to be productive members of society.

The remainder of the cut would come in the form of a \$12.5 million reduction in grants for substance abuse programs in Florida. This will result in elimination of services for an estimated 1,383 alcohol and drug abusing/addicted individuals requiring a wide range of community-based treatment services.

Mr. Speaker, I am unaware of this type of cut ever being imposed on a State before. It is unacceptable for this legislation to place a retroactive effective date for implementation of the new formula. This bill is literally reneging on a \$16.5 million obligation to the State of Florida. It is an unsound and unfair financial practice to take back \$16.5 million of Florida's grant award with only 4 months remaining in the grant year left to obligate the funds under statutory requirements of a 1 year obligation period.

Mr. Speaker, I urge my colleagues in the strongest possible terms to oppose this bill by voting "no" on the conference report on S. 1306.

Mr. BENNETT. Mr. Speaker, I am in strong opposition to S. 1306, the conference report that reauthorizes the Alcohol, Drug Abuse, and Mental Health Administration. This report changes the formula which determines how much funding a State is granted for substance abuse and mental health services. The new formula is more favorable to rural States, not growing urban States like Florida. Our State stands to lose \$7.5 million in substance abuse funds, and \$4 million in mental health funds without any overall reduction in Federal spending. In other words, Florida is getting the raw end of the deal.

And it gets worse, because this legislation would be retroactive to October 1, 1991, Florida would lose funding that was already earmarked in this fiscal year for substance abuse and mental health services. Given the severe budget crisis currently facing Florida, such a reduction halfway through the fiscal year will exacerbate this problem and deal a devastating blow to Florida's ability to maintain the current marginal levels of critically needed alcohol, drug abuse, and mental health services to the many persons unable to afford private care and who do not qualify for Medicaid or Medicare.

Passage of this legislation as reported by the conference would mean a loss of much needed substance abuse services for Florida, including detox, short- and long-term residential and halfway house services, counseling, and methadone treatment. Over 3,000 clients are currently on waiting lists statewide for substance abuse services at this time. As a result of this conference report, statewide waiting lists will increase by 100 percent. Because 64 percent of substance abuse service clients statewide are involved in criminal justice matters, and 32 percent of substance abuse clients are at risk for HIV as a direct result of their abuse, these services are essential to curbing crime as well as curbing the spread of the HIV virus in the State of Florida.

This conference report would also result in a reduction of funding for mental health services in Florida. With these reductions an estimated 3,436 individuals would not receive mental health treatment. Adult mental health services will no longer be able to provide services to nursing homes and adult congregate living facilities, nor provide intervention services in the jails.

Mr. Speaker, because of the budget crisis facing Florida today, even though the Governor is raising taxes and cutting spending on unneeded programs, additional State funds to continue funding these badly needed programs cannot be found. The State is relying on this Federal money to assist its efforts to combat drug abuse and the spread of AIDS. To cut the money Florida has already been granted, while increasing it for other States without the same demonstrated need as Florida has, is irresponsible. I oppose this conference report.

Mr. LOWERY of California. Mr. Speaker, I would like to take this opportunity to thank the manager of this bill, Mr. WAXMAN, for his efforts and cooperation in ensuring that the measure I introduced, H.R. 4285, the Trauma Care Center Alien Compensation Act of 1992, stayed intact throughout the House and Senate conference. I would also like to thank the conferees for their support of this important piece of legislation. I introduced this same measure last Congress, with the intention of assisting State and local governments in the maintenance and improvement of regional systems in trauma care. Based upon recent Congressional Budget Office estimates of the undocumented alien population and the Census Bureau's estimates of yearly growth in this targeted population—approximately 6 million undocumented aliens and alien workers will be potential users of America's health care systems in 1992. Of the 6 million undocumented aliens present in the country, approximately

1.8 million will utilize some form of health care services available to the population at large, and of that, 40 percent of the costs incurred will be attributable to emergency medical services.

My legislation establishes a program of formula grants to compensate in whole or in part, certain trauma care centers for unreimbursed costs incurred by treating undocumented aliens. It is my understanding that the conferees realize the crisis facing our Nation's trauma care centers and authorized \$100 million to assist them for the fiscal year 1993. Under my provision, trauma care centers must prove that at least 15 percent of their unreimbursed trauma care costs are attributable to undocumented aliens. Furthermore, trauma care centers must prove that they attempted to track down the patient to recover the costs. But once they have demonstrated to the Secretary of Health and Human Services that a genuine effort at recouping the costs of trauma care provided has been attempted, assistance from the Federal Government will be provided. While the formula may be subject to change, it is estimated that the 15 percent figure will address the most dramatic needs of the various trauma care centers throughout the country—enabling them to keep their doors open.

This problem is not a new one. In 1977, the House Committee on Interstate and Foreign Commerce, and the House Subcommittee on Health and Environment held hearings on five separate pieces of legislation which would have authorized the Public Health Service to provide financial assistance to medical facilities for trauma and medical emergency treatments provided to indigent and undocumented aliens. More recently, on September 11, 1985, the House Subcommittee on Immigration, Refugees, and International Law held similar hearings on this exact issue. I do not think it is necessary for me to stand here on the floor and praise the virtues of trauma care centers and the role they play in saving lives. Without immediate treatment, many trauma patients die within the first hour of sustaining their injury. States such as California and Florida have set up trauma care network systems to ensure that State of the art surgical services would be available during the critical 60-minute period in which trauma patients must receive medical treatment or quite possibly die.

However, the financial viability of trauma centers is under tremendous strain. My legislation is but one response to the plea for Federal assistance from various hospitals and trauma care centers throughout the country.

While undocumented aliens are not the sole reason for the untimely closings and financial problems facing many of our Nation's trauma care centers, these individuals receive approximately 18 percent of our Nation's uncompensated emergency care. If the Federal Government ever gets around to implementing an effective immigration policy and regaining control of our international borders, the costs associated with this bill will decrease significantly.

I am pleased that the House and Senate conferees found that there is a proper role for the Federal Government to assist State and local governments with the costs of providing

uncompensated trauma care to undocumented aliens. The costs of providing emergency medical services to undocumented aliens are increasing the already heavy burden shouldered by county taxpayers. Cities such as San Diego, Los Angeles, Houston, Tucson, Miami, and El Paso are treating a growing number of uninsured, undocumented trauma patients. The closing of over 60 trauma care centers in recent years is clear and convincing evidence that the time for Federal assistance is now. Closing trauma care centers is literally a matter of life and death.

I realize that there are larger financial problems facing our Nation's trauma care centers. However, it is my belief that a limited measure at this time is all that is possible in light of today's budget environment.

But Mr. Speaker, I know with certainty that this beginning will save lives. It may be a child hit by a car, a heart attack patient, or an innocent victim of some senseless crime. We may not know who these benefactors will be, but we can know that our good efforts today will preserve life tomorrow.

Before I close, I wish to thank the chairman of the Energy and Commerce Committee, Mr. DINGELL; the chairman of the Subcommittee on Health and Environment, Mr. WAXMAN; the ranking minority member, Mr. LENT; and the members of the House and Senate conference for ensuring the viability and integrity of this much needed measure. Thank you.

I yield back the balance of my time.

Mr. CHANDLER. Mr. Speaker, I rise today to express my support for the efforts of the Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA]. The key services that are covered under this reauthorization help individuals and their families overcome alcoholism, substance abuse, and the difficulties associated with mental health problems. These services enable individuals to live productive lives and, in some instances, save lives.

The conference report before us today reorganizes ADAMHA and separates the existing block grant into two separate block grants: the substance abuse prevention and treatment block grant and the community mental health services block grant. While I support the intent of the reauthorization, I have two concerns.

First, I would like to address the issue of the three research programs of ADAMHA being transferred to the National Institutes of Health [NIH]. Under the conference report, research on drug abuse, alcohol abuse, and alcoholism and antiaddictive medications are all transferred to the NIH. I do not have a fundamental objection to the research being administered by the NIH. However, I do want to ensure that research in treatment services continues to remain a priority. Treatment providers play a critical role in the recovery process. I will be carefully watching to ensure that the NIH dedicates the appropriate attention to treatment services research. Therefore, I would urge my colleagues to do the same.

Another point that I feel needs to be addressed is the authority for inpatient treatment services when medically necessary, in the substance abuse capacity expansion grants provisions. Both the House and Senate bills contained this critical provision, however the conference report does not include such a provision. Failure to address this issue in the

conference report adversely affects access to a range of treatment services for alcohol and drug dependent individuals.

Mr. Speaker, it is my understanding that the conference report's failure to include inpatient treatment under the capacity expansion grants was merely a drafting error. It has also come to my attention that this error will be addressed in a future technical corrections bill. Therefore, I would urge the chairman of the Health and Environment Subcommittee to expeditiously address this matter.

In conclusion, I would like to reiterate my support for the reauthorization of the community mental health and substance abuse services. I would urge my colleagues to join me in supporting the conference report before us today.

Mr. YOUNG of Florida. Mr. Speaker, I rise in opposition to the conference report on S. 1306, the Alcohol, Drug Abuse, and Mental Health Administrative Reorganization Act, which would cause irreparable damage to alcohol, drug abuse, and mental health programs throughout Florida.

Not only does this legislation dramatically alter the formula under which Federal alcohol, drug abuse, and mental health block grant funds are awarded to the States, but it retroactively changes the formula effective October 1, 1991. Combined, these changes in the formula mean Florida will lose more than \$16 million in Federal funds which are planned for use in the final quarter of the current fiscal year for substance abuse treatment and mental health programs.

Pinellas County, FL, which I represent, has developed a number of nationally recognized model programs in these areas. The retroactive loss of Federal support will force many of these programs to close or substantially reduce the numbers of people they serve.

Operation PAR and Gulf Coast Jewish Family Services would be especially impacted by this unfair change in law and redistribution of funds. Operation PAR runs a number of outpatient and residential substance abuse treatment programs including an in-jail substance abuse program which would be eliminated. Florida already has a waiting list of 3,000 persons seeking outpatient and residential services. The impact of bill will be a doubling in the size of this waiting list.

Gulf Coast Jewish Family Services would have to eliminate its geriatric caregiver support team which provides support for the families of mental health patients. This will drive up the cost to families and the Federal and State government by forcing families to rely more heavily on nursing homes and other institutional care facilities to provide these services at much greater cost.

Florida is 1 of 12 States which will lose funds under these new formulas and the dropping of any protection offered by a hold harmless provision which would prevent the recapture of funds awarded to the States earlier this year. Given the financial situation of Florida and the other State governments, it is doubtful that the State can find available funds to offset this reduction in Federal support.

State officials advise me that in Florida's case, the \$12 million reduction in Federal support for substance abuse programs will result in a loss of services for 1,400 alcohol and

drug abusing and addicted individuals seeking community based help. The \$4 million in lost mental health funding will mean 3,500 seriously disturbed individuals will not receive the support they require to remain in their communities and not in more expensive institutional settings.

Mr. Speaker, through my work on the House Appropriations Subcommittee which funds our Nation's substance abuse and mental health programs, I am aware of the urgent need to provide greater, not less, support for these community based programs which provide innovative services that help thousands of American families. Public and private agencies throughout the State of Florida, and particularly in Pinellas County which I represent, have developed a number of exceptional programs to combat the problems of drug abuse and mental illness. Their work and innovation are threatened by this conference report today and I would urge my colleagues in the House to reject this legislation. We should send it back to conference where it can be revised so that it does not unfairly and retroactively penalize Florida and the 11 other States that would lose Federal support in the current year for a number of important ongoing programs.

Ms. NORTON. Mr. Speaker, the ever-increasing need for mental health and drug abuse treatment in our country is one issue on which there is little disagreement. The conference report reflects an important consensus on this urgent issue.

Even though national statistics indicate a decrease in the numbers of people abusing drugs and alcohol, this remains a national problem of staggering proportions. The Metropolitan Washington Council of Governments has documented the dreary fact of the drug crisis in the Washington, DC, area in its January 1992 report "Public Substance Abuse Treatment Services: A Critical Resource." In its study COG reports that over 13,000 calls per year are made to the Washington Area Council on Alcoholism and Drug Abuse from individuals trying to conquer substance dependency, and 49 percent of these were from District of Columbia residents. Publicly funded treatment services were provided for 40,000 clients in the Washington Metropolitan Area in 1991—a sizable number indeed. Yet these services reached only one-third of the region's estimated substance abusing population.

One of the most urgent needs is increased funding for public and community-based treatment service providers. The conference agreement moves us in the right direction on this front by providing for appropriations of \$25 million over fiscal years 1993, 1994, and 1995 for grants for a model comprehensive program for treatment of substance abuse. I am particularly pleased that the National Capital area has been designated as a demonstration site for this program.

I am also grateful that Chairman WAXMAN has included a provision addressing the acute problems of the Nation's trauma centers, which have also become casualties on the frontline of the drug war. An astounding 91 trauma centers have closed their doors since 1985 primarily because of high uncompensated care costs. Last year Washington Hospital Center's nationally recognized trauma center, MedSTAR, lost \$10 million in uncom-

pensated care costs. The conference agreement establishes a crucial grant program to assist trauma care centers in defraying uncompensated health care costs resulting from drug-related violence. When awarding the trauma center grants, we should be careful to balance the resources geographically, mindful of the economic hardship suffered not only by those hospitals along the Mexican border but by public and private hospitals in cities across the United States that have been hard hit by drug-related violence.

Left unattended or underfunded, mental health and drug abuse problems will continue to drain the Nation's resources, diminish our morale and undermine our competitiveness. I urge my colleagues to give full support to this legislation.

Mr. COLEMAN of Texas. Mr. Speaker, I rise today with very conflicting feelings about this conference report. On the one hand, passage of the conference report will represent the successful conclusion of a long struggle I have undertaken with a number of other Members, notably Mr. WAXMAN and Mr. LOWERY, to see the crisis with our Nation's trauma centers addressed. The conference report authorizes \$100 million in emergency grants to help keep trauma centers open. Those grant dollars are badly needed—trauma centers around the Nation are struggling with an increasing caseload of victims of violence and the growing fiscal worry of uncompensated care. Trauma centers along the United States-Mexico border are burdened with the additional responsibility of providing emergency care to undocumented persons, and we were able to address that problem in the report as well.

However, I am outraged by the fact that the authors of the conference report have seen fit to radically alter the block grant formula for funding of alcohol, drug abuse, and mental health services in a way that significantly jeopardizes those programs in Texas. The fact that the new formula diverts to other States funds that Texas expected to receive in 1993 and beyond poses enough of a threat. But the authors of this report couldn't wait until 1993 to grab the funds—they want to apply the formula change in the last quarter of fiscal year 1992. So now, despite the fact that the State wrote its budget for the year with a total allotment of \$90 million promised to the State, despite the fact that it will imperil the lives of thousands of Texans currently receiving alcohol, drug abuse, or mental health services, the authors of the conference report want to reallocate \$10 million away from Texas in the final quarter of this year. These actions can only be attributed to greed.

So now I am faced with a difficult decision. Do I do what is right for the trauma centers not only in Texas, but throughout the Nation? Or do I stand up against greed and for the futures of those Texans who will be dropped from drug treatment programs or from mental health programs. I'll tell you, Mr. Speaker, I just don't know.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the

House suspend the rules and agree to the conference report on the Senate bill, S. 1306.

The question was taken.

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

The yeas and nays were ordered.

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

COMMERCIAL WHALING MORATORIUM

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 177) calling for a United States policy of strengthening and maintaining indefinitely the current International Whaling Commission moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale, dolphin, and porpoise populations, as amended.

The Clerk read as follows:

H. CON. RES. 177

Whereas whales are marine resources of great aesthetic, educational, and scientific interest and are a vital part of the marine ecosystem;

Whereas the International Whaling Commission adopted in 1982 an indefinite moratorium on commercial whaling, which was scheduled to go into effect in 1986, establishing zero global catch limits for 11 species of whales;

Whereas despite the moratorium on commercial whaling, thousands of whales have been killed since its inception by the commercial whaling nations;

Whereas there remain uncertainties as to the status of whale populations due to the difficulty of studying them, their slow reproductive rate, and the unpredictability of their recovery even when fully protected;

Whereas the consequences of removing whale populations from the marine ecosystem are not understood and cannot be predicted;

Whereas whales are subject to increasingly grave environmental threats from nonhunting causes, such as pollution, loss of habitat, oil spills, and the use of large-scale driftnets, which underscore the need for special safeguards for whale protection;

Whereas in addition, many of the more than 60 species of small cetaceans are subject to direct commercial harvest;

Whereas there is significant widespread support in the international community for the view that, for scientific, ecological, aesthetic, and educational reasons, whales should no longer be commercially hunted;

Whereas efforts made at the 1991 meeting of the International Whaling Commission to overturn the moratorium on commercial whaling were defeated; and

Whereas there is concern that, at future International Whaling Commission meetings, some countries will again press for an immediate resumption of commercial whaling on some stocks: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) United States policy should promote the conservation and protection of whale, dolphin, and porpoise populations;

(2) toward that goal, the United States should work to strengthen and maintain an International Whaling Commission moratorium on the commercial killing of whales, and work toward a similar moratorium on the direct commercial harvest of dolphins and porpoises;

(3) the United States should work to strengthen the International Whaling Commission by reaffirming its competence to regulate direct commercial whaling on all cetaceans, and should encourage the Commission to utilize the expertise of its Scientific Committee by seriously considering the Committee's recommendations; and

(4) in so promoting the conservation and protection of the world's whale populations, the United States should make the fullest use of diplomatic channels, appropriate domestic and international law, and all other available means.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

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

Mr. Speaker, today I am pleased to bring before my colleagues House Concurrent Resolution 177, introduced by Mr. YATRON last March. The resolution expresses the sense of the Congress that the United States should work to strengthen and maintain the current global moratorium on the commercial slaughter of whales.

For hundreds of years, whales have been the targets of huge commercial harvests. In the early part of this century, technological developments like harpoons fired from cannons and huge factory ships that could process hundreds of whale carcasses at sea led to an unprecedented slaughter, and by the end of World War II more than 44,000 whales were being killed annually in the Antarctic Ocean alone. No other group of animals has been subjected to such relentless hunting for profit, nor brought so close to the brink of extinction.

In 1986 the International Whaling Commission, which governs whaling issues worldwide and in which the United States plays a leading role, voted to establish a global moratorium on commercial whaling. The purpose of the moratorium was to provide the nations of the world with time to determine the true status of whale populations and to decide whether whaling should begin again.

The whaling nations of the world, led by Japan, are now pressuring the International Whaling Commission to lift the moratorium. Mr. Speaker, the American people will not stand for that, and we cannot—and will not—allow it to happen. Whales continue to be threatened by marine pollution and habitat destruction. In some cases, they have not recovered in spite of decades of protection. In Massachusetts

Bay, for example, the North Atlantic right whale—the most endangered of all the world's large whales—had its population of more than 50,000 animals decimated to fewer than 350 by the beginning of this century. Even though right whales have been protected from commercial whaling since the 1930's, their population has not grown. Mr. Speaker, they and others like them need more time.

Living whales have far greater value as marine resources than they do as steaks for the Japanese dinner plate. In southeastern Massachusetts, the old tradition of hunting whales for profit has been replaced by a new enterprise—watching whales for profit. This industry brings almost 2 million whalewatchers to Massachusetts Bay each year, with a resulting tourism income for the State of over \$1 billion annually. We take the protection of our whales seriously in Massachusetts, Mr. Speaker, and we believe the rest of the world should do the same.

The annual meeting of the International Whaling Commission will take place next month in Scotland. At that meeting, the whaling nations will put up a strong fight for the resumption of commercial whaling. We must arm our own delegation with the ability to fight equally hard to stop them. I urge my colleagues to support House Concurrent Resolution 177 and pass it now so that the other body can act on it in time for the Whaling Commission meeting in June.

Finally, Mr. Speaker, I would like to express my support for a proposal to be offered by the Government of France at the International Whaling Commission meeting next month. That proposal would create a southern ocean whale sanctuary in the Antarctic, which is a critical feeding ground for many endangered species of whales. The Antarctic marine ecosystem has been severely damaged by human exploitation during the past century, and international sanctuary status would greatly contribute to its recovery and conservation as the planet's single most productive marine environment.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Speaker, right now, as I speak, the continued existence of the most magnificent mammals ever to live on Earth, the great whales, rests in the heart and mind of the American President, George Bush. Will he instruct the United States delegates to the International Whaling Commission, soon to meet in Glasgow, Scotland, to insist on continuing the ban on the commercial slaughter of whales? Or, will he instruct them to wimp out under pressure from Japan, Norway, and Iceland, whose greed would turn these greatest of God's creatures into dog food and cosmetics? The American people are waiting and watching you,

Mr. President. Whether the whales of this world are driven to extinction is up to the immediate decision of one man, and that man is you.

Mr. STUDDS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. YATRON], the author of the concurrent resolution.

Mr. YATRON. Mr. Speaker, I thank my chairman for yielding me the time.

Mr. Speaker, it is longstanding U.S. policy to promote the protection of whales and cetaceans. House Concurrent Resolution 177, as amended, strongly reaffirms this position. It calls on the United States to strengthen the International Whaling Commission, maintain the moratorium on commercial whale killing, and to make full use of diplomatic channels and international law to achieve these ends.

The Foreign Affairs Committee unanimously approved House Concurrent Resolution 177 in October and the Committee on Merchant Marine and Fisheries recently amended and approved the resolution as well. The House and Senate have passed similar legislation in the past.

Mr. Speaker, there remain great uncertainties regarding the status of whale populations. Unfortunately, a few nations have killed whales in defiance of the IWC while actively seeking an end to the moratorium. The plight of cetaceans—dolphins and porpoises—is no less serious.

It has come to the committee's attention, after the passage of this legislation, that the Government of France has proposed establishing a sanctuary for whales in the southern ocean around Antarctica. The sanctuary would prohibit commercial whaling in this region, which serves as feeding grounds to many species of large whales. According to the French proposal, the implementation of this protected region will hopefully foster the rehabilitation of a precious and fragile ecosystem which has been severely damaged by man's exploitation.

Though this proposal is not contained in House Concurrent Resolution 177, I hope that the administration seriously considers cosponsoring the French proposal prior to the convening of the International Whaling Commission meeting in June.

Mr. Speaker, I want to commend Chairman FASCELL of the Foreign Affairs Committee for his leadership on this issue. Let me also commend the ranking minority member of the Foreign Affairs Committee, Congressman BROOMFIELD and the ranking minority member of the Subcommittee on Human Rights, Congressman BEREUTER for their cooperation and leadership in protecting marine mammals. I also want to acknowledge the leadership of Chairman JONES of the Merchant Marine and Fisheries Committee, ranking member Congressman DAVIS, and Con-

gressman STUDDS for facilitating the passage of this legislation.

I ask for the adoption of House Concurrent Resolution 177, as amended, at this time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I support this resolution, which expresses the sense of Congress in favor of greater international protection for all types of whales.

First of all, however, I wish to commend the chief sponsor of the resolution, Mr. YATRON, the chairman of the Subcommittee on Human Rights and International Organizations. Congressman YATRON has been steadfast in his concern for protecting whales and other living natural resources, and has offered a similar resolution during each Congress in recent years.

In view of his announced retirement from Congress, which will be a real loss to the country, I'm sure all my colleagues would agree he's a real whale of a fella.

I also commend the chairman of the full committee, DANTE FASCELL, for assisting in the consideration of this measure. Credit is also due Congressman BEREUTER, the ranking Republican member of the subcommittee.

Essentially, this resolution calls for continuation of the moratorium on commercial whaling that has been in effect for several years as a result of action by the International Whaling Commission. The parties to the IWC will be meeting again in June, so this recommendation is as timely as it is important.

Another valuable element of the current resolution is that it advocates additional efforts to ensure that dolphins and porpoises, as well as other small species of whales, are given adequate consideration by the IWC. The threats to such animals does not come primarily from direct harvesting, but rather from other activities, including tuna fishing and the use of drift nets. Nevertheless, the IWC could play a stronger role in assisting in the conservation of dolphins and other small whales.

Finally, Mr. Speaker, I have been informed that—as in previous years—this resolution has the support of the State Department. Passage of this resolution will help the U.S. Government achieve our conservation objectives during the upcoming negotiations in the International Whaling Commission.

□ 1330

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, today I am rising in support of House Concurrent Resolution 177, which calls for a permanent extension of the International Whaling Commission's ban on commercial whaling.

I join in commending GUS YATRON for his tireless efforts on behalf of this cause. GUS, we will miss you.

I have long believed that the ocean and its marine life are invaluable resources which must be protected. As a senior member of the Foreign Affairs Committee, I've actively supported permanent protections for marine mammals. In the past I've introduced legislation calling for the establishment of a drift net-free zone in the South Pacific, and I have pushed for tough economic sanctions against countries which refuse to abide by drift net and whaling bans.

As my colleagues may know, the current 10-year moratorium expires in June 1992. By passing this resolution, Congress will send a strong message to Japan and other whaling countries that the United States will continue its efforts to protect the world's whale and dolphin populations.

Mr. Speaker, I urge my colleagues to send Tokyo a message and vote for this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution and urge its adoption.

As the Members are aware, the International Whaling Commission has for some years imposed a moratorium on the commercial harvesting of whales. This moratorium will be discussed again at the June meeting of the Commission. The resolution before us today supports a continued position of maintaining the moratorium in effect.

I want to note that, while the resolution discusses direct commercial take of dolphins and porpoises, it does not affect subsistence harvest of small whales. Native Alaskans have harvested Beluga whales for subsistence for hundreds of years. The Beluga populations are in good shape and Native Alaskans themselves share in the responsibility of ensuring that overharvest does not occur. The last thing we need is an international bureaucracy trying to manage the traditional way of life of Native Alaskans.

I want to thank my colleagues on the majority for recognizing this concern and deleting language which would have disrupted the centuries old subsistence lifestyle.

Mr. Speaker, I urge adoption of the resolution.

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

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

Mr. Speaker, I note, however, the gentleman from Alaska remains uncommended. This cannot be allowed. I hereby commend him. I thank the gentleman.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of House Concurrent Resolution 177, maintaining the commercial whaling moratorium.

This resolution was introduced by Mr. YATRON, and was approved by the Foreign Affairs Committee last year. The International Whaling Commission will meet in late June, and House Concurrent Resolution 177 is intended to provide direction for the United States position at that meeting.

With respect to small whales and dolphins, I would like to clarify that the resolution refers only to direct commercial harvests, and not to subsistence use, public display, scientific research, or incidental takes in the commercial fisheries.

Mr. Speaker, I urge my colleagues to support this important resolution.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to rise in support of House Concurrent Resolution 177. It sends the important message that the past practice of commercial whaling, which drove many species of whales to the brink of extinction, must not be allowed to resume.

This Member would note the role of the chairman of the Subcommittee on Human Rights and International Relations, the gentleman from Pennsylvania [Mr. YATRON]. As the ranking member of that subcommittee, this Member can testify to the tireless efforts of the gentleman from Pennsylvania in support for marine mammals. As a number of nations seek ways to gut the International Whaling Commission [IWC] moratorium, the gentleman from Pennsylvania has repeatedly raised the call to protect the whales. This Member would note that, were it not for GUS YATRON, marine mammals would be under far greater threat.

Mr. Speaker, the subcommittee has held several hearings regarding the IWC and international fishing practices. We have learned about the effectiveness of the whaling moratorium that has been in place for the past 10 years. We have also learned how some nations, principally Japan, continued to whale under the guise of scientific study. It is interesting that this scientific harvest inevitably ended up on Japanese dinner tables.

Now the Japanese and others want the moratorium to come to an end. They argue that the moratorium has served its purpose, the whale populations are up, and commercial whaling is now viable. This, Mr. Speaker, is pure nonsense. If the moratorium is lifted, the fragile whale populations will once again go into free fall, and we will once again be faced with the dire situation we faced in the past.

House Concurrent Resolution 177 simply calls upon the administration to recognize the value of the whaling moratorium, and work to strengthen the international protections for whales and other marine mammals. As an original cosponsor of this resolution, this Member urges its unanimous adoption.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 177, as amended.

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

current resolution, as amended, was agreed to.

The title was amended so as to read: "Concurrent Resolution calling for a United States policy of strengthening and maintaining an International Whaling Commission moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale populations."

A motion to reconsider was laid on the table.

**PROPOSED CONSTITUTIONAL
AMENDMENT RELATING TO
MEMBERS' COMPENSATION**

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 320) declaring the ratification of the proposed amendment to the Constitution relating to compensation for Representatives and Senators.

The Clerk read as follows:

H. CON. RES. 320

Resolved by the House of Representatives (the Senate concurring), That Congress declares that the proposed article of amendment providing as follows:

"No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

has been ratified by a sufficient number of the States and has become a part of the Constitution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from New York [Mr. FISH] will be recognized for 20 minutes.

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

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

Mr. Speaker, I am pleased to present to the House a resolution expressing this body's sense that the requisite steps for ratifying the proposed amendment relating to compensation for Representatives and Senators have been met.

That the Constitution is a living document that engages us as forcefully today as it did the founders over 200 years ago is no better illustrated than by the pending resolution. As the 102d Congress considers this resolution, it does so by reflecting on the work product of the First Congress of the United States. At that time, the Members earnestly considered the proper procedures by which their own compensation should be set. Thus, during the Congress' first formal meeting, the House chose to set compensation at \$6 a day for Members of both the House and Senate—only to have the other body raise its own compensation to \$7 daily.

In an attempt to set out orderly procedures and to avoid any appearance of

impropriety, an amendment to the Constitution was offered by James Madison as the second of 12 proposed amendments to the Constitution. Consistent with article V of the Constitution, the 12 amendments were sent out to the several States following their adoption by two-thirds of both Houses. Ten of those amendments were ratified effective December 15, 1791, and are known to us as the Bill of Rights.

Two others, including the one that is the subject of the resolution before us today, took just a bit longer to work their way through the ratification process. Nearly 203 years later, Madison's second amendment, first ratified by Maryland in 1789, has finally received the requisite approval by the States under article V of the Constitution.

Beyond these basic precepts of Congress proposing amendments and States ratifying them, the Constitution speaks only to Congress' broad power to establish the method of ratification—which Congress has repeatedly exercised through requirements such as time limitations on ratification by the States. The First Congress' resolution proposing a constitutional amendment affecting Members' compensation contained no conditions which the ratification process has not satisfied.

I believe that the straightforward words of article V make it clear that the proposal which was first offered by Mr. Madison two centuries ago has become the 27th amendment to the Constitution of the United States. The resolution before us today simply underscores Congress' conviction—consistent with our constitutional powers—that adoption has indeed occurred.

Mr. Speaker, I hope all Members will, through their votes today, affirm that our predecessors in 1789 offered wisdom by which this body can live in 1992 and beyond.

Mr. Speaker, I would like to observe that it is particularly of some minor interest really that my ancestors were in the Revolution and fought in the Revolution in 1776, and I know that the gentleman from New York [Mr. FISH], the Republican minority leader of the Committee on the Judiciary who is taking the extra time, has ancestors who had a very distinguished record in fighting for this country when we were liberated from England in 1776.

□ 1340

So, Mr. Speaker, I think it is kind of interesting that the great-great grandchildren of such people are participating in the ratification of Madison's amendment.

Mr. Speaker, I hope that all Members will through their votes today affirm—or tomorrow, as I believe it is going to be put off—affirm that our predecessors in 1789 offered wisdom by which this body can still live in 1992 and beyond.

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

Mr. Speaker, James Madison's proposed amendment to prevent congressional pay raises from taking effect until after an intervening election is held was one of the 12 original articles of amendment submitted to the States for ratification in 1789. Ten of those 12 articles of amendment were ratified by the States to become what is not popularly known as the Bill of Rights.

Because over 200 years have elapsed since Madison's pay raise amendment was first proposed, questions have arisen with respect to the validity of the amendment.

The issue before us is the reasonableness of the ratification period. The Supreme Court in *Coleman v. Miller*, 307 U.S. 433 (1939) set forth objective standards and criteria for determining reasonableness. The principal guideline to be followed by the Congress is to determine whether the issue remains vital and sufficiently contemporaneous so that debate and legislative consideration should be allowed to continue, or whether the proposed amendment has become a dormant issue which can no longer respond to the needs and objectives which generated its initial proposal.

The High Court in *Coleman* held that the reasonable time issue calls for an essentially political judgment as it involves "relevant conditions, political, social and economic * * *." These are the factors Congress must look to in deciding whether these conditions have:

So far changed since the submission [of the amendment] as to make the proposal no longer responsive to the conception which inspired it or whether conditions were such as to intensify the feeling of need and the appropriateness of the proposed remedial action. 307 U.S. at 453-454.

This amendment, although first proposed and ratified in 1789, clearly remains "responsive to the conception which first inspired it". The purpose of the amendment—to prevent representatives from increasing their salaries without an opportunity by the electorate to judge whether the increase is justified—has the same meaning, the same goal, the same aim and the same intended effect when it was ratified in 1992 as it did when it was first ratified in 1789. The rash of recent ratifications testifies that the amendment is vital and contemporaneous.

Under article V, once an amendment has been ratified by three-fourths of the State legislatures, the Constitution does not require that any further action be taken in order to insure the validity of the amendment. Where, however, as in this instance, there may be lingering concerns as to the validity of the amendment, it is appropriate for the Congress to resolve such doubts and recognize the ratification of the 27th amendment.

At my request, specific language incorporating the text of the amendment

ratified by the States was added to the resolution to avoid any unintended ambiguity about our actions here today. I urge my colleagues to support this resolution.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. EDWARDS], the distinguished chairman of the subcommittee that handles these matters on the Committee on the Judiciary and a longstanding member of that committee.

Mr. EDWARDS of California. Mr. Speaker, I thank my chairman for yielding me this time.

Mr. Speaker, the pay amendment has overwhelming support both in Congress and among the States. I supported the congressional pay legislation in 1989 which accomplished much the same goal as this amendment. And I will certainly support the resolution before us today. In addition, to the extent that there may be lingering doubt as to the issue of COLA's or the issue of pay increases initiated by Congress, I urge our leadership to address those issues promptly through legislation.

But there is another, broader issue here that must not be lost sight of—and that is the Constitution itself. The House may decide today to make an exception to the principle of contemporaneous consensus that has been a guiding constitutional principle for most of this century. But it should be clear that this is an exception, not a precedent.

There are other proposed amendments with no time deadlines—including one that would enshrine slavery in our Constitution. It is all very well to say, "Oh, that's a dead letter. No one thinks that one—or any of the others—will be resurrected now." But many said the same thing about this amendment over the years.

I call my colleagues' attention to an editorial in Saturday's New York Times, which I would like to insert in the RECORD at this point. The editorial urges Congress, in accepting this amendment, to put the others to rest. I understand the Senator from West Virginia has a resolution to that effort pending in the other body. I would urge my colleagues to follow this advice and the lead of the other body.

Mr. Speaker, I include the article from the New York Times of May 16, 1992, as follows:

[From the New York Times, May 16, 1992]

THE AGELESS 27TH AMENDMENT

The National Archivist, Don Wilson, has announced he will certify ratification of the constitutional amendment on Congressional pay. Since the Constitution says amendments "shall be valid" when ratified by three-fourths of the states, he is simply confirming the obvious: that 38 states have approved. But serious questions remain.

The amendment is a sensible declaration that when the members of Congress vote themselves a raise, they can't have it until after the next election. That ingeniously blocks challengers from complaining, because the raise goes to whoever wins.

What's wrong about the amendment is the 203-year lapse between the first ratification in 1789 and the 38th last week. If it was O.K. to stretch ratification of the pay amendment over two centuries, then why not give the same leeway to future proposals—including the balanced-budget amendment now percolating?

The Supreme Court said in 1921 that ratifications "must be sufficiently contemporaneous" to reflect the current popular will, "which, of course, ratification through a long series of years would not do." Congress had already begun setting deadlines, usually seven years, starting in 1919 with the amendment that established Prohibition. In 1939 the court affirmed Congress's authority to do so, and added that Congress's word was final.

But no deadline was attached to the pay amendment. To some scholars and members of Congress, the only relevant fact is that the pay amendment has 38 ratifications—and that's that. But this leaves the deadline issue to be rehashed.

If Congress says nothing about the pay amendment, it invites renewed debate on whether future proposals need deadlines. More ominously, inaction would suggest there is no time limit on state legislatures' petitions for a new constitutional convention.

The "contemporaneous" standard has worked well for 71 years. If Congress wants to make an exception for the pay amendment, so be it. But it should do so by joint resolution, accepting this amendment's ratifications but writing *finis* to four other proposed amendments—all outdated or redundant—including a pro-slavery proposal dating from 1861.

The Republic won't stand or fall on this issue. But in its eagerness to accept an amendment that gives members the aura of financial discipline, Congress can exercise constitutional discipline too.

Mr. FISH. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, I thank my colleague, the gentleman from New York, for yielding me this time, and congratulate him and the gentleman from Texas for the resolution that is before us today that puts Congress on record in affirmation of our belief that 38 States, the necessary number of States required, have in fact ratified the original Madison amendment creating the 27th amendment to our Constitution.

Mr. Speaker, 202 years ago James Madison when he first proposed this amendment said that there is some seeming impropriety in allowing three men to put their hands into the public Treasury at will, to pull money from the Treasury freely and put it into their own pockets. He said that there is a seeming indecorum in such practice, so therefore he proposed this amendment.

Madison never really believed that the amendment was necessary, but the true wisdom and enlightenment of those people who put together our Constitution once again is reflected in the wisdom of this amendment.

At the time, only six States ratified the amendment. It was not until 1873

that the seventh State ratified the amendment, and that was my home State of Ohio. Their ratification in 1873 was the direct result of a pay raise that Congress gave itself midterm during that year. The needed States to ratify was not until 1978. Since 1978, 33 States have ratified this amendment.

This amendment today and our affirmation thereof is a very important step in the long process of Congress showing the American people that we are willing to be accountable.

In 1989, when the House last gave itself a pay raise, it inserted the words of Madison in the 1989 Ethics in Government Act and abided by it. The pay raise was voted on. The Members stood before election and the raise did not take effect until the beginning of this 102d Congress.

Unfortunately, the other body did not abide by such rules.

This makes it clearer to everyone in America that no longer in this country are we going to have midnight pay raises.

Mr. Speaker, I want to thank my colleagues in the freshman class on both sides of the aisle who participated in bringing this amendment to light once again and working with the 15 remaining States as of last year who had not ratified it. Since last fall we have been working with eight States around the country, and as you know, several weeks ago the necessary three that we needed to ratify this amendment came into effect.

The gentleman from California mentioned the issue of COLA's. Certainly James Madison when he wrote this amendment 203 years ago never thought of the idea of COLA's, annual cost-of-living adjustments. I think it is clear to me that COLA's under the passage of this amendment will no longer be allowed.

Certainly, if not legally, the spirit of this amendment makes it clear that there should now be no increase in the compensation for Members of Congress unless there is a vote of the people.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Kentucky [Mr. MAZZOLI].

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

I have just been informed by the distinguished Parliamentarian of the House that the only other time that the House has done this, debated a concurrent resolution of this nature, was in 1868 when in order to clarify the ratification process of the 14th amendment, the House produced, as we are today to be voted on tomorrow, a concurrent resolution.

□ 1350

So this is very historic and certainly quite unusual. I think it is appropriate that the gentleman from Texas has brought out this concurrent resolution.

It clarifies the situation about the contemporaneousness of the ratification settling any lingering doubt about the 203 years that have elapsed from the Madison proposal to the ratification. But also it makes a lot of good substantive sense, that there be an intervening election. It sanitizes the actions of the House and the actions of the other body, and,

Mr. Speaker, I think it makes the idea of pay changes more acceptable to the American people. So I salute this resolution both because of its historical precedent and also because of its plain common sense.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, never again will the American taxpayers permit the arrogance which they have been shown over the past 38 years of Democratic leadership in this House. The public has demanded reform and has insisted on the elimination of the perks which have plagued this body.

There are too many career politicians who are too comfortable in Washington and have forgotten about the people back home. The frustration of Americans about the performance of Congress is apparent and well justified. The House bank scandal and the failure of Congress to pass a budget in a timely manner have only served to increase Americans' disgust. Given the ridiculous follies of this Congress, no other perk inflames the American people more than an unmerited pay raise.

In 1789, James Madison, whose district I am privileged to represent, stated,

There is a seeming impropriety in leaving any set of men without control to put their hand into the public coffers to take out money to put into their pockets; there is a seeming indecorum in such power which leads me to propose a change.

So he proposed a constitutional amendment to restrict congressional pay raises.

That amendment states:

No law varying the compensation for the services of the Senators or Representatives shall take effect, until an election of Representatives shall have intervened.

The American people agree that Members of Congress have had their hands in the coffer for too long. This month the Madison amendment received final ratification and became the 27th amendment to the Constitution. This is a success for the concept of accountability to the taxpayers, but it demonstrates how this representative body has failed the trust of the people we are here to represent.

As Thomas Jefferson wrote:

In questions of power let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Mr. Speaker, we must begin to rebuild the American trust. End the mis-

chief and confirm the ratification of the 27th amendment to the Constitution.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, I applaud the decision of the Archivist of the United States, Dr. Donald Wilson, on his decision to certify the ratification of the 27th amendment to our Constitution, the Congressional Compensation Amendment of 1789. It makes good common sense that any effort to raise the pay of Members should take effect only after an intervening election takes place. I have long supported that approach and I am pleased that it will now be set out in the Constitution. I hope that Members will support the resolution agreeing with the Archivist that the amendment should indeed become part of the Constitution.

As Members may know, this amendment was not ratified overnight. It has taken 202 years for the required three-fourths of the States to ratify the amendment. That meant long, hard work by many people. Perhaps no one worked harder for the ratification of the amendment than a constituent of mine, Mr. Gregory Watson of Austin, TX. Mr. Watson discovered the existence of the amendment when doing research as an undergraduate at the University of Texas, and found that only eight States had ratified it as of 1982. Mr. Watson proceeded to embark upon a one-man crusade to have the amendment approved by the remaining States. He worked to have the Texas Legislature approve the 27th amendment, which it did in May 1989, and corresponded with State lawmakers in New Jersey, Missouri, Alabama, Michigan, Illinois, and others. In large part, because of Gregory Watson's doggedness and determination, these States approved the amendment within the past 3 weeks.

Mr. Speaker, I applaud the work of Gregory Watson in helping to make the ratification of the 27th amendment a reality. On May 7, the day that the final and determinative State of Michigan ratified the amendment, I submitted an article from the Austin American Statesman along with my remarks to recognize this historic event and my constituent's role in bringing it about. Today, I would like to submit for the RECORD two additional newspaper articles, one from the Houston Post and one from the Weatherford Democrat, discussing Mr. Watson's persistence. I am proud of the role my constituent has played in helping see this amendment all the way to the Constitution.

[From the Houston Post, May 8, 1992]

PERSISTENCE PAYS OFF ON AMENDMENT

(By Mary Lenz)

AUSTIN.—Thanks to Gregory Watson, 535 elected officials may have to work a little harder for salary hikes. In fact, they could have to face the voters before they collect.

Watson has spent his leisure hours over the past 10 years working to win passage of an amendment to the U.S. Constitution forbidding midterm pay raises for the U.S. Congress.

He said when Michigan ratified the amendment Thursday: "It made me feel wonderful. Today is literally the happiest day of my 30-year life."

Watson, a legislative aide to Rep. Ric Williamson, D-Weatherford, came across the amendment when he was writing a paper in his government class at the University of Texas at Austin in 1982. At that time, only eight states had ratified it.

Watson read that the founding fathers had set no deadline for passing the amendment. His research also turned up a U.S. Supreme Court ruling in 1939 that any amendment without a deadline is still pending business.

That's why most amendments sent out for votes since 1917 have included a deadline for passage, Watson said.

"I got a grade of C on the paper. The professor told me there was no hope that the amendment would be ratified," Watson said.

"I began immediately sending out letters to members of the legislatures in those states that had not yet ratified the amendment," Watson said. "My first success story came in 1983 and that was the state of Maine."

A Georgia native who has worked for Williamson since 1985, Watson said he spent \$5,000 of his own money and hours of his time on the effort.

[From the Weatherford (TX) Post, May 8, 1992]

CONGRESSIONAL PAY AMENDMENT RATIFIED

AUSTIN.—In 1982, Gregory Watson received a grade of C for a college paper in which he argued that an amendment to the U.S. Constitution that was proposed in 1789 was still pending before state legislatures.

"The professor told me this amendment could not pass. I was disgusted," Watson said.

On Thursday, Michigan became the decisive 38th state to ratify the amendment that bars Congress from giving itself a midterm pay raise.

Since writing that paper, Watson, an aide to state Rep. Ric Williamson, has spent much of his spare time prodding other state legislatures to adopt the amendment.

He listened to the Michigan vote over the telephone by calling the office of that legislature's clerk.

"I feel sheer joy," he said. "I was born in Michigan, and I'm particularly delighted that they passed the amendment."

He also feels protective about the measure—an amendment authored by James Madison, the principal architect of the U.S. Constitution and, later, the nation's fourth president.

"If anyone else told you that they dreamed it up, they are a liar," Watson said of efforts to add it to the Constitution.

Madison believed there was "a seeming indecorum" in the power to raise one's own pay. He said any raise voted by Congress should not take effect until after the subsequent house election.

While researching his government paper at the University of Texas-Austin, Watson stumbled onto Madison's idea. At that time, Watson said, members of Congress had just voted themselves a special tax break.

"It struck me that that was a very sneaky backdoor pay raise, and I felt that it was time to do something," he said.

Over the years, Watson, now 30, wrote state lawmakers across the nation, urging

them to introduce the resolution through their legislatures. He estimates about a year of his life, and \$5,000 of his money has been spent on the project.

"In April 1983, the first success story was in Maine. Then in April 1984, it was Colorado. Then it began to snowball," he said. Texas ratified the amendment in 1989.

Now the question is whether there is any legal backing to an amendment that took so long to ratify.

Watson has no doubts.

"My position is the amendment has been ratified today," he said.

Only a member of Congress can challenge it in court, and Watson wondered aloud which congressman would file such a lawsuit.

As far as his dubious former government professor, he said, "I don't know where she is now. But it proves those academicians are badly out of touch with the real world."

Mr. FISH. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LAGOMARSINO].

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

Mr. Speaker, the best test of an idea is time, and time has clearly come down on the side of James Madison's lost amendment. Madison is known as the father of the U.S. Constitution, and the ratification of his congressional compensation amendment by the States clearly demonstrates both the timeless and timely quality of his thinking. The concerns prompting it are as valid today as they were when Congress adopted it in 1789 and sent it to the States for ratification.

The fact that this amendment has withstood the test of time is the best argument for its ratification. In fact, it's more popular today than it was in Madison's time—precisely because we have witnessed the potential for abuse of Congress' power to determine its own compensation. No one should have unchecked power to set their own salary. It's a clear case of conflict of interest.

It was this concern which led me to join with our former colleague—now Senator—TOM HARKIN, and current colleague, the gentleman from Texas, Mr. Archer, in 1976 in reviving Madison's congressional pay amendment. Only seven States had ratified it at that time—six in the 2 years following its submission and one, Ohio, in 1873, nearly a century later.

In 1977, I reintroduced Madison's amendment as House Joint Resolution 57 on the first day of the 95th Congress, and have reintroduced it in each subsequent Congress. The small wave we made then has since grown into a groundswell and then a tidal wave, as Wyoming becomes the eighth State to ratify in 1978, followed by Maine in 1983, Colorado in 1984, then a damburst of States starting in 1985 to the present—aided in no small way by repeated attempts, most of them successful, by this body to raise its pay.

Mr. Speaker, I strongly believe that an election is a contract between the

officeholder and the voters, and that you should be willing to serve for the agreed-upon compensation until the contract is renewed, in our case 2 years later. That's why I have voted against every attempt to raise our pay, and have donated my share of the increase to charity. I felt the 1989 Ethics in Government Act was a watershed, in that Congress finally recognized the logic of Madison's amendment by statutorily requiring an intervening election before the effective date of any future pay raise. However, the Senate quickly made it obvious why a constitutional amendment was needed, by overriding the statutory provision and voting itself an immediate pay raise shortly after the 1990 election. On that day, the amendment's ultimate ratification was assured. Congress, in fact, had no more to say about it.

So there is a very good argument to be made, in my opinion, that this vote today on the House floor is meaningless from a legal point of view. The Madison amendment has either been ratified or it has not been ratified—I happen to believe it has been ratified—but in any event, Congress was discharged from its duty in this regard over 202 years ago, in 1789, when it approved the amendment and sent it to the States for ratification.

In fact, about the only point still to be determined is the question of whether the amendment applies to or allows an automatic cost of living raise, as was provided for in the 1989 act. My advice, Mr. Speaker, is to concede defeat and observe the clear intent of the amendment. I, for one, will not accept any cost of living increase until an election has intervened.

In conclusion, Mr. Speaker, I will vote for this resolution, since it adds the final imprimatur of the 102d Congress to the Madison ratification marathon. But I see it merely as a gesture of affirmation, since I am convinced that the race has already been won, regardless of what we may do. And that, as they say, is history, thanks to James Madison and his wonderful idea that every action of Congress should ultimately be held accountable to the voter. In this House, as it was said long ago, the people do rule.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to a distinguished member of the Committee on Appropriations and a distinguished lawyer, the gentleman from Iowa [Mr. SMITH].

□ 1400

Mr. SMITH of Iowa. Mr. Speaker, the principal issue here is not whether or not there must be a delay until after the next election before a pay raise can be granted. That has already been established. The House has followed that procedure and virtually all agree on that principle. But the principle of contemporary consensus, the principle that certain procedures should be fol-

lowed in amending the Constitution is too important to ever waive just because it appears popular at the moment. The Constitution is a very, very special document that should very seldom be amended and then only under the procedures outlined in the Constitution. The Constitution contemplates that Congress will write the proposal and two-thirds of the States would ratify it. Of course, they contemplated that people living in the same time period would participate in both the authority and the ratification. That is a principle that is far too important to ever waive, and a mere resolution that it would supposedly prevent the same procedure being followed with other amendments pending since Civil War times is meaningless. Such a resolution could be overridden at any time by a mere majority vote of the Congress.

In addition to that, the amendment that we are talking about has been misrepresented widely in the news. It has been widely misrepresented here today. This amendment is not only about pay raises. It is about varying pay either up or down. It prohibits reductions in pay as well as increases in the same term, and in view of the 1980 case of United States versus Will, it clearly applies to increases resulting from automatic adjustments. In that case, the court said a COLA could not be denied the court because of the constitutional provision relating to courts. Now that there is a constitutional provision relating to Congress, the congressional COLA could not be denied either when the Member is elected, their pay scale, including the provision for a COLA was set, and it now cannot "vary" either up or down during that term. The elimination of the COLA for Congress which was the subject of the Will case could not be applied to either Congress or the courts in the future. That is not only the spirit of the new constitutional amendment, it is the plain reading of the amendment when interpreted consistent with the precedent and interpretation in the Will case.

At the same that the Constitution was adopted, the fear was that there would be powerful interests and wealthy people who would try to control the Government, try to interfere with the independence of judges by reducing their pay. This amendment does not just apply to pay raises. It applies to pay reductions. It says, The Congress cannot "vary" the pay during a term of office. "Vary" is not synonymous with "raise" or "increase".

Now in the case of article III, it says that judges' pay shall not be diminished. It is very specific. It shall not be diminished during their term of office, which is life. Hamilton wrote in *The Federalist*, he said, "In the general course of human nature, a power over a man's subsistence amounts to a power

over his will." They were afraid that people, wealthy people, powerful people, remembering back to what had happened in England, would try to control the Government, try to control the independence of the courts by eliminating those who could not serve without adequate compensation or could be influenced by threatening to reduce the subsistence that depended upon. So they were not just interested in pay raises. They were talking about varying the compensation in any way.

So, Mr. Speaker, the amendment has been widely misrepresented, both in the press and here on the floor as only affecting pay raises and not prohibiting reductions in a COLA. I think the principal of contemporary consensus is a principal we should not make an exception for. We are not going to raise pay effective in this term anyway, but this constitutional amendment would also mean no Congress could reduce pay either during a term of office, and that includes, I think, the COLA's as set forth in United States versus Will.

Mr. FISH. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, normally I would be yielding to my colleague, the gentleman from New Jersey [Mr. ZIMMER], but I think the appropriate place to respond to my friend is right now.

Mr. Speaker, it has been stated that we are making an exception today. Both in the late 1970's, 1978 when we considered the extension of time in which to ratify the equal rights amendment and voted to extend that from 7 to 10 years, and today the principle has been laid down and accepted, the Supreme Court principle with respect to reasonableness, and that is contemporaneous and vital, and I submit that we are not making any exception to the guidelines today. Since 1983, 32 States have ratified the Madison amendment. That is within 9 years, well within the normal 10-year span that we could have named for any ratification. I submit that number of States to show an interest in the 1980's and 1990's is a clear example that this issue is both contemporaneous and vital.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I rise in support of the resolution. I am proud to do so, having played some small role in the ratification of the Madison amendment, first as a member of the New Jersey Legislature, where I sponsored the ratification solution, unfortunately not with immediate success, and then as a Member of the freshman class of the 102d Congress, which on both sides of the aisle has lobbied effectively to make sure that 38 States ratified the amendment. New Jersey became No. 39, but I am pleased that it was mentioned in the certification by the U.S. Archivist this week.

The question of contemporaneous approval has been brought up, and it has been one that has been debated by scholars over the years, but I think in this case, with this amendment, it is quite clear that what Mr. Madison was proposing is every bit as fresh today as it was more than 200 years ago. Certainly there are amendments that were proposed to the Constitution that are now obsolete and archaic, such as the amendment limiting the population of a congressional district to 5,000 people, the amendment enshrining the inviolability of slavery in the Constitution and the amendment permitting the Federal Government to enact child labor laws. These are no longer necessary. In some cases they are completely moot or irrelevant.

However, Mr. Speaker, there could be nothing more relevant than Mr. Madison's idea. What Mr. Madison gave as his explanation for this amendment is something that I hear from my constituents at my town meetings every time I go back to my district, and I believe that the idea is contemporaneous and the rationale behind the ratifications is exactly the same as the rationale more than 200 years ago.

What Madison and what the ratifiers of this amendment wanted to protect the public against was the ultimate congressional perk—the ability to raise our own salaries without consulting with our employers, the people who elected us.

So, Mr. Speaker, I am delighted to be here as part of this process that recognizes the final ratification of the great work that James Madison began more than 200 years ago.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. APPLGATE].

Mr. APPLGATE. Mr. Speaker, I appreciate the time that the gentleman from Texas [Mr. BROOKS] has given to me.

Mr. Speaker, I think when I walked in here earlier I heard wrong. The gentleman from Kentucky [Mr. MAZZOLI], my friend, said that his amendment would be easier for the people to accept, and I would agree with that. But I am going to say this, that I do not think people are going to accept any kind of a raise for Congress as long as Congress continues to sit on their rear ends and do nothing for the people, to have this continuously denigrate this system, to spend time arguing about bounced checks and who is using what perks, and we do not address the issues or come up with any resolutions of the issues that are really facing this country today.

What are we going to do about the economy? What are we going to do about health issues? What are we going to do about helping the poor? What are we going to do about getting our country on line again?

That is what the people want to know. They would not mind giving a pay raise.

I support the Madison amendment because I think it makes good sense, and I say this: Most States do that already, and I served in the Ohio Legislature, and that is the way we did it there. But I would like to see the CEO's in this country who operate the big companies, I would like to see them limited because they are making so much money.

Mr. Speaker, five of the top CEO's in the country who control the corporations, each one of them makes more money than all of the Members of Congress put together, all 535. The man from Coca-Cola made \$86 million last year; from Heinz, \$75 million; from Medco, \$35 million, and Nicholas Nicholas from Time-Warner made \$80 million, and this year they fired him. They told him to get out of town, and they gave him \$24 million to go along with him.

Mr. Speaker, that is the way they work it, and I would like to see limits for the CEO's in this country. Bring them back down to earth, and then maybe we can get a little bit more common sense and a little better perspective of what is going on.

I support this amendment. It makes very good sense.

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

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I am pleased to be able to vote today to remove any question about the validity of the final ratification by the States of the new 27th amendment to the Constitution of the United States. This amendment, written by James Madison in 1789, states:

No law, varying the compensation or the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

This amendment is a good idea whose time, after 203 years, has finally come. It was originally suggested by Mr. Madison as one of a group of 12 amendments to the Constitution; 10 of the 12 were quickly ratified by the necessary vote of three-quarters of the State legislatures and became the Bill of Rights.

Although it has taken over two centuries for the pay raise amendment to finally make it into the Constitution, that does not diminish the fact that it belongs there. For Congress to raise its own pay in midterm is at best unseemly and at worst evades its accountability to the people who elect it.

I've worked on this issue since I arrived in Congress, and even before. I served in the Colorado General Assembly, whose members have long been prohibited by our State constitution from raising their own pay until there

is an intervening election. I voted in 1984 for the ratification of this amendment to the U.S. Constitution.

After I came to Congress, I introduced legislation to provide that any congressional pay raise be deferred until the start of the Congress following the one in which it is enacted and to require that any vote on a pay raise be made by a recorded vote. In May 1989, I wrote to the presiding officers of each of the 24 State legislatures that had not yet ratified Mr. Madison's amendment, urging them to do so. Nine colleagues joined in that correspondence.

Consistent with my effort to change the law on congressional pay, I have taken personal actions in advance to conform to the intent of this amendment. Since I was sworn in as a Member of Congress in 1987 I have donated any pay raise taking effect between elections to educational, health care, child care, and other community programs, including this year's I will donate the cost-of-living increase. Altogether, by the end of this year, I will have donated \$33,000, the full amount of these pay increases, to various charities in Colorado. Whatever the legal experts may say about the effect of the new 27th amendment on automatic cost-of-living increases, I will continue to donate to charity any congressional pay increase, including a cost-of-living increase, that takes effect before I've again been held accountable to the voters in an election.

I therefore have no question about the importance of changing the current system of setting congressional salaries the way the 27th amendment does. I've seen the difference it makes to people, for them to see Members of Congress who are elected to a job paying one salary, not changing their pay during that term in office.

This is an important reform that will help restore the public's trust in Congress and help us deal with the congressional salary issue in a responsible manner. Given the modern sentiment about Congress, Mr. Madison's idea is, if anything, even more significant today than it was in 1789.

Mrs. BOXER. Mr. Speaker, I support the 27th amendment to the Constitution which would require an intervening election before a congressional pay raise would be permitted to go into effect. Allowing citizens to have a say in whether or not a Member of Congress is fulfilling his or her obligations to the people—before becoming eligible for a pay raise—is a matter of vital importance. Thus, I believe it is necessary that we enshrine that principle in our Constitution. With this action we are saying to the American people, "We believe you are in the best position to determine whether we are doing our jobs well enough to merit additional compensation."

Ms. SNOWE. Mr. Speaker, I rise to express my support for the 27th amendment to the Constitution and for the resolution supporting the amendment which is before us today.

Mr. Speaker, the author of this amendment explained the need for it quite clearly back in 1789 when he said:

But there is a seeming impropriety in leaving any set of men without control to put their hand into the public coffers, to take out money to put in their pockets.

Making any congressional pay raise prospective in nature is as valid an idea today as it was in 1789. I only regret that it has taken 202 years for this issue to be settled.

For my part, I started trying to convince Congress this was a good idea back in 1981 when I first introduced legislation which included provisions requiring a recorded vote on any salary increase for Congress and which prohibited an increase from going into effect until the start of the succeeding Congress. I introduced this legislation for five Congresses until similar provisions were included in the passage of the Government Ethics Reform Act of 1990.

Changes in the President's income are, by law, prospective. Why should Congress be any different?

Mr. OWENS of Utah. Mr. Speaker, I rise in strong support of efforts to affirm the ratification of the 27th amendment.

At the time of the 1989 pay raise, this amendment was the guiding principle behind my actions. I did not accept that raise as my own income until the beginning of the 102d Congress. Until that time, I put all my additional income to student scholarships. The 27th amendment, and my actions behind the pay raise, were also consistent with the wishes of the Utah Legislature, which ratified the bill on February 26, 1986, and I unequivocally support its passage.

Mr. Speaker, the only legitimate point of contention is the issue of contemporaneity. Courts have ruled, understandably, that ratification of an amendment must be indicative of the will of the people at the time of enactment. As we are the representatives of the will of the people, we can clear up this legal matter simply by affirming ratification of the amendment on the House floor. After all, we are the representatives of the will of the people.

Mr. Speaker, the 27th amendment is as timely now as it was in 1789. Had it been ratified 200 years ago, the Founding Fathers would have spared their modern-day successors a great deal of headache. In affirming the legitimacy of the amendment, we have an opportunity to affirm to the American people that we don't always act out of our own self-interest, but for the sake of good government.

Mr. KYL. Mr. Speaker, I rise in support of the resolution, House Concurrent Resolution 320.

The ratification process has taken a great deal longer than James Madison ever envisioned—203 years. But, the proposed amendment, which has now been ratified by 40 States, is as relevant today as it was 203 years ago.

The new 27th amendment will ensure that Members of Congress cannot vote themselves a pay raise and accept that raise without first standing accountable to the voters at election time.

I had sponsored legislation, the Honest Compensation Act, 3 years ago that included a nearly identical provision requiring an inter-

vening election before a pay raise could take effect. The idea is a simple one: To require accountability to the public Congress serves.

I am pleased to rise today in support of the resolution which recognizes that a prohibition on midterm pay raises for Members of Congress has now been added to the law of the land, the U.S. Constitution.

Mr. RINALDO. Mr. Speaker, I rise in support of the bill to affirm the ratification of the 27th amendment to the Constitution. The amendment will prevent any pay raise that Congress votes for itself from taking effect until after an intervening election.

We are taking up this measure because of the length of time that has passed since the first States ratified the new amendment. At least when a constitutional amendment has been around for over 200 years, no one can say that there has been insufficient time for debate on it.

Some questions have been raised about the validity of State ratifications that took place in the late 18th century, and whether these votes reflect contemporary sensibilities. No one who remembers the public outrage over the most recent congressional pay raise, however, can doubt that modern Americans feel the same way that their forefathers did on this issue.

The spectacle of Members of Congress raising their own pay is repugnant to most Americans, and no matter what we are paid, many people feel that it is too much. Very few other Americans have the ability to set their own pay, and they resent the virtually unlimited discretion that we have had to increase our own salaries. They don't care how infrequently we raise our pay or how much private-sector executives with similar responsibilities are compensated.

At the same time, the Constitution requires that the compensation for Members of Congress must "be ascertained by law." Since there is no other tribunal making Federal law, Congress effectively is required to establish the salaries for its Members, according to the Constitution.

Various efforts to set up independent commissions to determine the appropriate salary for Members have not been enough to overcome the public's revulsion at the sight of us passing another raise for ourselves. The new 27th amendment to the Constitution will help to overcome the perception that sitting Members are benefiting directly from a vote on raising congressional pay. Since no Member is guaranteed reelection, those who pass a pay raise may never get to receive it, according to the new amendment. This modification in the pay raise procedures should help to overcome the public's suspicion that congressional salary increases are motivated only by greed and self-interest.

Approving this measure is one more step that we can take to reinstall our constituents' confidence in Congress as an institution where they are represented. I urge my colleagues to join me in passing this important legislation.

Mr. CLAY. Mr. Speaker, in view of the apparent ratification of Mr. Madison's proposed amendment to the Constitution, relating to the compensation of Members of Congress, I believe it timely to express my views on the effects of such amendment. The amendment provides that: "No law, varying the compensa-

tion for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Under existing law there are three methods by which the pay of Members of Congress may be adjusted. The Committee on Post Office and Civil Service, which I chair, has jurisdiction, along with the Committee on House Administration, over legislation dealing with Members' pay and has been intimately involved in the development of the statutory provisions governing the adjustment of Members' pay.

Obviously, the salaries of Members of Congress may be adjusted by the enactment of legislation specifically changing the rates of pay. This was the method employed by Congress prior to 1967 to effect changes in Members' pay. This method also was utilized as recently as 1989 when, pursuant to the provisions of the Ethics Reform Act of 1989, Public Law 101-194, the salaries of Members of the House were increased. There can be little argument that the Madison amendment would clearly apply to any adjustment in Members' pay resulting from the future enactment of legislation, and that such an adjustment could not take effect until an election of Representatives has intervened.

In order to establish some degree of rationality and timeliness in the process of adjusting the salaries of Members, Federal judges, and top-level executives, the Congress, in 1967, enacted legislation which established a Commission on Executive, Legislative and Judicial Salaries—commonly referred to as the Quadrennial Commission. This legislation, section 225 of the Federal Salary Act of 1967, Public Law 90-206, was developed and reported by the Committee on Post Office and Civil Service.

The purpose of the Commission was to conduct quadrennial reviews of the rates of pay of Members, judges, and executives and recommend appropriate adjustments in those rates to the President. The President, in turn, is required to submit to the Congress his own recommendations, based on the Commission's report.

Originally, the Act provided that the President's recommendations would become effective automatically, unless within approximately 30 days after submission, the Congress enacted a statute establishing different rates of pay, or one of the Houses of Congress disapproved the recommendations.

In 1989, Congress substantially amended the provisions of section 225 of the Federal Salary Act of 1967. Section 701 of the Ethics Reform Act of 1989 established a new Citizens' Commission on Public Service and Compensation in place of the former Commission and substantially altered the Commission's procedures. Most significantly, the Act now requires that the President's pay recommendations must be approved by the enactment of a bill or joint resolution passed by a recorded vote in both Houses and, if so approved, the salary increases may not take effect until there has been an intervening election of Representatives (section 225 (j)).

In the recent mad rush to embrace the Madison amendment, many of its proponents have conveniently overlooked the fact that the Congress has already adopted that same pol-

icy with respect to any future pay adjustments resulting from the Quadrennial Commission's review and recommendations.

The third method of adjusting salaries of Members of Congress involves the annual pay comparability increases that are provided to most Federal employees. In 1975, the Congress enacted the Executive Salary Cost-of-Living Adjustment Act (Public Law 94-82) which was developed and reported by the Committee on Post Office and Civil Service. This act provided for automatic adjustments in the rates of pay of executives, judges, and Members of Congress equal to the overall average percentage of the annual comparability adjustments in the rates of pay under the General Schedule. In 1989, Congress changed the method by which the annual comparability adjustments for Members and top officials will be determined (section 704 of the Ethics Reform Act of 1989). Under present law, the rate of adjustment will correspond to the percent of change in the Employment Cost Index (ECI), less one-half of 1 percent. The ECI is the quarterly index of wages and salaries for private industry, as published by the Bureau of Labor Statistics. The effective date of the pay adjustments for Members and other top officials will correspond to the effective date of the adjustments in the pay rates under the General Schedule.

As noted earlier, these adjustments, based on the ECI, are automatic and do not require the approval or any other action of the Congress to take effect. In view of this fact and since the comparability adjustments are effected pursuant to legislation enacted by the Congress in 1975, as amended in 1989, I firmly believe that the Madison amendment has no application to such annual adjustments.

I do appreciate that other Members may have a different opinion, and I expect that legislation will be proposed to clarify the applicability of the Madison amendment to the annual ECI adjustments for Members of Congress. I strongly believe, however, that any legislation proposing to make additional changes in the pay comparability provisions applicable to Members of Congress or other top officials should not be considered in the House until the Committee on Post Office and Civil Service has been afforded the opportunity to thoroughly consider and approve such legislation.

□ 1410

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 320.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed until Wednesday, May 20, 1992.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the concurrent resolution just considered.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Before moving to the next order of business the Chair wishes to clarify the announcement made earlier today.

As to any votes ordered on the Suspension Calendar, with regard to any item other than the matter just taken up by the House on which the vote was postponed until tomorrow, any other votes will be postponed until the end of legislative business today.

DISPOSAL OF COBALT FROM THE NATIONAL DEFENSE STOCKPILE

Mr. BENNETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4880) to reduce the stockpile requirement for, and authorize the disposal of, cobalt from the National Defense Stockpile.

The Clerk read as follows:

H.R. 4880

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

SECTION 1. REDUCTION IN STOCKPILE REQUIREMENT FOR COBALT.

Pursuant to section 3(c)(4) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(c)(4)), the National Defense Stockpile Manager may reduce the stockpile requirement for the quantity of cobalt to be stockpiled under that Act to 40,446,597 pounds.

SEC. 2. AUTHORIZATION FOR THE DISPOSAL OF COBALT.

The table of authorized disposals in section 3301(b)(2) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1583) is amended by inserting after the item relating to bismuth the following new item:

"CobaltLB6,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BENNETT] will be recognized for 20 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 20 minutes.

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

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

Mr. Speaker, H.R. 4880 would reduce the stockpile requirement for cobalt to 40.4 million pounds, and authorize the sale of 6 million pounds of cobalt consistent with recent assessments of the

requirements of cobalt for the national defense. Any sale of cobalt would be required to be carried out under current law, that provides that sales shall be conducted so as to avoid undue market disruption.

The Strategic and Critical Materials Stock Piling Act—(50 USC 98 et seq.)—provides that significant changes in national defense stockpile goals can only be made by law. Additionally, authorization for the sale of stockpiled materials must be made by law.

A recent study by the Department of Defense reevaluated stockpile requirements and concluded that the quantity of cobalt necessary for national defense has declined as a result of changes in the anticipated threat. The study concluded that a quantity of 40.4 million pounds of cobalt in the stockpile is sufficient for a 3-year war scenario, and that the current inventory of cobalt, 53.2 million pounds, could be reduced.

On March 12, 1992, the Acting General Counsel of the Department of Defense transmitted to the Speaker of the House a legislative proposal to reduce the goal quantity of cobalt to 40.4 million pounds and to authorize the sale of 6 million pounds of cobalt.

Cobalt is presently in short supply in the world market because of a supply disruption, and sale of excess cobalt at this time can be expected to result in very advantageous prices. In addition, sale now can be expected to alleviate shortages of cobalt and help assure adequate supplies of cobalt are available.

Mr. Speaker, I urge that the House pass H.R. 4880.

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

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

Mr. Speaker, Chairman BENNETT has ably explained the effect of this legislation, and I concur fully with his remarks. The political problems in Zaire, the world's largest supplier of cobalt, have curtailed supplies of cobalt in 1991 and probably in 1992.

DOD has determined that the national defense stockpile has an excess supply of 12.8 million pounds of cobalt on hand. H.R. 4880 would authorize the disposal of only 3 million pounds annually for a 2-year period.

The Seapower and Strategic and Critical Materials Subcommittee recently held a hearing on this legislation, and heard testimony from various administration witnesses who all supported this disposal of cobalt. These witnesses included: Colin McMillan, Assistant Secretary of Defense for Production and Logistics; John D. Morgan, Chief of Staff, Bureau of Mines; and John A. Richards, Deputy Assistant Secretary of Commerce for Industrial Resource Administration.

We have an opportunity to receive an excellent return on our investment in cobalt, and I urge the passage of this bill.

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

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. BENNETT] that the House suspend the rules and pass the bill, H.R. 4880.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the bill just passed.

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

There was no objection.

AIRPORT AND AIRWAY SAFETY, CAPACITY, AND INTERMODAL TRANSPORTATION ACT OF 1992

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 457 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 457

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4691) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993 and 1994, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed two hours, with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill, as modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution, as an original bill for the purpose of

amendment under the five-minute rule, said substitute shall be considered by title instead of by section and each title shall be considered as having been read, and all points of order against said substitute, as modified, are hereby waived. It shall be in order to consider en bloc the amendments printed in part 3 of the report of the Committee on Rules, if offered by Representative Walker of Pennsylvania or his designee, and said amendments en bloc shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. After the disposition of all other amendments to said substitute, as modified, it shall be in order to consider the amendment printed in part 2 of the report of the Committee on Rules, if offered by Representative Rostenkowski of Illinois or his designee, and all points of order against said amendment are hereby waived. Said amendment shall not be subject to amendment, or to a demand for a division of the question in the House or in the Committee of the Whole, except for pro forma amendments for the purpose of debate. Upon disposition of said amendment no further amendment to the amendment in the nature of substitute, as modified, shall be in order. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the Committee of the Whole to the bill or to the amendment in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1420

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair recognizes the gentleman from Texas [Mr. FROST] for 60 minutes.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. Mr. Speaker, all time yielded during the debate on House Resolution 457 is yielded only for purposes of debate.

Mr. Speaker, House Resolution 457 is a modified open rule providing for the consideration of H.R. 4691, a bill to amend the Airport and Airways Improvement Act of 1982 to authorize appropriations for fiscal years 1993 and 1994. The rule provides for 2 hours of general debate. One hour of the debate time is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. Thirty minutes of the second hour is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and the final 30 minutes of debate time is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology.

Mr. Speaker, H.R. 4691 was reported from the Committee on Public Works

and Transportation and authorizes funding of programs within that committee's jurisdiction in fiscal years 1993 and 1994. The Committee on Science, Space, and Technology was not referred H.R. 4691, but did report H.R. 4557, the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992, which contains matters relating to aviation research within the jurisdiction of that committee. In addition, Mr. Speaker, the Committee on Ways and Means reported a committee amendment which creates a revenue-related title to H.R. 4691.

The rule recommended by the Committee on Rules provides that when the bill is considered for amendment under the 5-minute rule that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and now printed in the bill. The rule further provides that the amendment in the nature of a substitute shall be considered as modified by the amendment consisting of the text of H.R. 4557 recommended by the Science Committee which is printed in part 1 of the report accompanying House Resolution 457 and that the modified text shall be considered as original text for the purpose of amendment. Mr. Speaker, this is a complicated way of saying that the Committee on Rules has combined the text of the two reported bills for the purpose of consideration.

The rule also provides that the substitute, as modified, will be considered by title rather than by sections, with each title considered as having been read. House Resolution 457 also waives all points of order against the substitute as modified.

The rule provides for the en bloc consideration of the amendments printed in part 3 of the report accompanying this rule, if those amendments are offered by the gentleman from Pennsylvania [Mr. WALKER] or his designee. The Walker en bloc amendments are not subject to division in the House or in the Committee of the Whole. The rule also provides that after the disposition of all other amendments, that it shall then be in order to consider the amendment recommended by the Committee on Ways and Means which is printed in part 2 of the report accompanying House Resolution 457. This amendment is to be offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] or his designee, and all points of order against the amendment are waived by the rule. The Ways and Means Committee amendment is not subject to amendment, except for pro forma amendments, nor is it subject to a demand for a division of the question. After disposition of the Ways and Means Committee amendment, no further amendments to the substitute as modified are in order under the rule.

Finally, Mr. Speaker, the rule provides that at the conclusion of the con-

sideration of the bill for amendment, the committee shall rise and report the bill to the House, and that any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by House Resolution 457. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4691, as modified, would provide authorization for 2 fiscal years to establish a number of programs to fund airport development and improvements to the Nation's aviation infrastructure to meet the needs of the 1990's. The bill provides authorization for \$19.3 billion for aviation programs during fiscal years 1993 and 1994. Aviation programs include grants for airport development and airport planning, airway facilities and equipment, Federal Aviation Administration operations, and aviation weather services. Additional funds are authorized in both fiscal year 1993 and 1994 for aviation research.

Mr. Speaker, H.R. 4691 is important legislation and needs to be acted on by the House. I urge adoption of the rule so that we may proceed to the consideration of this most needed legislation.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my good friend, the gentleman from Texas [Mr. FROST], for yielding to me.

Mr. Speaker, I want to commend Chairman ROE and the ranking Republican member, JOHN PAUL HAMMER-SCHMIDT, for their tremendous work on the Public Works and Transportation Committee. They will be sorely missed when they retire this year.

I also want to commend them, along with the chairman and ranking Republican member of the Science, Space, and Technology Committee, for supporting this modified open rule request.

In fact, of the three open rules provided this year, two have been requested by the chairman and ranking member of the Committee on Science, Space, and Technology.

I would like to suggest that we expand the jurisdiction of the Science, Space, and Technology Committee so that more bills can be considered under open rules.

I am concerned, however, about the way this rule treats the Rostenkowski amendment regarding the 10-percent airline ticket tax. The 1990 budget agreement increased the airline ticket tax from 8 percent to 10 percent through 1995. But it earmarked the increase for deficit reduction, through the end of 1992. Granted, this amendment would extend the deficit reduc-

tion earmark through 1995, so it is not a new tax increase provision.

But many of us opposed the 1990 budget agreement, and would happily vote to repeal this and other tax increases. In fact, last month, I introduced a bill to repeal \$154 billion of the income tax and excise tax increases enacted as part of that budget agreement.

Unfortunately, this rule does not permit amendments to repeal the airline ticket tax increase as an alternative. The rule does, however, allow the distinguished ranking Republican member of the Science and Technology Committee, BOB WALKER, to offer an en bloc amendment to bring the funding levels in the bill in line with the President's request.

I urge my colleagues to support that amendment, I urge adoption of the rule.

Mr. Speaker, for the RECORD I include the statement of administration policy.

STATEMENT OF ADMINISTRATION POLICY

H.R. 4691—AIRPORT AND AIRWAY SAFETY, CAPACITY, AND INTERMODAL TRANSPORTATION ACT OF 1992

The Administration supports House passage of H.R. 4691, but will seek Senate amendments to:

Delete the linkage between the authority to levy Passenger Facility Charges and specified levels of contract authority.

Delete the provision creating a commission to study the airline industry. The industry has already been, and continues to be, the subject of comprehensive and objective studies.

Authorize the Federal Aviation Administration (FAA) to institute a new program to hire retired military controllers at low-activity air traffic control towers. This will provide a cost-effective means of staffing selected low-activity locations while offering military retirees alternative employment at a time of downsizing. (Low-activity towers are no longer used as training facilities for air traffic controllers. This eliminates the expense of relocating controllers into higher activity facilities at the conclusion of their training.)

Authorize the FAA to increase its involvement in intermodal airport access improvements and in the local intermodal transportation planning process.

Pay-As-You-Go Scoring: H.R. 4691 provides permanent spending authority for certain fees currently collected by the FAA. This would increase direct spending. Therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990. No offsets to the direct spending increases are provided in the bill. A budget point of order applies in both the House and the Senate against any bill that is not fully offset under CBO scoring. If, contrary to the Administration's recommendation, the House waives any such point of order that applies against H.R. 4691, the effects of this legislation would be included in a look back pay-as-you-go sequester report at the end of the Congressional session.

OMB's preliminary scoring estimates of this bill are presented in the table below. Final scoring of this legislation may deviate from these estimates. If H.R. 4691 were enacted, final OMB scoring estimates would be published within five days of enactment, as required by OBRA. The cumulative effects of

all enacted legislation on direct spending will be issued in monthly reports transmitted to the Congress.

Estimates for pay-as-you-go
(In millions of dollars)

Outlays:	
1992	—
1993	0.4
19944
19954
19964
19974
1992-97	2.0

Mr. Speaker, I yield 1 minute to my friend, the gentleman from Pennsylvania [Mr. CLINGER].

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

Mr. Speaker, I rise in strong support of this rule. As the gentleman from California [Mr. DREIER] has indicated, this is an open rule. It does allow any and all amendments. The only restriction is on the amendment to be offered by the chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], which is in essence correcting a drafting mistake that was made when the reauthorization bill was passed 2 years ago which directed that the increase in the ticket tax would be dedicated to deficit reduction, and, because of a drafting error, it was instead allocated to the aviation trust fund. This merely corrects that and says that those funds will now be dedicated to deficit reduction.

Mr. Speaker, that is the only exception, as I understand it. The rule is open, and I would join the gentleman from California [Mr. DREIER] in commending the openness of this rule and hope that we can see the precedent established here continue.

Mr. DREIER of California. Mr. Speaker, I am happy to yield 2 minutes to my good friend, the gentleman from Ohio [Mr. GRADISON], a member of the Committee on Ways and Means.

□ 1430

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

Mr. Speaker, I do not rise to question the rule or indeed this legislation but merely to warn my colleagues of a possible sequester of all mandatory accounts in fiscal year 1993 and beyond if this bill is passed in its present form.

Section 202 of the bill would provide new permanent spending authority from certain fees currently collected by the FAA. This spending authority would be used for pilot and aircraft foreign repair stations certifications.

I am not opposed to the policy behind this provision, but I would hope that in conference the provision would be made subject to the normal appropriations process. Both CBO and OMB estimate that section 202 would result in direct spending of about \$440,000 per year, beginning in fiscal year 1993 through 1997. Thus, the 5-year cumu-

lative effect is over \$2 million. This direct spending is subject to pay-as-you-go rules under the Budget Enforcement Act of 1990. Granted, this is not a large amount of money in terms of the total deficit, but Members should be aware that passage of this bill would lead to an across-the-board cut in mandatory accounts within the pay-as-you-go category, which are subject to such sequester.

Such accounts would include Medicare, Medicaid, and agricultural support payments, unless offsetting savings are enacted in some other program before the Congress adjourns.

Mr. Speaker, I would urge that section 202 of this bill either be dropped in its present form or be made subject to the normal appropriations process as the conferees meet to work out the conference agreement on this very important reauthorization bill.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Ohio for his important contribution. I would like to say that we do support this modified open rule. We have concerns, as I said, about the Committee on Ways and Means provisions.

I should say, once again, that we are very enthused on this side about the prospect of having what is I known as the 5-minute rule. We have had calls that have come from staff members to our office stating, "How does my Member handle being recognized under an open rule?"

Once again, we will have Members seeing that, and I urge adoption of this rule.

Mr. HAMMERSCHMIDT. Mr. Speaker, I support this rule.

I was pleased to join with Chairman ROE, Chairman OBERSTAR, and the ranking subcommittee member, Mr. CLINGER, in their request for an open rule on the bill reported by the Committee on Public Works and Transportation. The Rules Committee has proposed to grant that request here.

The bill that is the subject of this rule is a good one and all Members will have an opportunity to offer amendments if they choose to do so.

I would urge the adoption of this rule by the House.

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

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 457 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4691.

□ 1434

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. 4691) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993 and 1994, and for other purposes, with Mr. BARNARD in the chair.

The Clerk read the title of the bill.

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

The gentleman from New Jersey [Mr. ROE] will be recognized for 30 minutes; the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 30 minutes; the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 15 minutes; the gentleman from Texas [Mr. ARCHER] will be recognized for 15 minutes; the gentleman from California [Mr. BROWN] will be recognized for 15 minutes; and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

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

Mr. Chairman, the Public Works and Transportation Committee is bringing before the House today the Airport and Airways Safety, Capacity, and Intermodal Transportation Act of 1992 which will merge our aviation system into the national intermodal transportation system we began to create last year.

Our Aviation Subcommittee Chairman JIM OBERSTAR, and the ranking republican member, BILL CLINGER, deserve high praise and compliments for their work on this outstanding, visionary legislation. I also want to thank the committee's ranking Republican member, JOHN PAUL HAMMERSCHMIDT, for his assistance. I also want to pay my compliments to the staff of the Aviation Subcommittee for their very capable assistance.

This legislation, H.R. 4691, will continue the development of the national intermodal transportation system which we began last year with the Intermodal Surface Transportation Efficiency Act of 1991. We are bringing the same concepts of intermodality, coordination and interconnections to the aviation system.

H.R. 4691 authorizes funding for the expansion and modernization of our aviation system to meet the needs of the 1990's. It also begins the process of merging our aviation system into a single national intermodal transportation system that is absolutely essential for our Nation to remain competitive in the global economy.

The need for expansion and modernization of the aviation system are clear and well-documented. Passenger

enplanements are expected to increase during the decade of the 1990's from 454 million in 1990 to 732 million in 2000, a 61-percent increase.

H.R. 4691 authorizes a total of \$19.3 billion for the aviation system for fiscal years 1993 and 1994, of which \$14.5 billion is from the airport and airways trust fund, supported by a ticket tax and other use-related taxes paid by the users of the aviation system.

It should be made absolutely clear that this is a trust fund supported program. Fully 75 percent of the funds authorized in this bill are derived from the aviation trust fund. General revenues are used only for one-fourth of the program to cover a part of the Federal Aviation Administration's operations.

At the levels authorized in H.R. 4691, full use will be made of the \$5 billion contributed each year to the aviation trust fund by the users of the aviation system. In addition, the outrageous and unacceptable \$7.5 billion balance in the trust fund will be drawn down by \$1.1 billion.

The bill authorizes \$4.1 billion from the trust fund for development and expansion of the Nation's airports. If we do not make this investment in airport expansion, we will cost our economy billions of dollars in lost productivity and we will further undermine our ability to compete in the global economy.

Currently, 23 of the Nation's top 100 airports are unacceptably congested but many more are likely to be congested by the end of the decade because of enormous growth in passenger and cargo traffic that is projected.

In addition to increasing capacity through the expansion and construction of airports, we can improve the efficiency and safety of the entire system and accommodate additional traffic through a modernized air traffic control system. This legislation authorizes \$5.6 billion for the Federal Aviation Administration to proceed with its modernization program.

The committee has also decided that now is the time for a comprehensive, thorough and detailed examination of the condition of the entire aviation system. We cannot wait any longer while the number of U.S. airlines continues to dwindle.

We have created a national commission to promote a strong and competitive airline industry, to examine the financial condition of the airline industry, the adequacy of competition and the legal impediments to a financially strong and competitive industry. The commission is to report back to Congress early next year.

Our committee is deeply concerned about the condition of the Nation's airlines. We do not believe that the Congress can stand by and do nothing as one airline after another disappears from the airways.

On another major issue concerning expansion of our aviation system, the

implementation of passenger facility charges authorized in 1990 has been discussed at length in committee. We discussed the plan of the Port Authority of New Jersey and New York for a \$2.5 billion program to improve ground transportation to its three airports: Newark International, La Guardia, and Kennedy. The Port Authority is planning to use revenue from its passenger facility charge, as well as locally generated funds for this ambitious program.

I fully and strongly endorse the Port Authority's position on this issue. The Port Authority's program complies with the letter and the spirit of the law regarding the use of PFC funds for ground transportation improvements. It should not be blocked or frustrated by the FAA or any other national bureaucracy in violation of existing law. It simply doesn't make any sense and it is no good to anybody to have a great airport if our citizens can't get to it.

It should also be made clear that there is no legal authority to hold the Port Authority PFC application hostage to any dispute over noise policy.

The noise issue will be addressed further by my colleague from New Jersey, Mr. RINALDO, who will offer an amendment to the Science, Space, and Technology committee title.

I would also like to address the Ways and Means Committee's technical amendment to take the added revenue from the 1990 tax increase for fiscal year 1991 and 1992 out of the trust fund and place them in the general fund. Our committee will not object to this change because it is clear that the Ways and Means amendment conforms to the 1990 agreement.

However, I want to emphasize that we maintain our strong philosophical objection to the use of transportation-related user fees for general revenue purposes. We regard the use of the aviation taxes for the general fund as a one-time agreement. In the future, there must be no exceptions to the longstanding policy that all revenues received from users of the transportation system should be placed in the trust fund and used for transportation purposes.

H.R. 4691 is legislation that is absolutely critical to our Nation's ability to compete in the global marketplace. It means improved movement of people and goods, increased economic development and great productivity growth. I urge the Members of the House to vote for H.R. 4691.

□ 1440

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

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

Mr. Chairman, the last reauthorization of the aviation programs was a

major piece of legislation. It included both the passenger facility charge and the national noise policy.

The reauthorization bill we consider today will not have such far-reaching provisions. It is more in the nature of fine-tuning.

Nevertheless, it does make some important changes to existing law that will help airports and the aviation system. For example:

It will increase funding for the airport improvement program, the facilities and equipment program, and the operations of the FAA;

It will provide more money for cargo airports, former military airports, and airports beset by problems of aviation noise; and,

It will make it easier for airports to meet the costs imposed by Federal mandates such as environmental laws and the Americans With Disabilities Act.

It should also be noted that this is a well-balanced bill, one that is fair to both large airports and small airports.

For example, it raises the maximum entitlement for large airports from \$16 to \$22 million. At the same time, it also raises the minimum entitlement for small airports from \$300,000 to \$400,000. The bill increases funding for large airports through the cargo entitlement and noise set-aside, while, at the same time, it gives small airports new opportunities to fund improvements to their terminals and parking lots.

Probably the most important balance struck between large and small airports is embodied in the linkage provision. That provision links continuation of the passenger facility charge to full funding for airport improvements and essential air service.

I recognize that some airports are concerned about this provision. However, it seems only fair that if large airports can get the billions of dollars raised through the PFC, small airports should be able to get a small essential air service in place.

One of the more contentious provisions in this bill involves disadvantaged business enterprises. Currently, the law provides that, to the maximum extent practicable, 10 percent of a primary airport's concessions involving sales of consumer products, such as food, beverages, and printed materials, be owned or controlled by DBE's. This bill would expand the current set-aside to include services as well.

While this expansion is controversial, it is not without some key limitations. One important limitation is that the provision would not cover fixed-based operators, airlines or their suppliers. Another is that a company could not be required to change its corporate structure to help the airport meet the 10-percent goal. Nor could an airport place a business at a competitive disadvantage if it were not practical for

that business to enter into joint ventures, partnerships, subleases, or direct ownership arrangements.

Finally, it should be noted that the bill specifically provides that the Secretary of Transportation may issue a national rule authorizing the use of vendor programs for certain industries at all airports. This would permit concessions and service companies to use their purchases from suppliers to meet the 10 percent minority goals. Such a rule should be issued for the car rental industry and for other companies which operate as unified national concerns at airports.

In conclusion, Mr. Chairman, I was pleased to join with Chairman ROE, Chairman OBERSTAR, and Mr. CLINGER in cosponsoring this legislation. They all really did some heavy lifting to get such a good bill to the House floor so expeditiously. I now urge this body to support it as well.

Mr. ROE. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished chairman of our Subcommittee on Aviation, who has done an outstanding job in his leadership throughout his term here in Congress.

Mr. OBERSTAR. Mr. Chairman, I thank the chairman of our full committee, the gentleman from New Jersey [Mr. ROE], and I want to return the compliment. The chairman of the full committee has devoted an enormous amount of time and his exuberant energy to the study of the issues of aviation, the only subcommittee I think on the Committee on Public Works and Transportation that he has not at one time or another chaired, only because he was chairing another full committee at the time that aviation really came into focus. But, Mr. Chairman, you have given us enormously of your time, your energy, and the latitude to bring forth out of subcommittee a bill that meets the needs of aviation, and you have backed both the gentleman from Pennsylvania [Mr. CLINGER] and myself in our endeavors, and we greatly appreciate that.

We are given to miss your energy and your initiative and your enthusiasm for the Nation's infrastructure next year as you leave this body to go on to other pursuits. They will be ones I am sure that will be close to the growth of America and the ways that the underpinnings of this society, its great infrastructure, make possible, and we know that you will be leading a fight in other ways and other capacities toward those purposes.

I also want to express my appreciation to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member of the full committee for his kind words, and for the splendid partnership and for his dutiful participation in every one of the hearings that we have had on the subcommittee. The gentleman from Arkansas has always

been there and given us his interest, his support, and the benefit of his many years of experience in this body, and his wisdom.

To my friend and colleague, the gentleman from Pennsylvania [Mr. CLINGER], with whom I have served for 10 years in the capacity of chair and ranking member in partnership, first on the Subcommittee on Economic Development, then on the Subcommittee on Investigations and Oversight, and now on the Subcommittee on Aviation. To him I say thank you for your diligence, your participation, and for being a willing victim of the hearings that we have endlessly had. At times I am sure the gentleman sees more of the subcommittee than he does of his own family. But it has produced a splendid result, of which we can both be justifiably proud.

And I say to the gentleman from New Jersey, our chairman, thank you for recognizing our dedicated and able staff who are really superb. They deserve every bit of commendation which you so justly already lavished upon them.

"Every airport in this country is crowded and overcrowded. The Nation's airports must expand or aviation will come to a halt." So said Mayor Joseph Hartsfield, the mayor of Atlanta, at a hearing of a House Committee on Aviation in 1958. Mayor Hartsfield was appealing for a public program, a Federal Government program of support for aviation at the dawn of the jet age.

"There is a need to expand capacity at the Nation's airports and to double their number and size by the year 1975." So said the Chairman of President Eisenhower's Commission to Study Aviation, also in 1958.

□ 1450

Both predictions, both observations, were on the mark, and just in the nick of time. For once, the Nation heard, the Congress responded, the executive branch participated, and we did launch a program of Federal support for airports.

In 1958 only seven States in the United States had any kind of public support for aviation. It was mostly an issue for cities and countries where local economic development was important and where local leadership saw aviation as a way to stimulate jobs, growth, and economic expansion.

In 1958, at the threshold, the dawn of the jet age, the Federal Government became a partner with localities, and in every decade since then there has been a need to expand capacity at the Nation's airports and to enhance the ability of the Nation's air traffic control system to move aircraft safely and in greater numbers through the system.

The legislation we bring to the House today continues that initiative.

Two years ago we were at a similar crossroads. In 1990, the FAA reported

that there were 114 million hours of delay at the Nation's airports, crossing air travelers well over \$5 billion. It was estimated then that if the delay could be reduced just 1 hour a day, it would save the Nation's airlines \$80,000 a day and save air travelers a commensurate amount of money.

This subcommittee set about dealing with the problem, addressing it. We undertook a survey, the gentleman from Pennsylvania [Mr. CLINGER] and I, with the airport and aviation interests across this country, to determine what were the capacity needs on the physical side of airports, what were the air traffic control requirements, what did we need to do from 1990 to the end of this decade to enhance capacity, reduce congestion, and make airports more efficient and keep our airlines competitive.

The legislative that we amend today is the base line that came out of those discussions, expanding investment to the Airport Improvement Program, committing the Nation to a \$25 billion program of modernization of the air traffic control system over the balance of the decade, spending what we anticipate will be more than \$20 billion in AIP funds, and additional passenger facility charge funds on airport capacity expansion and enhancement and in upgrading the professionalism of the air traffic control system by investing more resources in the personnel of air traffic control. Some \$5.5 billion in passenger facility charge generated money is being invested, is being invested in airport expansion. Airports of all sizes are proposing passenger facility charge programs to expand airports. Examples are:

Baltimore/Washington: \$144 million.

Buffalo: \$190 million.

St. Louis: \$138 million.

Las Vegas: \$500 million.

Nashville: \$151 million.

Midland, TX: \$188 million.

Philadelphia: \$76 million.

Phoenix: \$188 million.

New Denver: \$2.33 billion.

Twin Falls, Idaho: \$270 million.

I could go on and on, but airports are thinking big, and I applaud them for this. FAA will closely scrutinize these applications, but it is clear that actions of the Congress in 1990 are making a lot of airport capacity expansion happen that would not be taking place otherwise.

The Committee on Appropriations has kept its commitment with this committee to invest funds in the airport improvement side as have the Office of Management and Budget and the Department of Transportation.

We have begun, but the job ahead of us is enormous. It cannot be done with wishes. It cannot be done with promises. It can only be done ultimately backing a ready mix truck up to the runway, pouring concrete, and expanding and enhancing our Nation's run-

ways, taxiways, and parking aprons, and that is what ultimately this legislation does. It keeps the momentum going on airport capacity expansion, enhancement, and competition in the Nation's airways.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. CLINGER], the distinguished ranking member of the Subcommittee on Aviation.

Mr. CLINGER. Mr. Chairman, I thank the gentleman, my ranking member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], for yielding me this time.

Mr. Chairman, I want to join with those in echoing the sentiments of those who have said how much we are going to miss our chairman, the gentleman from New Jersey [Mr. ROE], and our ranking member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], who have provided such outstanding leadership for this committee over the many years and the many contributions they have made to some extraordinarily significant pieces of legislation in the last 2 years, specifically the ice tea legislation of last year, and this legislation carrying on the airport improvement program that was enacted 2 years ago.

They deserve enormous credit for the leadership that they have provided, and certainly the support that they have provided to my chairman, the gentleman from Minnesota [Mr. OBERSTAR], and myself, and to the gentleman from Minnesota [Mr. OBERSTAR], who has indicated that I have been his Sancho Panza to his Don Quixote on some of these issues over the years, and it has been a real delight and pleasure to work with him. Sometimes we have tilted at windmills, but quite often we have accomplished much and made some real contributions to better transportation, and most of that is due to his hard-driving energy and creativity in addressing these issues.

He has superbly outlined what we have in this bill, and the fact that we are building on a revolutionary program that we adopted 2 years ago with the PFC's and with the noise component. We have really made some dramatic changes in aviation policy.

I represent a rural area, and I think the thing that I like about this bill is that it recognizes that we need a national aviation policy, not one that just focuses on the larger cities but recognizes that our smaller communities, smaller cities are going to need to have good airport services, good aviation services, both cargo and passenger, if they are going to participate in ongoing economic development in this country.

So what this bill does is provide that kind of assurance to these smaller communities, and the smaller airports

are going to share in the programs provided by this bill.

The airport improvement program is going to provide up to 75-percent funding for eligible construction activities at airports for items such as runways, taxiways, and terminal buildings, but I hasten to point out that even these seemingly small airport projects can quickly, and indeed do, run into millions of dollars of costs in the construction of a runway to serve commuter aircraft, and the type of airports that I represent can easily exceed \$5 million.

Mr. Chairman, consequently, smaller communities have had a difficult time in the past in raising the 25-percent remaining share required for these projects. This bill changes the matching ratio for smaller airports and raises the Federal share to 85 percent for eligible projects. It also makes a couple of significant exceptions for small airport terminals, making eligible the entire terminal building. That is an addition to what we have provided 2 years ago, including areas that will be used to house concessions as well as non-revenue parking lots.

Mr. Chairman, the bill also continues a program that is very near to my heart and, I know, to the gentleman from Arkansas [Mr. HAMMERSCHMIDT] and others, and that is the essential air service program at the existing funding levels.

The bill also links the Secretary's authority to approve passenger facility charge applications with full funding for essential air service. We think that that is an important provision to ensure that we have the kind of commitment to the smaller airports that require the essential air service.

Mr. Chairman, these features are going to build on reforms which I indicated were begun 2 years ago, and in the last authorization bill. More than ever small communities are reliant on air service in order to attract new industry, create jobs, and improve the quality of life for all of its citizens, and for these reasons, I would strongly urge support for this bill.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. BLACKWELL], a respected member of this committee.

Mr. BLACKWELL. Mr. Chairman, I rise today to strongly support H.R. 4691, the Airport and Airway Safety, Capacity, and Intermodal Transportation Act of 1992. This legislation, approved by the Committee on Public Works and Transportation on which I am privileged to serve, reauthorizes and strengthens airport development programs. These programs will generate thousands of jobs directly through airport construction projects and other work to maintain and enhance the capacity and safety of our air transportation system.

Mr. Chairman, I want to commend Chairman ROE and Chairman OBERSTAR

for their outstanding leadership on this legislation. I am especially grateful for their assistance with report language that I sponsored to clarify that pre-bid conferences and technical assistance are allowable costs under the Airport Improvement Program, and to encourage the use of such conferences and assistance for the benefit of disadvantaged business enterprise [DBE] contractors and subcontractors. Disadvantaged business enterprises as well as airports should gain from this language.

The provisions of H.R. 4691 will also generate thousands of additional jobs because they will improve our intermodal transportation system. The international dimension of our economy will continue to increase, making convenient access to global markets critical to our Nation's future. H.R. 4691 will improve the integration of our air transportation system with other modes of transportation, to form intermodal networks. These intermodal networks will greatly improve our competitiveness for jobs to produce for the international marketplace.

Mr. Speaker, I have carefully reviewed and fully support the proposed amendments that are being offered to H.R. 4691 by my colleagues. Mr. Chairman, I urge my colleagues to join with me in support of this great legislation.

□ 1500

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], a distinguished member of the committee.

Mr. SHUSTER. Mr. Chairman, last year this committee and this Congress passed the largest infrastructure bill in the history of our country. It was thanks in large measure to the tremendous leadership of the chairman, the gentleman from New Jersey [Mr. ROE], and the ranking member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], that we were able to come together to pass legislation that aimed at the 21st century, that aimed at improving surface transportation, highways and public transit across America.

Now today the Committee on Public Works and Transportation under the same leadership and the subcommittee leadership of the gentleman from Pennsylvania [Mr. CLINGER] and the gentleman from Minnesota [Mr. OBERSTAR], once again bring to this floor legislation that every Member of this body, Republican and Democrat, conservative and liberal, can be very proud to support.

Why? Because this is legislation that will improve our Nation's aviation system for years to come. Indeed, this legislation perhaps more than ever in the past is balanced legislation which not only provides the so badly needed funding for our great urban airports, but

also provides funding so badly needed for our smaller cities and rural areas.

I would say to my colleagues in particular from rural America that you can be very proud to support this legislation because it does indeed provide for the adequate funding which rural America so badly needs.

For the first time, we have increased by one-third the minimum funding available to small airports and for the first time we have said that terminals as well as nonrevenue producing parking areas can also be eligible for funding, and for the first time we have increased the Federal share of funding for terminals from 75 to 85 percent. So rural America can indeed participate fully as we develop our Nation's aviation system looking to the 21st century, not a disconnected system of only large urban areas being taken care of, but an integrated, interconnected system where rural and urban America are able to interface with each other and provide better aviation for the future of our country.

Indeed, yes, particularly for those fiscal conservatives who do not like to support many spending programs, here is one we all can support because most of the funding for this program comes out of the aviation trust fund, the fairest form of taxation there is, the people who get the benefit pay the tax and a deficit-proof program whereby the only money that can be spent is the money that can be spent is the money that is available in the aviation trust fund to be spent.

So we should come together, Mr. Chairman, and overwhelmingly support this legislation and send it to the Senate and on to the President so we can get on with providing America with an improved aviation transportation system as we move to this next century.

Every Member can indeed be proud to say he has made a positive contribution in this Congress to the betterment of the future of our country.

Mr. ROE. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. LIPINSKI], a distinguished member of the committee.

Mr. LIPINSKI. Mr. Chairman, I rise in support of this legislation.

I would like to compliment the chairman of the committee, the gentleman from New Jersey [Mr. ROE], and the ranking Republican on the full committee, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], on the full committee. I am sorry that we will not be working in the future together. Both these gentlemen are retiring, and I am going to miss them personally. They have contributed a great deal to this committee in the time that I have been on it.

I would also like to congratulate the subcommittee chairman, the gentleman from Minnesota [Mr. OBERSTAR], and the ranking minority member, the gentleman from Pennsylvania

[Mr. CLINGER], for all the work they did on behalf of this legislation.

Mr. Chairman, I am pleased to see that H.R. 4691 funds the Airport Improvement Program at levels higher than present law.

The \$2 billion for fiscal year 1993 and the \$2.1 billion for fiscal year 1994 are clear indications that the Public Works Committee believes in continuing a strong Federal investment in our Nation's aviation system.

I can only hope that our colleagues on the appropriations committee and in the other body will share our commitment on this subject.

Over the next 2 years, the authorized funding levels will continue to spend down the aviation trust fund, something that I have always encouraged. Again, it is my hope that the full funding authorized in this bill will be appropriated.

There has been considerable discussion on the merits of continuing to link the passenger facility charge program with the full funding requirements of the AIP and essential air service programs.

When this bill was before the full committee, I offered an amendment designed to protect the future of the PFC program.

This was necessary because the strict linkage provisions of the bill would certainly have jeopardized the city of Chicago's third airport project and the future projects of other airports.

My amendment was overwhelmingly adopted by the full committee and if left intact, will accomplish what it was designed to do—protect Chicago and any other city that has its PFC approved before the end of fiscal year 1993.

The concept of linkage as a means of ensuring the full funding of two other programs is still retained in this bill.

However, I do not agree that this is the best way to insure full funding of either the AIP or the EAS program. The PFC is a means for this Nation's airports to increase their capacity and to increase their capabilities at the same time. This in turn will lead to new employment opportunities and help to further pull our economy out of its present recession.

However, the benefits derived from PFC's can never be realized if the program continues to be jeopardized. In the future, I would encourage the leadership to remove the PFC linkage altogether. All three programs should be allowed to stand alone—on their own merits.

Let me move away from the linkage issue for a moment to say that I am pleased the bill contains language which encourages the continued development of tiltrotor aircraft.

I would like to strongly urge the Secretary of Defense to discontinue his current policy of refusing to spend funds that have been both authorized

and appropriated by Congress. The military development of the V-22 Osprey must be allowed to continue and it is up to the Department of Defense to ensure that the will of Congress is carried out.

I am just one of many who desire to see the civilian applications of this highly promising technology explored further. Unfortunately, the Secretary's continued impoundment of the program's funding virtually guarantees the cancellation of the military tiltrotor program. If the military program is terminated, whatever civilian benefits this aircraft might provide will continue to be prevented from reaching the American people.

The Nation needs this technology to be further developed. I for one, do not intend to sit quietly by and watch some other country develop and market tiltrotor aircraft just because we have dropped the ball. Already, Japanese firms have begun to realize the potential benefits of tiltrotor technology and I fear that this American invention will soon go the way of the video cassette recorder.

Think of it: In just a few years, Americans will be forced to purchase tiltrotor technology from our overseas competitors. At the same time, the American aerospace industry will be forced to continue to lay off American workers.

Mr. Chairman, at this point I would like to have a recent article from the Philadelphia Inquirer inserted into the RECORD. It details Japan's interest in America's tiltrotor program. Again, I would like to thank my colleagues on the committee, and especially the committee chairmen and ranking members for their leadership. I urge my colleagues to support the substitute bill.

Mr. Chairman, I include the following article from the Philadelphia Inquirer of Sunday, April 12, 1992, as follows:

THE OSPREY: INVENTED IN UNITED STATES,
BUILT BY JAPAN?

(By Mark Thompson)

FORT WORTH, TX.—When Japan's powerful minister of international trade and industry toured the United States in 1990, he asked to see only one thing being built by Americans.

Hikaru Matsunaga wanted a glimpse of Boeing and Bell Helicopter's radical new aircraft, the V-22 Osprey, a hybrid combining the best of helicopters and turboprops.

He came away impressed. "If you produce this aircraft, I guarantee you we will buy it," he told his hosts after touring the Bell factory here. "If you do not, I guarantee you we will build it."

The Japanese are keeping that promise. As the Pentagon and Congress argue over whether the United States can afford the revolutionary plane, a tiny Japanese firm has set up shop just 15 miles from the Texas plant and is hiring key Bell workers to build its own version. Other parts of the craft are being made by Boeing workers in Ridley Township, Delaware County.

Supporters of the aircraft worry that it may become the equivalent of the video-cassette recorder—a technology worth billions of dollars invented in the United States but

perfected and sold worldwide by the Japanese.

Taiichi Ishida, whose grandfather, Taizo, transformed Toyota Motor Corp. from a small automaker to worldwide dominance, has hired former Bell officials as his company's president, vice president and chief engineer, key designer, and top pilot.

The allure of the plane is its ability to take off like a helicopter and then fly like an airplane, cruising at more than 300 m.p.h., up to three times the speed of conventional choppers.

Both engines on the craft's fixed wings can be pointed upward, allowing it to take off and land like a helicopter, but tilt forward once airborne so it can fly like an airplane. In the Japanese version, the entire wing with its attached engines is positioned upward on takeoff, then swivels to the normal horizontal position of a fixed-wing aircraft.

Such aircraft would be ideal for the roughly 4 of every 10 U.S. commercial flights that are 300 miles or less, experts say.

"I am fully convinced that the civil tilt rotor or tilt wing will eventually become a reality," said James Muldoon of the Port Authority of New York and New Jersey. "The United States can either develop and export this technology or end up buying it back from overseas."

Buying it back is looming as the more likely option.

Last week, the former Federal Aviation Administration official responsible for monitoring development of both aircrafts said he believed the Japanese version, the Ishida TW-68, would be approved by the U.S. government for commercial sale before the American model is.

"Mr. Ishida has a bundle of money," said Jim Honaker, who was in charge of tilt-aircraft certification for the FAA until he retired a month ago. "Bell has slowed down and almost stalled, while Ishida is pressing right on."

Honaker's conclusion—backed by officials at both Bell and Ishida—is surprising. V-22s have been flying for more than three years; the first flight of Ishida's aircraft is at least four years away.

The Marines are paying Bell and its partner, the Boeing Co., nearly \$2 billion to build six V-22 prototypes designed to ferry troops from ship to shore. The companies were relying on a Pentagon order for 657 V-22s to convince commercial airlines of their value.

But now the Pentagon wants to kill the V-22, a decision supported by President Bush, as a way to dent the military budget.

Frank Gaffney Jr., a former Pentagon official who now heads the Center for Security Policy, an independent military think tank, believes Defense Secretary Dick Cheney is being shortsighted.

"A premium should be applied in those Defense Department deliberations to programs that offer multiple benefits for the country—broader, perhaps, than just the parochial interest of the department," he said.

Cheney's decision takes on additional significance as the U.S. aerospace industry feels the effect of defense-budget cuts and the lingering recession. A tilt-rotor program could revitalize the industry. The U.S. government predicts a global market for nearly 5,000 of the planes by 2010.

Congressional supporters have kept it alive, barely, by funneling money to it over Cheney's objections.

"The tilt-rotor will be build," said Rep. Pete Geren (D., Tex.), whose district is home to both Bell and Ishida. "The only question is whether the hull is going to read 'Made in the U.S.A.' or 'Made in Japan.'"

"Ishida has made a deliberate effort to steal the technology away from us after we've invested nearly \$3 billion in it," said Rep. Curt Weldon (R., PA.), whose district is home to the Boeing V-22 plant in Ridley Township, Delaware County. "We're in danger of losing the next aviation breakthrough and having the Japanese sell it back to us."

Ishida's president, J. David Kocurek, who worked on the V-22 during his 10 years at Bell, said the company "did not start up to compete with Bell," but Kocurek acknowledged that Ishida's proximity and links to Bell had been "an emotional problem."

Kocurek downplays the idea of cut-throat competition.

"Is it really any different from putting a Ford dealership across the street from a Chevy dealership?" he said as engineers a floor below built mockups of the TW-68.

Kocurek believes that designing the Ishida craft from the ground up for the commercial market gives it an important edge over Bell. Unlike the V-22, Ishida's craft is being made small enough to operate from existing heliports.

The company's low overhead—there are only 25 employees now—and pioneering mindset mean it can produce an airplane for half the cost of an established commercial airplane builder. "That's our real advantage," Kocurek said.

Smallness and simplicity also mean lower price: About \$6 million for the 14-seat TW-68 compared with about \$18 million for the 31-seat V-22. But Kocurek says his smaller aircraft could be expanded quickly if the market warranted it.

Most important, the TW-68 isn't dependent on government money. That's because it has access to the deep pockets of Taiichi Ishida, whose grandfather, Taizo, ran Toyota from 1950 to 1971.

Although the V-22 program will cost an estimated \$2.5 billion, U.S. officials estimate the cost of developing the TW-68 at "close to \$1 billion." Ishida officials suggest, without being specific, that it will be only half that much.

Taizo Ishida founded the secretive Ishida Group, of Nagoya, Japans conglomerate that remains the largest holder of Toyota stock. Five years ago, Ishida officials began studying ways to build an aircraft that wouldn't require Japan to turn as much of its cramped islands into airports.

In Texas, they found Cecil Haga who left his V-22 job in 1988 after 2-years at Bell to design tilt-wings of his own. In 1990, the Ishida Group created Ishida Aerospace Research to build Haga's TW-68 design. Work on the first model begins this summer.

Ishida plans on flying its first TW-68 in 1996 and winning FAA approval to sell it by 1998.

Meanwhile, Cheney and Congress remain at loggerheads over the V-22's fate.

"That standoff does run the risk that sooner or later we'll have something of a train wreck here," Cheney recently said. "We address it one way in the Pentagon, the Congress addresses it a different way, and at this point we've got a deadlock."

□ 1510

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 3 minutes to the gentlewomen from New York [Ms. MOLINARI], a distinguished member of the committee.

Ms. MOLINARI. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in support of H.R. 4691. This legislation builds on

the work the Committee on Public Works and Transportation enacted earlier this Congress. At the close of the last session, we passed the intermodal Surface Transportation Efficiency Act, H.R. 4691 builds on the philosophy espoused in that legislation and will continue our efforts to revolutionize the Nation's transportation network.

The New York metropolitan area depends on its three major airports for travel and commerce. It is essential that the movement of people and goods to and from these airports is as efficient as possible. H.R. 4691 addresses this vital link and merges our airport and airway system with the overall intermodal system. The bill will enable the Port Authority of New York and New Jersey to vastly improve access to Newark, La Guardia, and JFK.

While New Yorkers depend on the efficient operation of area airports, they expect the airport operators, users, and regulators to respect their needs. Unfortunately, when it comes to aircraft noise, the industry and the FAA have turned a deaf ear to the concerns of their neighbors.

The Port Authority of New York and New Jersey is seeking to address the aircraft noise problems that impact communities surrounding its three airports. Yet, in a desperate attempt to thwart this proposal and deny relief to the most noise-impacted people in the United States, the FAA has blatantly distorted the intent of the Airport Noise and Capacity Act of 1990.

The gentleman from New Jersey, [Mr. ROE], the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and the gentleman from Pennsylvania [Mr. CLINGER] allowed us to craft report language that properly refutes the revisionism of the FAA. The Aviation Subcommittee staff has done an excellent job in documenting the legislative history of the 1990 act. The language in the accompanying report illustrates that the FAA has no authority to withhold approval of the Port Authority's PFC proposal because of the Port Authority's plans to place local restrictions on stage 2 aircraft.

The law here is clear. The FAA has no authority to refuse to approve a PFC on the grounds that the FAA does not approve of an airport's restriction on stage 2 aircraft. The 1990 act recognizes that it is permissible for local airport operators to enact local stage 2 restrictions. Congress allowed for local restrictions because the national plan provides no assurance that particular airports will receive any benefit from the national standard. The national noise standards call only for a phase-out on a national basis and do not require any reduction in noisy aircraft operated at particular airports. Complimentary local restrictions will ensure that all airports share in the benefits.

The quality, efficiency, and responsiveness of our aviation industry and infrastructure will be key factors in competing in the global market of the 21st century. H.R. 4691 will ensure that our Nation's airports are ready to meet the challenges of this demanding marketplace. To secure this competitive edge, I urge my colleagues to support H.R. 4691.

Mr. Chairman, this legislation, H.R. 4691, is just one reason why serving on the Committee on Public Works and Transportation is so fulfilling. The gentleman from New Jersey [Mr. ROE], the chairman, and the ranking member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], are two more very special reasons. Mr. Chairman, I am grateful to serve under their leadership this past year.

The CHAIRMAN. The Chair will announce that the gentleman from New Jersey [Mr. ROE] has 8 minutes remaining, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] has 16 minutes remaining.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. MORAN].

Mr. MORAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in support of H.R. 4691, the Airport and Airway Safety, Capacity, and Intermodal Transportation Act of 1992.

This legislation is a great step forward in supporting our Nation's aviation program and infrastructure and will provide much relief to the airport that we all use—National Airport—as well as the numerous neighborhoods which surround it and lie in its flight paths.

When northern Virginians think of our two major airports—National and Dulles—we unfortunately don't think of the economic growth or convenience they bring to our region. Rather, we primarily think of noise. Therefore, while we maintain our vigilance that noise restrictions are followed or against an expansion of slots, I am pleased that this legislation addresses a number of issues related to noise.

First, I thank the Public Works and Transportation Committee for addressing the issue of noise submission by increasing the percentage of Airport Improvement Program funds which can be used for noise abatement from 10 percent to 12.5 percent. Second, I urge my colleagues to support those amendments which will help to alleviate aircraft noise through increased soundproofing of homes, research into the quieter jet engines, and ensuring that the FAA consider the effect of noise in approving airport expansion plans.

I am also pleased that the committee increased funding to allow the FAA to increase employment of air traffic controllers to 18,128 by 1993. Over the past year I have heard from a number of constituents who are air traffic con-

trollers complaining about the shortage of such personnel and their concern that the current system is at maximum capacity. Finally, I am encouraged that funding for conversion of former military airports to civilian use has been increased as well—anything we can do to affect conversion of our defense infrastructure to civilian use is certainly in the best interest of our Nation.

H.R. 4691 is a far-reaching bill. It addresses important issues such as safety, business development, and oversight, and I urge my colleagues to support it.

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

Mr. ROE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. LAUGHLIN], a member of the committee.

Mr. LAUGHLIN. Mr. Chairman, I rise in support of this legislation and would like to compliment the chairmen of the subcommittee and the full committee, Mr. OBERSTAR and Mr. ROE, and the ranking minority members of the subcommittee and full committee, Mr. CLINGER and Mr. HAMMERSCHMIDT, for the outstanding job they did in fashioning this bipartisan legislation.

I would also like to take this opportunity to address a matter of particular concern to me that has been resolved by an amendment which I offered in committee and which was adopted with bipartisan support. I am referring to the very laudable program that encourages disadvantaged business enterprises to participate in airport concession activities.

The committee took the step of clearly and unambiguously expanding the DBE program to include airport concession services as well as products, opening up a new horizon of opportunity for minority businesses at airports. In doing so, the committee recognized that there are situations in which common sense and basic fairness dictate that flexibility in meeting DBE goals is necessary.

Accordingly, the Secretary of Transportation is given the discretion to authorize certain concessionaires to use vendor programs, under which goods and services are purchased from minority enterprises, instead of requiring such concessionaires to provide for minority participation through joint ventures, partnerships, subleases, and other arrangements. As a practical matter this would have disruptive and harmful business consequences for some concessionaires and involve subsidization by some concessionaires of their direct competitors. These vendor programs bring significant social and economic benefits throughout the minority community by enhancing business opportunities and stimulating employment. They are widely recognized as a valuable tool in assisting minority economic development.

The committee bill recognizes that airlines have unique business and operational characteristics and, therefore, airlines are exempted from the DBE program. Car rental companies, whose operations are national in scope, have many of the same characteristics, and in my view are a good example of where flexibility is needed to achieve DBE goals. Like airlines, car rental firms are fundamentally different from other airport businesses.

They are capital intensive; utilize 800 numbers and a national reservation system that accounts for up to 90 percent of their business. Additionally, they have many national accounts; market and advertise nationally in intense competition with each other; purchase and maintain large fleets of mobile equipment used in interstate commerce; and operate their location on a uniform basis to ensure quality and efficiency for their customers. Like airlines, the business and operational characteristics of car rental firms do not vary from location to location. I hope and expect that the Secretary will recognize these realities and promptly promulgate a rule which would allow car rental firms to comply with any DBE requirements that might be imposed by an airport through vendor programs and thereby avoid the administrative nightmare that would ensue if this national issue were to be decided on the basis of political consideration at individual airports.

Car rental companies have varied ownership characteristics. If flexibility were not allowed for car rental companies, a DBE rule that could be implemented satisfactorily and fairly to one company could cause manifest hardship on another company to the detriment of its employees, shareholders, and the economy.

A lack of flexibility would also destroy the ability of car rental firms to participate meaningfully and effectively in a program designed to bring real and lasting benefits to the minority community. For this reason, I offered an amendment in committee, which was adopted with unanimous bipartisan support, to ensure that the law does not require a business to change its corporate structure—that is, to transfer corporate assets or engage in joint ventures, partnerships, subleases, or comparable arrangements—to meet the goals of the DBE program. This means quite clearly that in the case of car rental firms, these changes in corporate structure cannot be required as a condition of eligibility for participation in the bidding process for airport concessions. Likewise, since car rental firms cannot reasonably and feasibly change their corporate structure on an airport-by-airport basis, they should not be penalized in the bidding process for not doing something that they cannot reasonably and feasibly do.

I would expect this recognition and reality to be reflected very clearly in the new rule which the Secretary will issue, and that all methods of compliance with DBE goals will be equally valid for purposes of competing in the bidding process. In this way, the important goals of the DBE program can be achieved without harming businesses and their employees.

Mr. Chairman, again, I commend the fine work of the leadership and my other colleagues on the committee and urge support of the legislation.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished chairman of our Subcommittee on Transportation, the gentleman from California [Mr. MINETA].

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

Mr. Chairman, I rise in strong support of H.R. 4691, the Airports and Airways Safety, Capacity, and Intermodal Transportation Act of 1992.

Mr. Chairman, I wish to commend the gentleman from New Jersey, Chairman ROE, and the gentleman from Arkansas, the ranking Republican member, Mr. HAMMERSCHMIDT, for their very long years of leadership on aviation issues on the Committee on Public Works and Transportation.

Mr. Chairman, the Congress has an opportunity to day to approve legislation that will greatly enhance our entire transportation system. This action is so necessary, particularly at this time when Americans from coast to coast and the entire Congress are finally focused on the future of our Nation's roads, waterways, and transit systems.

And at this time, when the country is at long last zeroed in on transportation, I commend Chairman OBERSTAR and the ranking minority member, Mr. CLINGER, of the Aviation Subcommittee for their efforts to increase awareness and support for improving our Nation's infrastructure.

Congressmen OBERSTAR and CLINGER understand that our world is changing and changing rapidly.

If American businesses can't make their deadlines in today's international marketplace because their personnel are tied up on airport runways bogged down by congested skies, America loses.

If the American people can't move around to different cities and regions because they don't have adequate transportation alternatives, valuable work time and quality family time is lost. Again, America loses.

1991 was a landmark transportation year because of the passage of the Intermodal Surface Transportation Act. But, Mr. Chairman, that was only the beginning.

We must continue that commitment to all modes of our national transportation network. We must remain vigi-

lant if the opportunities we applaud today are to become transportation realities tomorrow.

The aviation policy reauthorization legislation is the cornerstone of Federal aviation policy and will affect issues which promise to be some of the most important transportation issues of the decade.

I applaud the aviation spending levels authorized in the committee bill. It is vitally important that we begin to spend trust fund moneys if we are to adequately provide for much needed modernization of our air traffic control system and airport development.

Mr. Chairman, the United States needs and deserves an aviation system that can bring us safely and smoothly into the 21st century. I urge my colleagues to support this legislation, which helps us further achieve our transportation goals.

The CHAIRMAN. The Chair will advise that the gentleman from Arkansas [Mr. HAMMERSCHMIDT] has 16 minutes remaining, and the gentleman from New Jersey [Mr. ROE] has 3 minutes remaining.

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

Mr. PACKARD. Mr. Chairman, I am pleased to rise in support of this legislation. The aviation industry is of the utmost importance to our economy. This legislation allows us to meet the future needs of our aviation system while spending down the aviation trust fund.

The establishment of the airport and airway trust fund in 1970 provided a mechanism for maintaining capital development, improving safety, and advancing technology at the country's airports.

The growing surplus in the trust fund has been a great cause for concern among many members of this committee, including myself. I am pleased to see that we are making headway into spending down this large sum.

The bill before us today is a 2-year reauthorization of programs under the Federal Aviation Administration. The increase in funding levels is necessary to meet future needs, and the trust fund will be reduced from \$7.4 billion in fiscal year 1992 to \$6.5 billion in fiscal year 1994. This represents our commitment to improving our airport and airway system.

I have a continuing interest in this Nation's aviation system. In the past I have introduced legislation which would enact a new system of planning, so that we may better identify needs and fund those needs. I also believe that we should encourage the privatization of airports as a means not only of freeing up funds for public entities but also in an attempt to provide more efficient service to the public. I plan to

introduce soon legislation which would allow for demonstration programs to privatize selected airports.

As a member of the Public Works and Transportation Committee, I commend Chairman ROE, Congressman OBERSTAR, chairman of the Aviation Subcommittee, and my colleagues Congressmen HAMMERSCHMIDT and CLINGER for their work on this bill. I urge my colleagues to support the bill. Thank you.

□ 1520

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Mrs. COLLINS], a distinguished member of the committee.

Mrs. COLLINS of Michigan. Mr. Chairman, I rise to add my support to final passage of H.R. 4691, the aviation reauthorization for fiscal year 1993 and fiscal year 1994. As a member of the Public Works and Transportation Committee, I was pleased to have played a part in the creation of this exceptional reauthorization. I would like to pass along my thanks to Chairmen ROE, ROSTENKOWSKI, BROWN, and particularly Chairman OBERSTAR, for their fine work on this important legislation.

I was gratified that I was able to contribute to improving the execution of the disadvantaged business program by the inclusion of a measure that holds the Department of Transportation accountable for implementing airport disadvantaged requirements. Under this measure, DOT will be compelled to implement disadvantaged business requirements within 180 days of the passage of this act. Regulations carrying out enforcement of opportunities for disadvantaged businesses in airport concessions and airport services would have to be issued by DOT.

I am also pleased that H.R. 4691 clarifies rules related to DBE participation and increases the size of businesses that can qualify for participation in the Department of Transportation DBE Program. For these reasons and more, I plan to support final passage of this reauthorization.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. BURTON] for the purposes of a colloquy with the chairman of the subcommittee, the gentleman from Minnesota [Mr. OBERSTAR].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for yielding this time to me.

Mr. Chairman, I would like to make a brief comment about reliever airports before I engage the gentleman from Minnesota [Mr. OBERSTAR] in a colloquy, if it is all right with everyone involved.

Mr. Chairman, private and public reliever airports provide alternative

landing sites for general aviation and other aircraft that might otherwise use commercial service airports.

These reliever airports are providing an essential service by reducing congestion at large primary commercial airports.

Reliever airports account for the majority of takeoff and landings in many metropolitan areas.

Federal funding for planning and capital development of these reliever airports is provided through the Airport Improvement Program [AIP].

The Airport Improvement Program is funded from the Airport and Airway Trust Fund, and Congress reaffirmed priority for reliever airports in 1987 by mandating that 10 percent of airport investment funds be reserved for improvements or construction of reliever airports.

Unfortunately, unlike public reliever airports, privately owned relievers have not been reimbursed for eligible project costs incurred before a grant has been awarded by the FAA.

However, public relievers can be and have been reimbursed for the same types of expenditures.

Privately owned relievers are providing the same type of public service as other reliever airports but are not being reimbursed for these expenditures.

There are approximately 40 private reliever airports through the United States.

Under the Airport Improvement Program, there is no differentiation made between public and privately owned reliever airports with regard to reimbursements.

There needs to be a clarification made as to the intent of this legislation.

An even playing field needs to be established between privately-owned and public reliever airports because both are providing the same essential air service to the public.

Clarification of this language would result in no new costs to the Federal Government.

The Airport and Airway Trust Fund currently has a surplus of \$7.4 billion.

The aviation reauthorization will bring down the surplus to \$6.5 by fiscal year 1994.

Clarification of this provision essentially clarifies eligible project costs.

Reimbursements to private relievers will come in the form of credits on future incurred costs.

So, Mr. Chairman, I would like to now ask the gentleman from Minnesota [Mr. OBERSTAR], if I may, in a colloquy, just one question: Does the FAA, in the administration of its airport grant provision, make a distinction between privately owned and public reliever airports for reimbursement of land costs incurred prior to a grant agreement?

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

Mr. BURTON of Indiana. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the gentleman from Indiana [Mr. BURTON] raising this issue. As he has already elaborated, it is a complex subject and should be further explained, and there has been confusion about this matter.

Airport project formulation costs—which include land acquisition costs—noise compatibility program costs, and costs incurred under a letter of intent, are allowable costs that can be incurred by private and public airport sponsors, prior to a grant agreement being executed. There is no distinction between these two categories of airports, as the gentleman from Indiana [Mr. BURTON] has pointed out. All other costs must, of course, be incurred after grant execution by both private and public sponsors.

The FAA's interpretation of its reimbursement authority also provides that the lands value can be used as a sponsor's share or donation to a project up to the amount of the sponsor's share of the project costs, and we will work with the gentleman to see that the FAA lives by that interpretation.

Mr. BURTON of Indiana. Mr. Chairman, I am very happy to hear that, and I appreciate the clarification.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. CAMPBELL] for the purposes of a colloquy.

Mr. CAMPBELL of Colorado. Mr. Chairman, as the gentleman knows, I have been concerned for some time concerning the safety of general aviation operations at certain mountain airports particularly during nighttime hours. At Sardy Field, the commercial service airport serving Aspen, CO, the Pitkin County commissioners have had in place for many years a prohibition on nighttime operations by general aviation operators because they are convinced that there is a safety problem there that FAA has not addressed by regulations.

Specifically, the FAA requires airline pilots who fly into Sardy Field, an airport 9,000 feet above sea level that is surrounded by mountains on three sides, to have special pilot training and specialized aircraft equipment because of the increased risk of accidents in the mountain terrain. In contrast, FAA does not require general aviation pilots—some of whom may be air taxi operators with paying passengers—to meet the same requirements at these mountain airports.

I have considered offering an amendment to the pending bill that would mandate an independent study on this issue by the General Accounting Office. I understand that the chairman is willing to request GAO to conduct such a study should the study of this issue presently being conducted by the FAA prove to be unsatisfactory.

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

Mr. CAMPBELL of Colorado. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman from Colorado [Mr. CAMPBELL] for raising this issue and in this context. As the gentleman knows, we have been very much aware of the unique problem at this airport, and the gentleman has been very greatly concerned and responsive to the citizens in the area, and, as a general aviation pilot, the gentleman himself is very much aware of the technical difficulties in operating in this particular surrounding where there is mountainous terrain on three sides.

The FAA is now under way with a study of the airport at Aspen to determine whether the mountainous conditions warrant flying restrictions at night. That study should be available in the next few months. I want to review that study, my staff wants to review that study, and the gentleman, I know, wants to review it, and so do general interests. When that study is available, and if we are not satisfied and the gentleman is not satisfied this is a full answer to the problem, then we will be very willing to, and commit to the gentleman now to, ask the GAO to evaluate that report and conduct its inquiry into the matter focusing specifically on the safety questions that the gentleman has so very thoroughly elaborated.

Mr. Chairman, we look forward to working with the gentleman from Colorado [Mr. CAMPBELL] and to drawing upon his expertise as a general aviation pilot concerned with safety, as well as with the economic well-being, of the people in the area served by this airport.

Mr. DE LUGO. Mr. Chairman, I rise to commend the distinguished chairman of the Public Works and Transportation Committee, BOB ROE; the distinguished chairman of the Aviation Subcommittee, JIM OBERSTAR; along with JOHN PAUL HAMMERSCHMIDT, ranking minority member of the full committee, and BILL CLINGER, ranking minority member of the Aviation Subcommittee, for their work in bringing H.R. 4691, the Airport and Airway Safety, Capacity, and Intermodal Transportation Act of 1992, to a successful conclusion on the House floor today.

This legislation will indeed guarantee that this country leads the world with its aviation infrastructure as we approach the 21st century.

Also, I especially want to thank these gentlemen for their support of my amendment to this bill as provided in section 119 through both the subcommittee and the full committee, as well as on the floor today, which requires the Federal Aviation Administration to continue to operate, rather than to contract out to a private company, the St. Thomas and St. Croix airport towers, in my district, the U.S. Virgin Islands, at least through 1994. The people who fly in and out of these airports can now be assured that safety will not be compromised.

Mr. SMITH of Florida. Mr. Chairman, H.R. 4691 expands the 1982 law establishing a dis-

advantaged business enterprise [DBE] program to include service industries that operate on an airport.

I believe that the committee's bill may cause some confusion about the need to strike the necessary balance between encouraging further minority entrepreneurship and protecting those concessionaires that operate as unified, national companies.

Integrated, capital-intensive companies, such as rental car industry, cannot operate effectively if forced to conduct business differently at various airports. Yet, H.R. 4691 may be read to require these service companies show on an airport-by-airport basis that joint ventures are impractical before providing relief.

That relief is contained in language allowing the Secretary of Transportation to issue a regulation authorizing the use of vendor programs for certain industries at all airports. I hope that the Secretary issues such a rule to cover the rental car industry. A national vendor rule is better than an airport-by-airport determination of the appropriateness of a joint venture.

In many instances, these service companies would have to change their corporate structure to comply with DBE requirements. A business should not be forced to change from a subchapter S corporation to a public corporation when an acceptable alternative approach exists.

I hope that this matter can be clarified and corrected before we vote on the final version of the aviation authorization bill.

Mr. Chairman, when my home city of Austin, TX began planning for a new airport, I realized that new opportunities would arise in the Airport Improvement Program [AIP]. I have always felt that we should be spending more of the surplus in the aviation trust fund for airport development and improvement. It is my firm belief that AIP is not adequately funded.

I am glad to see that under this bill funding for the Airport Improvement Program will increase over the next 3 years and the airport and airways trust fund will decline from \$7.5 billion in 1992 to \$4.2 billion in 1994. While we are clearly moving in the right direction, we have to recognize that we must do much more in the future for airports in this country. It is astonishing to me that the last airport built in this country was Dallas-Fort Worth some 18 years ago. Our current aviation system is in dire need of new airports and/or expanded capacity. We must be more active in our planning and expenditures for future expansion of our airports. Future economic development is more and more dependent on first-rate transportation links. This bill is a strong step in the right direction.

Costs are continuing to rise, and our appropriations must reflect the enormous costs in airport construction.

□ 1530

Mr. HAMMERSCHMIDT. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

The CHAIRMAN. Pursuant to the rule, the gentleman from North Carolina [Mr. VALENTINE] will be recognized for 15 minutes, and

the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. VALENTINE].

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

Mr. Chairman, I rise in support of title III of this bill. As chairman of the Subcommittee on Technology and Competitiveness, FAA research, engineering, and development comes under our jurisdiction.

Title III authorizes appropriations for the FAA research, engineering, and development for fiscal years 1993 and 1994. We have had 2 years of hearings and meetings with the universities, industry, and the FAA leading up to consideration of this bill.

The title III authorization for RE&D represents a substantial increase over the President's request simply because the request is not adequate for FAA to discharge its responsibilities.

The administration's request for FAA RE&D was \$230 million. Title III authorizes \$297,300,000, the amount the Department of Transportation requested from OMB to fund these programs.

The largest increases are in air traffic management and security, areas where the subcommittee has pressed FAA for better performance. Capacity and air traffic management, FAA's first priority, is increased by about \$30 million, over request. We have growing congestion in the carrier system and have driven general aviation into decline.

The word neglect best describes the current situation. Here, technology has not kept pace with demand.

We recommend that safety, security, and human factors be increased a total of another \$30 million. This research protects human life. The toll of life from equipment failure, terrorists, and plain human error has declined over the years, but it can still be significantly reduced given the determination and resources.

One hundred percent of FAA's R&D expenditures come from the bloated trust fund. The Treasury Department is now hoarding over \$15 billion collected to improve air travel. We are not wastrels. This authorization is just one-third of the surplus growth of \$888 million of the trust fund in fiscal year 1991.

We have been entrusted with funds collected to improve air safety, airport security, and air transport efficiency and I, for one, want to make sure these tax dollars are spent for their intended purpose or else not collected at all.

Title III levels of funding are expected to revitalize a moribund R&D program in FAA that has not had adequate funding to meet its R&D requirements since 1986. This authorization level was recommended, in testimony before our subcommittee, by the most

knowledgeable people in aviation. They helped establish the research priorities contained in this title and they view increasing funding as proposed in the bill to be critical to the safety and efficiency of future air travel.

In addition I would like to include in the RECORD a letter from Norman Augustine, Chairman of the FAA R&D plan review panel of the FAA Research, Engineering and Development Advisory Committee attesting to the support of his panel for the level of this authorization. Furthermore, Don Fuqua of the Aircraft Industries Association and 10 other important air transportation trade associations strongly support this authorization, and I will submit their letters for the RECORD.

Title III is intended to help recapture an eroding FAA capability and to add to FAA's share of sustaining the international competitive capability of our most favorable balance of trade industry. Therefore, I urge my colleagues to support strengthening this most important research and development program.

Mr. Chairman, I would like to read for the RECORD an excerpt addressed to me as the chairman of the Subcommittee on Technology and Competitiveness from Mr. Norman R. Augustine. He says:

In summary, based upon the rather extensive review conducted last year, the R&D Plan Review Panel would like to support increased spending to at least the \$297 million level which has been proposed. Please feel free to contact me should I be able to provide any additional information on behalf of our committee.

Mr. Chairman, a letter addressed to me from Mr. Don Fuqua says in pertinent part:

I was pleased to learn that you reported out a bill with increased funding for the FAA's RE&D activities. The FY 1993 level of \$297.3 million and the FY 1994 level of \$236 million will allow the agency to fulfill its mission.

Mr. Chairman, I include for the RECORD the letters just quoted from as well as other memoranda referred to earlier.

MARTIN MARIETTA CORP.,
Bethesda, MD, April 28, 1992.

Hon. TIM VALENTINE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE VALENTINE: It is my understanding that a hearing will take place on the 28th of April at which time the FAA Science, Space and Technology Budget will be addressed and that it would be helpful for you to have the views of the members of the R&D Plan Review Panel of the FAA Research, Engineering and Development Advisory Committee. Although the committee was established by the FAA principally to advise that organization, I can certainly share with you the findings of our group. They are generally consistent with the recommendation for \$297M R&D funding for the FAA.

Our committee concluded that the FAA Technology Budget was significantly underfunded in comparison with the objectives

which have been set and with the challenges begin faced. This is particularly true with regard to the matter of handling the air traffic volume anticipated for the next decade. To deal with the projected capacity safely and without significant delays will require major infusions of new technology. This technology is in considerable part the product of the FAA's research and development program but as compared with other government and private organizations it would appear that for many years the FAA budget has significantly underinvested in technology.

In summary, based upon the rather extensive review conducted last year, the R&D Plan Review Panel would most assuredly support increased spending to at least the \$297M level which has been proposed. Please feel free to contact me should I be able to provide any additional information on behalf of our committee.

Sincerely,

NORMAN R. AUGUSTINE.

AEROSPACE INDUSTRIES ASSOCIATION,
Washington, DC, April 24, 1992.

Hon. TIM VALENTINE,
Chairman, Subcommittee on Technology and Competitiveness, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: I was pleased to learn that you reported out a bill with increased funding for the FAA's RE&D activities. The FY 1993 level of \$297.3 million and the FY 1994 level of \$336 million will allow the agency to fulfill its mission.

As you know from my testimony before the subcommittee, AIA felt that the levels requested by the administration were insufficient. With the predicted increased demand for air travel, and the length of time it takes to move a product from development to service, it would be tragic not to increase RE&D spending now.

The subcommittee's recognition of the importance of human factors research is particularly commendable since this field is essential to improved design, operation and maintenance. In addition, AIA appreciates the subcommittee's increased level of support for aircraft safety technology, particularly for the aircraft hardening program.

Mr. Chairman, I applaud your subcommittee's actions, and look forward to working with you on continued efforts to make our air transportation system safer and more efficient.

Sincerely,

DON FUQUA.

MAY 18, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Longworth
House Office Building, Washington, DC.

DEAR MR. SPEAKER: This week, the House will consider the FAA reauthorization measure, H.R. 4691. The associations listed below strongly support the FAA mission to ensure continued improvement in the safety and efficiency of the nation's airspace and airports. Given this commitment, we request that you support the legislation, particularly the \$297.3 million level of funding allocated in the bill for Research, Engineering and Development (RE&D).

The government predicts that demand for air travel will grow by more than 50% by the end of the decade. However, the FAA, RE&D Advisory Committee, made up of independent experts, stated in its November 1991 report that current plans to modernize and enhance the nation's air traffic management and control system will meet only half of the requirements that will accompany the predicted increase.

In aviation it takes a long time between the birth of an idea and the introduction of a resulting product into service. Failure to adequately fund RE&D now, will result in severe constraints down the road.

Congress must ensure that the U.S. remains the world's leader in civil aviation by funding research, engineering and development activities at the committee-approved level.

Respectfully,

Aerospace Industries Association, Aircraft Owners and Pilots Association, Airports Association Council International, Air Traffic Control Association, Air Transport Association, American Association of Airport Executives, General Aviation Manufacturers Association, Helicopter Association International, National Aircraft Resale Association, National Air Carrier Association, National Business Aircraft Association.

AIR TRAFFIC CONTROL
ASSOCIATION, INC.
Arlington, VA, May 7, 1992.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, Capitol Building, Washington, DC.

Re: Federal Aviation Administration's Research, Engineering and Development Appropriation.

DEAR MR. WHITTEN: The Air Traffic Control Association, Inc. ("ATCA") is a professional association of thirty six years standing which has as its goal advancements in the science and profession of air traffic control and aviation safety. ATCA's membership consists of air traffic controllers, airway facilities technicians, managers and other persons, companies and organizations engaged in the development, maintenance, operation and use of the national airspace system.

ATCA urges you to support the Subcommittee mark up of \$297.3 million for FAA's Research, Engineering and Development program. This amount is necessary to support the initial level of RE&D activities required for FAA to begin preparing to satisfy aviation needs of the next century. Not only must FAA meet new challenges arising from the emergence of a worldwide consensus that a global ATC system is desirable, but the agency must continue to intensify RE&D activities in other critical areas such as security, aircraft structural integrity, cabin safety, capacity and human factors. With demand for innovative aviation technologies and products constantly escalating, FAA cannot simply continue to "do more with less."

Sincerely,

GABRIEL A. HARTL,
President.

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

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 15 minutes.

□ 1540

Mr. WALKER. Mr. Chairman, I rise in support of title III to H.R. 4691. At the appropriate time, I will offer an amendment to this title to reduce the authorization levels contained in the present bill and an amendment that I hope we will have agreement on on both sides so that we can move it quickly.

The Science Committee amendment consists of a 2-year aviation research

title reported out of the Science, Space, and Technology Committee.

I am pleased that this research title has been incorporated into the main text of H.R. 4691, and I appreciate the cooperation of Chairman ROE and Mr. HAMMERSCHMIDT to ensure that this title was included. I would also like to commend TOM LEWIS for his ability to balance his fiscal conservatism with his dedication to aviation safety. In particular, he has been a moving force on the committee in his drive to focus the FAA's attention on long-term research in order to prevent airline tragedies in the first place.

The Science Committee has closely followed the Federal Aviation Administration's research programs and worked to ensure that the agency focuses on a wide range of programs vital to aviation safety, including weather, aircraft safety, security, and human factors. Again, I am pleased that we have been able to contribute to this legislation.

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

Mr. VALENTINE. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BROWN], the distinguished chairman of the full committee.

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

I want to commend the gentleman from North Carolina [Mr. VALENTINE] and the ranking minority member, the gentleman from Florida [Mr. LEWIS] for the work they have done on the R&D title of this bill. It is a good title and it complements the extremely good work which the Committee on Public Works and Transportation has done on the major portion of the bill.

We have tried to work in very close cooperation with them to add what we have both agreed was a very important research and development component to our national aviation program.

Mr. Chairman, I just want to try and emphasize again the context in which we are working. We are faced with a situation where leaders in every walk of life, in government, in industry, education, all recognize that we have underinvested in the basic infrastructure of our country. I do not think there is any partisan difference on that.

We have neglected our highways, our airways, our total transportation system. We have allowed our research and development efforts to lag behind our competitors. As a result of this, we see our national ability to compete severely impacted in an adverse way and our capability to increase productivity, which is the fundamental problem in our economy, has been handicapped.

This bill, and particularly, in my opinion, the research and development section, but all of the bill, strikes a major blow for increased investments in infrastructure necessary to the productivity of the Nation.

I am going to say this over and over again: We will only get out of the economic mess that we are in by increasing our productivity as a nation. We have to do better than 1-percent growth. We have got to move back up to 2 percent or 3 percent or 4 percent. We will not do that unless we invest in productivity improving infrastructure, including research and development. This is what we have tried to do in this bill. This is what our committee, the Committee on Science, Space, and Technology, has committed itself to doing in every arena that we have the opportunity to do so.

While we have some differences with the minority, I think in most cases the minority agrees with this philosophy, a philosophy of growth as a way to put this Nation back in the leadership position that it once enjoyed and which we hope it will enjoy again in the not-too-distant future.

Mr. Chairman, I rise in support of title III of H.R. 4691, the FAA Research, Engineering, and Development Authorization Act of 1992, as reported by the Science, Space, and Technology Committee, as a part of the Airport and Airway Safety, Capacity, and Intermodal Transportation Act of 1992.

Title III provides for a 2-year authorization of appropriations for the Federal Aviation Administration for research, engineering, and development. It authorizes new research, engineering and development budget authority for fiscal year 1993 in the amount of \$297,300,000 and for fiscal year 1994 in the amount of \$336 million. These levels are what is required, in the opinion of the committee and of the Department of Transportation, to allow adequate funding for fiscal years 1993 and 1994 of the national air space plan begun in 1981 to restore the efficiency and reliability of the air traffic control and peripheral systems.

The NAS plan, now called the FAA aviation system capital investment plan, is funded from the airport and airway trust fund. Over the life of the plan, the committee has authorized the funding of modernization studies and development of advanced systems to meet the near- and long-term commitments of the FAA NAS plan. Since 1986 appropriations have fallen short of that goal and have not been adequate and have led to major slippage in FAA's efforts to modernize air traffic control and safety technology.

Title III provides for the continued development of air traffic management technology and for increasing emphasis on the human interfaces of the traffic management system. Additional emphasis is placed upon the protection of human life through reliability, security, and safety research.

The trust fund balance is at an unprecedented \$15 billion level and is growing. This sum represents the difference between the modern air traffic system we have promised the traveling public and the antiquated system we force them to use. We have increased the tax on the users of air transport, but have not delivered the promised benefits.

This authorization has the unqualified support of the aviation industry who suffer most from a lagging growth of air traffic capacity.

The U.S. air transport system is only as productive as the air traffic management system, and the air traffic management system is only as productive as our support of its growing requirements. Title III permits us once again to begin meeting that responsibility.

I urge my colleagues to support a strengthened FAA research and development program both here and in the appropriations legislation which will follow.

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

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

Let me say this, because if I do not, I am afraid that I will forget to say it sometime later on.

I want to take this opportunity to express my appreciation to our colleague, the ranking member of our subcommittee, the gentleman from Florida [Mr. LEWIS], who is not here but is engaged at some other place doing the Lord's work, and also to publicly and in this place thank the distinguished chairman of our Committee on Science, Space, and Technology, the gentleman from California [Mr. BROWN], for his support through these ordeals, and to express appreciation to the distinguished chairman of my other committee, who will depart from this place in a few months, not until December, some of us perhaps sooner, and to express to him my appreciation for his work on this legislation and for his many past courtesies to me, and to thank our staff, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT], who also will be leaving us.

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

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 15 minutes, and the gentleman from Texas [Mr. ARCHER] is recognized for 15 minutes.

Inasmuch as they are not present for their time, the Chair recognizes the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute now printed in the reported bill, as modified by the amendment printed in part 1 of House Report 102-521, shall be considered by titles as an original bill for the purpose of amendment and each title is considered as read.

It shall be in order to consider en bloc the amendments offered by the gentleman from Pennsylvania [Mr. WALKER] or his designee, printed in

part 3 of House Report 102-251. Said amendments en bloc shall not be subject to a demand for a division of the question.

After disposition of all amendments to the substitute, as modified, it shall be in order to consider the amendment printed in part 2 of House Report 102-251 if offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] or his designee. Said amendment shall not be subject to amendment or to a demand for a division of the question, except for pro forma amendments for the purpose of debate.

Upon disposition of said amendment, no further amendment to the amendment in the nature of a substitute, as modified, is in order.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 4691

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 "Airport and Airway Safety, Capacity, and Intermodal Transportation Act of 1992".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 12 is as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) *the Nation's aviation system must be part of an intermodal transportation system consisting of hubs and interconnections with other forms of transportation that will move people and goods in the fastest, most efficient manner;*

(2) *our Nation's airports are our interconnections with the global economy; expanded flight capacity and greatly improved ground access for passengers and cargo are essential to our Nation's ability to compete in the international marketplace;*

(3) *without significant additional financial resources, the Nation's airports will be unable to accommodate fully the growing aviation and ground traffic demands of the 1990's;*

(4) *27 of the Nation's top 100 airports are now unacceptably congested and the resulting delays in flights are costing our economy billions of dollars a year in lost productivity and undermining the Nation's ability to compete in the global economy;*

(5) *unless the capacity of our airports is increased substantially, the problem of flight delays will escalate dramatically and, by the year 2000, 40 major airports will be congested and incurring more than 20,000 hours of flight delay a year;*

(6) *the Nation must undertake an airport improvement and development program costing at least \$7,000,000,000 a year over the next decade just to prevent the problem of airport delay from growing worse in the 21st century;*

(7) *neither State, local, nor Federal Government can independently finance the needed airport and intermodal development and there must be a combined effort relying on all levels of government;*

(8) *both the Federal airport improvement program and local passenger facility charge programs are essential to funding the development, as part of an intermodal transportation system, of airports (including necessary ground access eligible for funding under such programs) which meet our Nation's needs;*

(9) the Nation's air traffic control system must be modernized with the highest advanced technology to enable it to continue to move traffic safely and efficiently and the necessary development and procurement of capital equipment will cost at least \$18,000,000,000 over the next decade;

(10) the modernization of the air traffic control system will result in productivity and safety benefits of \$257,000,000,000 over the life of the equipment purchased; these benefits include the value of time saved by airline passengers, reductions in airline operating costs, and reduced government expenditures and benefits from increased safety;

(11) there will need to be a continuing increase in staffing for the air traffic control system to enable controllers to handle, safely and efficiently, the increased workload which will arise as air transportation grows over the next decade;

(12) the Federal Government must play a major role in developing our aviation system; full use must be made of the more than \$5,000,000,000 which aviation users contribute to the Airport and Airway Trust Fund each year and the \$7,400,000,000 surplus which has accumulated in the Trust Fund;

(13) although survival of a strong and competitive airline industry is essential to our Nation's economic future—the Nation's airlines are in a financial and competitive crisis which threatens our entire aviation system and our Nation's ability to move people; major airlines have lost more than \$6,000,000,000 over the past 2 years; many airlines have merged or discontinued operations; and new entry into the industry has ceased;

(14) the opportunities for new entrants and financially weak airlines to compete successfully can be maximized by the development of new airport capacity, particularly terminal facilities and gates, which will facilitate the ability of new airlines to compete against the airlines which now dominate the facilities at major hub airports;

(15) investment in the aviation transportation infrastructure of the United States will pay immediate and long-term dividends in jobs and economic productivity and provide the foundation for the Nation's continued leadership in the global economic competition of the 21st century;

(16) infrastructure investment differs significantly from other forms of government spending because it creates new wealth for the Nation;

(17) the wealth and economic strength of the United States is in the Nation's infrastructure which provides the foundation for all aspects of life;

(18) failure to invest in the transportation infrastructure, including aviation, has placed the United States in danger of becoming a service-oriented economy, rather than having a strong and independent manufacturing-based economy;

(19) the creation of a national intermodal transportation system is central to the transportation issues of the coming decades and will create the new wealth of the Nation to provide the funds for the Nation to meet the challenges of the 21st century;

(20) our Nation should devote greater efforts to integrating the aviation system with highway and mass transit facilities providing access to airports;

(21) transportation planning, taking account of commerce and land-use patterns, must be improved at all levels and local officials must have a significant role in transportation decisions affecting their areas;

(22) failure to develop an improved intermodal transportation system for the 1990's and the 21st century will result in continuing the two decade trend of decline in United States competitiveness

in the global economy and the accompanying decline in the Nation's standard of living;

(23) the safety of the traveling public is of paramount national importance; and

(24) aircraft deicing is an important element of aviation safety and past aircraft incidents suggest that both the Federal Government and private industries should focus on methods to improve aircraft deicing procedures and facilities.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT ACT AMENDMENTS

SEC. 101. NATIONAL TRANSPORTATION POLICY.

Section 502 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2201) is amended by adding at the end the following:

"(c) NATIONAL TRANSPORTATION POLICY.—

"(1) It is a goal of the United States to develop a national intermodal transportation system that moves people and goods in an efficient manner. The Nation's future economic direction is dependent on its ability to confront directly the enormous challenges of the global economy, declining productivity growth, energy vulnerability, air pollution, and the need to rebuild the Nation's infrastructure.

"(2) United States leadership in the world economy, the expanding wealth of the Nation, the competitiveness of the Nation's industry, the standard of living, and the quality of life are at stake.

"(3) A national intermodal transportation system is a coordinated, flexible network of diverse but complementary forms of transportation which moves people and goods in the most efficient manner. By reducing transportation costs, these intermodal systems will enhance United States industry's ability to compete in the global marketplace.

"(4) All forms of transportation, including aviation and other transportation systems of the future, will be full partners in the effort to reduce energy consumption and air pollution while promoting economic development.

"(5) An intermodal transportation system consists of transportation hubs which connect different forms of appropriate transportation and provides users with the most efficient means of transportation and with access to commercial centers, business locations, population centers, and the Nation's vast rural areas, as well as providing links to other forms of transportation and to intercity connections.

"(6) Intermodality and flexibility are paramount issues in the process of developing an integrated system that will obtain the optimum yield of United States resources.

"(7) The United States transportation infrastructure must be reshaped to provide the economic underpinnings for the Nation to compete in the 21st century global economy. The United States can no longer rely on the sheer size of its economy to dominate international economic rivals and must recognize fully that its economy is no longer a separate entity but is part of the global marketplace. The Nation's future economic prosperity depends on its ability to compete in an international marketplace that is teeming with competitors but where a full quarter of the Nation's economic activity takes place.

"(8) The United States must make a national commitment to rebuild its infrastructure through development of a national intermodal transportation system. The United States must provide the foundation for its industries to improve productivity and their ability to compete in the global economy with a system that will move people and goods faster in an efficient manner."

SEC. 102. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 505(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2204(a)) is amended—

(1) by striking "and" following "1991"; and

(2) by inserting before the period at the end of the first sentence the following: ", \$15,916,700,000 for fiscal years ending before October 1, 1993, and \$18,016,700,000 for fiscal years ending before October 1, 1994".

(b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of such Act is amended by striking "1992" and inserting "1994".

SEC. 103. AIRWAY IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 506(a)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2205(a)(1)) is amended—

(1) by striking "and" following "1991" and inserting a comma; and

(2) by inserting before the period at the end of the first sentence the following: ", \$8,200,000,000 for fiscal years ending before October 1, 1993, and \$11,100,000,000 for fiscal years ending before October 1, 1994".

(b) CAPITAL INVESTMENT PLAN AUGMENTATION.—Section 506(a)(2) of such Act is amended to read as follows:

"(2) CAPITAL INVESTMENT PLAN AUGMENTATION.—If the Secretary determines that it is necessary to augment or substantially modify elements of the Airway Capital Investment Plan submitted to Congress under section 504 of this title (including a determination that it is necessary to establish more than 23 area control facilities), there is authorized to be appropriated from the Trust Fund for fiscal year 1994 to carry out such augmentation or modification \$100,000,000. Amounts appropriated under this paragraph shall remain available until expended."

(c) OTHER EXPENSES.—

(1) EXTENSION.—Section 506(c)(4) of such Act is amended—

(A) in the paragraph heading by striking "1992" and inserting "1994"; and

(B) by striking "and 1992" and inserting "1992, 1993, and 1994".

(2) CONFORMING AMENDMENT.—Section 506(e)(5) of such Act is amended by striking "1992" and inserting "1994".

(d) WEATHER SERVICES.—Section 506(d) of such Act is amended by striking the second sentence and inserting the following new sentence: "Expenditures for the purposes of carrying out this subsection shall be limited to \$35,596,000 for fiscal year 1993 and \$37,800,000 for fiscal year 1994."

SEC. 104. FAA OPERATIONS.

Section 106(k) of title 49, United States Code, is amended—

(1) by striking "and" and inserting a comma; and

(2) by inserting before the period at the end of the following: ", \$4,634,500,000 for fiscal year 1993, and \$5,014,500,000 for fiscal year 1994".

SEC. 105. LINKAGE WITH PASSENGER FACILITY CHARGES PROGRAM.

Paragraph (4) of section 1113(e) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1513(e)(4)) is amended by striking "under this subsection on or before" and all that follows through the period at the end of such paragraph and inserting the following: "under this subsection—

"(A) on or before September 30, 1993—

"(i) if, during fiscal year 1993, the amount available for obligation under section 505 of the Airport and Airway Improvement Act of 1982 is less than \$2,000,000,000; or

"(ii) if, during fiscal year 1993, the amount available for obligation under section 419 of this Act is less than \$38,600,000; or

"(B) on or before September 30, 1994—

"(i) if, during fiscal year 1994, the amount available for obligation under section 505 of the Airport and Airway Improvement Act of 1982 is less than \$2,100,000,000; or

"(ii) if, during fiscal year 1994, the amount available for obligation under section 419 of this Act is less than \$38,600,000.

The provisions of this paragraph shall not affect the authority of the Secretary to approve the imposition of a fee or the use of revenues derived from a fee imposed pursuant to an approval made under this subsection by a public agency which has received an approval to impose a fee under this subsection prior to September 30, 1993, in the case of subparagraph (A) or prior to September 30, 1994, in the case of subparagraph (B), regardless of whether such fee is being imposed on the date set forth in such subparagraph."

SEC. 106. APPORTIONMENTS.

(a) INCREASE FOR CARGO HUBS.—Section 507(a)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(a)(2)) is amended—

(1) by striking "3 percent" and inserting "4 percent"; and

(2) by striking "(but not to exceed \$50,000,000)".

(b) LIMITS.—Section 507(b)(1) of such Act is amended by striking "\$300,000 nor more than \$16,000,000" and inserting "\$400,000 nor more than \$22,000,000".

SEC. 107. MILITARY AIRPORTS.

(a) SET-ASIDE.—Section 508(d)(5) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2207(d)(5)) is amended by inserting after "1992" the following: ", not less than 2.25 percent of the funds made available under section 505 in fiscal year 1993, and not less than 2.5 percent of the funds made available under section 505 in fiscal year 1994".

(b) DESIGNATION.—Section 508(f)(1) of such Act is amended—

(1) by striking "not more than 8"; and

(2) by striking the second sentence.

(c) CONSTRUCTION OF PARKING LOTS, FUEL FARMS, AND UTILITIES.—

(1) FUNDING.—Section 508(f) of such Act is amended by adding at the end the following new paragraph:

"(6) FUNDING FOR CONSTRUCTION OF PARKING LOTS, FUEL FARMS, AND UTILITIES.—Not to exceed \$4,000,000 per airport of the sums to be distributed at the discretion of the Secretary under section 507(c) for fiscal years 1993 and 1994 may be used in the aggregate by the sponsor of a current or former military airport designated by the Secretary under this subsection for construction, improvement, or repair of airport surface parking lots, fuel farms, and utilities."

(2) CONFORMING AMENDMENT.—Section 513(c) of such Act is amended by inserting after "this section" the following: "and section 508(f)(6) of this title".

SEC. 108. NOISE SET-ASIDE.

Section 508(d)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2207(d)(2)) is amended by adding at the end the following new sentence: "If the Secretary finds that one or more units of local government in the areas surrounding primary airports have adopted control measures that ensure or are likely to ensure land use compatible with such airports, the Secretary shall make available to carry out such planning and programs to sponsors of such airports and to such units of local government not less than an additional 2.5 percent of the funds made available under section 505."

SEC. 109. MAXIMUM OBLIGATION OF THE UNITED STATES.

Section 512(b) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2211(b)) is

amended by striking the period at the end of paragraph (3) and inserting the following: "; except that, for fiscal year 1993 and thereafter, the maximum obligation of the United States may be increased for an airport, other than a primary airport, by an amount not to exceed 25 percent of the total increase in allowable project costs attributable to an acquisition of land or interests in land, based on current credible appraisals or a court award in a condemnation proceeding."

SEC. 110. DISADVANTAGED BUSINESS ENTERPRISE.

(a) ASSURANCE.—Section 511(a)(17) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2210(a)(17)) is amended by inserting after "or other consumer products" the following: "or which provide ground transportation, baggage carts, automobile rentals, or other consumer services".

(b) ADMINISTRATION OF DBE ASSURANCE.—Section 511 of such Act is further amended by adding at the end the following new subsection:

"(h) ADMINISTRATION OF DBE ASSURANCE.—

"(1) MANAGEMENT CONTRACTS; PURCHASE OF GOODS AND SERVICES.—In administering subsection (a)(17) of this section, the Secretary may

allow an airport operator or owner to meet the 10 percent goal set forth in such subsection by including businesses operated through management contracts or by including the purchase of goods or services which are used in a business conducted on the airport, if the Secretary finds that it would not be practicable for such business to be included through compliance with such goal through direct ownership arrangements. In appropriate cases, the Secretary may determine, by regulation, that the inclusions specified in the preceding sentence will be allowed for particular types of businesses at all airports.

"(2) LIMITATION WITH RESPECT TO CORPORATE STRUCTURE.—Nothing in this subsection and subsection (a)(17) of this section shall require a corporation to change its corporate structure to provide for direct ownership arrangements in order to meet the requirements of this subsection and subsection (a)(17).

"(3) EXCLUSION OF AIR CARRIER SERVICES.—Air carriers in providing passenger or freight-carrying services and other businesses that conduct aeronautical activities at an airport shall not be included in the 10 percent goal set forth in subsection (a)(17) of this section for participation of small business concerns at the airport."

(c) BASIC PROGRAM.—Section 505(d)(2)(A) of such Act (49 U.S.C. App. 2204(d)(2)(A)) is amended by striking "\$14,000,000" and inserting "\$16,015,000".

(d) REGULATIONS.—Not later than the 180th day following the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out sections 511(a)(17) and 511(h) of the Airport and Airway Improvement Act of 1982, as amended by subsections (a) and (b) of this section, relating to the disadvantaged business enterprise assurance.

SEC. 111. TERMINAL DEVELOPMENT.

(a) ALLOWABLE PROJECT COSTS.—Section 513(b)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2212(b)(1)) is amended by adding at the end the following new sentence: "In the case of a commercial service airport which annually has .05 percent or less of the total enplanements in the United States, the Secretary may approve, under the preceding sentence as allowable project costs of a project for airport development at such airport, terminal development in revenue-producing areas and construction, reconstruction, repair, and improvement of nonrevenue-producing parking lots if the sponsor certifies that no project for needed airport development affecting

safety, security, or capacity will be deferred by such approval."

(b) FEDERAL SHARE.—Section 513(b)(5) of such Act is amended by inserting before the period at the end the following: "; except that the United States share of project costs allowable for any project under such paragraph at a commercial service airport which annually has .05 percent or less of the total enplanements in the United States shall be 85 percent".

SEC. 112. LETTERS OF INTENT.

Section 513(d)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2212(d)(1)) is amended by adding at the end the following new subparagraph:

"(G) OTHER CONSIDERATIONS.—A letter of intent issued under this paragraph shall not condition the obligation of any funds on the imposition of a passenger facility charge."

SEC. 113. CONTROL TOWER AND NAVIGATIONAL AIDS RELOCATION; MEETING MAN-DATES OF CERTAIN FEDERAL LAWS; AIRCRAFT DEICING SITES.

Section 503(a)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2202(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(E) the relocation of an air traffic control tower and any navigational aid (including radar) if such relocation is necessary to carry out a project approved by the Secretary under this title;

"(F) any construction, reconstruction, repair, or improvement of an airport (or any purchase of capital equipment for an airport) which is necessary for compliance with the responsibilities of the operator or owner of the airport under the Americans with Disabilities Act of 1990, the Clean Air Act, and the Federal Water Pollution Control Act with respect to the airport, other than construction or purchase of capital equipment which would primarily benefit a revenue producing area of the airport used by a nonaeronautical business; and

"(G) any acquisition of land for, or work necessary to construct, a pad suitable for deicing aircraft prior to takeoff at a commercial service airport, including construction or reconstruction of paved areas, drainage collection structures, treatment and discharge systems, appropriate lighting, and paved access for deicing vehicles and aircraft; except that such term does not include the costs of aircraft deicing equipment, aircraft deicing fluids, or storage facilities for such equipment and fluids."

SEC. 114. EXTENSION OF STATE BLOCK GRANT PILOT PROGRAM.

(a) EXTENSION.—Section 534(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2227(a)) is amended by striking "1992" and inserting "1994".

(b) PARTICIPATING STATES.—Section 534(b) of such Act is amended—

(1) by striking "3" and inserting "7"; and

(2) by adding at the end the following new sentence: "The 7 States to be selected for participation in the program in fiscal years 1993 and 1994 shall include the 3 States selected for the participation in the program in fiscal year 1992 (Illinois, Missouri, and North Carolina)."

(c) REPORT.—Section 534(d) of such Act is amended by striking "1992" and inserting "1995".

SEC. 115. EXTENSION OF CERTAIN RESTRICTIONS ON CONTRACT AND GRANT AWARDS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—Section 9130 of the Aviation Safety and Capacity Expansion Act of 1990 (49 U.S.C. App. 2226b) is amended by

inserting ", section 106(k) of title 49, United States Code, or the Airport and Airway Improvement Act of 1982 (other than section 506(b))" after "subtitle".

(b) FOREIGN GOVERNMENTS DISCRIMINATING AGAINST U.S. PRODUCTS.—Section 9131 of such Act (49 U.S.C. App. 2226c) is amended by inserting ", section 106(k) of title 49, United States Code, or the Airport and Airway Improvement Act of 1982 (other than section 506(b))" after "subtitle".

SEC. 116. ACQUISITION OR CONSTRUCTION OF FACILITIES FOR ADVANCED TRAINING OF MAINTENANCE TECHNICIANS FOR AIR CARRIER AIRCRAFT.

(a) GRANTS.—The Administrator of the Federal Aviation Administration may make grants to not to exceed 4 vocational technical institutions for the purpose of acquiring or constructing facilities to be used for the advanced training of maintenance technicians for air carrier aircraft.

(b) ELIGIBILITY CRITERIA.—The Administrator may only make a grant under this section to a vocational technical educational institution if such institution has a training curriculum which prepares aircraft maintenance technicians who hold an airframe and power plant certificate issued under subpart D of part 65 of title 14 of the Code of Federal Regulations to maintain, without direct supervision, air carrier aircraft.

(c) LIMITATION ON AMOUNTS OF GRANTS.—The maximum amount of Federal funds which a vocational technical educational institution may receive, in the aggregate, through grants made under this section shall be \$5,000,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, from the Airport and Airway Trust Fund, such sums as may be necessary for carrying out this section for fiscal years 1993 and 1994. Such sums shall remain available until expended.

SEC. 117. AIR TRAFFIC CONTROLLER STAFFING.

The Administrator of the Federal Aviation Administration shall develop and submit annually to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the staffing standards used to determine the number of air traffic controllers needed to operate the air traffic control system of the United States, a 3-year projection of the number of air traffic controllers needed to be employed to operate such system to meet such standards, and a detailed plan for employing such controllers, including projected budget requests.

SEC. 118. MINIMUM NUMBER OF AIR TRAFFIC CONTROLLERS.

The Administrator of the Federal Aviation Administration shall hire such additional persons as are necessary to make the number of persons employed in the air traffic control work force of such Administration on September 30, 1993, not less than 18,128.

SEC. 119. LIMITATION ON PRIVATIZATION OF OPERATION OF CERTAIN AIRPORT CONTROL TOWERS.

The Administrator of the Federal Aviation Administration shall not enter into any contract on or before September 30, 1994, with a private person for operation of an airport control tower at any airport which in fiscal year 1990 had 5,500 or more air carrier operations and 40,000 or more air taxi operations unless the owner or operator of such airport first agrees, in writing, to the Administrator entering into such contract.

SEC. 120. STUDY ON REFLECTORIZATION OF TAXIWAY AND RUNWAY MARKINGS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to determine whether the safety benefits derived from the reflectorization of runways and taxiways of all military air-

fields under Federal Specification TT-B-1325B should be extended to runways and taxiways of public use airports.

(b) REPORT.—Not later than December 31, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with recommendations concerning requirements for upgraded reflectorization of runways and taxiways at public use airports.

SEC. 121. LANDBANKING AND OPTIONS TO PURCHASE LAND.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the following types of projects:

(1) LANDBANKING.—The purchase of land for airport development to be carried out more than 5 years after the date of the purchase.

(2) OPTIONS TO PURCHASE.—The purchase of options to purchase land for airport development.

(b) CONTENT.—In conducting the study under subsection (a), the Secretary shall examine the following:

(1) ELIGIBILITY FOR FUNDING.—Whether or not the projects described in paragraphs (1) and (2) of subsection (a) should be eligible for funding under the Airport Improvement Program.

(2) CONDITIONS.—If the projects described in paragraphs (1) and (2) of subsection (a) become eligible for funding under the Airport Improvement Program—

(A) whether or not certain limitations should be imposed on such projects;

(B) whether or not priority should be afforded to the funding of such projects in relation to other airport development projects; and

(C) whether or not certain environmental requirements should be imposed on such projects.

(c) REPORT.—Not later than December 31, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with any appropriate recommendations for legislative and administrative action.

SEC. 122. LIGHTING SYSTEMS FOR AIRCRAFT OBSTRUCTIONS AND AIRPORT RUNWAYS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to assess the current Federal program for monitoring the installation and operation of lighting systems for aircraft obstructions and airport runways.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the study conducted under this section, together with recommendations on methods to ensure that the best available technologies are utilized in lighting systems described in subsection (a).

SEC. 123. ECONOMIC BENEFITS OF AIRPORT DEVELOPMENT PROJECTS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to assess the economic benefits of carrying out airport development projects in areas designated as "redevelopment areas" under section 401 of the Public Works and Economic Development Act of 1965.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations on whether or not airport development projects in areas described in subsection (a) should receive priority consideration in the distribution of grants under the Airport Improvement Program.

The CHAIRMAN. Are there amendments to title I?

AMENDMENT OFFERED BY MR. OBERSTAR
Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR: Page 27, after line 21, insert the following new section:

SEC. 124. SOUNDPROOFING OF CERTAIN RESIDENTIAL BUILDINGS IN AREAS SURROUNDING AIRPORTS.

During the 2-year period beginning on the date of the enactment of this Act, the Secretary may make grants under section 104(c)(2) of the Aviation Safety and Noise Abatement Act of 1979 for projects to soundproof residential buildings—

(1) if the operator of the airport involved received approval for a grant for a project to soundproof residential buildings under section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987;

(2) if the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

(3) if the Secretary determines that the proposed projects are compatible with the purposes of the Aviation Safety and Noise Abatement Act of 1979.

Mr. OBERSTAR (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 Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, this amendment will prevent unnecessary delays in soundproofing residences which are severely impacted by aviation noise.

Under existing law, grants for noise abatement projects, such as soundproofing residences, cannot be awarded until an airport has completed an extensive planning process known as the part 150 process. In 1987, we asked the Federal Aviation Administration to undertake a study of the need for simplification of the part 150 process. During the study period, we allowed FAA to permit certain airports to undertake noise abatement programs without going through a part 150 study. This exemption was in effect for 18 months. During that period FAA made grants to several airports to allow them to begin programs of soundproofing residences.

In 1989, FAA issued a report recommending simplification of the part 150 process. Unfortunately, FAA has taken no action to implement these recommendations.

We do not believe that airports which began residential soundproofing programs under the prior exemption should be cut off in midstream while waiting for FAA to simplify the part 150 process. Accordingly, the amendment now before us permits airports which began residential soundproofing programs under the 1987 exemption to continue to receive grants for soundproofing residences for 2 years.

It is unfortunate that this amendment is needed. Had FAA acted in a more timely fashion, a continued exemption might have been unnecessary.

In conclusion, Mr. Chairman, I believe this amendment will facilitate an important program to reduce the impact of aviation noise. I urge adoption of the amendment.

□ 1550

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

Mr. Chairman, I rise in support of the gentleman's amendment which would permit airport operators to obtain funding for residential soundproofing without a part 150 noise abatement study. The legislation before the House has several provisions to mitigate the impact of aircraft noise on surrounding residents. The amendment which the gentleman offers would supplement our efforts by extending mitigation measures to homes which otherwise may not benefit from the AIP program.

Clearly, there may be instances where community efforts to deal with noise would be stymied if the part 150 process were required prior to money being made available for soundproofing.

Mr. Chairman, this is a good amendment, one which extends our efforts to reduce the impact of noise and I urge my colleagues to support it.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBERSTAR

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

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR: Page 19, strike lines 18 through 23 and insert the following:

SEC. 113. AIRPORT DEVELOPMENT DEFINED.

(a) AIRCRAFT DEICING EQUIPMENT.—Section 503(a)(2)(B) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2202(a)(2)(B)) is amended—

(1) by striking "or" at the end of clause (v);

(2) by inserting "or" after the semicolon at the end of clause (vi); and

(3) by inserting after clause (vi) the following:

"(vii) aircraft deicing equipment and structures (other than aircraft deicing fluids and storage facilities for such equipment and fluids);"

(b) CONTROL TOWER AND NAVIGATIONAL AIDS RELOCATION; MEETING MANDATES OF CERTAIN FEDERAL LAWS; AIRCRAFT DEICING FACILITIES.—Section 503(a)(2) of such Act is further amended—

Page 21, line 4, strike the semicolon and all that follows through the final period on line 7 and insert the following:

, but excluding acquisition of aircraft deicing equipment and fluids and construction and reconstruction of storage facilities for such equipment and fluids."

Mr. OBERSTAR (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 Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, the purpose of this amendment is to build upon another provision already in the pending bill offered by the ranking member of the subcommittee, my colleague from Pennsylvania [Mr. CLINGER] relative to deicing.

The provision which is now in the bill provides for acquisitions of land for or work necessary to construct the path for deicing aircraft, for drainage and collection structures, for a treatment and discharge system, for lighting and paved access for deicing vehicles.

We recognize in putting this amendment into the bill that deicing is a critical matter at airports, particularly those in northern climates, and as a result of very splendid work by my colleague from Pennsylvania [Mr. CLINGER], we have language in the bill to help airports do those things that are necessary to support deicing. But we need to go one step further, and that is to provide funding or to assure that airports have the authority to build the aircraft deicing equipment; that is, the structure in place to deice aircraft, not fluids, not storage facilities for those fluids, but the structure itself to deice aircraft. And this may be of different kinds. It may be a portable, it may be a fixed in place, it may be a structure in place that has hydraulic lift systems to accommodate larger or smaller aircraft. The Paris airport, Charles de Gaulle Airport, has such a structure in place. The UPS facility at Louisville, KY, has such a permanent, fixed deicing structure.

We ought to have the capacity to deice aircraft at all northern tier airports, and to do so in an expeditious manner that minimizes aircraft delay, but assures at the maximum point in the departure procedures that an aircraft is deiced, not waiting at the gate, but at the end of the taxiway just before an aircraft is cleared for takeoff and begins the takeoff roll. That is the most important point at which deicing should take place. That is the experience that the French have had at Charles de Gaulle. That is the experience that UPS has had at Louisville.

At the end of this month there will be a major deicing conference conducted by the FAA in cooperation with the National Transportation Safety Board, and aviation authorities from throughout the world will come and participate in this conference. The report of that conference will have a number of recommendations. One of them most surely will include a reference to this kind of flexible deicing structure closest to the point of take-off as possible.

We want to be sure that FAA law makes it possible for airports around this country to actually act upon those recommendations. That is what this amendment will do. I think it is important for safety in aviation, and I think

it is a vitally important action for us to take in this committee to assure that airports will have the requisite authority to build the facilities they need to deice aircraft.

I urge adoption of the amendment.

Mr. CLINGER. Mr. Chairman, I rise in support of the amendment and would like to commend my chairman for the amendment because I think it builds upon, as indicated, the amendment that was added in committee to recognize what is clearly a serious problem facing aviation, specifically facing safety considerations in aviation.

The tragic accident at LaGuardia really points out the very urgent need to improve deicing facilities and procedures. As Chairman OBERSTAR indicated, the FAA is planning a sort of a comprehensive conference at the end of this month to consider where we need to be going and what we need to be doing to ensure that the deicing procedures are affected.

What this amendment will do is to provide a tool which can be incorporated into those considerations. It does not tie the hands of the FAA. It merely makes eligible for AIP funding the deicing equipment which will be a part of that.

Currently each carrier is responsible for its own maintaining and deicing of their own aircraft. They purchase their own equipment, they man that equipment, they keep it in their own facilities. Deicing typically occurs at or near the gate area, and that may or may not be the best place. As the chairman has indicated, at Charles de Gaulle and others it is much closer to the end of the runway where they are about to take off.

The FAA, as I have said, is convening a symposium, and I think we will have a clear indication how they ought to be doing in coming out of that conference. As Chairman OBERSTAR indicated, I did offer an amendment during committee consideration of H.R. 4691 to permit as an eligible activity Federal assistance for construction of concrete pads and associated collection and environmental systems for use to deice aircraft, and this amendment will expand that eligibility to include the purchase of actual deicing equipment, which I think is a very important and welcome addition.

There is some question in my mind, Mr. Chairman, about liability for deicing aircraft where the airport operator owns and presumably operates equipment for use by individual carriers. But I think it is a concern that we will address as we have done on the road. Obviously these are things that have had to be considered, but despite this reservation, I believe the amendment is a very major step in the right direction in encouraging much greater emphasis on deicing aircraft by making purchase of equipment an eligible ac-

tivity, and will go a long way toward improving safety in this very vital area.

□ 1600

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

Mr. CLINGER. I am happy to yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of the gentleman's amendment which would make equipment and structures used to deice aircraft eligible for airport improvement program grants. The unfortunate accident that occurred recently at LaGuardia Airport has prompted us to analyze the adequacy of deicing procedures and equipment at airports around the country.

If we adopt the gentleman's amendment, airport sponsors would be permitted to apply for grants for this equipment to assure that adequate deicing facilities are available.

Mr. Chairman, this amendment will make an important safety contribution and I urge my colleagues to support it.

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

Mr. CLINGER. I am happy to yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman has rightly pointed out a matter that slipped my mind, the question of legal responsibility. Those are matters that will be discussed at the conference and which we will hear in hearings that we will hold as we have agreed to do subsequent to that conference.

The FAA further advises that they believe there is statutory authority for them to be flexible enough to finance this type of facility.

I just do not want us to be in the position, after we pass this bill, after it is through conference, after the FAA conference on deicing is concluded, to find that we need yet to do some additional legislative step to make it legal to build these things, and so the point that the gentleman rightly raises are matters that will be explored at the conference and in our hearing subsequent. I appreciate his raising it.

Mr. CLINGER. Mr. Chairman, the gentleman is exactly right. We need to provide this additional prior to the conference, because we will not really have an opportunity to address it after the conference in this legislation.

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

Mr. Chairman, I rise in strong support of this amendment.

I will not take the time now, but I want to highly compliment the chairman, the gentleman from Minnesota [Mr. OBERSTAR], and the gentleman from Pennsylvania [Mr. CLINGER], for their bringing up this amendment and having worked as hard as they did on it, because it is an extremely important amendment, and particularly for

those of us from the Northeast who recognize, as was mentioned, the Federal Aviation Administration will soon hold an important conference on deicing in view of the recent accident at Guardia Airport which was a major catastrophe.

I think this amendment will ensure that funding will be available to help airports purchase their necessary equipment, and I rise in strong support, Mr. Chairman. I urge all of our Members to support this amendment.

Mr. MINETA. Mr. Chairman, I rise in support of the amendment to permit the use of Federal Airport Improvement Program [AIP] funds for the acquisition of aircraft deicing equipment and associated support structures which is being offered by the chairman of the Subcommittee on Aviation.

During the consideration of the Federal Aviation Administration [FAA] research and development bill by the Science, Space and Technology Committee, I offered an amendment requiring a study to review and enhance methods of deicing. I am pleased that this amendment was included in the final package.

My earlier amendment also requires the Secretary to undertake research to develop new techniques and to develop more efficient fluids and technologies for deicing.

The amendment now being offered by the gentleman from Minnesota strengthens the efforts to find efficient and effective ways of preventing the tragedies caused by aircraft deicing inadequacies.

Safety experts have suggested that improving runway traffic conditions so that the airplanes do not have to wait so long could foster the biggest improvements. As the technologies for deicing facilities are advanced, the Oberstar amendment will ensure that these types of projects are AIP eligible.

I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

The amendment was agreed to.

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

Mr. Chairman, I had an amendment at the desk, but I do not intend to offer it. I intended to offer that amendment to section 1 which would have required that the FAA Administrator fly aboard commercial aircraft whenever practicable. The intent of my amendment is to improve the Administrator's firsthand knowledge of what it is like for 450 million passengers a year who fly on aircraft in the United States of America.

The Administrator certainly needs to keep his or her skills up to date in terms of performing as a private pilot and experiencing the system as a pilot, but more crucial to most Americans

who fly is what is it like inside the cabin of a commercial airliner. What experiences can you gain from that?

Last year I made 31 transcontinental flights. That is over 185,000 miles aboard commercial aircraft. I learned a lot. I learned a lot from talking to fellow passengers, flight attendants, and others.

It was first flying in a 757 that I found out about the placement of seats in a type 1 exit row, now called death row by flight attendants. It was talking to flight attendants where I first became fully aware of the problems in accessing type 3 window exits, the problems of carry-on baggage, the problems of seat pitch, and the discomfort experienced by people on planes.

All of these things are under the control of the FAA and the FAA Administrator, and I believe that it would behoove the Administrator to, as much as possible and practicable in the conduct of his, or in the future, his or her job, to experience the things that average Americans experience rather than being in the rear of one of the FAA's four executive aircraft or on the flight deck even of one of those executive aircraft. That is not the reality for most Americans.

I understand that OMB is developing guidelines for executive travel for members of the administration, and I am going to strongly urge, given that, that OMB look closely not only at the question of whether or not it is personal or work-related, but whether or not travel by commercial aircraft would benefit a member of the administration in the day-to-day conduct of their job and strongly suggest that in the case of the FAA Administrator that that would be the case, and given that review by OMB, I intend to withdraw my amendment.

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

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

Mr. OBERSTAR. Mr. Chairman, I appreciate the gentleman's willingness to withhold offering his amendment at this time.

The gentleman's concern is well placed and well stated. I concur that the Administrator of the Nation's premier aviation regulatory body ought to travel like the rest of the folks do in the system, in the cabin. I would recommend that the Administrator, and I would go further to say that the Secretary of Transportation ought to spend more time aboard commercial aircraft in the B or E seats, that is, the center seats in those crowded rows, as the gentleman has already pointed out, and that if you need a little space and you have some work to do, it is a tough place to sit aboard an aircraft.

It would be very good for the Administrator and for the Secretary of Transportation to travel there with the folks. I think time spent in line at a

ticket counter or at the checkout counter just before getting on board an aircraft would do a lot of good for those folks. They would see how people travel and what their concerns are and listen to them a little bit.

But I do want to point out also that the inspector general of the Department of Transportation undertook an analysis of the tenure of Admiral Busey as FAA Administrator and found no complaints whatever. In fact, they gave him praise for his very careful balance of use of the FAA aircraft, limiting it to official business activities.

It is important for the Administrator to get into the air traffic control system, flying an aircraft, hearing the problems in the air traffic control system, seeing the congestion problems on approach and on departure, so there is a legitimate role for the Administrator in flying in the system and seeing firsthand.

The point the gentleman from Oregon is making though is that of a much different nature, and that is to see how the rest of the world lives. I would extend that to the Secretary of Transportation as well.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for his kind words, and I would withdraw my amendment.

AMENDMENT OFFERED BY MR. BUSTAMANTE

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

The Clerk read as follows:

Amendment offered by Mr. BUSTAMANTE: Page 27, after line 21, insert the following new section:

SEC. 124. LAREDO INTERNATIONAL AIRPORT, LAREDO, TEXAS.

Section 313(c)(2)(C) of the Airport and Airway Safety and Capacity Expansion Act of 1987 (101 Stat. 1531) is amended by striking "20 years" and inserting "40 years".

Mr. BUSTAMANTE. Mr. Chairman, my amendment is a technical correction of an original 1987 amendment which I offered and which was adopted to Public Law 100-223, the Airport and Airway Safety and Capacity Expansion Act of 1987.

The original intent of that 1987 amendment was to allow the city of Laredo to grant leases at below fair market value at the former Laredo Air Force Base as an economic incentive to attract aviation investment there.

Incidentally, that original 1987 amendment was adopted on voice vote with the support of both the majority and minority. That same 1987 amendment stipulated, however, that the city of Laredo could only grant leases for no longer than 20 years.

Unfortunately, this Federal limitation on term length unintentionally preempted Texas State law, which allows municipal airports to grant leases up to a maximum of 40 years.

As a result of this unintended Federal preemption of Texas State law, aviation investors have been reluctant to locate at the Laredo International

Airport because most of them prefer a minimum lease term of 40 years. That is the average term length for Texas investors to fully amortize their capital expenditures on aviation-related investments.

The purpose of my amendment is solely to increase the current term length to leases the city of Laredo grants. The increase in term length would be from 20 years to 40 years in conformance with State law.

I urge my colleagues to support this noncontroversial, technical corrections amendment.

LOREDO, TX,
March 30, 1992.

Re Airport and Airway Safety and Capacity Expansion Act of 1987, title III—miscellaneous provisions, Sec. 313, release of certain conditions (C) Laredo International Airport, Laredo, TX.

Hon. ALBERT BUSTAMANTE,
U.S. Representative,
Washington, DC.

DEAR CONGRESSMAN BUSTAMANTE: The purpose of this letter is to request your assistance in introducing the necessary legislation to allow for longer term leases at the Laredo International Airport.

I understand that H.R. 4691 to reauthorize the Airport Improvement Program will soon be considered by Congress. A markup to H.R. 4691 would resolve the issue regarding the term of airport leases.

The intent of the above referenced 1987 Amendment was to encourage the leasing of airport property in support of industrial development in Laredo, Texas, more specifically at the Airport. The leasing of airport property would create employment opportunities and generate revenue for the operation, maintenance and development of the Airport.

The 1987 Amendment is restricting the development of Airport properties.

The reason is the limitation to 20 year lease terms. This limitation is discouraging the private sector from leasing airport property and investing in the development of the airport.

Investors prefer minimum lease terms of 40 years. Investors need the longer lease term to fully amortize their investment. State law allows the term of airport leases to be for up to 40 years. The City can live with the 40 year term allowed by the State of Texas.

The City requests that the 1987 Amendment be amended by: deleting the reference to 20 years or less in Condition (C). The amended paragraph (C) to read as follows;

(C) Property to which such release applies may only be rented or leased if compensation which is not less than—

and adding a third subparagraph (iii) to Condition (C) to read;

(iii) and fair market value is received in the case of a rental or lease agreement for a term of more than 20 years.

The amendment herein proposed is in keeping with the spirit and the original intent of the 1987 Amendment.

Approval of the proposed amendment to the 1987 Amendment will help the City generate rental revenues for needed Airport improvements and help create employment opportunities in our community.

Thank you for your assistance. I look forward to working with you to help resolve this most important issue. Please call me at

(512)-791-7300 if you need additional information.

Sincerely,

PETER H. VARGAS,
City Manager.

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

Mr. BUSTAMANTE. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, we have reviewed this amendment. It is a revision, and one could say a partial technical adjustment. It simply extends the time of a period of leasing on some economic development programs at an airport site or contiguous to an airport from 20 years to 40 years. We have no objection to the amendment.

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

Mr. BUSTAMANTE. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of the gentleman's amendment which would amend existing law regarding deed restrictions on airport property at Laredo, TX. The amendment would permit the airport to lease certain airport property at reduced rates for up to 40 years, instead of the 20 years permitted under the existing statute.

This amendment is more in the nature of a technical amendment and I see no problem with its adoption.

I urge my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BUSTAMANTE]. The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I? If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—FEDERAL AVIATION ACT AMENDMENTS

SEC. 301. PROCUREMENT REFORM.

(a) IN GENERAL.—Section 303 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1344) is amended by adding at the end the following new subsections:

"(g) LIMITED SOURCES OF PROCUREMENT.—The Administrator shall have the same authority as the Administrator would have under section 2304(c)(1) of title 10, United States Code, if the Federal Aviation Administration were an agency listed under section 2303(a) of title 10, United States Code.

"(h) CONTRACT TOWER PROGRAM.—The Administrator may enter into a contract, on a sole source basis, with a State or political subdivision thereof for the purpose of permitting such State or political subdivision to operate an airport traffic control tower classified as a level I visual flight rules tower by the Administrator if the Administrator determines that the State or political subdivision has the capability to comply with the requirements of this subsection. Any such contract shall require that the State or political subdivision comply with all applicable safety regulations in its operation of the facility and with applicable competition requirements in the subcontracting of any work to be performed under the contract."

(b) CONFORMING AMENDMENT.—The portion of the table of contents contained in the first section of such Act relating to section 303 is amended by adding at the end the following:

"(g) Limited sources of procurement.

"(h) Contract tower program."

SEC. 202. CREDIT FOR FEES.

Section 313(f)(4) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1354(f)(4)) is amended by inserting "or as a charge permitted under section 334 of title 49, United States Code," after "subsection".

SEC. 203. AVIATION SECURITY TRAINING.

Section 316(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1357(c)) is amended by inserting "(1)" after "(c)" and by adding at the end the following new paragraph:

"(2) REIMBURSEMENT FOR CERTAIN EXPENSES.—At the discretion of the Administrator, reimbursement may be made for travel, transportation, and subsistence expenses for the security training of non-Federal domestic and foreign security personnel whose services will contribute significantly to carrying out civil aviation security programs under this section. To the extent practicable, air travel reimbursed under this paragraph shall be conducted on United States air carriers."

SEC. 204. NOTICE OF CONSTRUCTION.

Section 1101(a) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1501(a)) is amended—

(1) by inserting after "of the construction or alteration," the following: "or the establishment or expansion,";

(2) by inserting after "or of the proposed construction or alteration," the following: "or of the proposed establishment or expansion,"; and

(3) by inserting "or sanitary landfill" after "structure".

SEC. 205. NATIONAL COMMISSION TO PROMOTE A STRONG AND COMPETITIVE AIRLINE INDUSTRY.

(a) FINDINGS.—Congress finds the following:

(1) The Nation's airlines must be part of an intermodal transportation system that will move people and goods in the fastest, most efficient manner.

(2) The Nation's airlines provide our connections with the global economy; a strong airline industry is essential to our Nation's ability to compete in the international marketplace.

(3) The Nation's airlines are in a state of financial distress, having lost more than \$6,000,000,000 in 1990 and 1991. These losses threaten the ability of our airlines to accommodate the growing aviation traffic demands of the 1990's which threaten to undermine our Nation's ability to compete in the global economy.

(4) Because of the airline industry's financial distress and the absence of government policies to promote competition, there has been a precipitous decline in the number of major airlines. Of the 22 airlines which entered the industry following airline deregulation, only 2 are now operating. The rest have either gone out of business or merged with other carriers.

(5) Concentration in the airline industry has advanced rapidly in the past few years. The top 4 major airlines now control 67 percent of aviation traffic and the top 7 airlines now control 91 percent of aviation traffic. Three major airlines, carrying 19 percent of aviation traffic, are in chapter 11 bankruptcy and their survival is in doubt.

(6) The continued success of a deregulated airline system requires the spur of effective actual and potential competition to force airlines to provide high quality service at the lowest possible fares.

(7) Further reductions in the number of major airlines may leave the industry without sufficient competition to ensure a continuation of the benefits consumers have received under airline deregulation.

(b) ESTABLISHMENT.—There is established a commission to be known as the "National Commission to Ensure a Strong Competitive Airline

Industry" (in this section referred to as the "Commission").

(c) FUNCTIONS.—The Commission shall make a complete investigation and study of the financial condition of the airline industry, the adequacy of competition in the airline industry, and legal impediments to a financially strong and competitive airline industry. Based on such investigation and study, the Commission shall recommend those policies which need to be adopted to achieve the national goal of a strong and competitive airline system which will facilitate the ability of our Nation to compete in the global economy, provide adequate levels of competition and service at reasonable fares at cities of all sizes, and provide a stable work environment for its employees.

(d) SPECIFIC MATTERS TO BE ADDRESSED.—The Commission shall specifically investigate and study the following:

(1) FINANCIAL CONDITION OF AIRLINE INDUSTRY.—The Commission shall determine the current financial condition of the airline industry and how the industry's financial condition is likely to change over the next 5 years. The issues to be considered shall include the following: the profits or losses likely to be achieved by the airline industry over the next 5 years; whether or not any profits realized will be adequate to permit airlines to acquire the capital equipment necessary to meet the demand of the traveling public in a safe and efficient manner, while complying with environmental regulations; and whether or not any major airlines are likely to fail or sell major assets in order to survive.

(2) ADEQUACY OF COMPETITION.—The Commission shall investigate the current state of competition in the airline industry, how the structure of airline industry competition is likely to change over the next 5 years, and whether or not the expected level of competition will be sufficient to continue the consumer benefits of airline deregulation.

(3) LEGAL IMPEDIMENTS TO A FINANCIALLY STRONG AND COMPETITIVE AIRLINE INDUSTRY.—The Commission shall examine whether the Federal Government should take any legislative or administrative actions to improve the financial conditions of the airline industry or to enhance airline competition. The matters to be investigated shall include whether or not any changes are needed in the legal and administrative policies which govern—

(A) the initial award and the transfer of international airline routes;

(B) the allocation of slots at high density airports;

(C) the allocation of gates, particularly at airports dominated by 1 or a limited number of airlines;

(D) frequent flier programs;

(E) airline computer reservations systems;

(F) the rights of foreign investors to invest in United States airlines;

(G) the taxes and user fees imposed on United States airlines;

(H) the regulatory responsibilities imposed on United States airlines;

(I) the bankruptcy laws of the United States and related fitness rules administered by the Department of Transportation as they apply to airlines; and

(J) the obligations of failing airlines to meet pension obligations.

(4) INTERNATIONAL AVIATION POLICY.—The Commission shall investigate whether or not the policies and strategies followed by the United States in international aviation are promoting the ability of United States airlines to achieve long-term competitive success in international markets. The matters to be investigated shall include the following: the Government's general negotiating policy; the desirability of multilat-

eral rather than bilateral negotiations; whether or not foreign countries have developed the necessary infrastructure of airports and airways to enable our airlines to provide the service needed to meet the demand for aviation service between the United States and such countries; the rights granted foreign airlines to provide service in United States domestic markets ("cabotage"); and the rights granted foreign investors to invest in United States airlines.

(e) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(A) 3 members appointed by the President.

(B) 2 members appointed by the Speaker of the House of Representatives.

(C) 2 members appointed by the minority leader of the House of Representatives.

(D) 2 members appointed by the majority leader of the Senate.

(E) 2 members appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Members appointed pursuant to paragraph (1) shall be appointed from among individuals who are experts in transportation policy (including representatives of Federal, State, and local governments and other public authorities owning or operating airports) and organizations representing airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

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

(6) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

(f) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(g) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(h) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(j) REPORT.—Not later than May 1, 1993, the Commission shall transmit to Congress a final report on the results of the investigation and study conducted under this section.

(k) TERMINATION.—The Commission shall terminate on the 180th day following the date of transmittal of the report under subsection (j). All records and papers of the Commission shall thereupon be delivered by the Administrator of General Services for deposit in the National Archives.

The CHAIRMAN. Are there amendments to title II?

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 36, after the period on line 9, insert the following: "Members appointed pursuant to paragraph (1) shall be appointed in a manner such that the interests of both large hub airports and small airports with commercial air service will be taken into consideration."

Mr. DORGAN of North Dakota. Mr. Chairman, I shall not take but a minute. The amendment is self-explanatory.

I support the concept of a commission, but I want to make sure, however, that such a commission would take into consideration the interests of smaller airports, the more rural areas of the country.

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

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, we have reviewed the gentleman's amendment, and we think it is an added important amendment. We agree with the gentleman about the whole idea of the Commission reviewing the situation of the aviation industry in the Nation is to just bring into all of these factors, and the gentleman is adding an important amendment, and the committee is in acceptance of the gentleman's amendment.

□ 1610

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

Mr. DORGAN of North Dakota. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I concur with the statement of the committee chairman, and I support the amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, I appreciate that. My point is simply to make that more explicit in the law. I appreciate very much the cooperation of the majority and the minority.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The amendment was agreed to.

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

Mr. Chairman, I rise today in strong support of this legislation to reauthorize and strengthen programs of the Federal Aviation Administration. I want to commend Chairman ROE, Chairman OBERSTAR, Mr. HAMMERSCHMIDT, and Mr. CLINGER for their outstanding bipartisan leadership on this bill, and at this time I would ask the chairman to engage in a colloquy with me regarding section 122 of H.R. 4691.

This section directs the Secretary of Transportation to conduct a study of the current Federal program for monitoring the installation and operation of lighting systems for aircraft obstructions and airport runways. It further requires that the Secretary provide a report to Congress detailing the findings of this study. The concern which prompts this review is that, while the FAA determines specifications for these lighting systems, the responsibility for ensuring that they operate to specification throughout their life cycle is either less developed within FAA or falls to another agency entirely. The purpose of the study is to determine how the FAA can improve internal programs and cooperative efforts with other agencies to ensure that lighting systems are installed and operated—throughout their life cycle—in a manner that conforms to FAA specifications and adequately protects the flying public.

Is this explanation consistent with the committee's intent in adopting section 122 of the bill?

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

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

Mr. OBERSTAR. Mr. Chairman, the gentleman from New Hampshire is the farsighted author of section 122 and has thoroughly explained it here on the floor, as he did in the committee.

The committee has elaborated on that matter in its committee report. The gentleman's statement is thoroughly consistent with the purpose of the specific legislative language, and I totally concur. The gentleman is correct.

Mr. SWETT. Mr. Chairman, I thank the committee chairman.

AMENDMENT OFFERED BY MR. ENGEL

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

The Clerk read as follows:

Amendment offered by Mr. ENGEL: Page 32, line 16, after the period insert the following: "In carrying out such study and investigation the Commission shall take into account aircraft noise abatement, a priority established by Congress by enactment of the Airport Noise and Capacity Act of 1990."

Mr. ENGEL. Mr. Chairman, I rise today along with my colleague, Congressman HYDE, in offering an amendment to H.R. 4691, the aviation reauthorization bill of 1992. Our amendment would mandate that the 11-member Commission, established in the current bill to examine the competitiveness of the airline industry, must take into account the priorities set by Congress in the Airport Noise and Capacity Act of 1990, which made airplane noise abatement a national priority.

The current version of the bill establishes an 11-member Commission to examine the airline industry and to make recommendations in helping to create a healthy and competitive industry

that is able to compete internationally, provide adequate competition and services at reasonable fares throughout the United States, and provide a stable work environment for airline employees. More specifically, the bill requires the Commission to closely examine the financial condition of the airline industry, the current adequacy of competition in the industry, existing legal impediments to a financially strong and competitive industry, and the impact of U.S. international aviation policies.

While I wholeheartedly agree with the premise of this provision, especially in light of the industry's current situation, I must urge my colleagues not to lose sight of the national priorities previously set forth by the Airport Noise and Capacity Act of 1990. As a Member representing a metropolitan area, I can attest to the severity of the airplane noise problem. On a daily basis, the quality of life for millions of Americans is adversely affected by the deafening noise of low-flying jet airplanes over primarily residential areas.

Therefore, the Commission's emphasis must be placed equally on strengthening the airline industry and on a national aviation noise policy. Our amendment would require that the Commission take this priority into consideration when making its recommendations.

Mr. Chairman, I urge my colleagues to support this amendment.

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

Mr. ENGEL. Certainly, I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, we have reviewed the amendment. Of course, I do want to hear from the distinguished gentleman, but we have reviewed the amendment. It is an important addition to what this Commission will be studying, and we would accept the gentleman's amendment.

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

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

Mr. HYDE. Mr. Chairman, I just want to take this opportunity to salute the gentleman from New York [Mr. ENGEL] for his very prudent amendment emphasizing that this important Commission, as it pursues its legitimate quest for competitiveness for our airlines, also bears in mind the Airport Noise and Capacity Act of 1990.

Airport noise is painfully inflicted on millions of people who are fortunate or not so fortunate enough to live right around an airport. As I have said, and as this amendment abundantly makes clear, the quality of life is very important along with the competitiveness of airlines.

So Mr. Chairman, the gentleman has done a very fine thing and I am very pleased to support him, and I thank the committee chairman and the ranking member for their support.

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

Mr. ENGEL. Certainly, I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I support the amendment of the gentleman from New York.

I congratulate him and the gentleman from Illinois [Mr. HYDE].

Mr. Chairman, we accept the amendment on this side.

Mr. ENGEL. Mr. Chairman, I thank the committee chairman and the ranking member and the gentleman from Illinois and everyone for their cooperation and support.

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

Mrs. MORELLA. Mr. Chairman, as the Representative of the 8th Congressional District of Maryland, which has been impacted by airport noise, I appreciate the opportunity to rise in support of the Engel-Hyde amendment.

The aviation reauthorization provides for an 11-member Commission charged with the responsibility of taking a close look at the aviation industry. That Commission, then, must make recommendations regarding ways in which to improve the industry to compete on a global basis, to provide improved services and more reasonable fares for passengers, and to improve working conditions for airline employees.

The Engel-Hyde amendment would require that the 11-member Commission also would take into consideration aircraft noise abatement.

Airport noise is undeniably serious. It is an invisible pollutant that causes stress, hearing loss, and impaired health. Many Americans have experienced the damage firsthand as they have had to endure constant, daily overflights of their homes and their neighborhoods. Unlike landfills and oil spills, noise is an invisible pollutant. All the same, the hazards are just as real.

Maryland residents, especially my constituents in the Great Falls area, are experiencing an increase in noise—on a daily and nightly basis—from flights from both National and Dulles airports that follow the Potomac River upon takeoff. There is no doubt that aircraft noise creates a negative impact upon the quality of life in the communities along the take-off routes of Washington's two major airports.

Mr. Chairman, I urge my colleagues to support the Engel-Hyde amendment to make consideration of aircraft noise abatement a priority among the issues to be examined by the 11-member Commission established by the aviation reauthorization bill. This amendment will help aviation remain a good neighbor to the communities it serves, not only in the Greater Washington area, but across the Nation.

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

The amendment was agreed to.

Mr. OWENS of Utah. Mr. Chairman, I ask unanimous consent to offer an amendment to title I, notwithstanding the fact that it has been passed in the reading.

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

There was no objection.

AMENDMENT OFFERED BY MR. OWENS OF UTAH
Mr. OWENS of Utah. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OWENS of Utah:
Page 27, insert new section:

SEC. 124. STUDY OF SMALL AIRPORT RUNWAY MAINTENANCE.

(a) STUDY.—The Secretary of Transportation shall conduct a study to assess the ability of airports which annually enplane .05 percent or less of total enplanements in the United States to finance the maintenance of runways, aprons and taxiways constructed under the Airport Improvement Program, whether or not it would be desirable to make maintenance of runways, aprons, and taxiways eligible to receive grants under the Airport Improvement Program, and whether or not the result of making such maintenance eligible would be to reduce the long term costs of airport development.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations.

Mr. OWENS of Utah (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 Utah?

There was no objection.

Mr. OWENS of Utah. Mr. Chairman, I am deeply grateful for the assistance of the gentleman from Minnesota, chairman of the Aviation Subcommittee, and the chairman of the full committee.

Mr. Chairman, my amendment is as simple as it is sensible. It directs the Secretary of Transportation to conduct a study to assess the ability of small airports to finance the maintenance of runways, aprons, and taxiways constructed under the Airport Improvement Program. The Secretary is also directed to recommend whether or not we would save money by allowing AIP grants to be awarded for runway maintenance, instead of using AIP money to totally replace a deteriorated runway, as is current practice.

I am fully aware of the tremendous needs facing this Nation's airports. And sadly, we do not have sufficient resources to meet all of these needs. For that reason, I am not requesting at this time to expend the already scarce resources in this bill on yet another program, though I believe it to be worthwhile.

But Mr. Chairman, the small airports in America are getting the short end of the stick. Most of these airports perform vital commercial, medical, and communications functions in rural or sparsely populated areas. Yet these airports, unlike the large airports, are barely able to scrape together the money to stay in operation. Large airports may get most of the glory, but

the smaller airports literally maintain America's lifeline.

Airports in St. George, Moab, Logan, and 60 other locations in Utah face a heavy financial burden, especially in this tough budget climate. Under the current regulations, the Airport Improvement Program only grants money for capital projects and requires participating airports to spend their own resources on pavement maintenance. Small airports, while fully complying with this regulation and spending their own funds on maintenance, run out of money before they are able to repair runways, aprons, and taxiways. This results in more frequent replacement of pavement, which, of course, costs more money. I believe that we would actually save money by allowing AIP money to be used for repair and renovation of small airports.

Large airports, like many of those on the East Coast, prefer to receive AIP funds for capital projects, like terminal, facility and runway construction and expansion. For these airports, this makes sense. But for the smaller airports that are as important to their communities as the large airports are to the big cities they service, the current AIP regulations are counterproductive.

Mr. Chairman, I include the following article from the Deseret News of February 6-7, 1992:

[From the Deseret News, Feb. 6-7, 1992]
SMALL UTAH AIRPORTS SEEKING MORE MONEY FOR MAINTENANCE

Do Utahans view private planes and the small, often rural, airports that accommodate them as "toys for rich people?"

If they do, they couldn't be more wrong, said John W. Wolfe, manager of the Ogden-Hickley Airport and past president of the Utah Airport Operators Association.

Speaking for the Airport Operators, Wolfe told the Utah Air Travel Commission this week that more than half of Utah's general aviation, as it is termed, is related to business, not pleasure, and is vitally important to the economies of the state's smaller communities.

But many of Utah's small airfields are not getting the money they need—particularly for maintaining runways and taxiways—to keep them viable, Wolfe told the Air Travel Commission, the organization responsible for improving Utah's air service under the Utah Department of Transportation, Salt Lake City Corp. and the Salt Lake Area Chamber of Commerce.

Wolfe came to the commission's monthly meeting Wednesday to ask its support for a plan to modify existing rules of the federal Airport Improvements Fund (AIP) or perhaps create a separate program.

Under current rules, said Wolfe, AIP does not allow grant money for pavement maintenance although differences of interpretation among Federal Aviation Administration district offices of the "no-maintenance policy" have resulted in "some variety" in how it is enforced.

What these small airports need most, he said, are the construction materials to make the repairs—about 50 percent of the total cost. Many, he noted, have the street equipment and personnel needed to do the work if they had the materials.

It sounds simple, but it's not, said Wolfe. AIP airport rehabilitation grant money is tied to a requirement that each airport spend some of its own money toward pavement maintenance—again, with widely varying FAA interpretation of exactly what this means.

The result, said Wolfe, is that many small airports do little or nothing to maintain their pavement. Instead, they wait until it deteriorates to the point that it requires complete renovation, thus qualifying for AIP rehabilitation grant money.

Louis Miller, director of airports of Salt Lake City, told Wolfe he would likely have more success trying to amend the current law than attempting to get a completely new law written. He advised Wolfe to immediately contact Utah's congressional delegation on the matter as legislation is currently being discussed in Washington, DC.

For their part, commissioners voted to back Wolfe and other small-airport managers in their attempt to change the way federal money is allocated to general aviation airports. Wolfe said he would contact Utah's congressional delegation as well as the American Association of Airport Executives, Alexandria, VA., a major U.S. advocate for general aviation.

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

Mr. OWENS of Utah. Yes, I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman has stated the case. The law currently prohibits the practice that the gentleman proposes to be studied.

The gentleman is offering a very valuable service to rural America, showing his continuing interest in and concern for communities who recognize that if they are going to grow, they have to have an airport and that airport has to be maintained. It is the very strong continuing interest of this committee in seeing that airport facilities are maintained. The gentleman's amendment will go a long way to assuring that. The study contained in this proposal will be a very valuable and useful one. I commend the gentleman for offering it and am prepared to accept it.

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

Mr. OWENS of Utah. Yes; I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I concur with the statement just made by the distinguished chairman of the subcommittee and with the statement made by the gentleman who is offering the amendment, and I support it.

Mr. OWENS of Utah. Mr. Chairman, I thank the gentleman.

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

Mr. OWENS of Utah. I am glad to yield to the gentleman from New Jersey, the committee chairman.

Mr. ROE. Mr. Chairman, the gentleman from Minnesota has stated the case clearly, as has the author of the amendment, and the committee has no objection to it.

(Mr. OWENS of Utah asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. OWENS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992".

SEC. 302. AVIATION RESEARCH AUTHORIZATION OF APPROPRIATIONS.

Section 506(b)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2205(b)(2)) is amended by striking subparagraph (A) and all that follows and inserting in lieu thereof the following:

"(A) for fiscal year 1993—

"(i) \$14,734,000 solely for management and analysis projects and activities;

"(ii) \$97,218,000 solely for capacity and air traffic management technology projects and activities;

"(iii) \$30,701,000 solely for communications, navigation, and surveillance projects and activities;

"(iv) \$6,116,000 solely for weather projects and activities;

"(v) \$7,309,000 solely for Airport Technology projects and activities;

"(vi) \$44,218,000 solely for aircraft safety technology projects and activities;

"(vii) \$52,163,000 solely for system security technology projects and activities;

"(viii) \$34,941,000 solely for human factors and aviation medicine projects and activities;

"(ix) \$4,500,000 for environment and energy projects and activities; and

"(x) \$5,400,000 for innovative/cooperative research projects and activities; and

"(B) for fiscal year 1994, \$633,300,000, less the aggregate of amounts appropriated pursuant to subparagraph (A).

Not less than 15 percent of the amount appropriated pursuant to this paragraph shall be for long-term research projects, and not less than 3 percent of the amount appropriated under this paragraph shall be available to the Administrator for making grants under section 312(g) of the Federal Aviation Act of 1958."

SEC. 303. DE-ICING STUDY.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the feasibility of requiring commercial airports and/or commercial airlines to employ portable equipment to de-ice commercial aircraft immediately prior to takeoff by placing de-icing equipment close to the departure end of the active runway. In addition, the Secretary shall undertake research to develop new techniques and to develop more efficient fluids and technologies for de-icing.

SEC. 304. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this title, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in

subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—

(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this title to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Secretary of Transportation, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

AMENDMENT OFFERED BY MR. RINALDO

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

The Clerk read as follows:

Amendment offered by Mr. RINALDO: Re-designate section 304 of the bill as section 305 and insert after section 303 of the bill the following new section:

SEC. 304. AIRCRAFT NOISE RESEARCH PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall jointly conduct a research program to develop new technologies for quieter subsonic jet aircraft engines and airframes.

(b) GOAL.—The goal of the research program established by subsection (a) is to develop by the year 2000 technologies for subsonic jet aircraft engines and airframes which would permit a subsonic jet aircraft to operate at reduced noise levels.

(c) PARTICIPATION.—In carrying out the program established by subsection (a), the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall encourage the participation of representatives of the aviation industry and academia.

(d) REPORT TO CONGRESS.—The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall jointly submit to Congress, on an annual basis during the term of the program established by subsection (a), a report on the progress being made under the program toward meeting the goal described in subsection (b).

Mr. RINALDO (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 New Jersey?

There was no objection.

Mr. RINALDO. Mr. Chairman, my amendment to the research, engineering, and development title of the Airport and Airway Safety, Capacity, and

Intermodal Transportation Act of 1992 would direct the Administrator of the FAA and the Administrator of NASA to jointly conduct a research program to develop new technologies for quieter jet aircraft engines and airframes.

Noise generated by jet aircraft represents a significant and steadily growing environmental problem in the United States. Millions of Americans living near airports across the country are subjected to a daily barrage of jet thunder, with very limited prospects for relief in the future.

Congress recognized the problem of aircraft noise through the passage of legislation in 1990 to phase out the operation of older, noisy stage II jet aircraft by the end of the decade. However, this is only a partial solution to the problem, and any noise relief that is achieved will likely be temporary as the air transport industry continues to expand in the future to meet the growing demand for air travel.

The projected growth in air traffic through the year 2000 and beyond virtually assures a corresponding growth in the problem of aircraft noise. To solve this problem, we need to implement an aggressive, long-term research agenda to develop technologies that will permit future generations of aircraft to operate at noise levels significantly below what is currently attainable.

It is for this reason that I am offering this amendment, which directs the Administrator of the FAA and the Administrator of NASA to jointly conduct and manage a research program to develop new technologies for quieter jet aircraft engines and airframes. The goal of the program is to develop jet aircraft technology—ready for industry application by the year 2000—that will permit aircraft to operate at reduced noise levels. With additional resources focused on noise abatement research, a 4- or 6-decibel decrease relative to current stage III aircraft noise levels could be achieved by the end of the decade.

My amendment is based upon the recommendations put forth by the Aircraft Noise Abatement Working Group in their November 1991 report to the FAA Research, Engineering, and Development Advisory Group. The working group report contains recommendations on specific areas of research and levels of funding, and emphasizes that the research effort should be a cooperative one involving the FAA, NASA, the aerospace industry, and the academic community.

I believe the report offers a rational and straightforward blueprint for achieving long-term aircraft noise reduction. The FAA and NASA are already conducting important research into quieter subsonic aircraft technology, although the current level of funding committed to this effort is very small, and similar research is on-

going within the aviation industry. My amendment will put noise research on a fast track, calling for an enhanced Federal commitment to aircraft noise abatement by creating a sustained and coordinated research program to expedite the availability of quieter aircraft for the future. Ultimately, this effort will benefit noise impacted communities on the ground, as well as enhance the long-term competitiveness of the air transport industry.

I strongly urge my colleagues to vote in favor of the Rinaldo amendment.

□ 1620

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

Mr. RINALDO. I yield to the gentleman from North Carolina.

Mr. VALENTINE. Mr. Chairman, we have reviewed, for our part, the amendment of the gentleman from New Jersey [Mr. RINALDO] and believe that it improves the bill. We would be happy to accept it.

Having said that, it is my belief that this country contains a significant population. Many people have moved up beside these airports after the airports have been in existence for a long time, and, as soon as they get settled in their houses, the first thing they do is begin to complain about the noise.

But we accept the amendment of the gentleman from New Jersey [Mr. RINALDO].

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

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

Mr. WALKER. Mr. Chairman, I thank the gentleman from New Jersey [Mr. RINALDO] for yielding, and I simply want to say that we, too, have reviewed the amendment on our side, and agree with the gentleman and support his amendment.

Mr. RINALDO. I thank the gentleman from Pennsylvania.

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

Mr. RINALDO. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, I want to pay high regard to my distinguished colleague, the gentleman from New Jersey [Mr. RINALDO] who has been really one of the true leaders, not only in New Jersey on this critical issue of noise at airports, but all across the Northeast United States, and I strongly support his amendment because I think it is a very important step in the right direction. So, I compliment the gentleman and rise in strong support of his amendment.

Mr. RINALDO. Mr. Chairman, I thank the gentleman from New Jersey [Mr. ROE], the dean of the New Jersey delegation.

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

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

Mr. CLINGER. Mr. Chairman, I would like to add my support to the amendment which I think is a very good and important addition to our bill.

As my colleagues know, at the present time technology has only taken us so far, and we are only going to have what is called stage three quietness, but we need to go beyond that, and, as the gentleman who represents an urban area recognizes, this is a continuing source of annoyance, it is a continuing source of dismay to people who live in and around these airports.

So, Mr. Chairman, I think it is very important that we do move toward developing a technology which is going to allow us to have quieter aircraft in the future, so I would support the amendment of the gentleman from New Jersey [Mr. RINALDO].

Mr. RINALDO. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. CLINGER] for his kind remarks and support, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENTS EN BLOC OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer amendments en bloc.

The Clerk read as follows:

Amendments en bloc offered by Mr. WALKER: Page 1, line 15, strike "\$14,734,000" and insert in lieu thereof "\$12,700,000".

Page 1, line 17, strike "\$97,218,000" and insert in lieu thereof "\$72,900,000".

Page 2, line 1, strike "\$30,701,000" and insert in lieu thereof "\$29,400,000".

Page 2, line 4, strike "\$6,116,000" and insert in lieu thereof "\$8,100,000".

Page 2, line 6, strike "\$7,309,000" and insert in lieu thereof "\$5,600,000".

Page 2, line 8, strike "\$44,218,000" and insert in lieu thereof "\$47,700,000".

Page 2, line 10, strike "\$52,163,000" and insert in lieu thereof "\$38,300,000".

Page 2, line 12, strike "\$34,941,000" and insert in lieu thereof "\$34,000,000".

Page 2, line 15, strike "\$4,500,000" and insert in lieu thereof "\$6,500,000".

Page 2, line 17, strike "\$5,400,000" and insert in lieu thereof "\$4,800,000".

Page 2, line 19, strike "\$633,300,000" and insert in lieu thereof "\$557,000,000".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments en bloc be considered as read and printed in the RECORD.

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

There was no objection.

MODIFICATIONS OFFERED BY MR. WALKER TO THE AMENDMENTS EN BLOC OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I ask unanimous consent that the amendments offered en bloc by Mr. WALKER be modified.

The CHAIRMAN. The Clerk will report the modifications.

The Clerk read as follows:

Modifications offered by Mr. WALKER to the amendments offered by Mr. WALKER:

In subparagraph (A)(i) of the matter proposed to be inserted in Section 506(b)(2) of the Airport and Airway Improvement Act of 1982 by section 302 of the bill, strike "\$14,734,000" and insert in lieu thereof "\$14,700,000".

In subparagraph (A)(ii) of such matter, strike "\$97,218,000" and insert in lieu thereof "\$87,000,000".

In subparagraph (A)(iii) of such matter, strike "\$30,701,000" and insert in lieu thereof "\$28,000,000".

In subparagraph (A)(iv) of such matter, strike "\$6,116,000" and insert in lieu thereof "\$7,700,000".

In subparagraph (A)(v) of such matter, strike "\$7,309,000" and insert in lieu thereof "\$6,800,000".

In subparagraph (A)(vi) of such matter, strike "\$44,218,000" and insert in lieu thereof "\$44,000,000".

In subparagraph (A)(vii) of such matter, strike "\$52,163,000" and insert in lieu thereof "\$41,100,000".

In subparagraph (A)(viii) of such matter, strike "\$34,941,000" and insert in lieu thereof "\$31,000,000".

In subparagraph (A)(ix) of such matter, strike "\$4,500,000" and insert in lieu thereof "\$4,500,000".

In subparagraph (A)(x) of such matter, strike "\$5,400,000" and insert in lieu thereof "\$5,200,000".

In subparagraph (B) of such matter, strike "\$633,000,000", less the aggregate of amounts appropriated pursuant to subparagraph (A)", and insert in lieu thereof "\$297,000,000".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the modifications to the amendments en bloc be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania that the en bloc amendments be modified?

There was no objection.

Mr. WALKER. Mr. Chairman, this is now a consensus amendment, and I think it should be supported by the entire membership. The provision, as it came to the floor in this bill, authorizes more than \$600 million over 2 years for FAA research, engineering and development programs. This represented about a 30-percent increase above what the President had asked for, and even the President's numbers reflected the fact that FAA research and development activities have experienced quite a bit of growth in recent years. Back in fiscal year 1988, the authorization for this account was \$150 million. A few short years later that amount is up by about 53 percent.

While I know there are some who would like to see a larger authorization because the fund comes out of the aviation trust fund, the fact remains that for the present anyhow this trust fund

is on budget, and any expenditures from that fund contribute either to the loss of funding in some other areas or to the Federal deficit. My amendment would make changes in line items within the provision of the Committee on Science, Space, and Technology to reduce the overall funding levels to \$270 million in fiscal year 1993, providing an inflation increase over the current authorization, and then a \$297 million fund for fiscal year 1994.

Mr. Chairman, I think we have worked out a variety of problems on this, and it does reflect a responsible level of funding to proceed with, and I would ask that the amendment be approved.

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

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

Mr. OBERSTAR. Mr. Chairman, I understand that an agreement had been reached between the gentleman from Pennsylvania [Mr. WALKER], and the gentleman from North Carolina [Mr. VALENTINE], and the gentleman from California [Mr. BROWN] and others, but I just want to understand. As I look at one element of the gentleman's amendment, the reduction in funding of systems security technology. The President's request was at \$36.3 million. The bill, as reported, was at \$52.2 million. The compromise comes to \$41.1 million. What I want to understand is whether the gentleman has any specific research projects that are going to be affected by these reductions.

The amendments of the Committee on Science, Space, and Technology are very specific as to programs, and I am just speaking for my capacity, having served on the President's Commission on Aviation, Security and Terrorism and the author, along with the gentleman from Arkansas [Mr. HAMMER-SCHMIDT] of the bill that is now law that governs security systems. I just want to understand what it is that will be affected. Is it going to be further work on explosive detection systems? Sniffer-systems? Just what is the effect of the amendment of the gentleman from Pennsylvania?

Mr. WALKER. Mr. Chairman, let me say to the gentleman that I do not believe there are going to be any reductions in programs. The gentleman has to realize that the President's request was for \$36 million. The committee expanded that considerably in its presentation. I personally was for higher figures in this account, and it represents a compromise on my part, but the fact is that the figure is now at about \$41 million, which represents a \$5 million increase over what the President requested.

So, I do not say that there have to be cuts in programs. There will be some things that we might otherwise be able to do that will not be reflected in this account, but I would say to the gen-

tleman that this is an increase, not a reduction.

Mr. OBERSTAR. Mr. Chairman, that is not my point. My point is to understand. Is the \$41 million to be applied by the FAA; does the FAA have discretion under the amendment of the gentleman from Pennsylvania to shift those funds to those programs within this account that it gives the highest priorities, such as explosive detection systems versus weapons detection or airport security access controls?

Mr. WALKER. Well, there is a certain amount of discretion in this under my amendment. We are giving overall spending authority under my amendment. Now there is, indeed, report language in some things that will specify particular programs, but they are still within a \$41 million account, and it is going to be considerable discretion for FAA to determine what priorities they want to put that money into.

□ 1630

So I do not think there is a problem here with this particular money. I realize the gentleman might have liked a higher figure, but this is done in order to bring it into some kind of balance.

Mr. OBERSTAR. Mr. Chairman, as long as there is flexibility within the account, I think the agency would be able to recognize and accommodate priorities, but I was concerned, the way this amendment was drawn, that it might be very restrictive.

Mr. WALKER. Mr. Chairman, I do not believe that there are any restrictions on the money as the amendment is drawn. As I say, there are in fact items within the committee report and there are some other things that might be directed, but that will still leave a considerable flexibility, and there is no intent whatsoever in the amendment to limit any kind of flexibility the agency would have.

Mr. OBERSTAR. I am very pleased that the gentleman is for a higher level of funding, because of all the items in this section of the bill, I think the matter of security is one that, in my judgment, has the highest priority. I think the higher level of funding is important for the FAA to continue the work of protecting passengers and aircraft. We will just work through the appropriations process.

Mr. WALKER. As the gentleman knows, this is research money that is not affected at all by the security programs that are ongoing within the airports.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman.

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

Mr. Chairman, I rise for the purpose of stating that on our part we accept the gentleman's amendment. Indeed, we acquiesced in the unanimous-consent request to reform his amendment.

We have been negotiating the points raised by the gentleman from Penn-

sylvania [Mr. WALKER] and the gentleman from Florida [Mr. LEWIS], the ranking member of the subcommittee, and we have with some reluctance agreed to come to the position which has been described and which is in form now in the amendment which is before the body.

I want to say finally that we did this, Mr. Chairman, in an effort to try to preserve what has been, I think, a realistic, bipartisan approach on the Committee on Science, Space, and Technology to critical problems facing our Nation.

We feel that there are many areas in this body where politics is and should be the order of the day, but when it comes to the safety of those of us who travel from airport to airport in this country and what we do to further the cause of public education and whether we authorize and appropriate enough money to see that the FAA can keep up with the technology, that they can implement the latest technologies, that is not an appropriate matter for partisan politics.

So we have agreed in that spirit and in the hope that our colleague, the distinguished ranking member of our subcommittee, the gentleman from Florida [Mr. LEWIS], the gentleman from Pennsylvania [Mr. WALKER], and others will join us in approaching the appropriators. We are talking about authorizing and approaching those Members who hold the purse strings in a solid front in a bipartisan effort to ask them to fund this in keeping with the amendment.

With that, I say again, Mr. Chairman, that we accept the gentleman's amendment.

Mr. LEWIS of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the bipartisan amendment offered by Mr. BROWN and Mr. WALKER makes a strong policy statement that this body supports an aggressive FAA research program.

I want to thank Chairman BROWN and ranking member WALKER for their efforts in developing this amendment.

I would also like to thank the subcommittee chairman, the gentleman from North Carolina [Mr. VALENTINE], for his hard work and for his support of FAA R&D.

The amendment establishes funding for aviation safety as a high priority. I, and other Members, have fought for several years to establish a long-term research program that has as a goal the prevention of accidents by detecting the causes before the disaster occurs.

With the support of Members from both sides of the aisle, we have a much greater chance of getting the Appropriations Committee to agree with us.

I urge all Members to support this amendment.

The CHAIRMAN. The question is on the amendments en bloc, as modified,

offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendments en bloc, as modified, were agreed to.

AMENDMENT OFFERED BY MR. ROSTENKOWSKI
Mr. ROSTENKOWSKI. Mr. Chairman, I offer an amendment which is provided for under the rule.

The Clerk read as follows:

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

TITLE IV—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND
SEC. 401. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended

(1) by striking "October 1, 1992" and inserting "October 1, 1994", and

(2) by striking in subparagraph (A) "(as such Acts were in effect on the date of the enactment of the Aviation Safety and Capacity Expansion Act of 1990)" and inserting "or any Act which contains only provisions which are substantially identical to provisions contained in H.R. 4691 of the 102d Congress, as reported by the Committee on Public Works and Transportation or H.R. 4557 of the 102d Congress, as reported by the Committee on Science, Space, and Technology (as such Acts were in effect on the date of enactment of the last-enacted Act referred to in this subparagraph)".

SEC. 402. CLARIFICATION OF TRUST FUND REVENUES.

(a) IN GENERAL.—Paragraph (1) of section 9502(e) of the Internal Revenue Code of 1986 (relating to special rules for transfers into trust fund) is amended to read as follows:

"(1) INCREASES IN TAX REVENUES BEFORE 1993 TO REMAIN IN GENERAL FUND.—In the case of taxes imposed before January 1, 1993, the amounts required to be appropriated under paragraphs (1), (2), and (3) of subsection (b) shall be determined without regard to any increase in a rate of tax enacted by the Revenue Reconciliation Act of 1990."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 11213 of the Revenue Reconciliation Act of 1990 on the date of the enactment of such Act.

Mr. ROSTENKOWSKI (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 Illinois?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the amendment is not subject to amendment or to a demand for a division of the question.

The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes in support of his amendment.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in support of the Ways and Means Committee amendment to H.R. 4691, the Airport and Airway Safety, Capacity, and Intermodal Transportation Act of 1992.

America needs renewed investment in its aviation system, and H.R. 4691 is

a strong and welcome response to that need. It establishes a comprehensive program that will enable America's airports and airways to meet our air transportation needs in the coming years. It funds programs that are critical to improving the safety of air travel. It recognizes the important role our Nation's airports and airways play as part of an overall transportation system that will enable us to successfully compete in the global economy. And, importantly, the program established by H.R. 4691 will create critically needed jobs for those Americans who desperately want to work.

The Ways and Means Committee amendment is necessary to make this bill work. It extends authority to spend out of the airport and airway trust fund and allows expenditures to be made for the purposes envisioned by the Committee on Public Works and the Committee on Science, Space, and Technology. Without this amendment, expenditures generally could not be made out of the trust fund beyond fiscal 1992. Thus, it is imperative that the Ways and Means Committee amendment be incorporated into the authorization bill.

The Ways and Means Committee amendment also includes a technical correction that already has passed the House in H.R. 1555, the Technical Corrections Act of 1991. This technical correction is necessary in order to reflect the conference agreement on the 1990 Budget Act with respect to the increases in the air passenger and air cargo taxes that were provided by that act. Due to a statutory drafting error, revenues from these increases in the aviation excise taxes currently are being transferred to the trust fund. However, the 1990 conferees agreed to retain the revenue from these increases in the aviation taxes in the general fund through 1992.

Mr. Chairman, I believe that H.R. 4691 is important for the improvement of our country's airports and airways, for global competitiveness, for economic stimulation and job creation, and for the safety of the traveling public. I strongly urge support for the Ways and Means Committee amendment.

In addition, Mr. Chairman, I would like to point out that I am greatly concerned by the provision in this bill that links passenger facility charge authority to the funding levels for the Aviation Improvement Program and the Essential Air Service Program.

I can find no justification to tie the fate of the vitally important PFC Program to the ultimate funding levels of these two aviation programs. I strongly believe that the linkage provision should be stricken entirely. Other ways—without endangering PFC's—can be found to protect the funding levels of these important aviation programs.

I hope that this issue can be addressed and resolved in conference.

Mr. LEWIS of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the Rostenkowski amendment and in support of maintaining some integrity in the airport and airway trust fund.

As we all know, the aviation trust fund is currently on-budget as a gimmick to make the deficit seem smaller. Not only is this dishonest from a budget standpoint, it has a real effect.

Funds that have been put in the trust fund by aviation users have to go through the normal appropriations process. Therefore, they must compete with other programs.

As a supporter of aviation safety programs, it sickens me to see these funds sitting in limbo, being used to mask the deficit.

To add insult to injury the budget summit increased these taxes and tried to earmark the funds for general Government spending.

Due to a technical drafting error the funds are inadvertently still going into the trust fund. This amendment will correct that drafting mistake.

Mr. Chairman, it is bad enough that people believe their airline ticket fee is being used for aviation safety when it is masking the deficit.

This amendment is worse. It takes part of these funds and allows them to be used for more Government spending. I do not know about your constituents, but mine do not believe the problem with this country is a lack of taxes or too little Government spending.

This House should be forthcoming. We are using a budget and tax gimmick to further our appetite for further Government spending.

Make no mistake, this is a vote to create a tax out of a user fee.

If you believe aviation fees should go to aviation safety and improvement, join me in opposing this amendment, and cosponsor my bipartisan legislation, H.R. 2693, which would repeal this tax and take the trust fund off budget.

□ 1640

If you believe aviation fees should go to aviation safety and improvement, join me in opposing this amendment and cosponsor my bipartisan legislation, H.R. 2693, which would repeal this tax and take the trust fund off budget.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support this amendment. It would simply make a technical change with respect to the aviation taxes. It is my understanding that the minority side in the Ways and Means Committee also supports it.

I would also like to say that I am sympathetic to the effort of the gentleman from Florida [Mr. LEWIS] to stop the diversion of aviation taxes.

The gentleman is not alone in his concern about this diversion from the

trust fund to the general fund. In the long run, this could have a negative impact on funding for aviation projects.

However, this issue was decided 2 years ago in the Budget Reconciliation Act. At that time, it was decided that some of the aviation taxes would be deposited into the general fund rather than the trust fund.

I did not necessarily agree with that at the time. But that was what the Congress and the President decided. It was part of the larger overall budget agreement.

As it turned out, however, the actual language of the statute did not reflect this agreement in this respect. Therefore, the taxes that were supposed to go into the general fund continued to flow into the trust fund.

Now, the Ways and Means Committee wants to correct the legal language to reflect what was actually decided in 1990. Regardless of what one thinks of that decision, I cannot object to this amendment that would conform the law to the budget agreement.

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

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

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

Mr. ROSTENKOWSKI. Mr. Chairman, in response to the gentleman from Florida, the Ways and Means Committee amendment is necessary to make the authorization bill work. Without the amendment, expenditures could not be made out of the airport trust fund for the purposes contemplated by the Committee on Public Works and Transportation and the Committee on Science, Space, and Technology.

The amendment does not increase aviation taxes at all. There should be no increase in ticket prices as a result of the amendment.

The amendment has no budgetary effects whatsoever. There would be no increase or decrease in revenue as a result of the amendment.

The technical correction that transfers money from the airport trust fund to the general fund is necessary to effect the conference agreement from the 1990 budget agreement. As part of the 1990 budget agreement, the conferees agreed to increase the air passenger and air cargo taxes, and to retain in the general fund through 1992, the revenues attributable to those increases. This was part of a comprehensive deficit reduction package. Due to an error in drafting the statute, revenues attributable to the 1990 increases in the aviation taxes are being transferred to the airport trust fund. The technical correction merely provides that the revenues attributable to the 1990 aviation tax increases should be retained in the general fund through 1992.

The technical correction already has passed the House in the Technical Corrections Act of 1991.

I urge support for the amendment.

Ms. HORN. Mr. Chairman, I rise today in strong support of H.R. 4691, the Airport and Airway Safety, Capacity, and Intermodal Transportation Act of 1992.

As many of my colleagues and my constituents are well aware, our airports are suffering ever-increasing delays due to inclement weather or simple overcrowding, and safety concerns are rising as overworked air traffic controllers struggle with outdated equipment to manage more and more flights. I believe, Mr. Chairman, H.R. 4691 responds to these needs.

This bill authorizes \$4 billion in appropriations from the aviation trust fund for 2 more years of Airport Improvement Program [AIP] funding. Similarly, under this bill, more than \$5 billion will be invested in the FAA's facilities and equipment program, to modernize our airways system and help reduce air traffic delays. Finally, H.R. 4691 provides \$9 billion for FAA operations and maintenance over 2 years, to provide the skilled manpower necessary to keep our rapidly expanding air traffic system operating smoothly and safely.

These outlays are of special importance to my constituents as our airport, Lambert-St. Louis International, currently suffers from more than 20,000 hours of annual delays when inclement weather reduces the airport to one serviceable runway.

In addition to increasing airline operating costs by millions of dollars, these delays have a ripple effect throughout the air traffic system as connecting flights are delayed across the country. To correct this, the city of St. Louis, in coordination with the FAA, the airlines, and other local users, is planning an extensive expansion program to reduce expensive operating delays.

The FAA is currently evaluating the proposed plan's environmental impact statement, and, once FAA approval is received, St. Louis will begin modernizing its airfield. Funding for this project will come from a variety of sources, including passenger facility charges, local user-supplied funding, and a letter of intent from the FAA promising future funding from AIP discretionary funds.

Mr. Chairman, this project is vital to improving our Nation's air traffic system, reducing delays, and potential emergency situations through a program of modernization and expansion. I greatly appreciate the subcommittee chairman's efforts in crafting this bill and bringing it to the floor so projects similar to St. Louis' upgrading can proceed secure in the knowledge that funding will be available.

I would also like to take a moment to thank the distinguished subcommittee chairman, Mr. OBERSTAR, for continuing the State block grant program which has allowed Missouri to channel millions of much-needed funds to numerous small airports around the State. Although slow to get started, Missouri's block grant program eventually performed well above expectations and directors of small airports in my district look forward to working with the program in the future.

Mr. Chairman, I reiterate my strong support for H.R. 4691 and commend this House for recognizing that only through consistent investment in our infrastructure can we prepare this nation for the next century.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. ROSTENKOWSKI].

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. DURBIN] having assumed the chair, Mr. BARNARD, 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. 4691) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993 and 1994, and for other purposes, pursuant to House Resolution 457, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute as modified, adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 410, nays 2, not voting 22, as follows:

[Roll No. 127]

YEAS—410

Abercrombie	Billbray	Chandler
Ackerman	Billrakis	Chapman
Alexander	Blackwell	Clay
Allard	Bliley	Clement
Andrews (ME)	Boehlert	Clinger
Andrews (NJ)	Boehner	Coble
Andrews (TX)	Bonior	Coleman (MO)
Annunzio	Borski	Coleman (TX)
Applegate	Boucher	Collins (IL)
Archer	Brewster	Collins (MI)
Armey	Brooks	Combest
Aspin	Browder	Condit
Bacchus	Brown	Conyers
Baker	Bruce	Cooper
Ballenger	Bryant	Costello
Barnard	Bunning	Coughlin
Barrett	Burton	Cox (CA)
Barton	Bustamante	Cox (IL)
Bateman	Byron	Coyne
Bellenson	Callahan	Cramer
Bennett	Camp	Cunningham
Bentley	Campbell (CO)	Darden
Bereuter	Cardin	Davis
Berman	Carper	de la Garza
Bevill	Carr	DeFazio

DeLauro	Jenkins	Owens (UT)	Swett	Traxler	Wheat
DeLay	Johnson (CT)	Oxley	Swift	Unsoeld	Whitten
Dellums	Johnson (SD)	Packard	Synar	Upton	Williams
Derrick	Johnson (TX)	Pallone	Tallon	Valentine	Wilson
Dickinson	Johnston	Panetta	Tanner	Vander Jagt	Wise
Dicks	Jones (NC)	Parker	Tauzin	Vento	Wolf
Dingell	Jontz	Pastor	Taylor (MS)	Visclosky	Wolpe
Dixon	Kanjorski	Patterson	Taylor (NC)	Volkmer	Wyden
Dooley	Kaptur	Paxon	Thomas (CA)	Vucanovich	Wyllie
Doolittle	Kasich	Payne (NJ)	Thomas (GA)	Walker	Yates
Dorgan (ND)	Kennedy	Payne (VA)	Thomas (WY)	Walsh	Yatron
Dornan (CA)	Kennelly	Pease	Thornton	Washington	Young (AK)
Downey	Kildee	Pelosi	Torres	Waters	Young (FL)
Dreier	Kleczka	Penny	Torricelli	Waxman	Zeliff
Duncan	Klug	Perkins	Towns	Weiss	Zimmer
Durbin	Kolbe	Peterson (FL)	Trafficant	Weldon	
Dwyer	Kolter	Peterson (MN)			
Dymally	Kostmayer	Petri			
Early	Kyl	Pickett	Atkins	Crane	
Eckart	LaFalce	Pickle			
Edwards (CA)	Lagomarsino	Porter			
Edwards (TX)	Lancaster	Poshard			
Emerson	Lantos	Price			
Engel	LaRocco	Quillen			
English	Laughlin	Rahall			
Erdreich	Leach	Ramstad			
Espy	Lehman (CA)	Rangel			
Evans	Lehman (FL)	Ravenel			
Ewing	Lent	Ray			
Fascell	Levin (MI)	Reed			
Fawell	Lewis (CA)	Regula			
Fazio	Lewis (FL)	Rhodes			
Fields	Lewis (GA)	Richardson			
Fish	Lightfoot	Ridge			
Flake	Lipinski	Riggs			
Foglietta	Livingston	Rinaldo			
Ford (MI)	Lloyd	Ritter			
Ford (TN)	Long	Roberts			
Frank (MA)	Lowery (CA)	Roe			
Franks (CT)	Lowey (NY)	Roemer			
Frost	Luken	Rogers			
Galleghy	Machtley	Rohrabacher			
Gallo	Manton	Ros-Lehtinen			
Gaydos	Martin	Rose			
Gejdenson	Martinez	Rostenkowski			
Gekas	Matsui	Roth			
Geren	Mavroules	Roukema			
Gibbons	Mazzoli	Rowland			
Gilchrest	McCandless	Roybal			
Gillmor	McCloskey	Russo			
Gilman	McCollum	Sabo			
Gingrich	McCrery	Sanders			
Glickman	McDade	Sangmeister			
Gonzalez	McDermott	Santorum			
Goodling	McEwen	Sarpalius			
Gordon	McGrath	Savage			
Goss	McHugh	Sawyer			
Gradison	McMillan (NC)	Saxton			
Green	McMillen (MD)	Schaefer			
Guarini	McNulty	Scheuer			
Gunderson	Meyers	Schiff			
Hall (OH)	Mfume	Schroeder			
Hall (TX)	Michel	Schulze			
Hamilton	Miller (CA)	Schumer			
Hammerschmidt	Miller (OH)	Sensenbrenner			
Hancock	Miller (WA)	Serrano			
Hansen	Mineta	Sharp			
Harris	Mink	Shaw			
Hastert	Moakley	Shays			
Hayes (IL)	Mollinari	Shuster			
Hayes (LA)	Mollohan	Sikorski			
Hefley	Montgomery	Sisisky			
Hefner	Moody	Skaggs			
Henry	Moorhead	Skeen			
Hergert	Moran	Skelton			
Hertel	Morella	Slattery			
Hoagland	Morrison	Slaughter			
Hobson	Mrazek	Smith (FL)			
Hochbrueckner	Murphy	Smith (IA)			
Holloway	Murtha	Smith (NJ)			
Hopkins	Myers	Smith (OR)			
Horn	Nagle	Smith (TX)			
Horton	Natcher	Snowe			
Houghton	Neal (MA)	Solarz			
Hoyer	Neal (NC)	Solomon			
Hubbard	Nichols	Spence			
Huckaby	Nowak	Spratt			
Hughes	Nussle	Staggers			
Hunter	Oakar	Stallings			
Hutto	Oberstar	Stark			
Hyde	Obey	Stearns			
Inhofe	Olin	Stenholm			
Ireland	Olver	Stokes			
Jacobs	Ortiz	Studds			
James	Orton	Stump			
Jefferson	Owens (NY)	Sundquist			

Wheat	Whitten	Williams	Wilson	Wise	Wolf	Wolpe	Wyden	Wyllie	Yates	Yatron	Young (AK)	Young (FL)	Zeliff	Zimmer
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NAYS—2

Atkins	Crane	Donnelly	Levine (CA)
		Edwards (OK)	Markey
		Feighan	Marlenee
		Gephardt	McCurdy
		Grandy	Pursell
		Hatcher	Weber
		Jones (GA)	
		Kopetski	

□ 1708

So the bill was passed.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4691, the bill just considered and passed.

The SPEAKER pro tempore (Mrs. COLLINS of Michigan). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3030

Mr. ROWLAND. Madam Speaker, as a sponsor of this legislation, I ask unanimous consent that the name of the gentleman from Texas [Mr. WILSON] be removed as a cosponsor of H.R. 3030.

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

There was no objection.

□ 1710

CONFERENCE REPORT ON S. 1306, ADAMHA REORGANIZATION ACT

The SPEAKER pro tempore (Mrs. COLLINS of Michigan). The pending business is the question of suspending the rules and agreeing to the conference report on the Senate bill, S. 1306.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the

rules and agree to the conference report on the Senate bill, S. 1306, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 264, nays 148, answered "present" 1, not voting 21, as follows:

[Roll No. 128]

YEAS—264

Abercrombie	Green	Neal (MA)
Ackerman	Guarini	Neal (NC)
Alexander	Hall (OH)	Nowak
Andrews (ME)	Hamilton	Nussle
Andrews (NJ)	Hammerschmidt	Oberstar
Annunzio	Harris	Obey
Applegate	Hayes (IL)	Olin
Aspin	Hefner	Oliver
Atkins	Hertel	Orton
Barnard	Hoagland	Owens (NY)
Bateman	Hobson	Owens (UT)
Beilenson	Hochbrueckner	Oxley
Bentley	Horn	Pallone
Berman	Horton	Panetta
Bevill	Houghton	Parker
Bilbray	Hoyer	Pastor
Blackwell	Hubbard	Patterson
Bliley	Hughes	Payne (NJ)
Boehlert	Jacobs	Payne (VA)
Bonior	Jefferson	Pease
Borski	Jenkins	Pelosi
Boucher	Johnson (CT)	Penny
Brewster	Johnson (SD)	Perkins
Browder	Jones (NC)	Peterson (MN)
Brown	Jontz	Pickett
Bruce	Kanjorski	Poshard
Bustamante	Kaptur	Price
Byron	Kasich	Quillen
Callahan	Kennedy	Rahall
Campbell (CO)	Kennelly	Ray
Cardin	Kildee	Reed
Carper	Kliczka	Richardson
Carr	Kolbe	Rinaldo
Chandler	Kolter	Roemer
Clement	Kostmayer	Rose
Clinger	LaFalce	Rostenkowski
Collins (IL)	Lagomarsino	Rowland
Collins (MI)	Lancaster	Roybal
Condit	Lantos	Russo
Conyers	Leach	Sabo
Cooper	Lehman (CA)	Sanders
Costello	Lent	Sangmeister
Coughlin	Lewis (CA)	Savage
Cox (IL)	Lewis (GA)	Sawyer
Coyne	Lipinski	Saxton
Cramer	Lloyd	Scheuer
Darden	Long	Schumer
DeFazio	Lowery (CA)	Serrano
DeLauro	Lowey (NY)	Sharp
Dellums	Luken	Shays
Derrick	Machtley	Sikorski
Dickinson	Manton	Siskis
Dicks	Marlenee	Skelton
Dingell	Martinez	Slattery
Dixon	Matsui	Slaughter
Dooley	Mavroules	Smith (IA)
Dorgan (ND)	McCloskey	Smith (NJ)
Downey	McDade	Solarz
Durbin	McDermott	Spence
Dwyer	McGrath	Spratt
Dymally	McHugh	Staggers
Eckart	McMillan (NC)	Stark
Edwards (CA)	McMillen (MD)	Stokes
Engel	McNulty	Studds
Erdreich	Mfume	Sundquist
Espy	Miller (CA)	Sweet
Evans	Miller (OH)	Swift
Fazio	Miller (WA)	Synar
Flake	Mineta	Tallon
Foglietta	Mink	Tanner
Ford (MI)	Moakley	Taylor (MS)
Ford (TN)	Molinari	Thomas (GA)
Frank (MA)	Mollohan	Thomas (WY)
Franks (CT)	Montgomery	Thornton
Gallely	Moody	Torres
Gallo	Moran	Torricelli
Gaydos	Morella	Towns
Gejdenson	Morrison	Trafcant
Gilchrest	Mrazek	Traxler
Gilman	Murphy	Unseald
Glickman	Murtha	Upton
Gonzalez	Nagle	Valentine
Gordon	Natcher	Vento

Viscosky
Volkmer
Walsh
Waters
Waxman

Weiss
Wheat
Whitten
Williams
Wise

Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—148

Allard
Allen
Andrews (TX)
Archer
Armey
Bacchus
Baker
Ballenger
Barrett
Barton
Bennett
Bereuter
Bilirakis
Boehner
Brooks
Bryant
Bunning
Burton
Camp
Chapman
Clay
Coble
Coleman (MO)
Coleman (TX)
Combust
Cox (CA)
Crane
Cunningham
Davis
de la Garza
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Edwards (TX)
Emerson
English
Ewing
Fascell
Fawell
Fields
Fish
Frost
Gekas
Geren
Gibbons
Gillmor
Gingrich

Goodling
Goss
Gradison
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Holloway
Hopkins
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Johnston
Klug
Kyl
LaRocco
Laughlin
Lehman (FL)
Lewis (FL)
Lightfoot
Livingston
Martin
Mazzoli
McCandless
McCollum
McCrery
McEwen
Meyers
Michel
Moorhead
Myers
Nichols
Ortiz
Packard
Paxon
Peterson (FL)
Petri
Pickle
Porter
Ramstad

removed from the list of cosponsors of House Resolution 194.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3033, JOB TRAINING REFORM AMENDMENTS

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3033) to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. FORD of Michigan, WILLIAMS, PERKINS, ANDREWS of New Jersey, OLVER, GOODLING, GUNDERSON, and HENRY.

There was no objection.

□ 1730

COMMUNICATION FROM THE HONORABLE JOE KOLTER, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mrs. COLLINS of Michigan). laid before the House the following communication from the Honorable JOE KOLTER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JOE KOLTER,
Member of Congress.

COMMUNICATION FROM THE HONORABLE DAN ROSTENKOWSKI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DAN ROSTENKOWSKI, Member of Congress:

WASHINGTON, DC,
May 19, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued

ANSWERED "PRESENT"—1

Levin (MI)

NOT VOTING—21

Anderson	Donnelly	Kopetski
Anthony	Edwards (OK)	Levine (CA)
AuCoin	Feighan	Markey
Boxer	Gephardt	McCurdy
Broomfield	Grandy	Oakar
Campbell (CA)	Hatcher	Pursell
Dannemeyer	Jones (GA)	Roe

□ 1727

The Clerk announced the following pair:

On this vote:

Mr. AuCoin and Mr. Anthony for, with Mr. Broomfield against.

Mr. HUNTER changed his vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. BUNNING. Mr. Speaker, I ask unanimous consent that my name be

by the United States District Court for the District of Columbia.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DAN ROSTENKOWSKI,
Member of Congress.

COMMUNICATION FROM THE HONORABLE AUSTIN J. MURPHY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable AUSTIN J. MURPHY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 18, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Very truly yours,

AUSTIN J. MURPHY,
Member of Congress.

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

WASHINGTON, DC,
May 18, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

WERNER W. BRANDT,
Sergeant at Arms.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
May 18, 1992.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DONALD K. ANDERSON,
Clerk, U.S. House of Representatives.

BEIJING AUTHORITIES HARASS REPORTER

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and to include extraneous material.)

Mr. PEASE. Mr. Speaker, I would like to submit for the RECORD, an article from yesterday's Washington Post describing an incident involving a Post journalist, Lena Sun, who was allegedly detained and harassed by Chinese authorities. This piece notes that the experience of Lena Sun represents one in series involving Beijing officials' questionable treatment of Western journalists.

I bring this matter to the attention of my colleagues because we are now approaching that time in the year at which the President decides whether or not to extend most-favored-nation status [MFN] to the People's Republic of China [PRC]. Since the massacre of pro-democracy demonstrators in Tiananmen Square in June 1989, the United States House of Representatives has repeatedly voted for legislation requiring that the President grant MFN to China on a conditional basis.

If journalists in the People's Republic of China are being detained and followed and questioned when they attempt to tell the truth about what is happening to Chinese dissidents, I would assert that the need is still strong for sending a message to Beijing by conditioning preferential trade status on human rights progress.

Mr. Speaker, I include the article from the Washington Post, as follows:

[From the Washington Post, May 18, 1992]

**BEIJING AUTHORITIES HARASS REPORTER—
POST BUREAU SEARCHED, NOTES SEIZED**

Chinese security agents searched the office of Washington Post Beijing correspondent Lena H. Sun yesterday, confiscating notebooks and personal papers. The Washington Post protested to Chinese authorities; the State Department said it also had protested. This is Sun's account:

BEIJING May 17—"We are from the Beijing State Security Ministry," said one man in Chinese. "We would like to talk to you."

The search of my office began today after four Chinese men and a woman, in civilian clothes, rang the bell of my apartment in the same building. When I opened the door, they pushed their way in before I could say a word.

Those words from the police official turned what was supposed to be a Sunday afternoon with my family into a three-hour ordeal that included breaking open a locked drawer in my office safe, confiscation of personal papers and two notebooks related to stories I had written, interrogation about my relationship with a Chinese friend, and virtual house arrest for my husband and 2-year-old son.

One of the notebooks had extensive notes about a dog zoo outside Beijing. Another item confiscated was a letter from a foreign friend. A third item was a list, in English and Chinese, of family members of prominent Chinese dissidents, some of whom are still in jail.

The police accused me of violating Chinese laws and engaging in activities "incompatible" with my status as a foreign journalist. They decided to specify those activities. In answer to their statements, I said I had spend my time here trying to collect and present as fully and accurately as possible news about China.

One policeman filmed the proceedings, taking pictures of me, the safe and the papers. Shortly after the police arrived, two officials from the U.S. Embassy tried to come into my office, but two unarmed uniformed police officers prevented them from entering and me from leaving. I was told I could not use the telephone. When my husband called several times to see whether I was all right, I was told I could not talk to him until the proceedings were over. Once or twice when the telephone rang, a police official picked it up and hung up.

A few hours after the police left, I found the rear left tire of my office jeep had suddenly gone flat. Additional guards were also posted at the gates of our compound, which houses only diplomats and foreign journalists.

The episode comes at a time when Western journalists have been under increasing harassment by Chinese authorities even as officials are trumpeting a new era of reform and opening to the outside world.

New York Times bureau chief Nicholas D. Kristof has been summoned twice by the Chinese Foreign Ministry in the last two months for articles the ministry characterized as "vicious slanders of the Chinese government," Kristof said. One article was about the unpopularity and political future of Premier Li Peng. The other was a long interview with labor leader Han Dongfang, in which Han described how he was tortured after he was arrested and imprisoned as part of the June 4, 1989, Chinese army crackdown on demonstrators for democracy.

It is widely believed that the authorities delayed for more than a month the issuing of a resident's visa to Kristof's infant son as retaliation for Kristof's articles. Because of disagreements over arrangements for a trip to China by New York Times Executive Editor Max Frankel in which the Chinese seemed to want to limit the participation of Kristof and his journalist wife, Sheryl WuDunn, Frankel has postponed the visit.

A correspondent for the British Broadcasting Corp., James Miles, was detained on the eve of the May 1 Labor Day holiday for attempting to report on a protest in Tiananmen Square by several European labor activists. He was released after several hours, but authorities refused to return his official journalist pass. A few days later, when he went on an arranged, Foreign Ministry-approved reporting trip outside Beijing, he was told after he arrived that his visit had to be canceled. He has since been accused of taking part in the demonstration, which Miles denies.

Journalists, including myself, have also been closely followed, especially on officially approved reporting trips outside Beijing. Wall Street Journal bureau chief James McGregor and Reuter bureau chief David Schlesinger were tailed while they were in the coastal city of Wenzhou last week. About the same time, the Toronto Globe and Mail correspondent, Jan Wong, and a Dutch reporter were followed while they were in remote Qinghai province, which is adjacent to Tibet.

During a trip to the coastal province of Fujian in late February, Wong and I were followed around the clock by plainclothes

men on foot and by car. We were filmed as we were leaving Fuzhou, the provincial capital.

One woman, a prostitute who talked to us in the city of Xiamen, a special economic zone that is hoping to attract more foreign investment, was arrested two days after speaking with us. Other Chinese acquaintances were interrogated for talking with us.

During the episode today, the police officials in my office and the ones guarding my husband and son in the apartment 13 floors below kept in constant communication via walkie-talkie with unidentified others who apparently were their superiors.

The police were, on the whole, courteous, and quite concerned about following strict procedures. Several lengthy arguments broke out, however, whenever I refused to sign papers such as ones showing what had been taken from the office, or when I asked for copies of what I had signed or asked them any questions.

Almost all of the conversation was in Chinese. One official, Wang Guangfu, who said he was the interpreter, had only a minimal grasp of English.

After they had confiscated my papers and two notebooks, Wang spoke into the walkie-talkie:

"Come in Zero-Four, this is Zero-Two. We have basically achieved our objective." He told the unidentified person that the talks had not gone "very smoothly."

The man who appeared to be in charge gave his name as Dong Xiaohua. A short man who wore a Western suit, he produced an identification card that said he was 37 years old and a section chief of the Beijing City State Security Ministry. (The Ministry of State Security is China's equivalent of the former Soviet KGB secret service.)

In addition to Dong and Wang, there was a third man who was the cameraman, a fourth man who took notes of the proceedings and made out a list of the items taken from the office, and a fifth person, a young woman who seemed to serve no role. Two uniformed police officers blocked any movement into the office, and two men with walkie-talkies were in my apartment watching my husband and son.

My husband asked for permission to leave the apartment several times. Each time, he was told by one of the men, in English, that he would not be allowed to do so. My son was frightened and confused by what was happening, particularly the presence of the two strangers in his home.

The English-speaking police official told my husband: "You should put your heart back into your stomach."

"He kept repeating that phrase," my husband said. "I don't know what he meant. It was surreal."

Meanwhile, upstairs in the office, Dong produced a search warrant, showing what he claimed to be authority to search my three-room office. It was clear from the start, however, that they were interested only in the contents of my office safe.

I was asked to open the safe, and two locked drawers inside the safe. I agreed to do so because they had a search warrant, and because they made clear that if I refused, they would use other means to gain access.

When I could not open one of the drawers because I did not have the key, they radioed for help. Several minutes later, another unidentified man carrying a maroon tool bag came into the office. With a few well-placed strikes of a hammer against a nail, he broke open the lock. The drawer was empty.

In addition to taking papers from the safe, the police also rifled through several note-

books in a nearby set of drawers, flipping through them page by page, before confiscating two of them.

It was only then that they began to question me about my relationship with a former classmate at Beijing University, where I had been a history student in 1977-78. The classmate, Dong said, had been arrested, and was under investigation. When I asked whether my classmate had been formally charged with a crime, he snapped, "You don't need to know such things."

"Your attitude has some problems," Dong said. "You have not been cooperative enough."

It is not clear what will happen next. The officials directed all of my inquiries to the Foreign Ministry, the organ in charge of overseeing foreign journalists. None of the responsible officials could be reached for comment tonight.

PRESERVE THE ENDANGERED SPECIES ACT

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

Mr. MCDERMOTT. Mr. Speaker, last week the administration proposed overriding the Endangered Species Act to allow the extinction of the northern spotted owl in major portions of the Northwest.

I would like to share with my colleagues an editorial that appeared recently in the Seattle Times.

It says:

The problem is not overzealous protection of a bird.

The problem is over-exploitation of natural resources * * *.

Even if the owl were allowed to become extinct, the forests that once, kept mill towns employed soon will be gone.

We all are concerned about jobs—in the Northwest and in the rest of the country. But the fact is that timber jobs have already been lost due to over-cutting of the forests—not because of the Endangered Species Act.

The fact is that timber communities must face the inevitable task of economic diversification. The fact is that our efforts to help them do so have been rejected by this administration. And the fact is that gutting the Endangered Species Act will never bring back harvest levels of the last decade.

The Northwest must prepare for a different future, not squander its limited resources in a futile effort to recapture the past. I urge my colleagues to help us do so.

[From the Seattle Times, May 10, 1992]

GUTTING THE ACT WILL NOT PUT LOGGERS INTO JOBS

When politicians like Rep. Rod Chandler have no answers for distressed timber towns, they blame the spotted owl and the Endangered Species Act. Chandler has stepped to the front of the anti-regulation, property-rights movement by proposing to gut the act, or in his words "put people on equal footing with plants and animals."

Not only is blaming the Endangered Species Act shortsighted, it completely ignores

the real reasons why forest communities are dying. And by ignoring the causes, those communities are doomed to permanent decline.

The problem is not overzealous protection of a bird. The problem is over-exploitation of natural resources so that people, animals and plants dependent on those resources are no longer sustainable. Boom-and-bust cycles in the forest industry, overseas competition and automation reduced timber jobs in Oregon, for example, by 17 percent between 1979 and 1989—long before the spotted owl became a household word.

Like the owl, mill towns are facing the consequences of the destruction of once-pleasant old-growth forests. Even if the owl were allowed to become extinct, the forests that once kept mill towns employed soon will be gone.

The only solution is intelligent management of resources before resource-based economies and species reach the brink of catastrophe. Only by protecting ecosystems early in the game can communities avoid clashing with the Endangered Species Act, the law of last resort.

Some 639 threatened or endangered plant and animal species have been granted federal protection. Since 1979, the U.S. Fish and Wildlife Service has evaluated 121,000 projects for impact on endangered species. Only a tiny percentage—668 projects—have required some modification. This fact, of course, has been completely ignored by critics bent on destroying the law.

The spotted owl case admittedly is different from other endangered species cases. It involves an entire ecosystem, not just one creature. But its lessons are instructive. Had conservation of woodland species been a consideration in federal timber sales, the owl population would not have been allowed to dwindle to 3,000 pairs in millions of acres.

The same myopic mismanagement is happening with the nation's wetlands. Nearly a third of all endangered species live in wetland habitats. Yet more than half of the 220 million acres of original wetlands have been destroyed, and 300,000 acres are being filled annually.

At some point, a once-common frog or reed will be found to be on the verge of extinction and living on land slotted for shopping mall or housing development. Again, the debate will be frogs vs. jobs. Years of litigation may resuscitate the critter, but will not bring back lost habitat or strengthen the local economy.

It need not play out this way. Proper land-use policies would protect a species before its population drops. Creating ecological reserves would ensure a range of habitat so no one site would be locked up by an endangered species. Making biodiversity a goal in federal resource management would dampen the tilt toward short-term profits.

Destroying the Endangered Species Act will not build thriving communities or forest ecological disaster. On this issue in particular, lawmakers must take the long view.

NATIONAL SMALL BUSINESS WEEK, 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. SISISKY] is recognized for 5 minutes.

Mr. SISISKY. Madam Speaker, the name ANDY IRELAND is, as many people know, synonymous with small business. Few Members of this distinguished body have displayed as

strong a commitment to this country's small businesses, or have so zealously guarded small business interests, as our respected colleague, Mr. IRELAND.

I have known ANDY since coming to Congress in 1983. As chairman of the Small Business Subcommittee on Exports, Tax Policy, and Special Problems, I had the pleasure of having ANDY serve as the subcommittee's ranking minority member, and later as the ranking Republican on the full committee. Over this period we have developed a strong friendship as well as a productive working relationship, and I will miss him dearly when he retires at the close of the 102d Congress.

The great thing about ANDY—and this is something that I will remember for a long time—is the affable, bipartisan way he approaches his work. No matter how difficult the issue, he is always ready to lend his assistance in the most congenial and personable way in an effort to find real solutions to problems facing small business.

You can always count on ANDY to take the reasonable and responsible position. You can always count on ANDY to be genuinely interested in the plight of small companies and in finding ways to aid them. And you can always count on ANDY's enthusiastic advocacy of small business concerns.

One of these concerns, and one of the more pressing, in my opinion, is the lack of access for small business to export financing. For many years, ANDY has championed efforts to make the Export-Import Bank more accessible and responsive to the small business exporting community. Indeed, Representative IRELAND was instrumental in establishing Eximbank's small business set-aside program, and has continued to watch the program closely to ensure that Eximbank meets congressional mandates.

Largely as a result of Mr. IRELAND's vigilance and the continued interest of my subcommittee, the Eximbank recently announced a new initiative designed to improve small business access to export financing. It includes, for example, the creation of a small business division at the Bank; an increase in its guarantee of working capital loans from 90 to 100 percent; and a pledge by the Bank to iron out some of the wrinkles in its loan guarantee program. At first glance, this promising new program seems to be a real victory for the small exporters in this country, and it is entirely fitting and appropriate that Mr. IRELAND is able to see the fruits of his labor prior to leaving this prestigious body.

When ANDY and I met with Eximbank officials to discuss this new proposal, we were both pleased by the Eximbank's enhanced awareness of the tremendous enthusiasm and exporting potential of our small business community. We both expressed gratification over the fact that Eximbank was finally acknowledging the real need for our country's smaller exporters for adequate exporting financing. I am saddened, however, to think that ANDY and his eagle eye for banking detail will not be here to follow the progress of this initiative in the years to come.

I firmly believe that this new Eximbank Program is, in large part, a product of a new consensus that has emerged regarding American small business. More and more, people are

waking up to what ANDY IRELAND has known all along: that small business is crucial to the health and stability of our economy; that small business is the largest source of new jobs; and that small business will likely be the primary force that pulls this country out of recession.

As always, I commend our Nation's small entrepreneurs for the important role they play. They indeed are deserving of our recognition, and I applaud each and every man and woman who has chosen to pursue the goal of running one's own business. After all, small business people deserve credit for most of the innovation and technological breakthroughs in our economy. They not only brave the risks of building their own businesses, but also create new jobs in the process. And it is small businesses who embody the distinctively American spirit of entrepreneurship.

As I have said many times, it is hard to overstate the importance of small business to our Nation. They are the backbone of our economy and are indeed deserving of our commendation.

THE IMPORTANCE OF THE PRIVATE SECTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Wyoming. Madam Speaker, I rose last week to talk about an area that I think is of extreme importance to us, and that is overregulation, or excessive regulation. I got going so well that I used my time before I was finished, so I am back for the second exciting installment of that issue.

Let me review just a moment. It seems to me that surely the most important thing that faces us in this Congress is to do what we can to encourage and enrich the economy, that what we really need are jobs for everyone who is willing to work. Other activities such as health care and the deficit are not going to be solved unless we indeed have a strong private sector. The private sector is where jobs are created. The private sector is where wealth is created. The Government does not create wealth. We have to take wealth from the private sector in order to have Government activities.

I talked a little bit about the cost of regulation, the fact that regulation costs about \$450 billion a year that is borne, of course, by all of us; \$115 billion in the environmental area; \$28 billion simply in safety regulation; \$230 billion in economic readjustment, and \$100 billion in paperwork.

I talked a little bit about the appropriate role of Congress, and there is one, of course, of Government to regulate. We do need a referee in the private sector, but we simply have overregulated and we have not done much about it. We continue, in fact, to add more and more regulation.

One of the problems, of course, is that each time there is something we

have to deal with, the Congress is inclined to put more regulation on. We are inclined to fix it through regulation.

To compound the problem we have, of course, agencies that when they write the rules go beyond, often go beyond the spirit of the rule and make the regulations even more onerous than they were before.

I suggest, Madam Speaker, that we really ought to take a look at each time we pass a law in this place. We ought to take a look at what it costs, what it means in terms of regulations, what it means in terms of overregulation, that we ought to take a look at OLYMPIA SNOWE's bill and say that if we are going to mandate rules and regulations on local government, that there ought to go with it some money.

Every time I go to Wyoming I meet with small towns and local governments who say, "Look, we simply can't afford to do the kinds of things that you have laid on us. We simply cannot afford to treat the solid waste dumps, for example, in a town of 400 the same as you do in Boston, MA," and that is kind of a one-fits-all kind of thing that we have put on it.

So I hope we will say and join with our colleague, the gentleman from Maine, and say that if we are going to have mandates, that you have to fund them.

I think we ought to find a way as well to say whether or not we are going to preempt State law and local law. There is a legitimate reason, of course, for the Federal Government to preempt local law in some instances, but we do not say what our intentions are and we end up in court spending a great deal of money, and all this law requires is that when you preempt local statutes, if that is your intention, you say so. We go through it once a year and take care of it.

Finally, it seems to me that we do need to have a mechanism for determining whether or not the regulation is in keeping with the spirit of the statute. I am afraid we go far beyond it. Even in our little legislature in Wyoming, one of the most volunteer groups in this country, we have a council that reviews the administrative and agency rules and regulations to see if they indeed fit.

So Madam Speaker, I think we continue to talk about how we want to do something with small business, how we want to develop jobs in this country, how we want to get the economy going, and at the same time we lay on the very economy that we want to get going excessive regulations. I suggest that we ought to stop talking about it and that we ought to do something about it.

□ 1740

THE NUCLEAR WEAPONS REDUCTION ACT OF 1992

The SPEAKER pro tempore (Mrs. COLLINS of Michigan). Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Madam Speaker, for nearly half a century, the Soviet Union was the greatest single threat to United States national security. During that time, nuclear weapons served the important strategic purpose of deterring Soviet aggression. It was a risky policy—failure of deterrence would have meant the almost certain destruction of civilization and possibly the human race—but it paid off in the end. We kept the Soviets from invading Western Europe, Japan, the Persian Gulf, or other areas of strategic importance, until finally the U.S.S.R. collapsed under the weight of its own contradictions. Now the cold war is over, the Soviet Union has disbanded, and its successor states are progressing rapidly toward political and economic reform.

These developments are so significant and profound that they call for a complete reexamination of U.S. strategic nuclear doctrines. What role, if any, do nuclear weapons now play in advancing U.S. national security, and how large an arsenal do we need?

The United States and the former Soviet Union currently have more than 10,000 strategic warheads each. The START agreement would reduce those numbers to 9,500 for the United States and 7,000 for the former Soviet republics. President Bush has proposed further reductions to about 4,500 for each side and President Yeltsin has called for cuts down to about 2,500 each. In a major report issued last August—before the attempted coup in the Soviet Union—the National Academy of Sciences proposed that 1,000–2,000 warheads could provide an adequate deterrent. But the most important question remains what are we seeking to deter?

There are three arguments for maintaining a nuclear arsenal of any size. All three have some limitations.

1. INSURANCE AGAINST RENEWED HOSTILITIES FROM THE FORMER SOVIET REPUBLICS

We cannot know for certain how reform will develop in the former Soviet republics. Right now the signs appear mostly positive, but no one foresaw how rapidly the old regime would break down. There are still thousands of hardliners holding positions throughout the former Soviet bureaucracies. And economic reform could cause years of pain and hardship, possibly leading to political instability. As former President Gorbachev said recently, "we have evaded a major war, but as it appears, we are sinking into chaos of conflicts of a different order."

But even with these uncertainties, we should still seize the opportunity to make significant, verifiable reductions in our nuclear arsenals. Should a hostile relationship reemerge with Russia in the near term, it would be in our interests to be facing a smaller, more survivable nuclear arsenal, perhaps in the range of 2,500 to 1,000 warheads located mostly on submarines and bombers. Even a much smaller United States arsenal could destroy hun-

dreds of military targets all across the former Soviet Union.

2. A DETERRENT AGAINST AGGRESSION BY TERRORIST REGIMES LIKE IRAQ AND NORTH KOREA

This is a much more dubious argument. Nuclear weapons failed to deter Iraq from invading Kuwait or subsequent ignoring U.N. demands to withdraw. Nuclear weapons didn't prevent Iran from holding 52 Americans hostage for more than a year. And nuclear weapons have failed to prevent either of these countries, or others like Syria and Libya, from providing support for terrorist activities all over the world. The problem is that nuclear weapons are simply not a credible threat except in the most dire of circumstances, such as in retaliation of a nuclear attack. Perhaps explicitly and publicly targeting certain problem countries would make the deterrent more credible, but would also give these regimes added incentive and rationale to build nuclear weapons of their own. At the first U.N. special session on disarmament in 1978, the Carter administration explicitly pledged that the United States would never use nuclear weapons against a non-nuclear state not engaged in armed aggression supported by a nuclear power. This "negative security assurance" has been reconfirmed by the Reagan and Bush Administrations and should be maintained. Massive conventional firepower pinpointed at military targets, such as that used at times in the Gulf war, is a more credible deterrent with fewer political problems.

3. DETERRENT AGAINST EMERGING NUCLEAR WEAPON STATES

Nuclear proliferation is a real threat to U.S. national security—probably the leading threat, now that the cold war is over. Besides the five declared nuclear powers—the United States, former Soviet Union, China, France, and Britain—three other countries—India, Pakistan, and Israel—either have nuclear weapons or could build them on short notice. A number of other countries, including Iraq, North Korea, Iran, Libya, Algeria, South Africa, Brazil, and Argentina are pursuing or have recently pursued a nuclear weapons capability. Additionally, with the dissolution of the Soviet Union, Ukraine, Belarus, and Kazakhstan are now all potential nuclear weapon states in addition to Russia. It also remains quite possible that some of the approximately 30,000 Soviet warheads might have been transferred to countries like Iran or Iraq.

The United States must undertake aggressive new non-proliferation policies to address these various threats. Clearly an immediate priority must be getting nuclear weapons out of the non-Russian former Soviet Republics and ensuring that all former Soviet warheads are accounted for. We also need to strengthen and create international regimes to prevent countries—especially the former Soviet Republics—from transferring nuclear equipment, material, technology, and expertise to other countries wishing to build the bomb. These efforts include more comprehensive and better-enforced export controls, stricter International Atomic Energy Agency [IAEA] safeguards on civilian nuclear facilities, and a phase-out of plutonium and highly enriched uranium for civilian uses. The U.N. Security Council should be empowered to enforce these measures through sanctions and, if necessary, military force.

The policy priority should be preventing proliferation from occurring in the first place, rather than on addressing once it happens. But, in all probability further proliferation will take place and the United States must be able to respond. Fortunately, it should take several decades before any country aside from Israel or India [and possibly Pakistan] can build a large number of nuclear weapons or the long-range ballistic missiles to deliver them. Even a few nuclear weapons could present a tremendous security threat, such as a terrorist strike, but such threats are largely undeterrable. The United States will have to maintain a nuclear force large enough to balance that of any emerging nuclear weapon state which has the capability of targeting the United States. An eventual reduction of the United States and Russian arsenals down to about 1,000 warheads, with additional lower caps placed on the arsenals of France, Britain, and China, would give the United States a significant deterrent against Russia while still having enough additional warheads to balance any other country's arsenal for the foreseeable future.

At this time, nuclear weapons do not serve a strategic purpose for the United States, except possibly to deter China from attacking our allies in the Far East—an unlikely scenario. Russia and the other former Soviet Republics are not, at this moment, our enemies. France, Britain, and Israel are not even potential enemies. Our relationship with India and Pakistan is at times shaky but not openly hostile and neither of these countries have the current capability of delivering nuclear weapons to targets of vital United States strategic importance. No other country in the world is close to having more than a handful of nuclear warheads of relatively low yield, which we could more than balance with advanced conventional firepower.

In spite of this, the United States will need to maintain a nuclear arsenal of some size for the foreseeable future as insurance against further proliferation and changing political developments, most specifically the possible reemergence of a hostile relationship with one or more of the former Soviet Republics. In the meantime, we should begin negotiations to make significant and continuous reductions in the number nuclear weapons in all countries, through a stage-by-stage process.

STAGE ONE

As a first, immediate state, the United States should undertake initiatives to help ensure that all nuclear weapons are withdrawn from the non-Russian former Soviet Republics. At the same time, we should pursue an agreement with Russia to reduce our respective nuclear arsenals to 2,500 strategic warheads each and eliminate all tactical nuclear weapons. The eliminated warheads should be immediately deactivated and subsequently dismantled, with materials and components stored under bilateral or multilateral controls.

STAGE TWO

Following the conclusion of such a pact, the United States should pursue subsequent negotiations with Russia, France, Britain, and China to reduce the United States and Russian arsenals down to 1000 warheads, with lower caps for the other countries.

FURTHER STAGES

After this subsequent agreement, the United States should undertake negotiations with Russia, France, Britain, and China to make additional stage-by-stage reductions in each countries' nuclear arsenals.

Concurrent with these state-by-stage reductions, the United States should also undertake negotiations to achieve a worldwide, verifiable agreement to end, by 1995, the production of plutonium and highly enriched uranium for weapons purposes and to place existing stockpiles of such materials under bilateral or multilateral controls. We should also seek to negotiate a comprehensive test ban by 1995, leaving time for a few more nuclear tests for weapons-safety purposes. These agreements, if adequately enforced, would at the least freeze the development of nuclear weapons programs in India, Israel, Pakistan, and other countries not yet party to the Non-Proliferation Treaty.

To buttress these measures, we should also seek an agreement to phase out the use of plutonium and highly enriched uranium for even civilian purposes. A worldwide, total delegitimation of weapons-grade material would make it far more difficult for any country to develop the bomb, clandestinely or otherwise. Any smoke would point to fire.

It should be possible to move fairly quickly through the first two reduction stages, down to 1,000 warheads each for the United States and Russia. The pace at which subsequent stages shall occur will depend on a number of factors, including: Advances in verification, safeguard, and export control methods and technologies; increased participation in the Nuclear Non-Proliferation Treaty and other non-proliferation regimes like the nuclear suppliers group and the missile technology control regime; strengthened and improved political relations among all countries; and the degree to which further multilateral nuclear arms reductions will enhance rather than hinder United States national security.

The last point should be obvious, but serves as a reminder that arms control is not an end in itself, but a means of assuring our security interests.

As political and economic reform takes root in Russia and the other former Soviet Republics, and the United States develops closer ties with these countries, the possibility of renewed hostilities will become increasingly remote. It is quite possible that in 10 or 15 years we will view Russia much the way we view France today, as a close ally with whom we have occasional friction. Without Russia as an enemy and with very strict controls in place to prevent other countries from acquiring nuclear weapons or cheating on agreements, no country would need more than a few dozen nuclear weapons to have an adequate deterrent against a remote, but possible, break-out country.

Down the road a number of years, it's possible to imagine a scenario in which each of the current nuclear weapon states maintains a handful of warheads under joint national and international control. With the necessary strict measures in place, it would be difficult for any country to build more than a handful of weapons clandestinely in any reasonable period of time. If a small break-out did occur the nuclear

weapon states could retake full control of their small arsenals and the U.N. Security Council could employ sanctions or even military force against the break-out country in question. In a worse case scenario, we could simply restart the arms race at that time, taking advantage of our technological superiority.

Today, Madam Speaker, I am introducing along with my colleague Mr. EVANS, the Nuclear Weapons Reduction Act of 1992. This legislation requires the President to pursue the policy goals laid out above: a quick agreement to cut United States and Russian nuclear forces down to 2,500 warheads, a subsequent agreement to cut down to 1,000 warheads on each side, with further stage-by-stage reduction in the nuclear forces of all countries taking place, with the pace determined by certain specific criteria. The bill also calls for a worldwide ban, by 1995, on the production of plutonium and highly-enriched uranium for military purposes and significantly strengthen and expand multilateral regimes to prevent countries from acquiring, or helping other nations to acquire, nuclear weapons. This legislation provides the blue print for achieving a safer, saner world for future generations.

For 50 years, nuclear weapons worked to our strategic advantage—they were our great equalizer against overwhelming Soviet conventional forces in Europe and elsewhere. Today, nuclear weapons are other countries' great equalizer against our conventional superiority. To the extent that we can reduce and eventually eliminate the bomb, we should. It is in our interests.

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 "Nuclear Weapons Reduction Act of 1992".

SEC. 2. FINDINGS.

The Congress finds that—

(1) despite favorable developments in United States relations with the republics of the former Soviet Union, a major threat to the security of the United States and the world remains nuclear weapons, whether in the hands of former Soviet republics or governments in areas in which regional conflicts are occurring;

(2) proposals by the President of the United States and the President of the Russian Federation to reduce strategic nuclear arsenals to levels of about 4,700 and 2,500 respectively, while commendable as intermediate stages, would leave in the possession of 1 or more former Soviet republics and the United States, should a hostile relationship reemerge, arsenals far larger than are necessary to deter nuclear attack;

(3) the case of Iraq demonstrates the need to improve significantly the current system of controls to prevent nonnuclear-weapon states from developing nuclear weapons;

(4) concurrent with these new nuclear dangers, opportunities for achieving worldwide reduction and control of nuclear weapons and materials are now greater than at any time since the emergence of nuclear weapons 50 years ago; and

(5) it is imperative in the security interests of both the United States and the world community for the President and the Congress to act immediately to seize these opportunities while they still exist.

SEC. 3. UNITED STATES POLICY.

It shall be the goal of the United States to—

(1) significantly and continuously reduce the number of nuclear weapons in all countries through a stage-by-stage process, the pace of which shall be contingent on several factors, including—

(A) advances in verification, safeguard, and export control methods and technologies;

(B) increased participation in the Treaty on the Non-Proliferation of Nuclear Weapons;

(C) strengthened and improved political relations among all countries; and

(D) the degree to which further multilateral nuclear arms reductions will enhance rather than hinder United States national security;

(2) achieve, through negotiations with former Soviet republics, the elimination of all nuclear weapons in all the former Soviet republics, except for the Russian Federation, as soon as possible;

(3) reach agreement as soon as possible with the Russian Federation to reduce the number of nuclear weapons in each country's arsenal to an intermediate level of approximately 2,500 warheads;

(4) as soon as possible after such an agreement is reached, begin negotiations with the Russian Federation, the United Kingdom, France, and the People's Republic of China to further reduce the number of nuclear weapons to approximately 1,000 warheads each for the Russian Federation and the United States, with lower levels for the United Kingdom, France, and the People's Republic of China;

(5) after such a subsequent agreement is reached, conduct negotiations with the Russian Federation, the United Kingdom, France, the People's Republic of China, and other countries, to make further stage-by-stage reductions in each country's nuclear arsenals consistent with paragraph (1);

(6) provide immediate United States assistance that would be available to securely disable, transport, store, and ultimately dismantle former Soviet nuclear weapons and missiles for such weapons, and to identify alternative employment opportunities for former Soviet nuclear weapons designers and technicians;

(7) achieve a worldwide, verifiable agreement to end by 1995 the production of plutonium and highly enriched uranium for weapons purposes and to place existing stockpiles of such materials under bilateral international controls; and

(8) significantly strengthen and expand multilateral regimes to prevent countries from developing, or assisting other countries to develop, nuclear weapons or their components, and strengthen and create international mechanisms to enforce these regimes.

SEC. 4. BIENNIAL REPORTS.

By January 1 and July 1 of each year, the President shall report to the Congress on the actions taken to date and the actions planned for the next 6 months—

(1) by the United States, the Russian Federation, and other former Soviet republics to achieve the policy objectives set forth in paragraphs (2), (3), and (6) of section 3; and

(2) by the United States and other countries to achieve the policy objectives set forth in paragraphs (1), (4), (5), (7), and (8) of section 3.

These reports shall be unclassified, with a classified appendix if necessary.

THE FORMULATION OF ENERGY RESEARCH AND DEVELOPMENT POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Michigan [Mr. WOLPE] is recognized for 60 minutes.

Mr. WOLPE. Madam Speaker, we debated the Energy Security Act of 1980 during my first term in the House. That legislation was intended to reduce our Nation's vulnerability to an oil supply disruption. Now—during my last term in this body—we are about to consider comprehensive energy legislation for the first time in 12 years. In the interim, our Nation has continued to be dangerously overdependent upon foreign oil.

The Investigations and Oversight Subcommittee of the Committee on Science, Space, and Technology, which I chair, has held a series of hearings in the past 6 months to examine the formulation of energy research and development policy at the Department of Energy.

I have taken this special order this evening to share my views on how the Federal Government establishes its energy research and development priorities based upon both the hearings and my involvement in energy policy over the last 14 years. While this may seem like a rather dry topic to some, it is a matter of considerable significance in determining if our tax dollars are being invested in a manner that will most efficiently and effectively ensure the future energy security of our Nation.

We spend billions of dollars every year on energy research and development. I have long contended that priorities for the expenditure of such funds should be determined by using objective criteria to compare competing energy investments to determine how we can most effectively reduce our dependence upon petroleum.

Unfortunately, it has been my experience that such spending priorities have not been determined by a dispassionate analysis of the energy needs of the Nation, but by parochial interests in Congress, the ideological interests of the Reagan and Bush administrations, the institutional interests of the Federal bureaucracy, and the special interests of large energy corporations.

On April 30, my subcommittee held a hearing that drove this point home. The hearing reviewed an internal Department of Energy analysis that actually attempted to use objective criteria to determine which energy investments would be best on the merits without regard to political sensitivities. To me, the results of this process are not surprising, but—considering the source—they are nothing short of astonishing.

This internal DOE analysis demonstrates that an energy R&D program's funding level is inversely proportional to its ability to contribute to the Nation's energy needs. In other words, the higher the funding level, the lower the potential energy contribution. The lower the funding level, the higher the potential energy contribution.

After DOE applied objective criteria to compare competing energy technologies, energy efficiency, and renewable energy technologies—which have been perennially underfunded—came out at the top of the rankings. Nuclear fission, fusion, and fossil technologies—which have enjoyed multi-billion-dollar taxpayer subsidies—came out at the bottom.

After comparing the recommendations made in this internal DOE analysis with the President's own budget proposal, it is crystal clear that the public interest continues to be shunted aside in favor of special interests.

BACKGROUND

The prosperity enjoyed by America in the postwar period was in large part due to ample supplies of cheap oil. In his Pulitzer Prize-winning history of oil entitled "The Prize," Daniel Yergin states that, and I quote: "During the 1950's and 1960's, the price of oil fell until it became very cheap, which also contributed to the swelling of consumption."

As a result of cheap oil, consumption in the United States tripled between 1948 and 1972—from 5.8 million to 16.4 million barrels per day. The number of automobiles in America increased from 45 million in 1949 to 119 million in 1972. Yergin makes the following observation on the impact of cheap oil on postwar America:

The inexorable flow of oil transformed anything in its path. Nowhere was that transformation more dramatic than in the American landscape. The abundance of oil begat the proliferation of the automobile, which begat a completely new way of life. This was indeed the era of Hydrocarbon Man.

As America greatly increased its consumption of petroleum in the 1950's and 1960's, it did so at a time when the United States itself was one of the world's leading producers. During most of this period the United States had a sizable surplus in domestic production capacity. But by 1970, that surplus capacity had largely disappeared. Domestic production peaked in 1971 and began to decline.

With declining domestic production—and steadily growing consumption—America began to import sizable quantities of oil. Net imports rose from 2.2 million barrels per day in 1967 to 6 million barrels per day by 1973. Imports as a share of consumption rose from 19 to 36 percent from 1967 to 1973.

But the era of unparalleled economic growth suddenly and dramatically came to an end in 1973. The economic consequences of our Nation's growing dependence on oil from the Middle East sent shockwaves across America as the 1973 Arab oil embargo sent prices soaring. The price of oil rose from \$2.90 per barrel in mid-1973 to \$11.65 in December 1973. These price increases that resulted from what is now known as the first oil shock fueled inflation and curtailed productivity.

There is no doubt that 1973 is a watershed year in tracing the decline of America's standard of living and competitive position in the international marketplace. Our collective inability to forge a national consensus on policies to reduce our dependence upon petroleum in the ensuing years has contributed to that decline.

President Nixon responded to the first oil shock by launching Project Independence with the goal of making America independent of foreign energy sources by the end of the 1970's. But the immediate crisis subsided and complacency set in.

THE ENERGY SECURITY ACT OF 1980

The beginning of my service in Congress coincided with the fall of the Shah of Iran and the second oil shock in 1979. The price of oil soared from \$13 to \$34 per barrel.

Long gasoline lines filled with angry constituents caused Congress to debate national energy policy in a crisis atmosphere. I remember one of our colleagues saying that we had to do something, even if it was wrong. And that's exactly what we did.

As a naive freshman Member, I suggested that we adopt objective criteria to determine where we should focus increased energy R&D spending. I suggested that we identify those R&D investments that would most quickly, cheaply, and cleanly reduce our dependence upon petroleum. My suggestion was met by glazed eyes and deafening silence.

Instead, we passed the Energy Security Act of 1980 and created the Synthetic Fuels Corporation—or SFC. We gave the SFC a \$20 billion lump sum appropriation to move technologies directly from the laboratory to the market place. We decided to create a commercial industry out of thin air. Not surprisingly, engineering, construction, and petrochemical interests were lining up outside the SFC in hopes of getting their hands on some of that \$20 billion.

It was a fiasco. The SFC produced almost nothing. What it did produce was neither cheap nor clean. After a long fight, MIKE SYNAR, Jim Broyhill, VIN WEBER, and I—with the help of many others—were able to kill it in 1986, but only after it had squandered about \$8 billion of the taxpayers' money.

During this time, I was also active in the protracted—but ultimately successful—fight to cancel the Clinch River breeder reactor. Clinch River was an effort to develop advanced nuclear technology to produce electricity.

However, the project had a price tag in excess of \$8 billion; the technology would not have been commercially viable until the middle of the next century at the earliest; and the project would have used plutonium, which raises serious national security concerns due to the possible proliferation of weapons grade materials.

The project was finally canceled when it became clear that the nuclear industry had no interest in putting its own money into the project to help the American taxpayer cover huge cost overruns.

THE DO-NOTHING POLICY OF THE REAGAN ADMINISTRATION

Despite the panic that led to the Energy Security Act, the election of Ronald Reagan in November 1980 removed energy policy from the national agenda. This lack of action—or even debate—reflected two facts: First, that the world was awash in a glut of oil; and second, that ideologues in the Reagan White House equated energy policy with industrial policy.

In the view of the Reagan White House, our dependence upon imported oil was not a threat to national security.

In the view of the Reagan White House, the billions of dollars that was drained from our economy every year to pay for that imported oil was not a threat to our economic security.

In the view of the Reagan White House, the inflow of imported oil was simply the natural reaction of the marketplace to the laws of supply and demand. And they placed their ideological—almost religious—devotion to free markets ahead of concerns about the national or economic security of America.

The Reagan administration advocated what could be termed a do-nothing energy policy. Federal R&D programs to encourage the development of new energy efficiency and renewable energy technologies were the major victims of the Reagan administration's do-nothing approach.

In constant 1992 dollars, Federal support for energy efficiency dropped from \$949 million in fiscal year 1980 to just \$100 million in fiscal year 1988.

In constant 1992 dollars, Federal support for renewable energy dropped from \$1.1 billion in fiscal year 1980 to just \$102 million in fiscal year 1988.

As a result of these reductions in Federal support, the Nation lost an opportunity to develop the technologies that are best able to meet the Nation's energy needs in an economic and environmentally sound manner.

But the Reagan administration energy policy was not always ideologically consistent. Except, perhaps, in its dedication to doing nothing. For example, despite the waste of billions of tax dollars, the Reagan administration would do nothing to abolish the Synfuels Corporation or the Clinch River project. David Stockman was an eloquent critic of both of these boondoggles while a Member of this body, but he was silent as soon as he became the Director of the Office of Management and Budget.

While Stockman tried to drastically curtail domestic spending, these programs were off limits. It's not hard to

see the influence of parochial and special interests. The Clinch River project was located in the State of Senate Majority Leader Howard Baker. And the Chairman of the Board of the Synfuels Corporation was a major contributor to the Heritage Foundation.

BUSH LAUNCHES THE NATIONAL ENERGY STRATEGY

As a result of the Reagan administration's do-nothing policy, neither this body nor the Nation gave serious thought to energy issues during the 8 years of the Reagan Presidency. All of that changed in July 1989, when President Bush launched an effort to develop a national energy strategy—or NES. Both the President and Secretary Watkins deserve credit for taking action to put the issue of energy policy back on the national agenda. In his speech announcing the development of the NES, the President stated:

We cannot and will not wait for the next energy crisis to force us to respond. Our task—our bipartisan task—is to build the national consensus necessary to support this strategy * * *.

And I would emphasize that the President launched this highly commendable effort a full year before the Iraqi invasion of Kuwait. But, unfortunately, like so many other efforts at DOE during the tenure of Secretary Watkins, good intentions have not led to any tangible results or accomplishments.

THE GULF WAR

In August 1991, President Bush appeared very prescient when, for the third time in less than 20 years, the Iraqi invasion of Kuwait once again demonstrated our continuing over-dependence on petroleum. The President hadn't waited for the crisis to respond; the development of the administration's national energy strategy was well under way.

The administration's national energy strategy acknowledges the necessity of addressing U.S. oil vulnerability. The NES states:

One of the keys to ensuring future energy security is reducing U.S. oil vulnerability. Technological advancements are one of the best ways to achieve this, and the National Energy Strategy calls for increasing investments for technology research and development (R&D) in areas with the greatest potential for reducing oil vulnerability.

I could not agree more. We must increase investments in R&D in areas with the greatest potential for reducing oil vulnerability in the cheapest, cleanest, and quickest manner possible.

But we are also living in an era of \$400 billion budget deficits. We cannot afford to develop every energy technology that comes down the pike. Spending decisions should be based upon hard-nosed analysis of which energy investments will provide the most bang for the buck.

Unfortunately, past spending decisions have not been based upon such

analysis, but rather on the pressures of parochial, institutional, and special interests. As a result, we have poured billions of dollars into the ill-conceived development of nuclear power and synthetic fuels.

The gulf war had once again focused our attention on our overdependence on petroleum. I saw the confluence of the gulf war and the development of the NES as a tremendous opportunity to define a new role for the Government in the energy market place.

This new role would fall between the Reagan administration's do-nothing approach and the big government/special interest approach that led to boondoggles such as the Clinch River breeder reactor and the Synfuels Corporation.

It was an opportunity to break with past practice and actually base our energy policy on an analysis of the Nation's energy needs, rather than ideological purity or the influence of various powerful interests.

Unfortunately, the opportunity was squandered. The NES was roundly panned when it was publicly released in February 1991.

THE PROMISE OF THE NES

Secretary of Energy James D. Watkins appeared before the Committee on Science, Space, and Technology on February 26, 1991, in support of the national energy strategy.

In response to a question, Secretary Watkins indicated that, " * * * we have a comprehensive analysis to back up the Strategy * * * and we will share with you that analysis base, and hope that we would be able to find new harmony and dialogue * * * "

After reviewing the Secretary's testimony and the national energy strategy document itself, the subcommittee staff began to examine the NES in early March.

On March 22, 1991, I took the Secretary up on his offer to share the comprehensive analysis that backs up the NES. I sent the Secretary a letter containing a series of questions and requested background analysis.

While DOE answered the questions and provided publicly available documents, the Department refused to provide any comprehensive analysis.

After extensive correspondence with the Department in pursuit of the documents, the subcommittee met on August 1, 1991, and voted to give me the authority to issue a subpoena during the August recess if the requested documents were not forthcoming in 2 weeks.

The subpoena was never delivered. The Department provided all requested documents before the deadline. The documents that I will quote from were received by the subcommittee from DOE in response to the threat of a subpoena.

When Secretary Watkins appeared before the Science Committee in Feb-

bruary 1991, he attempted to portray the NES as the flawless product of extensive public participation, state-of-the-art computer modeling, expert analysis, and innovative public policy.

However, our investigation into the development of the NES revealed otherwise. Public participation was severely curtailed. The modeling process consisted of feeding highly questionable assumptions into crude modeling tools and was not subjected to meaningful outside review to confirm the validity of its assumptions and conclusions.

And as for innovative policy proposals, the administration's energy strategy clearly comes up short. Developed during the Persian Gulf crisis, the NES offered a rare opportunity to develop a national consensus on policies to reduce U.S. oil vulnerability.

However, the only clear policy proposals in the NES are the resurrection of the nuclear industry and opening the Alaska National Wildlife Refuge to oil production—neither of which could make a lasting contribution to reducing our dangerous overdependence upon petroleum.

In a letter to the Secretary, I asked how much oil displacement would result from the Department's advanced nuclear technology programs. The Department responded that, "No oil savings are expected from these options since little oil is used in electricity generation now and even less oil use is expected in the future."

I applaud the Department for candidly admitting that nuclear energy can do nothing to reduce our oil vulnerability. This directly contradicts that often repeated claim of nuclear supporters that nuclear power is needed to reduce dependence on imported oil.

As for drilling in the Alaska National Wildlife Refuge, there is no guarantee that any oil would be found there. If it were, such reserves wouldn't equal more than 6 months of current U.S. consumption.

The U.S. Senate wisely concluded that the relatively small amount of petroleum potentially available from ANWR wasn't worth the risk of possible environmental damage resulting from such drilling.

PUBLIC PARTICIPATION IN THE NES PROCESS

After reviewing extensive internal DOE documents, our subcommittee held a hearing in October 1991 to review the 18-month process that led to the release of the national energy strategy in February 1991.

The NES was developed on two separate tracks that were intended to come together at the end. The first track consisted of the interagency analysis of the policy options that would be included in the NES.

The second track was the effort to use computer modeling to project the impact of various policies on the sup-

ply and demand of energy over the next 40 years.

The hearing demonstrated that the NES suffered from inadequate public review of both of these efforts.

As a result of our investigation, I am personally convinced that Secretary Watkins had the best of intentions when he launched the development of the administration's national energy strategy. The process began with an honest commitment to seeking the active involvement of the American people in the development of the NES as a means of forging the national consensus on energy policy that has been so elusive over the last 20 years.

The Secretary began by holding public hearings across the Nation to solicit the views of the American people on the future direction of U.S. energy policy. In fact, Secretary Watkins made it clear that no policy options would be considered in the NES that had not been raised in the public hearings.

An official Secretary of Energy notice dated September 5, 1989, clearly spells out the Secretary's commitment to full public participation in the NES process. Let me read a portion of this notice:

Our plan is to have a skeletal structure of the National Energy Strategy in place by late this summer; to complete about December 1989 the series of public hearings now under way in order to obtain a broad range of inputs from all interested parties; to collate their inputs and produce a first draft of the strategy by April 1, 1990; to allow 6 months for public comment; and to present in final draft form to the President by December 1990 our best recommendations for his eventual adoption as the National Energy Strategy.

The Secretary clearly intended to make a draft strategy available to the American people by April 1, 1990. The American people were to be given 6 months to comment on that draft before it was sent to President Bush for final approval. But something clearly happened between September 1989 and April 1990 to curtail public participation in the development of the NES.

When the Department issued its interim report in April 1990, it did not contain a draft strategy. The American people were never given a draft strategy for public comment as originally envisioned by Secretary Watkins. The interim report was simply a compilation of public comments gathered after conducting 15 public hearings that received testimony from 375 witnesses from 43 States.

However, the interim report contained one conclusion from the public hearings that should be noted:

The loudest single message was to increase energy efficiency in every sector of energy use. Energy efficiency was seen as a way to reduce pollution, reduce dependence on imports, and reduce the cost of energy.

At some point prior to the planned issuance of the draft strategy, the troika apparently caught wind of the direction that the NES might take if DOE

continued to place a premium on public participation in the process. The troika is a term used within the administration to refer to the Office of Management and Budget, the Department of the Treasury, and the Council of Economic Advisers.

The differences between the troika and DOE on the direction of national energy policy is a case study in bureaucratic infighting between ideologues and pragmatists.

By launching the development of the national energy strategy, President Bush indicated a break with the Reagan administration's do-nothing energy policy. The President saw the need for a more active Federal Government role in addressing the Nation's energy needs.

But the troika represented a viewpoint within the administration that saw no need to stray from the do-nothing approach of the Reagan administration. The troika was heavily involved in the development of the NES through the Economic Policy Council—or EPC. The EPC is an interagency group that coordinates administration policy on economic issues.

At the time of the development of the NES, the EPC was chaired by the Secretary of the Treasury.

Some members of the EPC were ideologically opposed to the approach to policy inherent in some of the policy options proposed by DOE. This internal split within the administration is readily apparent in an internal DOE document dated July 12, 1990:

*** DOE's view of some issues and the view of other members of the EPC were 180 degrees apart. For example, DOE's view is that petroleum imports represent a risk to national security and economic growth; however, other EPC members see imports as normal market operations.

In the narrow view of the troika, the primary goal in establishing any public policy is limiting the role of the Government in the marketplace. Concerns about the national security implications of imported oil are entirely beside the point. DOE, on the other hand, viewed oil imports as a serious problem that should be addressed by the activities of the Federal Government.

The troika clearly held the upper hand in this internal disagreement over the proper role of Government in the energy marketplace. As the protectors of ideological purity, the troika determined the political correctness of energy policy options under consideration within the administration during the development of the NES.

The commitment of the troika to the Reagan administration's approach to energy policy is readily apparent in a memo from a staffer at the Treasury Department to a staffer at DOE.

This memo states:

*** I want to put on paper some of my concerns about the NES process *** The documents we're seeing continue to emphasize intervention in the energy markets, sug-

gesting a return to the control-by-bureaucracy of the 1970's. The options handed out yesterday in almost every case suggest that current energy policy is wrong, and needs to be fixed, preferably by the Government * * *. The NES process continues to rely excessively on Secretary Watkins' public hearing process * * * I suggest that we abandon the current plan and not base the analysis solely on the options presented in the public hearings * * * I understand that you have your orders from the Secretary. But he should know that Treasury will very likely oppose any energy strategy that looks like the current list of options, whether they came from public hearings or not.

A LACK OF VISION

As a result of the ideological litmus test imposed on the troika, the administration was left without a consistent vision of what a national energy strategy was supposed to accomplish. What remained was a warmed-over version of the status quo entirely lacking in innovative policy proposals.

Despite the fact that the Iraqi invasion of Kuwait had once again demonstrated our vulnerability to oil supply disruptions, such concerns were not the focus of the NES policy options.

The only overriding theme or clear policy direction that could be discerned from the policy options under discussion was keeping the government out of the energy marketplace.

The one glaring exception was nuclear power. The troika seemed to have no objection to an industrial policy designed to overturn an overwhelming verdict of the market place if its goal was to revive the moribund nuclear power industry.

But it must be emphasized that DOE was not the only agency participating in the interagency process that considered the Nation's continuing oil vulnerability to be a significant concern.

For example, in October 1990—in the midst of Operation Desert Shield—the Department of Defense offered the following comments to DOE concerning the policy options under consideration by the EPC:

* * * the Deputy Secretary of Defense recommended that the NES better focus the security issues and articulate clear policy options to moderate America's long-term oil dependency * * * The current package of options lacks structure or strategy * * * At the present juncture, with world events highlighting our nation's energy vulnerabilities, a true strategy is essential.

The National Security Council echoed the concerns of Department of Defense in their comments on the NES:

* * * we continue to believe that EPC principals will be hampered in their discussion of the options by the lack of a clear statement of U.S. goals and objectives.

From a national security perspective, NSC staff believes that the U.S. should have the following goals and objectives: Reduce the role of oil in the energy supply mix; increase energy diversity and efficiency in all sectors of the economy, but particularly in transportation; remove market barriers to the development of non-oil energy resources; improve mechanisms, nationally and internationally, to respond to energy supply disruptions.

The options, as presented, make it difficult to determine which policy objectives we are trying to attain.

Despite expressing such concerns, the Department of Defense and the National Security Council were not able to make America's oil vulnerability a central focus of the NES policy options.

And they were not alone in thinking that the NES policy options under review within the administration came up short. A member of the Secretary of Energy's advisory board found them lacking as well.

She recommended that Secretary Watkins take a draft strategy back to the American people for comment as a way to reach a public consensus. Let me read from her advice to DOE:

This approach—producing a strategic framing of the question with a not-as-yet-complete set of integrated options—will provide the basis for the next important step: taking integrated option sets out for public comment and review. That process will tap expertise outside the federal government to provide the President with the best analysis this country can produce, to build understanding of the options, and to reach a general consensus among the public about the choices.

The Secretary has taken the first step to an open process during the hearings. However, asking advice in general is different from asking advice about specific choices; advice gotten from people one at a time is different from that gotten when groups of people representing many points of view discuss specific options and trade-offs. Those discussions can lead to a policy that is based on thorough review and creative thinking and that has the general credibility needed for implementation.

Unfortunately, the Secretary failed to heed her advice to stick to his original plan for full public participation in the NES process. While the Secretary began that process with extensive public hearings, the public was effectively closed out when it came time to actually review the policies that would be included in the NES.

The Department anticipated criticism of its curtailment of public involvement. In a memo to the Secretary, a DOE staffer observes that:

From the start, our NES development process has emphasized a commitment to public involvement. To some, our credibility on this point hinges upon whether the public is given the opportunity to review the NES Options Analysis before we go to the President in December.

To maintain the pretense of public involvement, DOE conducted a series of public workshops on the NES policy options. But there were no public announcements of these workshops. Attendance at these public events was by invitation only. And invitations were extended to a limited number of people.

It is hard for DOE to argue that such a process involved the American people in the final—and crucial—stage of the development of the NES.

In my opinion, the public was closed out of the debate over specific energy

policy options for two reasons. First, it is hard to develop a public consensus when the administration itself could not even reach an internal consensus on a meaningful package of policy options.

An in-depth public debate over the administration's policy options would only serve to expose the lack of any real substance in the administration's strategy.

Second, there is strong evidence that the kind of energy policy that would receive broad public support would be anathema to many within the administration for political and ideological reasons.

As I indicated earlier, the primary message coming out of the public hearing was widespread support for increasing energy efficiency.

A recent poll indicates that 62 percent of the American people believe that energy efficiency and renewable energy should be the Federal Government's highest funding priorities for meeting the Nation's energy needs. By contrast, only 3 percent cited coal as our highest priority for only 11 percent cited nuclear power.

To conservative ideologues within the Bush administration, the energy priorities of the American people sounded like a repudiation of Ronald Reagan and an embrace of the environmental movement. To avoid political embarrassment and ideological heartburn, it was easier to leave the American people out of the process.

It should be noted that the Department of Energy was successful in getting some policy options before the Cabinet that would encourage energy efficiency and renewable energy. A few politically savvy people within the Department apparently understood the need for some semblance of balance in the NES. They had heard the voice of the American people at the public hearings. They knew there was considerable public support for energy efficiency and renewable energy. They understood that a strategy based on building more nuclear reactors and drilling in wildlife refuges would be dead on arrival if it did not also contain meaningful provisions to encourage energy efficiency and renewable energy.

But the troika principles apparently succeeded in persuading the President to strike such provisions from the final NES that was unveiled to the American people. As a result, the administration delivered a strategy entirely lacking in balance that was, in fact, dead on arrival.

THE NES MODELING PROCESS

While the consideration of the policy options was underway, another equally important effort was taking place simultaneously. The comprehensive analysis referred to by the Secretary in his testimony before the Science Committee was based upon an ambitious ef-

fort to use computer models to project the impact of the NES to the year 2030.

The use of computer modeling in policymaking can be very useful. But it can also be used to create a false aura of scientific infallibility around a faulty policymaking exercise. Such models are only as valid as the assumptions that underlie them. And once again, the credibility of the policies proposed in the NES has been severely undermined by a lack of adequate public involvement in the process.

The issue of uncertainty is a central concern when using computer models in policy development—particularly when projections are made over a 40-year period. Uncertainty can arise in at least three ways in this kind of energy modeling process.

First, uncertainty can result from shortcomings in the model itself.

Second, the outcome of energy modeling is highly dependent upon the technology cost and performance assumptions that are fed into the model.

Third, uncertainty is created by the assumptions that are adopted concerning the anticipated impact of proposed changes in policy on energy supply and demand.

The subcommittee's investigation revealed serious shortcomings in the NES modeling process that call into question the administration's claims concerning the impact of the adoption of NES policies on the Nation's energy supply over the next 40 years.

But the subcommittee was not alone in its concern. In January 1991, the National Research Council issued an advisory report on the NES modeling process.

While this report contains praise for the Department, it also contains numerous caveats. For example, the report warns:

*** it is important for the decisionmakers who will be using the results of the NES analyses to appreciate the limited power of the existing set of models used for evaluating policy choices. It would be misleading to assign too much quantitative precision to the results of the model runs or to presume that the models incorporate a great deal of relevant detailed information that can enhance judgments about the future impacts beyond a decade or two.

Policymakers should appreciate the important role that a priori assumptions and simplifications, and the off-line contributions made by the NES Modeling Subgroups in shaping the excursions and scenarios, which to a great extent dictated the results of the model runs.

To put it another way, it is important for all of us in this body to understand that the results of this effort were dictated by the assumptions that were fed into the computer.

And the most important assumptions are those that include estimates of the cost of energy provided by a given technology and how efficiently that technology will perform from a technical standpoint during the next 40 years.

In the NES process, the Department's Energy Information Administration was responsible for gathering this cost and performance data from DOE's three program offices; fossil energy, nuclear energy, and conservation and renewable energy.

These assumptions would be inputted into the model, which would then determine the extent of future penetration of each of these new technologies into the marketplace.

It is clearly in the institutional interest of the program offices to supply assumptions that are as optimistic as possible, so as to increase the market share—and thereby the funding—of their programs.

The minutes of the January 24, 1990, meeting of the EIA Electricity Subgroup illustrate the institutional forces at work here.

Several people brought up the potential problem concerning the costs and performance of the advanced technologies *** The fear is that without some guidelines or rigorous review, the program office could bias the data to benefit their programs. One suggestion was to develop probability ranges for the costs of particular technologies and test the impact. Another suggestion was to have the database and results reviewed by outside experts.

In an internal memo, one of the program officer staff put it a little more colorfully: "independent review activities are important to assure a consistent treatment of technology performance, lest the exercise degenerate into a liar's contest."

However, despite these warnings from its own staff, the Department of Energy failed to subject these assumptions to the rigorous review of experts outside of DOE. The crucial assumptions underlying the strategy were not available for public review until long after the NES itself had been publicly released. There is, therefore, no way to assure the American people that the outcome of the modeling process is not biased on behalf of the institutional interest of the DOE bureaucracy.

I applaud President Bush and Secretary Watkins for launching the national energy strategy, but, unfortunately, a great opportunity has been lost. The NES could have been a dramatic turning point in America's energy policy. By involving the American people in the process, we had the chance to overcome and influence of the various interests that have traditionally exerted undue influence on U.S. energy policy.

But leaving the American people out of the NES process has destroyed any credibility that the strategy could have had. This has rendered it useless as a means to achieve public consensus on national energy policy.

Although the NES must be judged a failure, there were some hardworking and dedicated individuals within DOE who were trying to salvage something from the wreckage. Their efforts were

the subject of the subcommittee's April 30 hearing on the development of energy research and development priorities within DOE.

THE SPRING PLANNING PROCESS

The same 1989 Secretarial notice that started the public hearing process, also set in motion an effort to integrate the goals of the NES into the annual DOE budget process. The Department's Office of Policy, Planning and Analysis was given the responsibility to carry out this effort.

In the spring of 1991, the DOE policy office began a process to use objective criteria to make recommendations to Secretary Watkins for the fiscal year 1993 DOE budget. This effort—known within the Department as the Spring planning process—was designed to determine what fiscal year 1993 energy and science program funding priorities would be if they were made on the merits, without regard to political sensitivities.

On April 30, 1992, we held a second hearing to review the results of this process. This hearing focused upon a single DOE document. Although the Department declined to participate in our hearing, we did not feel compelled to threaten a subpoena this time. This internal document is so illuminating that departmental witnesses were not necessary to appreciate its meaning.

The document in question is a memorandum to Secretary Watkins dated July 15, 1991 that accompanied the policy office's budget recommendations for DOE's fiscal year 1993 budget. I will read a paragraph from the cover memo that describes the purposes of the policy office's effort:

Altogether, this package reflects the results of a considerable effort to develop, on the merits, program planning priorities in tune with the NES. Political sensitivities can be applied later, but you need to know, first, what seems to be right based on the merits, determined in accordance with criteria carefully selected and applied as uniformly as humanly possible across all relevant program elements (emphasis in original).

It is interesting to compare the results of this exercise with the actual fiscal year 1993 DOE budget. Such a comparison reveals a huge disparity between recommendations determined on the merits, and the administration's fiscal year 1993 budget, which apparently reflects political sensitivities.

Unfortunately, the policy office's recommendations were totally ignored by Secretary Watkins. But, in spite of the Secretary's lack of interest, this effort is the most promising development in the formulation of national energy policy that I have witnessed since I arrived in Congress.

While it may sound like simple common sense to the American people, the thought of setting spending priorities based on the merits without regard to political sensitivities is a truly revolutionary notion when it comes to Fed-

eral energy R&D policy. This effort deserves the attention of the Members of this body and the American people. I will, therefore, take a few minutes to describe the methods and the results of DOE's spring planning process.

USING OBJECTIVE CRITERIA

To implement this effort to determine what is right based on the merits, the DOE policy office combined similar DOE programs into what are termed "program planning units." These planning units were then assigned to one of three portfolios that each represent a goal of the NES.

The first portfolio contains planning units that are intended to reduce our Nation's vulnerability to an oil supply disruption. The second portfolio contains planning units that are intended to improve the economic efficiency of electric technologies. The third portfolio contains planning units that are intended to encourage basic science.

I will restrict my comments today to the oil vulnerability and electricity portfolios.

The policy office used objective criteria to compare competing planning units within these two portfolios. Programs were competed against each other on the basis of the following five criteria:

First, contribution to energy needs; second, contribution to economic growth; third, environmental impact; fourth, technical risk; and fifth, market risk. This process resulted in a score for each program planning unit that was used to rank them within the oil vulnerability and electricity portfolios.

HIGHLIGHTS OF THE RANKING PROCESS

The rankings of the program planning units within the portfolios—determined on the merits—is very revealing:

The oil vulnerability portfolio contains 16 planning units. The five highest ranking planning units are all within the Office of Conservation and Renewable Energy. The planning unit entitled "Coal Liquids"—which was the focus of the panic that created the Synthetic Fuels Corporation—is ranked 15th out of the 16 planning units in the oil vulnerability portfolio.

This portfolio contains no programs from the Office of Nuclear Energy, another acknowledgement of the fact that nuclear energy—a source of electricity—cannot displace petroleum.

The electricity portfolio includes 23 program planning units. The six highest ranking programs are all within the Office of Conservation and Renewable Energy. The seven lowest ranking are fossil, fusion and all nuclear fission programs.

PE'S RECOMMENDATIONS AND THE FISCAL YEAR 1993 DOE BUDGET REQUEST

Based on the scores and rankings, the policy office divided the programs within the portfolios into the categories of "Emphasized," "Same," and "De-Emphasized." The policy office de-

termined that "Emphasized" programs merited increased funding. Stable funding was proposed for programs in the "Same" category. "De-emphasized" programs were targeted for spending cuts.

The policy office recommended two fundamental shifts in spending: from de-emphasized programs to emphasized programs within portfolios; and a shift from the electricity to the oil vulnerability portfolio.

I would like to briefly compare the policy office's recommendations for these two portfolios with the administration's actual fiscal year 1993 DOE budget request. I'll start with the oil vulnerability portfolio.

THE OIL VULNERABILITY PORTFOLIO

The policy office recommends a shift in funding to benefit programs to reduce oil vulnerability. This reflects a continuing national concern about our Nation's continuing overdependence on petroleum.

But despite rhetoric in the NES and the policy office's recommendations, the President's fiscal year 1993 DOE budget actually proposes a \$185 million—or 14 percent—cut from fiscal year 1991 appropriated levels for programs in the oil vulnerability portfolio.

The question before us is this: if the administration wants to cut oil vulnerability programs, where do they propose to spend the money? The answer can be found by looking at the electricity portfolio.

THE ELECTRICITY PORTFOLIO

The policy office's primary recommendation emerging from this process was a shift in funding from the electricity portfolio to the oil vulnerability portfolio. The administration's fiscal year 1993 budget request completely reverses this recommendation. While the oil vulnerability portfolio fell by 14 percent compared to fiscal year 1991 levels in the administration's budget, the electricity portfolio actually increases by 8 percent.

This itself raises questions, but this is all the more troubling when you examine where within the electricity portfolio the administration wants to spend the money.

Of the 23 planning units in the electricity portfolio, the policy office's process concluded that 12 of these of planning units be deemphasized. These 12 planning units include the clean coal program and the fusion program. And, despite the fact that the revival of the nuclear industry is the cornerstone of the NES, all of the Department's nuclear energy programs are included in the de-emphasized category.

The policy office recommended that, as a group, these 12 deemphasized planning units be cut by 22 percent from their fiscal year 1991 appropriated levels. However, when its budget was submitted to Congress, the administration proposed that these 12 low-priority

planning units actually receive an 18-percent increase.

In dollar terms, these 12 planning units in the de-emphasized category are proposed to receive an increase of \$239 million over fiscal year 1991 levels. By contrast, the programs in the emphasized category in this portfolio only received a \$17 million increase.

Amazingly, in the administration's budget proposal, these 12 low-priority programs are proposed to receive 74.2 percent of the funding in the electricity portfolio and 27.5 percent of the combined spending in the three portfolios.

By far the most dramatic funding numbers in the internal DOE memo concerns the clean coal program. On the merits, the policy office recommended that the Clean Coal program be de-emphasized and proposed a fiscal year 1993 funding level of \$213 million.

This represents a 173-percent cut from the fiscal year 1991 appropriated level. And Secretary Watkins cut the program even further—to \$200 million—before the DOE budget was sent to OMB. But at OMB, Director Darman—the administration's guardian against wasteful spending—awarded the program a \$300 million increase over Secretary Watkins' recommendation.

So instead of a 173-percent cut, the administration provided the program a 30-percent increase over fiscal year 1991 appropriated levels. So much for fiscal responsibility at OMB.

AN OBVIOUS DISCONNECT

After reviewing the oil vulnerability and electricity portfolios, there is a obvious disconnect between the DOE policy office's recommendations and the administration's actual fiscal year 1993 budget:

The policy office concluded that, on the merits, programs to reduce our Nation's oil vulnerability should be increase. But the President's budget proposed to cut these programs by \$185 million;

The policy office concluded that, on the merits, 12 electricity programs should be deemphasized. But the President's budget proposed that these 12 low-priority programs receive a \$239 million increase.

The effort of the policy office in the spring of 1991 to establish spending priorities on the merits was clearly ignored when the administration sent its fiscal year 1993 DOE budget to Congress.

Despite the findings of its policy office, the administration proposes to cut programs to reduce our Nation's oil vulnerability so it can continue to pour huge sums into electricity technologies that rate at the absolute bottom of the list when they are compared on the merits with other technologies.

But these low-priority programs in the electricity portfolio enjoy strong support from parochial interests in

Congress, the institutional interests of the DOE bureaucracy, and the special interests of large energy corporations.

It must be understood that such special interest spending has two major costs. First, as noted earlier, there is considerable evidence that the American public strongly supports increased Federal efforts to support energy efficiency and renewable energy resources. These very sentiments have now been confirmed on the merits by DOE's own internal analysis. If the Federal Government continues to ignore both public opinion and the kind of analysis performed in the spring planning process, the American public will become even more cynical about the Federal Government's ability to establish public policies that are in the public interest.

And the second major cost of such special interest spending is its impact on our Nation's energy future. As we all know, we are facing severe budgetary problems. Every dollar that is spent on low priority special interest programs diverts scarce resources away from the kind of investments that will promote energy security, economic growth, and environmental protection. We simply cannot afford such wasteful spending in terms of either fiscal policy or energy policy.

The internal DOE analysis reveals that investments in energy efficiency and renewable energy technologies will clearly provide the most bang for the buck.

When looking at the dramatic decline in Federal investment in these technologies in the 1980's, it is impossible to escape the conclusion that we have squandered a tremendous opportunity. I am forced to wonder, where would we be right now as a nation if we had continued a strong commitment to developing these technologies?

I don't doubt that our economy would be more efficient due to efforts to curtail the wasteful use of energy. I don't doubt that we would have developed a whole host of new technologies that could be marketed to the rest of the world. And I don't doubt that our environment would be cleaner than it is today.

But energy efficiency and renewable energy technologies simply do not enjoy an organized political constituency in Congress or in the country. Their benefit is too dispersed to engender strong political support.

When budgets get tight and decisions over priorities have to be made, the parochial and special interests are well represented, while policies that may be in the best interest of the Nation lack the political constituency necessary to protect them.

CONCLUSION

In closing, I would emphasize that the 1991 spring planning process was, in fact, a success. The fact that it failed to influence the administration's bud-

et proposal this time does not mean that such efforts should be abandoned. Such efforts should be given the strong support of Members of Congress and by the American people.

Many in DOE probably feel that the 1991 spring planning process has opened up a Pandora's box that was best left shut.

They probably feel that such an effort should not have occurred in the first place and should not be repeated. They probably feel that it was better to continue to base budget decisions on political considerations and pretend that they were based on the merits, rather than actually trying to achieve that end.

The subcommittee has not been able to determine if such an effort is underway for the formulation of the DOE's fiscal year 1994 request. There are probably many in DOE who would argue against putting anything on paper again that can be discussed at a public hearing or on the floor of the House.

I would, however, encourage the Department to take a very different course. Not only should they continue this process, they should throw the process open to the scrutiny of the American people. If we have learned anything from our review of the NES, it is the importance of public involvement in the process.

We will be debating a comprehensive energy bill on the floor of the House tomorrow. I urge the American people to closely watch that debate and let their elected officials know what they think. It is only with such participation that we can reduce the influence of special interests and allow us to forge a true national consensus on energy policy.

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GLOBAL CLIMATE CHANGE

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DOOLITTLE] is recognized for 60 minutes.

Mr. DOOLITTLE. Madam Speaker, it has been announced that President Bush will attend the Earth Summit in Rio de Janeiro, Brazil, during the first week of June, and therein presumably sign a compromise agreement to limit emission of greenhouse gases. I would like to observe at this point, Madam Speaker, for the listening audience either in the Chamber or out there over C-SPAN wondering why there are so few people. This is the way the House operates today and has been for some time. There are many occasions when, during the regular order of debate, there are not many more people than we have here today. We who take the well of the House to speak are hopeful that our message will reach out to those of our constituents around the United States who may be listening. It is with that thought in mind that I

take up this hour on the subject, the general subject, of global climate change or the so-called greenhouse effect.

Although there are at this stage no numerical limits and no deadlines in the proposed agreement to be entered into apparently by the United States in Rio, the general framework will be set. From then on, it is expected that there will be steady pressure to put limits on carbon dioxide, the greenhouse gas that is released when fossil fuels are burned.

Now, I think it is interesting, in light of this most recent announcement, that today in the Washington Post and other newspapers, I think, around the country there have been some discussions about what is happening to global warming. It is just a little different than the predicate that has been laid for this June conference.

Today in the Washington Post we read:

The global warming trend of recent years appears to have reversed course late last year sending the Earth into a period of global cooling that could continue for the next 2 to 4 years, a panel of scientists convened by the American Geophysical Union reported yesterday.

Interestingly enough, the article goes on to explain that the resulting cooling effect is now estimated to be about twice as powerful as the warming effect caused by all the carbon dioxide put into the atmosphere since the beginning of the industrial revolution. Think about that for a minute, the resulting cooling effect is expected to be twice as powerful as the warming effect caused by all the carbon dioxide put into the atmosphere since the beginning of the industrial revolution.

Madam Speaker, I think that is an amazing fact that I wish to emphasize to make a point about the concern over global warming, and even more so about the proposed remedies thereto.

It turns out that the cause of this decrease by 1 degree, they are saying, in the temperature is Mount Pinatubo, which, it turns out, gave us the most violent eruption since Krakatoa erupted in 1885: Mount Pinatubo.

Now, Pinatubo dumped about 25 million tons of sulfur compounds into the atmosphere. It is producing the volcanic version of acid rain. The result of that is that the Sun cannot penetrate as effectively, and so the temperature is dropping.

It is not the first time that volcanoes have caused dramatic climate change, and, by the way, the scientists have observed that we appear to be at the apex of a volcanic period of activity in this country. I think just those of us who read the newspapers kind of get a feeling for this as various volcanoes have erupted in recent years, whether it is Mount St. Helens or the volcano in Mexico.

It is interesting to see these natural phenomena occur. It certainly makes one appreciate the power of nature.

One such volcano which holds the record for being the largest ever was Tambora, which was also in Indonesia and erupted in 1815. Tambora, it is said in this article, caused such climatic cooling that more than 90,000 people died from crop failures, and the year after the eruption became known as the year without a summer. This is interesting. In parts of the United States, for example, it snowed several times during the summer of 1816.

So clearly volcanoes can have a major and dramatic and relatively immediate impact upon the Earth's climate.

Mr. DELAY. Madam Speaker, will the gentleman yield?

Mr. DOOLITTLE. I am happy to yield to the gentleman from Texas.

Mr. DELAY. Madam Speaker, I am so glad the gentleman is bringing this special order on global warming, because I hope during this special order that we can point out some myths, some misconceptions, and outright mistruths that are out there in the global-warming debate.

One of the issues that the gentleman brings up, and I think that the point, another point, that needs to be made is that what most people think, at least reading their newspapers and watching televisions and certainly a lot of the public service programs on their PBS channel, is that man is putting out these greenhouse gases, whether they be carbon dioxide or chlorofluorocarbons or hydrocarbons or those kinds of things, and man is the culprit in causing this global-warming phenomenon, when in fact nature, as the gentleman is trying to make the point, that nature, whether it be through volcanoes or energies put out by the oceans or clouds, nature puts out 20 times the greenhouse gases than man does.

So all of these huge expenses that people are calling for and changing man's attitude in putting carbon dioxide into the atmosphere is one-twentieth, would have one-twentieth of the effect on the atmosphere that nature puts out in the atmosphere, and I just wanted to make that point, that man is not driving the global warming.

Certainly there are things that we can do that we know have an effect, but in no way is man the driving force in what is happening in global warming. Indeed, global warming is a phenomenon that keeps the Earth warm.

If we did not have a natural phenomenon of warming our world, we would be, I think it is, 200 degrees below zero in Fahrenheit as a temperature of this Earth, so it is a natural phenomenon of warming the globe. Now, man has certain effect on that, but it is the arrogance of man to think that he can change the world by changing nature, and I think nature adapts quite well.

□ 1850

Mr. DOOLITTLE. Well, Madam Speaker, I appreciate the gentleman making that observation. The gentleman is quite correct that except for the atmosphere we have, we would be just about like the Moon, which at night I think the temperature drops to about minus 227 degrees Fahrenheit and during the daytime the temperature is at about 200 degrees Fahrenheit, so it is a dramatic temperature swing.

It is the atmosphere, of course, that protects this planet. For those who have seen the program, I will mention it. For those who have not, I will encourage you to see it at the Smithsonian Institution. It is a great film at the Air and Space Museum called "Blue Planet" that very graphically and beautifully portrays this Earth from outer space and gives people an opportunity to see the effect of that atmosphere and how this Earth stands out in such contrast to the other planets in our solar system with its life-sustaining oceans which give rise to the atmosphere and with the ability to sustain all manner of life as a result of that.

But the gentleman is quite correct that nature far and away is the biggest supplier of carbon dioxide. In fact, an interesting statistic, it is believed that termites perhaps are the biggest contributors, with some 50 billion tons a year of carbon dioxide methane released into the atmosphere by their activities, which is something that seemingly goes on without people even really being aware.

It is indeed true that nature accounts for almost all the so-called greenhouse gases that are being released into the atmosphere.

Now, I was alluding to the article in the Washington Post, and I should tell you where this article references, instead of having us warm up like we have all been taught to believe since 1988 at least, now it turns out the Earth is in a cooling trend.

Now, the gentleman who just made this forecast is one James E. Hansen, not to be confused with our distinguished colleague, the gentleman from Utah, but James E. Hansen is the Director of NASA's Goddard Institute for Space Studies in New York City. He came up with some models.

I think this is going to lead into what I eventually would like to talk about, and that is the danger in attempting to make predictions, because they are after all predictions and predictions are uncertain by their nature.

Mr. Hansen is telling us that based on his model the Earth is going to get cooler in 2 to 4 years by 1 degree.

Now, it is interesting that this is the same man who in 1988 announced to the world that we were presently in the period of global climate change, that we were warming up and that this was due to the increased emissions of carbon di-

oxide. This became the basis for some very onerous legislation in terms of amendments to the Clean Air Act, legislation that is a drag on the U.S. economy.

Happily, President Bush and others have relaxed somewhat. They have been severely criticized by members of the Democrat Party today on the floor of the House, but I am very proud and wish to commend the Vice President for his role and the President for making some minor changes in this onerous legislation, which I believe is falsely based on inaccurate models and bad assumptions. So today I think it is interesting that we see the reference to Mr. Hansen.

Now, it is true that we have higher amounts of carbon dioxide in the atmosphere today than before. We do not really necessarily know why that is the case.

You have heard mention of increased volcanic activity, I mean in terms of billions of tons of material ejected into the atmosphere, and it is entirely possible that has a significant impact.

You have as well the influence of the oceans. Interestingly enough, apparently, Mr. Hansen's model did not take into account the impact of the oceans.

Now, I find that remarkable, especially coming from California where we witnessed the dramatic impact of something called El Nino, which melted the snow pack in northern California in about 3 days' time, and we had enormous floods.

Of course, since then, we have been in a drought, I am sorry to say, but the snow pack was melted by El Nino; so I became aware of El Nino. I think that many people around the country are aware of the rather dramatic impact that oceans and their temperatures and currents and so forth can have on the climate.

Also, we have to take into account sunspots and the impact the Sun has. There are studies that suggest there is a direct impact by these sunspots. They are of irregular duration, but on the average I think it is about 11 years. Depending on what is happening there, our climate is affected.

Then there is the so-called heat-island effect where urban areas when vegetation is removed and replaced with concrete and asphalt and so forth, those urban areas are warmer.

Perhaps some of you have actually directly experienced this, I know I have in a small town when coming from the outskirts it was cooler and then getting upon a rise in this town, all of a sudden it became quite a bit warmer. It was fairly dramatic. That is the heat-island effect. That is not recognized in some of these models.

Then the reality, of course, is that plants use carbon dioxide. If you have more carbon dioxide, it creates a more favorable growth climate, and when the growth climate is more favorable you get more plants and trees.

Now, these models do not take into account the increased carbon dioxide removing features of having these added plants and trees around.

One thing that is very interesting about this, really for the amount of carbon dioxide that we have in our atmosphere, the increased amount, going back, oh, about a century, we should have had a global climate change of between 2 and 4 extra degrees, but actually over the last 50 years analyzing the whole thing, there appears to have been no increase in global climate change. That is very interesting particularly because two-thirds of the increases in carbon dioxide have occurred since 1940 and for there to have been no increase in the temperature despite that leaves us to puzzle, and that is the point I want to make, Madam Speaker, that we have a few facts laid before us and that is all we have. It is hard to draw cause and effect and reputable scientists do not. Experts in their field do not, but people who have an ax to grind, who are not experts in their field and maybe have the title "doctor" in front of their names or have a political agenda to advance, do not mind taking disparate facts and putting two and two together and showing that they have five, and that in my view is what has been happening when it comes to all the proposed changes to be made to our environmental laws based on disparate facts and incomplete information.

Mr. DELAY. Madam Speaker, will the gentleman yield?

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

Mr. DELAY. I might take just a moment here, Madam Speaker, because the gentleman makes such a great point and I think the American people need to understand that what we have facing us is a very real possibility that if the environmental extremists get their way by using bad science to make environmental policy, not just for the United States but for the world, because that is their design, they set up this Earth summit in Rio de Janeiro just to facilitate their goal of manipulating the economies of the world, because their goal is to have a world order, if you will, that mandates whether you can turn on your electricity or not, that mandates what kind of standard of living you will have.

□ 1900

Now, the developing countries are countries that are looking at the possibility of getting huge infusions of monies, particularly from the United States, to cut their greenhouse gas emissions or to get free environmental technology, and that is their goal, and they are basing it on, at the very kindest, incomplete science, incomplete science that is coming from scientists I call doomsday sayers.

Madam Speaker, it was not too long ago when I was getting out of college, and I remember Dr. Stephen Schneider who at the time was calling for an Earth catastrophe called the ice age. He was telling us that within 10 years we would all be freezing to death, and we would not be able to grow our food to feed the world and that we had to take drastic measures right then as an insurance policy against the ice age. Now it is very ironic that the same Dr. Schneider just a couple of weeks ago testified in front of a committee here in the House and was calling for a catastrophe of global warming that was going to happen. Now I say, "Dr. Schneider, you either have an ice age, or you have global warming. Which is it?"

And I can also remember, Madam Speaker, about the same time a doomsday sayer by the name of Dr. Paul Ehrlich who wrote a book back in the early 1970's called Population Bomb, and he claimed in this prediction that, if we continued the world population explosion, by 1992 we would be having starvation worldwide, including the United States, because we would have too many people on this Earth and this Earth could not sustain that kind of population.

Then we get into smaller predictions of bad science where we almost killed the apple-growing industry in this country because we scared the world, the consumers, that Alar was going to cause cancer from eating apples, and it was not too long ago that the artificial sweeteners were taken off the market because that was going to cause cancer.

The gentleman referred to the Clean Air Act where we just recently passed an acid rain title that is going to cost Americans billions of dollars on a program to eliminate acid rain that flies in the face of a 10-year study that cost \$600 million which was done by hundreds of scientists, and their conclusion? The same. Within 2 months of the passage of the Clean Air Act they said that there is no acid rain crisis in the United States, yet we have made environmental policy based on bad science or, at the very least, incomplete science, and if I could just take a few minutes of the gentleman's time to say maybe I am just a naive Texan, but I have always thought environmental policy should correspond with good science.

Madam Speaker, unfortunately in recent years the congressional actions have not been driven by good science, but instead by science by press release. Obviously the media are drawn to bad news, whether it is real, eminent or imaginary, and that is the news which grabs the front page headlines of newspapers, and lead stores of television reports and cover stories of national magazines. It is the focus of the attention of our constituents and the people

of the United States. Now good news, if covered at all, is relegated to a relatively undesirable location in media coverage which does not hold the attention of our constituents.

One classic example recently of this phenomenon of bad science was the coverage of an alleged monstrous ozone hole over North America made in a NASA science by press release announcement on February 3. This announcement of impending disaster received as much media attention as the outbreak of the riots in Los Angeles. This disaster was predicted based upon NASA's readings of chlorine monoxide and bromine monoxide levels and not any actual readings of ozone depletion. Now NASA's one caveat to their hysteria was that the ozone depletion might occur under certain conditions, and as Dr. Patrick Michaels noted, NASA issued this science by press release knowing full well that these certain conditions in our atmosphere would require that the Rocky Mountains and the Himalaya Mountains fall flat and that much of our continental land would have to sink in order to get cold enough in the stratosphere. But on April 30, NASA finally admitted that no ozone hole ever materialized, however it was difficult for Americans to learn about this from the media as this announcement received only slightly more attention than, say, looting in my hometown of Sugarland, TX.

Madam Speaker, it just boggles my mind, and I gave a speech to a seminar just yesterday at the Columbia Institute, and a staff member of the Energy and Commerce Committee that is a great advocate for policies to stop global warming made the statement, and it is the tone now, now that we are seeing that science is refuting some of this desperate claims by press release scientists, that now that we are seeing some of the science coming out and coming forward that is disputing these claims, now they are saying:

Well, that's all irrelevant. Just because you have some science, there is the potential out there that we are going to have this catastrophe, and, therefore, because of the potential, we have to have an insurance policy.

In fact, the staffer on the Energy and Commerce Committee used the analogy that my home will probably never burn, but must in case that it may burn, we buy a homeowner's policy as insurance against my house burning. Well, if we carry that analogy to fit the catastrophe claims by press release scientists and environmental extremists, then that analogy would be that we are going to spend trillions and trillions of dollars just in the United States to buy a global climate change insurance policy, and then we are going to have to take people's homes and remove all electricity, remove all gas, because of the potential of a fire. We will have to take out the stove, and the heater, and the furnace and the air-conditioner, re-

move those because of the potential of the fire, and build steel walls to reinforce the walls and a steel roof because of the potential burning, and then sit in the middle of the house waiting for the fire to happen in the dark. That is the analogy that we are talking about here.

Madam Speaker, that is very dangerous, very destructive, and we better not proceed without good science.

Mr. TAYLOR of North Carolina. Madam Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Madam Speaker, I appreciate the statements made by the two gentlemen. I think it is particularly of concern that there is so much stress on being politically correct on this subject and so little stress on having open, intelligent debate on this subject.

As my colleagues know, all of us are going to face environmental challenges for the rest of this century and on into the next century, as far as we can see. It would be foolish for any of us to think we did not have environmental challenges.

But how many times can we make the errors that the gentlemen just outlined costing the economy billions of dollars and then say, "Oops, let's start over again"? We have to have debate. We have to have intelligence.

I can give the gentlemen an example of what just happened in my area of western North Carolina where the Park Service ruled that they were going to place a 120-mile no industrial pollution or no additional industrial permits, unless with stringent examinations, within a 120-mile radius around the Great Smokey Mountain Park. Now our environmental council that I started some years ago had had a study in the area already, and we knew that 85 percent of our air pollution comes from well outside the area. Only 15 percent is created in the area. So the 120-mile radius would not do very much to stop pollution in the outside area, and yet that was a regulation, 120 miles. I asked the regulators in committee why they picked that distance, 120 miles versus 50 miles or 1,000 miles, and the response was that was generally about the number of bureaucrats they had to work for a 120-mile radius. It had nothing to do with whether or not the clean air was being disturbed inside that 120-mile area. In fact the evidence showed it was coming from well outside that.

□ 1910

So our district was faced with the worst of both worlds—economic stagnation by that regulation on the one hand, and on the other hand the 85 percent of the pollution affecting our area continued to come in from the outside. The regulations had no relevance to the problem that we had, yet anyone

who made an effort to debate that question was not politically correct and was accused of being an enemy of the environment.

And what happens to enemies of the environment? I would like to refer you to the recent report of the League of Conservation Voters, when the president of that organization, a former liberal Democrat Presidential candidate in 1988 who now chairs that organization, said in this message, "We must hunt out the enemies of the environment and send them into oblivion."

Now, I would like to quote the old country song that was out not too long ago: "You know, there ain't no good guys, there ain't no bad guys, just you and me, and we just can't agree."

That is a lot of what is before us in the environmental debate. We have different points of view of how to solve the problem, and, as the gentlemen have pointed out in their statements, we cannot waste the resources doing the wrong thing for long periods of time. So we need to encourage, not discourage, open debate and questioning of every proposition that comes before this body. We need not to go about looking for enemies that we can hunt out and obliterate. We need to encourage open, intelligent debate in these subjects.

The rating that the organization I mentioned a moment ago gave was based on several things, and I think it is indicative of the shallow approach toward this very serious question of trying to meet environmental challenges.

First of all, there were 100 points. There were 13 subjects that made up the 100 points. I failed to say votes, because they were not votes. That was the problem.

The first four were based on failing to cosponsor legislation. Now, whether you knew that legislation existed or not was irrelevant. You already started 32 points behind if you failed to cosponsor those four bills.

Then a fifth point dealt with the letter between two Representatives that was sent to a third. If you did not find that letter and sign it you were gipped another eight points. So now you are 40 percent behind about things you did not know anything about.

A fifth one dealt with the fact that you may have cosponsored another piece of legislation, but if you did not know about it, then you would have saved yourself eight points. So we are up to almost 50 percent, and we are talking about matters that might be in a handful of people. It is nothing that has to do with how this body voted or decided different questions.

Then the letter, the message from the president of the conservation organization, stated that what we needed to do was to listen to the local people, that Congress was far behind the local communities in this matter. So the

next four votes that they criticized you on dealt with four measures in before Congress.

All four of those the local representatives were against.

One of them dealt with a national monument that neither the National Government wanted, the local county commissioners did not want it, and the local Congressmen did not want it. But if you did not vote for it, against their wishes, you received a negative eight points. In other words, you were downgraded again.

Another dealt with the wild and scenic river, that a poll showed 80 percent of the people wanted further study on. The Congressmen from that district wanted further study on it. But if you voted against the designation now, here again you lost another eight points.

Then there was another piece of legislation that dealt with China. If you failed to vote to give China \$100 million for their Draconian population abortion-control measures, then you lost another eight points.

So we are already in nearly 80 points, 84 points to be exact, and we have not hit anything that I would consider important to the environment. Yet that was a definite measure.

The final two bills did deal with the environment, one dealt with grazing, and it was not a question of whether or not you were for raising grazing fees, you had to raise them to the level that most people felt would stop grazing on the Bureau of Land Management property altogether. That I think was most unreasonable.

The final one dealt with voting to set aside \$145 million, taking it away from the space planet program, which was 18 percent of that budget, in order to supplement the space station budget, which many people thought was just as necessary. But if you voted to make that shift, then you were stricken the last 8 percent you had.

Based on that, you could make a zero in the eyes of the League of Conservation Voters. None of those issues were strong environmental issues we are talking about. Most of them were set issues that you would have to do a great deal of research on to even know they were going on, to find out whether you cosponsored the bill or signed this particular letter.

Now, what I am saying to the gentlemen is this: At a time when the public looks at this body for honesty, when it looks to this body to give open debate, to help grapple with situations and come up with good decisions, here is a rating organization that has based its whole rating on obscure, isolated situations that do not encourage public debate and discussion of genuine environmental topics.

If you cannot depend on that rating organization to be truthful to the people about what is being discussed and

debated and the real issues of the environment here, then you are going to discourage—all across this country—true debate. Because if you speak out against any of those items, or if you raise the question that some of those items really are not environmental, then you become an enemy, quote, of the environment, subject to obliteration.

That is the leadership that we are getting in this area. It is going to be disastrous in the long term for the environment and the people of this country.

Mr. DOOLITTLE. Mr. Speaker, I appreciate the remarks of the gentleman from North Carolina [Mr. TAYLOR]. If I might just take off from where he left off, these ratings will then be packaged very nicely and delivered the final week of this fall campaign as a nice little hit upon their intended victims, because it is intended to obliterate the victim. They are going to reveal to the world that John Doe had a zero rating by the League of Conservation Voters; ergo, he does not care about the environment; ergo, he should be defeated at the polls.

That has been constructed in such a way as to advance the interests of liberal Democrats and to hurt those of a more conservative persuasion. So I would just like to call that to the attention of people. When we get to this November, those of you who are following this debate, think back to the discussion that has ensued, to the types of phony issues that have been drawn in to construct the so-called environmental rating by this organization, and just remember when the hit piece comes by the liberal Democrats seeking election, just remember to look a little beyond the superficial representations and realize what really the ratings are based upon.

I would like to get back to my thesis about predictions, Madam Speaker.

Now, Mr. Hansen in 1988, and he is the NASA scientist who introduced the current preoccupation nationally, globally, with global warming, he predicted that, "1988 would be the warmest year on record, unless there is some remarkable improbable cooling in the remainder of the year."

Well, practically as he was speaking, this remarkable improbable cooling was going on, in that the eastern tropical Pacific Ocean underwent a remarkable cooling, a sudden drop in temperature of 7 degrees. We do not know why. We have not had any legislation to try and fix that, thank goodness. But nevertheless, there was a drop, a sudden drop of 7 degrees in the eastern tropical Pacific Ocean. It is believed that that caused one of our colder winters in the history of this country, the winter of 1988-89.

That is an interesting development of a fact concerning a prediction. La Nina, as distinguished from El Nino,

was the phenomenon that caused that temperature drop.

Now, the gentleman from North Carolina [Mr. TAYLOR] alluded to environmental groups. Madam Speaker, I would just like to take a few moments and make some comment about those, and then largely read a series of quotes.

Madam Speaker, I am citing as my source an outstanding work called *Trashing the Planet* by Dixie Lee Ray. "How Science Can Help Us Deal with Acid Rain, Depletion of the Ozone, and Nuclear Waste, Among Other Things."

I commend this book to anyone interested in getting an accurate picture of where we stand on environmental issues and what are the different components of which they are made.

□ 1920

Dr. Ray is a scientist and I think has some very compelling things to share with the public. She has extracted out some different quotes from so-called environmental leaders, and I think it would be instructive just to review a few of those. These leaders have a reverence for the purity of nature, many of them. Mother Nature is almost revered by many, almost achieving a metaphysical proportion. Many of them construct scare stories of looming man-made catastrophe.

Quoting Dr. Ray:

They say that our environmental problems are so serious as to threaten a continuation of life on earth.

That, I think, is kind of the thrust of the global climate change. Some of the more outlandish predictions refer to the melting of the icecaps and the resultant flooding of the coastlines around the world. It is rather dramatic, good movie material.

They say that our environmental problems are so serious as to threaten the continuation of life on Earth or, if that is not true, that we should at least pretend that it is.

Now, let these individuals speak for themselves. Stewart Brand, writing in the *Whole Earth Catalog*:

We have wished, we ecofreaks, for a disaster or for a social change to come and bomb us into the stone age where we might live like Indians in our valley with our localism, our appropriate technology, our gardens, our home-made religions, guilt free at last.

David Foreman, author of "A Field Guide to Monkey Wrenching" and founder of Earth First:

We must reclaim the roads and the plowed land, halt dam construction, tear down existing dams, free shackled rivers and return to wilderness millions and tens of millions of acres of presently settled land.

Paul Watson, founder of Greenpeace:

I got the impression that instead of going out to shoot birds, I should go out and shoot the kids who shoot birds.

Jonathan Schell, author of "Our Fragile Earth":

Now, in a widening sphere of decisions, the costs of error are so exorbitant that we need

to act on theory alone, which is to say on prediction alone. It follows that the reputation of scientific prediction needs to be enhanced, but that can happen paradoxically, only if scientists disavow the certainty and precision that they normally insist on.

I might insert, so now we have the politically correct doctrine for scientists. They have got to remove those shackles and become a little more flexible.

Continuing with the quote:

Above all, we need to learn to act decisively to forestall predicted perils, even while knowing that they may never materialize. We must take action in a manner of speaking to preserve our ignorance. There are perils that we can be certain of avoiding only at the cost of never knowing with certainty that they were real.

This, of course, is what the gentleman from Texas was talking about in terms of attempting to remove all risk, for example, of fire in one's home. It is impossible unless one removes the technology that serves us so well.

Richard Benedick, an employee from our own State Department, working on assignment for the Conservation Foundation:

A global climate treaty must be implemented, even if there is no scientific evidence to back the greenhouse effect.

I might add, this gentleman would be very well received in the Halls of Congress or in Rio de Janeiro, very well received.

Stephen Schneider, I think we have heard him quoted once before today, proponent of the theory that CFC's or chlorofluorocarbons are depleting the ozone.

We have to offer up scary scenarios, make simplified, dramatic statements and make little mention of any doubts we may have. Each of us has to decide what the right balance is between being effective and being honest.

This man should run for office.

A spokesman for the Government Accountability Project, an offshoot of the Institute for Policy Studies, made this statement:

Let's face it, we don't want safe nuclear power plants. We want no nuclear power plants.

I might add that that, pending the wishes of others,

We don't want any dams, we don't want any logging efforts, we don't want any form of energy that is technologically feasible for us to harness.

Let it be something out there that is kind of in the theoretical stage, that is not capable of being actually used.

I would like to quote now, here is one that we hear a lot from, far-left winger Helen Caldicott, Australian pediatrician. There is a great scientist who advised us on scientific facts, a pediatrician. Speaking for the Union of Concerned Scientists:

Scientists who work for nuclear power or nuclear energy have sold their soul to the devil. They are either dumb, stupid or highly compromised.

Listen to this, as she continues,

Free enterprise really means rich people get richer and they have the freedom to exploit and psychologically rape the Earth. Cuba is a wonderful country. What Castro has done is superb.

Does that not chill the marrow of one's bones? I misquoted this.

Free enterprise really means rich people get richer and they have the freedom to exploit and psychologically rape their fellow human beings in the process. Capitalism is destroying the earth.

I realized I left out that choice tidbit, "capitalism is destroying the earth. Cuba is a wonderful country, and what Castro has done is superb.

I suppose she thinks Saddam Hussein is a great guy, too.

Now, Paul Ehrlich. I cannot resist this because we have all listened to Paul Ehrlich's foolish predictions for several decades now, and we never hear this guy being called to task, other than what the gentleman from Texas mentioned earlier.

Stanford University biologist:

We've already had too much economic growth in the United States. Economic growth in rich countries like ours is the disease, not the cure.

I wonder who has been listening to him.

Mr. DELAY. Madam Speaker, if the gentleman will continue to yield, I will tell my colleague who has been listening to him. He is a very regular guest on the Tonight Show and is held out there all the time as this great scientist. I believe he is a professor emeritus or certainly a professor with tenure at Stanford University.

He is constantly paraded all around this country, if not the world, as the foremost authority on the environment and apocalypse now.

Mr. DOOLITTLE. He certainly is. Quoting Dixy Lee Ray in this book:

Paul Ehrlich deserves special attention because his views sum up the antihuman trends of political environmental thought.

Madam Speaker, listen to this:

Trends that frequently manifest themselves in predictions of global famine or plans for draconian measures to halt or reverse population growth. In *The Population Bomb*, Ehrlich predicted that the "battle to feed humanity is over. In the 1970's the world will undergo famines. Hundreds of millions of people are going to starve to death in spite of any crash programs embarked upon now. Population control is the only answer.

□ 1930

I mean, that is laughable, looking back. I remember the time this was taken so seriously on the university campuses. We had to immediately address the issue of population control.

Continuing on quoting Dixy Lee Ray:

Of course, that inevitable mass starvation did not happen, unless you were unlucky enough to have it imposed upon you by a communist government in Ethiopia. But Ehrlich has persisted in his predictions. He predicted a global famine in 1985, and was

wrong. Now he says that the population of the United States.

And I have to read this because I find this another fascinating prediction, now he says that:

The population of the United States will shrink from 250 million to about 22.5 million before 1999 because of famine and global warming.

Dr. Ehrlich, did you see the Washington Post today? I mean, this is amazing.

All right, listen to this, quoting Dixy Lee Ray:

He still recommends reducing population by force, saying "Several coercive proposals deserve serious consideration, mainly because we will ultimately have to resort to them unless current trends in birth rates are revised." Among Ehrlich's coercive proposals for the United States are deindustrialization, liberalized abortion, and tax breaks for people who have themselves sterilized. Ehrlich has many supporters in the environmental movement.

Now, Kenneth Boulding, originator of the "Spaceship Earth" concept.

Mr. DELAY. Madam Speaker, will the gentleman yield?

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

Mr. DELAY. Madam Speaker, I think what the gentleman read is very important and speaks directly to what we are talking about. Dr. Paul Ehrlich called for deindustrialization of this country. Now, that is a big word, but if we implemented what the Paul Ehrlichs of the world wanted us to implement by signing the treaty that they would have us sign, or have the President sign in Rio, it would call for deindustrialization, because what it would do is, it would mandate things such as a carbon tax. That is a tax on the burning of carbon fuels, petroleum, coal, and others, which would mean the doubling in price of electricity and energy in this country alone, which would mean the immediate loss of jobs because deindustrialization would come because companies would have to shut down because they could not afford the energy costs to run those companies.

In fact, a recent study was just released that pointed out that if we implemented what the environmental extremists wanted us to implement, we would immediately see the loss of 700,000 jobs in the United States, and in my home State of Texas they predict 74,000 jobs lost in Texas.

What deindustrialization means is the loss of the lifestyle of the United States as we know it. These people want us to lower our standard of living; to, if you will, redistribute wealth around the world, so that people will not be able to live the life style that they are enjoying today in the United States.

Mr. DOOLITTLE. I certainly appreciate the gentleman making that observation. When I hear the term "deindustrialization" I think about

other countries that have pursued that kind of an ideal. I am thinking about Cambodia, for example, where they attempted to achieve the pure ideal of Marxism, and the tremendous cost in human lives and suffering that was occasioned there by it.

I tell the gentleman, I read some of these quotes and it is astounding when we hear these quotes. I want to get them out in the RECORD so that people can become aware and examine a little more critically the statements of some of these people, like Paul Ehrlich or Helen Caldicott, or others.

Here is Kenneth Boulding, originator of the "Spaceship Earth" concept: "The right to have children should be a marketable commodity." There is a free enterpriser of a different stripe. Continuing the quote, "a marketable commodity, bought and traded by individuals but absolutely limited by the state."

Now, David Brower, of Friends of the Earth, "Childbearing should be a punishable crime against society unless the parents hold," and, oh yes, the thing the liberals love the most, "unless the parents hold a government license. All potential parents should be required to use contraceptive chemicals, the government issuing antidotes to citizens chosen for childbearing." Absolutely amazing.

All right. Now, His Royal Highness, Prince Philip of the United Kingdom, just to not confine our quotes to people from the United States, which we got Helen Caldicott from Australia, let us now go to the mother country, the United Kingdom. Prince Philip is the leader of the World Wildlife Fund.

He stated recently that were he to be reincarnated, he would wish to return as a "killer virus, to lower human population levels." Yes, this is the Duke of Edinburgh, husband of Queen Elizabeth, who wishes that were he to be reincarnated, he wishes he could return as a killer virus to lower human population levels. There is a philanthropist in the full environmental sense of the word, I suppose, utterly frightening.

Now, the Green Party, the Green Party of West Germany. We now have a Green Party in the State of California, I am sorry to announce. Carl Amery has said that,

We in the Green movement aspire to a cultural model in which the killing of a forest will be considered more contemptible and more criminal than the sale of 6-year-old children to Asian brothels.

There is a great humanitarian, concerned for all our welfare.

Madam Speaker and ladies and gentlemen, I find these statements shocking, so revealing. Look what we are coming up to. We have talked about the danger of using inadequate facts with insufficient data to make dramatic policy changes, yet the President of the United States, I am sorry to say, is going to Rio de Janeiro,

Brazil, in June for the purpose of signing some sort of an agreement among the nations of the world, sponsored by the United Nations, to limit the amount of greenhouse gases released into the atmosphere, despite the fact that there has been no discernable increase in warming over the 50-year period.

Indeed, when we take into account the so-called heat islands in the urban centers, it probably means that the temperature has actually cooled. Here we have, and I hope we can send to the President, this copy of the Washington Post, and get the underlying reports that it is based on, saying that things are actually getting cooler. Maybe we ought to send him a note and urge this conference be postponed for about 4 years.

Mr. DELAY. Madam Speaker, will the gentleman yield?

Mr. DOOLITTLE. I am happy to yield to the gentleman.

Mr. DELAY. The gentleman was talking about the heat-island effect. What the gentleman is referring to is a phenomenal lack of good scientific method in just measuring the temperatures on Earth, because what the gentleman has been circling around is the fact that the temperatures that are being taken by the global climatologists that believe in global warming are temperatures that are taken on land. There are no temperatures being taken in the oceans of the world, and I just find that absolutely amazing. A sixth grade science student knows if we are going to make such apocalyptic predictions, that at least we ought to take the temperatures over a long period of time of the oceans, not just the temperatures on land. And frankly, they are convenient temperatures, because they are temperatures taken around cities that produce this heat island effect.

Mr. DOOLITTLE. The gentleman is so correct in quoting Dr. Lee here, referencing Jim Hansen, the great progenitor, I guess, or the one who has popularized the global warming theory. Quoting Dr. Lee,

Dr. Hansen did not consider the possibility of La Nina—

Which was the 7-degree drop in the eastern tropical Pacific Ocean.

He did not consider the possibility of La Nina—

And listen to this—

because his computer program does not take sea temperatures into account, yet the oceans cover 73 percent of the Earth's surface. When people, including scientists, talk global, it is hard to believe they can ignore 73 percent of the globe, but obviously they sometimes do. It is all the more astonishing to ignore ocean-atmosphere interactions, especially in the Pacific, when it is well established that El Nino has profound and widespread effects on weather patterns and temperatures.

□ 1940

Well, does it not follow that El Nino may also, indeed some atmospheric sci-

entists credit the severe winter of 1988-89 totally to a temperature drop in the tropical Pacific.

Madam Speaker, I hope what we have said tonight may shed a little light on reality in this conference in Rio when the ecofreaks and the promoters of extreme environmentalism get down there and clamor or march for new taxes and severe laws to be implemented. Let us just remember that we had better understand the causes of the global climate change before we make extreme legislation based on that.

I want to end by quoting a gentleman who was once the Under Secretary of State for this country and in the first part of the 20th century, and at one time was also Ambassador to Mexico. His name is J. Ruben Clark, Jr. and this is what he had to say:

Tyranny has never come to live with any people with a placard on his breast bearing his name. He always comes in deep disguises, sometimes proclaiming an endowment of freedom, sometimes promising help to the unfortunate and downtrodden, not by creating something for those who do not have, but by robbing those who have. But tyranny is always a wolf in sheep's clothing, and he always ends by devouring the whole flock, saving none.

Madam Speaker, as we conduct the policy of this great country I hope we will bear this important quote in mind, particularly with reference to the environmental issues and some of the extreme, onerous and outlandish recommendations being made in the name of the environment.

With that, Madam Speaker, I yield back the balance of my time.

PERMISSION FOR COMMITTEE ON RULES TO RULE ON H.R. 776, NATIONAL ENERGY POLICY

Mr. FROST. Madam Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a rule for the energy bill, H.R. 776, currently under consideration in the Rules Committee.

Mr. QUILLEN. Madam Speaker, the minority has no objection.

The SPEAKER pro tempore (Mrs. COLLINS of Michigan). Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GRANDY (at the request of Mr. MICHEL) for May 19, 20, and 21 on account of a family medical emergency.

Mr. ANTHONY (at the request of Mr. GEPHARDT) for today through May 21 on account of necessary leave.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-

lative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) to revise and extend their remarks and include extraneous material:)

Mr. DOOLITTLE, for 60 minutes, on May 20.

Mr. MACHTLEY, for 30 minutes, today.
Mr. THOMAS of Wyoming, for 5 minutes, today.

Mr. RIGGS, for 5 minutes today, and 60 minutes each day, on May 20 and 21. (The following Members (at the request of Mr. WOLPE) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes each day, today and on May 20 and 21.

Mr. STARK, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. SISISKY, for 5 minutes, today.
Mrs. COLLINS of Michigan, for 5 minutes, on May 20.

Mr. AUCOIN, for 5 minutes, on May 20.
Mr. WOLPE, for 60 minutes, today.
Mr. WEISS, for 5 minutes, on May 20.
Mr. FALCOMA, for 60 minutes, on May 26.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DOOLITTLE, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) and to include extraneous matter:)

Mr. KOLBE.
Mr. YOUNG of Alaska.
Mr. RINALDO.
Mr. GOODLING in two instances.
Mr. BALLENGER in two instances.
Mr. PORTER in two instances.
Mr. GILMAN.
Mr. SOLOMON in two instances.
Mr. GREEN of New Jersey.
Mr. FIELDS.
Mr. MICHEL.
Mr. ROHRBACHER.
Ms. MOLINARI.
Mr. SMITH of New Jersey.

(The following Members (at the request of Mr. WOLPE) and to include extraneous matter:)

Mr. ACKERMAN.
Mr. DYMALLY.
Mr. BILBRAY.
Mr. LANTOS in two instances.
Mr. SKELTON in three instances.
Mr. SISISKY.
Mr. ROE.
Mr. SWETT.
Mr. TANNER.
Mrs. BOXER.
Mr. ASPIN.
Mr. STARK.
Mr. EDWARDS of California.
Mrs. KENNELLY.
Mr. KOSTMAYER.

Mr. CONYERS.
Mr. RICHARDSON.
Mr. LEVINE of California.
Mr. LIPINSKI.
Mrs. LOWEY of New York.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2342. An act to amend the Act entitled "An Act to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes", approved October 25, 1972 (86 Stat. 1168 et seq.); to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. FROST. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to, accordingly (at 8 o'clock and 44 minutes p.m.) under its previous order, the House adjourned until tomorrow, Wednesday, May 20, 1992, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3539. A letter from the Secretary of Education, transmitting notice of final funding priorities—Technology, Educational Media, and Materials for Individuals with Disabilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3540. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to improve enforcement of the Employee Retirement Income Security Act of 1974, by adding certain provisions with respect to the auditing of employee benefit plans; to the Committee on Education and Labor.

3541. A letter from the Secretary of Agriculture, transmitting the 1991 annual report of the Department on its hazardous waste management activities; to the Committee on Energy and Commerce.

3542. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Joseph Charles Wilson IV, of California, to be Ambassador to the Gabonese Republic and to the Democratic Republic of Sao Tome and Principe; of Donald Herman Alexander, of Missouri, to be Ambassador to the Kingdom of the Netherlands, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3543. A letter from the Director, Office of Financial Management, General Accounting Office, transmitting the fiscal year 1991 annual report of the Comptrollers General Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3544. A letter from the Office of Enforcement, Environmental Protection Agency,

transmitting a copy of a final rule as it pertains to lender liability under CERCLA, pursuant to 42 U.S.C. 9655(a); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

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. ASPIN: Committee on Armed Services.
H.R. 5006. A bill to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes; with amendments (Rept. 102-527). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 459. Resolution providing for the consideration of H.R. 776, a bill to provide for improved energy efficiency (Rept. 102-528). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COSTELLO:
H.R. 5198. A bill to amend the Federal Election Campaign Act of 1971 to control House of Representatives campaign spending, and for other purposes; to the Committee on House Administration.

By Mr. CUNNINGHAM:
H.R. 5199. A bill to amend title 10, United States Code, and title XVIII of the Social Security Act to permit the reimbursement of expenses incurred by a medical facility of the uniformed services or the Department of Veterans Affairs in providing health care to persons eligible for care under Medicare; jointly, to the Committees on Armed Services, Ways and Means, Energy and Commerce, and Veterans' Affairs.

By Mr. BROOMFIELD:
H.R. 5200. A bill to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation; to the Committee on Foreign Affairs.

By Mr. DARDEN:
H.R. 5201. A bill to entitle Federal employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. FRANK of Massachusetts:
H.R. 5202. A bill to require the Federal Communications Commission to take actions to prevent long distance toll fraud, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GOODLING (for himself and Mr. BALLENGER):

H.R. 5203. A bill to extend and amend the Rehabilitation Act of 1973, to improve rehabilitation services for individuals with disabilities, to modify certain discretionary grant programs providing essential services and resources specifically designed for individuals with disabilities, to change certain terminology, and for other purposes; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia:
H.R. 5204. A bill to authorize the rehabilitation and expansion of the African American Panoramic Experience Center within the Martin Luther King, Junior, Historic Site and Preservation District; to the Committee on Interior and Insular Affairs.

By Ms. MOLINARI (for herself, Mr. OWENS of New York, Mr. GOODLING, Mr. FAWELL, Mr. PAYNE of New Jersey, Mr. BALLENGER, and Mr. MARTINEZ):

H.R. 5205. A bill to amend the Child Abuse Prevention and Treatment Act with respect to issues of confidentiality and accountability; to the Committee on Education and Labor.

By Mr. ROEMER (for himself, Mr. BROWN, Mr. VALENTINE, Mr. SWETT, Ms. HORN, Mr. OLVER, and Mr. THORNTON):

H.R. 5206. A bill amending the Stevenson-Wylder Technology Innovation Act of 1980 to make improvements in the Malcolm Baldrige National Quality Award, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. SANDERS:
H.R. 5207. A bill to provide that elections for President, Vice President, and Members of the Congress be held on Saturday and Sunday; to the Committee on House Administration.

By Mrs. SCHROEDER (for herself, Mr. STUDDS, Mr. FRANK of Massachusetts, Mr. WEISS, Mr. MINETA, Mr. KENNEDY, Mr. ABERCROMBIE, Mr. TOWNS, Mr. AUCOIN, Ms. NORTON, Mr. STARK, Mr. WAXMAN, Mr. CONYERS, Mr. GREEN of New York, Mr. MATSUI, Mr. DELLUMS, Mr. EDWARDS of California, Mr. SCHEUER, Mr. ROYBAL, Mr. WASHINGTON, Ms. PELOSI, Mr. KOSTMAYER, Mr. HAYES of Illinois, Mr. FEIGAN, Mr. McDERMOTT, Mr. SABO, Mr. GONZALEZ, Mr. ATKINS, Mrs. UNSOELD, Mr. EVANS, Mr. DEFAZIO, Mr. BERMAN, and Mr. MARTINEZ):

H.R. 5208. A bill to prohibit discrimination by the Armed Forces on the basis of sexual orientation; to the Committee on Armed Services.

By Mr. STARK (for himself and Mr. EVANS):

H.R. 5209. A bill to establish a program of world nuclear security; to the Committee on Foreign Affairs.

By Mr. LEVINE of California (for himself and Mr. WOLF):

H.J. Res. 486. Joint resolution designating September 10, 1992, as "National D.A.R.E. Day"; to the Committee on Post Office and Civil Service.

By Mr. OWENS of Utah:
H.J. Res. 487. Joint resolution to designate June 10, 1992, through June 16, 1992, as "International Student Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. BROOKS:
H. Con. Res. 320. Concurrent resolution declaring the ratification of the proposed amendment to the Constitution relating to compensation for Representatives and Senators; considered under the suspension of the rules and postponed until May 20, 1992.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

433. By the SPEAKER: Memorial of the Legislature of the State of California, rel-

ative to Radio Free Asia; to the Committee on Foreign Affairs.

434. Also, memorial of the Legislature of the State of Missouri, relative to a national health policy; jointly, to the Committees on Energy and Commerce and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. RICHARDSON introduced a bill (H.R. 5210) for the relief of Haydee Josphine McBride; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 75: Mr. MCCREERY.
 H.R. 78: Mr. MARLENEE.
 H.R. 258: Mr. MCCREERY.
 H.R. 431: Mr. MCCREERY.
 H.R. 755: Mr. FRANKS of Connecticut and Mr. ROGERS.
 H.R. 784: Mr. MAVROULES.
 H.R. 911: Mr. GALLEGLY, Mr. DORNAN of California, and Mr. JONES of North Carolina.
 H.R. 951: Mr. BLACKWELL, Mr. TORRICELLI, Mr. DWYER of New Jersey, Mr. PETERSON of Minnesota, and Mr. JOHNSTON of Florida.
 H.R. 1124: Mr. CRAMER and Mr. PASTOR.
 H.R. 1130: Mr. WILLIAMS and Mrs. MINK.
 H.R. 1241: Mr. McMILLAN of North Carolina, Mr. KOSTMAYER, and Mr. FRANKS of Connecticut.
 H.R. 1269: Mr. GLICKMAN.
 H.R. 1300: Mr. SABO.
 H.R. 1468: Mr. BACCHUS.
 H.R. 1472: Mr. TOWNS.
 H.R. 1502: Mr. CLAY, Mr. BEILENSON, Mr. SPENCE, and Mr. MORRISON.
 H.R. 1536: Mr. SKEEN.
 H.R. 1665: Mr. SANDERS.
 H.R. 1987: Mr. MATSUI and Mr. MORAN.
 H.R. 2070: Mr. GEJDENSON and Mr. McCLOSKEY.
 H.R. 2248: Mr. HOAGLAND.
 H.R. 2258: Mr. JEFFERSON and Mr. WYDEN.
 H.R. 2355: Mr. LEVINE of California, Mr. FEIGHAN, and Mr. BERMAN.
 H.R. 2559: Mr. LEVINE of California.
 H.R. 2782: Mr. KENNEDY, Mr. PETERSON of Minnesota, Mr. HOAGLAND, and Mr. CAMPBELL of Colorado.
 H.R. 2879: Ms. KAPTUR and Mr. SANDERS.
 H.R. 3015: Mr. HUGHES.
 H.R. 3138: Ms. HORN.
 H.R. 3164: Mr. TORRES and Mr. CLINGER.
 H.R. 3220: Mr. MRAZEK.
 H.R. 3250: Mr. HERTEL, Mr. LEVIN of Michigan, and Mr. CLAY.
 H.R. 3360: Mr. FRANKS of Connecticut, Mr. SIKORSKI, Mr. GILCHREST, Mr. VANDER JAGT, Mr. BRYANT, Mr. LANTOS, Mr. HORTON, and Mr. HOAGLAND.
 H.R. 3369: Mr. ENGEL.
 H.R. 3450: Mr. ACKERMAN, Mr. JEFFERSON, Mr. SHAYS, Mr. TORRES, and Mr. WYDEN.
 H.R. 3555: Mr. HATCHER.
 H.R. 3598: Mr. RAHALL and Mr. TAYLOR of North Carolina.
 H.R. 3625: Mr. MURPHY.
 H.R. 3748: Mr. HOAGLAND.
 H.R. 3836: Mr. HUGHES.

H.R. 3986: Mr. WAXMAN.
 H.R. 4025: Mr. SKEEN and Mr. WYLIE.
 H.R. 4045: Mr. MANTON, Mr. OWENS of Utah, Mr. DE LUGO, Mr. CLAY, and Mr. KENNEDY.
 H.R. 4057: Mr. FIELDS.
 H.R. 4083: Mrs. MEYERS of Kansas, Mr. ORTIZ, Mr. SPENCE, Mr. HATCHER, Mr. CARPER, and Mrs. PATTERSON.
 H.R. 4127: Mr. INHOFE.
 H.R. 4161: Mr. MANTON.
 H.R. 4168: Mr. MCCOLLUM.
 H.R. 4206: Mr. ACKERMAN.
 H.R. 4312: Ms. DELAURO, Mr. BONIOR, Mr. LEWIS of Georgia, Mr. JEFFERSON, and Ms. WATERS.
 H.R. 4406: Mr. BARTON of Texas.
 H.R. 4414: Mr. HOLLOWAY and Mr. CARPER.
 H.R. 4476: Mr. JEFFERSON.
 H.R. 4498: Mr. ROEMER.
 H.R. 4533: Mr. MATSUI.
 H.R. 4537: Mrs. BOXER and Mr. ATKINS.
 H.R. 4725: Mr. HOAGLAND.
 H.R. 4748: Mr. JEFFERSON and Ms. NORTON.
 H.R. 4761: Mr. YATRON.
 H.R. 4790: Mr. CHANDLER.
 H.R. 4831: Mr. BOEHLERT.
 H.R. 4896: Mr. BRYANT.
 H.R. 4897: Mr. BLAZ and Mr. WEBER.
 H.R. 4902: Mr. HUGHES.
 H.R. 5014: Mr. ENGLISH, Mr. SOLOMON, Mr. TOWNS, Mr. JONES of North Carolina, Mr. COLEMAN of Missouri, and Mr. POSHARD.
 H.R. 5019: Mr. SCHIFF, Mr. THOMAS of Wyoming, Mr. BALLENGER, and Mr. RIGGS.
 H.R. 5034: Mr. HUGHES and Mr. LAFALCE.
 H.R. 5116: Mrs. BOXER, Ms. KAPTUR, Mr. ORTON, and Mr. VENTO.
 H.R. 5117: Mr. SABO, Mr. VENTO, Mr. TOWNS, Mr. HOCHBRUECKNER, and Ms. SLAUGHTER.
 H.R. 5162: Ms. SLAUGHTER and Mr. MARTINEZ.
 H.J. Res. 143: Mr. EDWARDS of Oklahoma.
 H.J. Res. 351: Mr. BRUCE.
 H.J. Res. 391: Mr. GAYDOS, Mr. CLINGER, Mr. BALLENGER, and Mr. VALENTINE.
 H.J. Res. 399: Mr. HOBSON, Mr. BUSTAMANTE, Mr. BILBRAY, Mr. BENNETT, Mr. COBLE, Mr. DORNAN of California, and Mr. DE LA GARZA.
 H.J. Res. 411: Mr. MCCOLLUM, and Mr. GRANDY.
 H.J. Res. 426: Ms. HORN.
 H.J. Res. 431: Mr. VANDER JAGT, Mr. MFUME, Mr. DICKS, Mr. ENGEL, Mr. SWETT, Mr. VOLKMER, Mr. SUNDQUIST, Mr. LEWIS of Georgia, Mr. CARPER, Mr. THOMAS of Wyoming, Mr. SERRANO, and Mr. DURBIN.
 H.J. Res. 442: Mr. MINETA, Mr. DUNCAN, Mr. MORRISON, Mr. HUCKABY, Mr. WOLPE, Ms. DELAURO, Mr. RICHARDSON, Mr. JOHNSON of South Dakota, Mr. MONTGOMERY, Mr. HUBBARD, Mr. HARRIS, Mr. SABO, Mr. BLACKWELL, Mr. CHAPMAN, Mr. FAWELL, Mr. SCHUMER, Mr. RINALDO, Mr. VOLKMER, Mr. ROWLAND, Mr. SCHAEFER, Mr. WYLIE, Mr. THOMAS of Georgia, Mr. COOPER, Mr. McNULTY, Mr. SOLARZ, Mr. CONYERS, Mr. TANNER, Mr. SUNDQUIST, Mr. BURTON of Indiana, Mr. STUMP, Mr. BREWSTER, Mr. BUNNING, Mr. SARPALIUS, Mr. McMILLEN of Maryland, Mr. STEARNS, Mr. HOYER, Mr. APPEGATE, Mr. BATEMAN, and Mr. PERKINS.
 H.J. Res. 444: Mr. PALLONE, Mr. RAHALL, Mr. WYDEN, Mr. RITTER, Mr. COUGHLIN, Mr. GREEN of New York, Mr. RAVENEL, Mr. MAVROULES, Mr. GILCHREST, Mr. DUNCAN, Mr. SWIFT, Mr. MAZZOLI, and Mr. VENTO.
 H.J. Res. 445: Mr. DE LUGO, Mr. HAMMER-SCHMIDT, Mr. BENNETT, Mr. HOYER, Mr. JOHN-

SON of South Dakota, Mr. HUTTO, Mr. LEWIS of California, Mr. LANTOS, Mr. LEWIS of Florida, Mr. DINGELL, Mr. MCCOLLUM, Mrs. KENNELLY, Mr. TORRICELLI, Mr. MCDADE, Mr. MCHUGH, Mrs. MEYERS of Kansas, Mr. NEAL of Massachusetts, Mr. OWENS of New York, Mr. OBERSTAR, Mr. PAXON, Mr. YATRON, Mr. VOLKMER, Mr. TAUZIN, Mr. TRAFICANT, Mr. SPENCE, Mr. SAVAGE, Mr. SANDERS, Mr. WYLIE, Mr. TALLON, Mr. LEVIN of Michigan, Mr. TORRES, Mr. FAWELL, Mr. COYNE, Mr. SKEEN, Mr. ASPIN, and Mr. SYNAR.

H.J. Res. 470: Mr. SISISKY, Mr. JACOBS, Mr. ENGEL, and Mr. VENTO.

H.J. Res. 478: Mr. MILLER of Washington, Mr. MILLER of Ohio, Mr. RITTER, Mr. GUARINI, Mr. EMERSON, Mrs. VUCANOVICH, Mr. HUNTER, Mr. MRAZEK, Mr. HUBBARD, Mr. TOWNS, Mr. BOEHLERT, Mr. MONTGOMERY, Mr. FISH, Mr. SISISKY, Mr. MOORHEAD, and Mr. KLECZKA.

H.J. Res. 479: Mr. FIELDS, Mr. FRANKS of Connecticut, Mr. BILIRAKIS, Mr. HUBBARD, Mr. BERREUTER, Mr. CAMP, Mr. ERDREICH, Mr. BLAZ, and Mr. SKEEN.

H.J. Res. 482: Mr. REED, Mrs. MINK, Mr. APPEGATE, Mr. GUARINI, Mr. MARTIN, Ms. HORN, Mr. LIPINSKI, Mr. BOEHLERT, Ms. MOLINARI, Mr. MONTGOMERY, Mr. TOWNS, Mr. WALSH, Mr. NOWAK, and Mr. ENGEL.

H.J. Res. 483: Mr. LIVINGSTON and Mrs. MINK.

H. Con. Res. 92: Mr. HORTON and Mr. MONTGOMERY.

H. Con. Res. 156: Mr. MORAN, Mr. WILLIAMS, and Mr. PACKARD.

H. Con. Res. 180: Mr. ANDREWS of New Jersey.

H. Con. Res. 192: Mr. DINGELL, Mr. LOWERY of California, Mr. LEVINE of California, Mr. THOMAS of Wyoming, Mr. YATES, Ms. PELOSI, Mr. WOLF, Mr. BURTON of Indiana, Mr. HOCHBRUECKNER, Mr. CLINGER, Mr. RITTER, Mr. SCHUMER, Mr. TORRES, and Mr. JOHNSON of Texas.

H. Con. Res. 248: Mr. PORTER.

H. Con. Res. 282: Mr. COX of Illinois, Mr. VOLKMER, Mr. MINETA, Mr. MAVROULES, Mr. SPENCE, Mr. OWENS of Utah, Mr. CARPER, Mr. NEAL of Massachusetts, Mr. SLATTERY, and Mr. BUSTAMANTE.

H. Con. Res. 317: Mr. PAYNE of Virginia, Ms. HORN, Mr. RITTER, Mr. ALLARD, Mr. OXLEY, Mr. LIVINGSTON, Mr. SCHAEFER, and Mr. WILSON.

H. Res. 271: Mr. CLAY, Mr. OWENS of Utah, and Mr. MOODY.

H. Res. 321: Mr. MORAN.

H. Res. 372: Mr. DELLUMS, Mr. YATES, Mr. SWETT, Mr. TOWNS, Mr. SIKORSKI, Mr. McGRATH, Mr. DORNAN of California, and Mrs. LOWEY of New York.

H. Res. 399: Mr. CRAMER, Mr. LIPINSKI, Mrs. LOWEY of New York, Ms. MOLINARI, Mr. MONTGOMERY, Mr. SISISKY, Mr. WALSH, and Mr. WILSON.

H. Res. 404: Mr. FIELDS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3030: Mr. WILSON.

H. Res. 194: Mr. BUNNING.