

HOUSE OF REPRESENTATIVES—Wednesday, September 22, 1993

The House met at 10 a.m.

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

We recognize the favor that we have received from the bounty of Your hand, O God, and in our best moments, we discern the gifts with which we have been endowed. Above all else, gracious God, we pray that we will learn to have hearts full of thanksgiving for the faith and hope and love that we have received. In spite of all the tasks before us, may we so live our lives that we begin each day with gratitude and appreciation for Your blessings to us and to all people. 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 Ohio [Mr. MANN] please come forward and lead the House in the Pledge of Allegiance.

Mr. MANN led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 20 requests for 1-minute statements on each side.

THE MEASURE OF SUCCESS FOR PRESIDENT CLINTON'S HEALTH CARE PROPOSALS

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

Mr. WISE. Mr. Speaker, the experts will be talking tonight, but the real test is what the President's proposal for comprehensive health care means to these West Virginians:

To the working Kanawha County family who had to give up legal custody of their daughter with cerebral palsy to her grandparents because the mother's insurance would not cover treatment;

To the Lewis County mother whose private insurance refused to cover the

preventive treatment of removing precancerous cells, and then refused to cover any treatment for cancer for 2 years;

To the eastern panhandle couple who lost their assets and had to quit their jobs to qualify for financial assistance to buy the vitally needed medicines for their two hemophiliac sons; and

To the Braxton County couple with a lifetime insurance cap of \$75,000 that was run through after only two hospitalizations for cancer.

These are the people, most of them working, who will measure the President's health proposals. These are the people whose fear and suffering this Congress can ease this year.

THE PRESIDENT'S PLAN IS A JOB KILLER

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

Mr. DELAY. Mr. Speaker, when President Clinton convened his secretive task force to redesign our health care system, we knew we would have trouble hanging onto our wallets. Now that we have seen the plan, it seems that millions of Americans will have trouble hanging on to their jobs as well.

In addition to imposing tens of billions of dollars in new taxes, the President plans to force businesses across America to provide expensive corporate-style health care benefits for all their employees—whether the businesses can afford to or not.

According to the Employment Policies Institute, such a mandate will destroy 3.1 million jobs, mostly low-wage, low-skill jobs held by the very people on whose behalf the President claims to be acting.

Mr. Speaker, it will not do a worker any good to try to give him health insurance at the expense of his job.

Mr. Speaker, Republicans want to give workers more choices in health care and let 3 million workers keep their jobs.

WISHING BORIS YELTSIN AND THE RUSSIAN PEOPLE WELL

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

Mr. LANTOS. Mr. Speaker, I want to wish Boris Yeltsin good luck. The first president democratically elected in 1,000 years of Russian history is now

engaged in yet another struggle against the forces of darkness and evil and totalitarianism and turning back the clock. We wish him well personally, and we wish well the Russian people who, on December 11, for the first time in their history, will elect democratically, freely and openly, a parliament worthy of the name parliament.

When a few of us visited Mr. Rutsky not long ago, there was on his wall a large map of the Soviet Union. When we asked him why he had the map of a country that no longer exists, his answer was not very satisfactory. We now know the answer. The people who want to reestablish the Soviet Union as an expansionist, imperialist, totalitarian empire will lose, and the forces of democracy in Russia, led by Boris Yeltsin, will prevail.

WHO PAYS?

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

Mr. BOEHNER. Mr. Speaker, tonight the whole Nation is going to hear President Clinton present his health care plan with wonderful rhetoric such as low cost, access for everyone, and security for all. But the one detail the President will leave out of his speech tonight is, who pays.

White House staffers that created this plan estimated it will cost around \$700 billion over the next 5 years. Who pays?

Who is going to pay for the President's plan—the young? The old? Single people? Married couples? Small businesses? The self-employed? Who pays for the huge new bureaucracy Clinton will form to ensure that all Americans are covered under Government-controlled health insurance?

Mr. Speaker, the President is going to make his health care plan seem like just another free lunch for us all. But he is not being honest with the American people unless he tells them tonight who pays.

LET US SUPPORT PRESIDENT CLINTON'S HEALTH CARE PLAN

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

Mr. BLACKWELL. Mr. Speaker, tonight the President will offer a bold, new initiative, designed to make health care accessible to all Americans.

□ 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.

I believe the President deserves the support of Congress, without regard to party or politics. Quality health care is fundamental to a good quality of life.

Over the next several weeks, many hearings will be held, much discussion will be undertaken, and the debate will rage on throughout the Congress and in virtually every sector of this Nation.

But, we must not lose sight of the fact that the President's plan controls costs, cuts the deficit, allows choice, promotes quality, eliminates fraud and waste, and covers everybody. It is universal.

Mr. Speaker, I intend to support the President in this effort to bring sanity to a mad system, to bring stability and security to the uncertainty and fear which represents health care in America.

No father should risk sickness because he is unable to help his sick child. No mother should pain because she cannot afford to heal her child's pain. No American should have to choose between health, eating, or paying the rent.

Let us put party and politics aside, Mr. Speaker. Let us support our President.

BEWARE OF THE HEALTH CARE TASK FORCE

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

Mr. BALLENGER. Mr. Speaker, William F. Buckley once said that he would rather be governed by the first 500 names in the Boston telephone book than the first 500 names on the Harvard faculty. After reading the plan devised by the President's 511-member health care task force, I think I know exactly what he means.

This task force—composed of academics, Government employees, and assorted policy wonks—a bunch of bureaucrats has managed to propose exactly the wrong remedy for America's health care ills.

The global budgets and mandatory price controls—which, by whatever name are in the plan—will lead to health care rationing.

The managed competition will lead to sharp limits on consumer choice of health care providers and insurance packages.

The higher taxes and business regulations will greatly harm the economy and destroy, by one estimate, 3 million American jobs.

Nine out of ten doctors would probably agree that 50 million Federal bureaucrats are not the cure for national health care problems.

□ 1010

HEALTH CARE ACCESS TO TRADITIONALLY UNDERSERVED AREAS

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

Ms. ENGLISH of Arizona. Mr. Speaker, I rise today in anticipation of President Clinton's speech this evening to unveil the health care reform proposal. For the first 8 months of this administration, debate has centered around the effort to address the escalating costs and lack of access to basic health care services to many segments of our society.

The lack of access problem is of particular concern to a large portion of the constituency I represent—rural Arizona.

The health care reform proposal must address the unique concerns of America's rural population.

Many in rural Arizona are either unemployed, self-employed, seasonally employed, or employed by small businesses. Rural Arizona also has a large percentage of senior citizens.

Health care providers must provide the same high quality service in remote rural areas as in urban centers. We must seize the opportunity to ensure that traditionally underserved areas finally gain access to the quality health care that all Americans and their families deserve.

OUR BROKEN GOVERNMENT CANNOT FIX HEALTH CARE

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

Mr. HOKE. Mr. Speaker, the Government was broken and needed to be re-invented, but this week the Government is fixed, and it is going to save our health care system. Those are the two conflicting messages from the Clinton White House.

On the one hand they acknowledge that Government-run programs do not run very well, but on the other hand they propose a massive Government-driven reform of our health care system.

The Clinton health care reform plan will create over 350,000 bureaucratic jobs to replace 350,000 private sector jobs, 100 new bureaucracies nationwide. It is going to cost over \$700 billion and limit the health care choices of every American.

It creates a national health care board, a kind of politburo of health made up of 7 individuals who will decide the basic benefits package for 250 million Americans.

In other words, the Clinton health care plan is another Federal bureaucratic solution to a real problem. The President needs to reconcile his conflicting messages.

The Government is broken and we should not rely on it to fix our health care system.

NOW IS THE TIME FOR HEALTH CARE REFORM

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

Mr. BONIOR. Mr. Speaker, not long ago, I received a letter from a man in Michigan.

Fourteen years ago, he was diagnosed with Hodgkins disease, which is a form of cancer.

But he fought it, and thanks to a strong will and some good doctors, he was pronounced cured.

Cured by everyone but his employer's insurance company, who refused to cover him because he was a bad risk.

And because of it, after 15 years on the job, his boss was forced to lay him off.

And now, he has no job—and he, his wife, and his two children have no health insurance.

Here you have a guy who did everything right.

Who paid his insurance premiums on time.

Who played by the rules.

And in return, he saw his whole idea of security shattered right before his eyes.

Mr. Speaker, people don't deserve to be treated like that in America.

Tonight, the President presents his plan for health care reform to the Nation.

A plan that will provide health security.

A plan that will ensure that no American family will ever lose their health insurance.

A plan that will make sure no other family will be forced to go through what this family went through.

Mr. Speaker, we can't wait any longer.

Now is the time for health care reform.

WORSE THAN THE DISEASE

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

Mr. HEFLEY. Mr. Speaker, like the medieval doctors who tried to cure a fever by bleeding their patients white, the President's advisers may be prescribing a cure for our health care ills that is worse than the disease.

Say what you will about our health care problems, and there are problems, America has the finest health care system in the world.

Our death rate for many common diseases is lower than anywhere else and treatment is more available. For prostate problems, it is one-seventh the death rate in Sweden, a third of Germany's, and a quarter of the death rate in Great Britain.

For stomach and intestinal ulcers, the death rate per 100,000 is 2.7 in the United States, compared with 7.6 in Sweden, 4.9 in Germany, and 3.1 in Canada.

For hernias and intestinal obstructions, our rate is 1.7, compared to 3.2 in Sweden, 3.1 in Britain, and 2.7 in Germany.

Sure we need changes in our health care system but as we prepare to discuss health care reform, let us remember the wise counsel of the great physician Hippocrates: First, do no harm.

AMERICANS SHOULD ASK PERTINENT QUESTIONS ABOUT PRESIDENT'S HEALTH CARE PLAN

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

Mr. EWING. Mr. Speaker, tonight, we are in for one whale of a Presidential sales pitch on the merits of a national health care system.

My fellow Americans, do me a favor, do yourself a favor, kick the tires. Look past the pinstripe and ask yourself some very pertinent questions like:

How are we going to pay for this? Who is going to pay for it? How much is it going to cost? Who is going to administer it? Will I be able to see the doctor of my choice? Will I be able to go to the hospital of my choice? Is this really a better plan?

And lastly, when all is said and done, ask yourself, do I trust a politically appointed commission in Washington to make the proper call of who is to be denied health care coverage when the money runs out?

Buckle up America, you are in for the ride of your life on this plan, a ride we cannot afford to rack up.

HEALTH CARE REFORM AND THE VA

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

Mr. EDWARDS of Texas. Mr. Speaker, we have a special commitment to our veterans. The men and women who have fought for this Nation deserve the best possible health care available. They also deserve an independent hospital and health care system designed to serve their unique and special needs.

I want to commend President Clinton for honoring that commitment in his proposed health care reform plan.

The administration should be applauded for its position that no veteran will receive less care under health care reform than he or she is receiving now. Our Nation has a moral obligation to provide health care for those who have been willing to put their lives on the line for us.

In the months ahead Congress should work with President Clinton to support, improve and streamline the veterans health care system.

THE REPUBLICAN ALTERNATIVE: THE RIGHT CHOICE FOR HEALTH CARE REFORM

(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, tonight the President will finally unveil his long-awaited plan to reform the Nation's health care. However, the Nation did not have to wait until tonight for a plan. Last year Republicans had one introduced in Congress.

Again this year, Republicans already have a plan. It has 114 Members supporting it—more than any other health care bill in Congress. And it could be enacted right now.

One look at our plan, and you will know where we agree and disagree with the President. We agree on the need to cut costs and deliver security in health care. However, we disagree in one fundamental respect: We do not think a system that delivers the world's best health care to over 80 percent of all Americans should be scraped. We think it should be reformed.

After tonight's hoopla has died down, Americans will start to ask the hard questions. What does it do to the business that employs me? Will it preserve my right to choose a doctor? How does it compare to what I already have? What will it cost?

When Americans start to ask the hard questions, they will find that Republicans have the right answers.

□ 1020

HEALTH CARE PROGRAM COVERS AMERICAN CITIZENS IN PUERTO RICO

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, as Puerto Rico's Representative, the Nation's territory with 3.5 million disenfranchised citizens, I wholeheartedly endorse President Clinton's health care reform plan.

After my participation in many of the discussions held during the formulation of this plan, I am particularly pleased that the American citizens of Puerto Rico have for the first time been included in the national health care program as full and equal partners. The President's plan does not please everybody. It is impossible to propose any reform that affects the whole Nation and at the same time pleases everybody. But it is by far the best plan submitted and President Clinton must be congratulated for taking such a bold and necessary step.

The plan the President is putting forward is a most important social and economic guarantee for all Americans since the adoption of Social Security

six decades ago. It is a plan that will bring for the first time in the Nation's history a much-needed peace of mind to all American citizens, who will be able to lay aside their fears of losing their hard-earned savings or their home as a result of unexpected high medical expenses, a peace of mind that all of us will have access to quality health care whenever we need it, not as a privilege, not at outrageous costs, but as a right. Every American will have that security.

HEALTH CARE REFORM: BIG BUSINESS, BIG GOVERNMENT

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

Mr. KINGSTON. Mr. Speaker and Members of the House, the previous speaker mentioned something that I think bears repeating, that this health care plan will be the size and will be as far-reaching as the current Social Security system. We are talking about big business and big Government here. As we approach this debate, I think we should do it on a bipartisan basis, but that we as a Congress and we as Americans should have to ask some fundamental questions.

No. 1: Will a Government-sponsored health care system do a better job than a private system? Do we want more or less Government regulation? How many decisions do you want the Federal Government to make for you in your life? Can we afford another tax increase in the wake of the largest tax increase in the history of America? Do we need another \$7 billion bureaucracy? Can small business afford another tax increase without laying off workers? And, finally, can we increase our individual and collective security without decreasing our individual freedom?

I think these are profound questions, and I think these are pertinent, and I think we as Americans, as we go through this debate, have to keep asking ourselves these questions.

DEMJANJUK SHOULD BE DEPORTED FORTHWITH

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

Mr. SCHUMER. Mr. Speaker, last evening John Demjanjuk returned to the shores of the United States in what is a punch in the gut to the thousands of Holocaust survivors living in America and the millions of other people of goodwill.

John Demjanjuk has been proven by an American court to have participated in Nazi concentration camps, to have been a part of war machine that brutally killed 6 million Jews and millions

of others, Christians, Gypsies, Poles, and Slavs. Yet here he is back in America because the 6th circuit, in its own pursuit almost flying in the face of the law that this Congress passed, said he could come back to determine he was extradited improperly.

What is uncontroversial is that he was deported properly. It was shown that he was a guard in various Nazi concentration camps. There are millions who clamor for American citizenship, who come here in little boats, risk their lives, who have done nothing, and yet we are letting this terrible, terrible human being back.

Mr. Speaker, it is a travesty, it is a disgrace, and I urge the Department of Justice to immediately begin proceedings to enforce the deportation order and send John Demjanjuk where he belongs, out of this country.

HEALTH CARE REFORM: LET'S GET DOWN TO IT

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

Mr. THOMAS of Wyoming. Mr. Speaker, obviously most of us today are interested in health care. Many of us have been interested in health care for some time and indeed have been working on it for several years. So I am pleased it will come to the top of the agenda and we will do something about it.

However, we are going to have to make certain that we do not deal with it in terms of campaign rhetoric, just talking in general terms about the things we like to see happen. We are going to have to get down to it. It is going to be tough. It is like that tax bill we went through, where you can listen to both sides of this conversation and never know you were talking about the same thing.

That is going to be troublesome here. Some Western advice here we ought to take is, "Don't ask the barber if you need a haircut."

So we really ought not ask the people who are supporting this what the facts are. Everyone is for reducing the cost for universal coverage, for maintaining quality. The question you have to ask is: Do we want a program with more Government? Is there any evidence that the Government is the best provider, that we can do that? I think we have to ask who is going to pay the bill? Are we going to end up with better coverage with more money or worse coverage and more money?

Those of us from rural areas have to look for some flexibility. So I hope we address this and deal with some facts for a change.

HEALTH CARE REFORM: PREVENTION IS MOST IMPORTANT IN SAVING MONEY

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I too am very interested in health care, and tonight I think we are going to hear a plan that addresses most of the major issues. And it is not a plan that is going to be free, nor is it a plan that can have results overnight because in health care you can't because the most important thing about saving money in health care is prevention.

We must start to influence and pay more attention toward prevention. People must be self-reliant; they must act in a way that they preserve their own health and take the responsibility for that. When we see more of this practiced, we will see a reduction in the cost of health care. Most of the chronic diseases that cost a lot of money can be prevented when people take the responsibility for themselves and exercise, eat right, and not abuse the body through drugs and other poisonous types of habits.

Another thing that must be very essential to saving money in the long run is research because we know the results of what we can get from health care research. Many, many dollars have been saved by the findings and the use of those areas where we have done research.

I hope, Mr. Speaker, that we are looking at the real serious problem of health care reform.

CONGRATULATIONS TO KELLY ZIMMERMAN, YOUTH OF THE YEAR, BOYS AND GIRLS CLUBS OF AMERICA

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

Mr. REGULA. Mr. Speaker, this morning at a breakfast of representatives of the Boys and Girls Clubs of America they honored the five winners from these United States, representing 1.8 million members of the Boys and Girls Clubs. I am pleased to report that the individual chosen as the Youth of the Year to represent all of these young people and the over 1,400 clubs is Kelly Zimmerman from Orrville, Ohio, in the 16th District.

Kelly will be the first young lady, to be chosen as the Youth of the Year by the Boys and Girls Clubs of this Nation. She has an outstanding record of community service.

Just a few of her many accomplishments: She organized the Students Against Drunk Driving in her community; she was chosen by the board of the United Way as a full voting mem-

ber, the first time they have put a young person in a position of this responsibility; she has worked extensively with the Salvation Army in many different ways in developing their programs of helping others.

Kelly has been a member of the Orrville Area Boys and Girls Club for 9 years and serves as a leader and role model for fellow club members. At the club, she organized a cheerleading program, volunteered as a gymnastics coach and worked in the activity center and junior gamesroom. Through her membership in the Keystone Club, a teen leadership group, Zimmerman served as chairperson of the first annual Midwest Keystone Conference and has been involved in the past three National Keystone Conferences. She is also a bible schoolteacher and greeter at the Trinity United Methodist Church, and a Red Cross blood donor.

While in school, Zimmerman was a member of the National Honor Society, and Fellowship of Christian Athletes. She was also president of the student council, and captain of the varsity football and basketball cheerleading squads. Zimmerman will begin her freshman year at the University of Toledo in the fall.

Mr. Speaker, Kelly certainly will be a shining example to all young people of what is good about American youth.

□ 1030

UNFUNDED MANDATES

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

Mr. DREIER. Mr. Speaker, in 10½ hours President Clinton is going to be unveiling his Government-run health care program. It seems to me it is a real tragedy that one of the problems that States and local governments and taxpayers in State and local areas are going to be shouldered with a burden which will continue to expand, and tragically his program does not address. I am referring, of course, to unfunded Federal mandates.

We here at the Federal level impose on State and local governments, and in my State of California it is costing \$3 billion, the cost of providing health care and a wide range of other services to people who enter the United States illegally.

In fact, we learned at a hearing that we held with the task force on illegal reform during the month of August that it is easier for someone who is in this country illegally to gain health care when they enter the United States than it is for someone who is here legally.

Tragically, the Government-run program which President Clinton is going to be unveiling does not address that question at all. I hope very much that

we can bring about an end to unfunded Federal mandates.

GRATITUDE TO PRESIDENT FOR BEGINNING HEALTH CARE PROGRAM

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

Mr. GEJDENSON. Mr. Speaker, over a decade of deafening silence has ended. For 12 years we had Presidents who refused to address the crisis in national health care. This is not something new for this country. In 1948, standing in this very Chamber, Harry Truman addressed the issue of national health care and universal coverage, and President Bill Clinton has brought forth a program that, yes, may not be perfect, I say to my Republican colleagues, but indeed has reenergized the debate, has forced the House and the Senate, Republicans and Democrats, to focus on the issue of national health care for those uninsured, for those who are impoverished by the cost of insurance, by Americans who live in fear that their children or they will be sick and they could lose their homes.

This Nation and this Congress owes a debt of gratitude to President Clinton for beginning this debate anew and with his leadership we will come forward with a health care proposal that does meet the needs of the American people.

THE CHALLENGE OF HEALTH CARE

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

Mr. STRICKLAND. Mr. Speaker, when former Surgeon General Dr. C.P. Everett Koop spoke to us a couple mornings ago, he said the following:

Before we can enact the sweeping reform we need in health care, we must agree on the basic values and the ethics upon which our health care system and, indeed, our society is based and from which it draws its moral power. If we could reach an ethical consensus, I think many of the economic and political problems of health care reform would fall rather easily in line.

Then he further said:

I don't imagine any one of us will agree with every point in the proposed reforms. I imagine that the President has his own reservations about some points. But our reservations—or even outright objections—to some provisions cannot give us the excuse to oppose everything.

Mr. Speaker, we have the opportunity to do something good for the American people, to provide universal health care security for every man, woman, and child in this country. I hope that we meet the challenge of this moment.

PROVIDING FOR CONSIDERATION OF H.R. 2750, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 252 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 252

Resolved, That during consideration of the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, the amendment printed in section 2 of this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill as so amended shall be considered as the original bill for the purpose of further amendment. The amendment printed in section 3 of this resolution may amend a portion of the bill not yet read for amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 2. The amendment considered as adopted in the House and in the Committee of the Whole is as follows:

Page 36, after line 10, insert: "\$28,200,000 for the San Francisco Airport BART Extension Project and the Tasman Corridor LRT Project"; and

Page 36, line 21, strike "\$78,200,000" and insert in lieu thereof "\$50,000,000".

SEC. 3. The amendment that may amend a portion of the bill not yet read for amendment is as follows:

Page 7, line 13, strike "\$2,555,695,000" and insert in lieu thereof "\$2,560,695,000"; and

Page 22, line 23, strike "\$85,550,000" and insert in lieu thereof "\$62,000,000".

SEC. 4. House Resolutions 211 and 221 are laid on the table.

The SPEAKER pro tempore. (Mr. MONTGOMERY). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. At this time I yield the customary 30 minutes for the purpose of debate only to the gentleman from Florida [Mr. GOSS]. Pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 252 is an open rule which provides that the en bloc amendments that are printed in section 2 of the rule shall be considered as adopted in the House and in the Committee of the Whole.

The rule also provides that the Goss en bloc amendments which are printed in section 3 of the rule are not subject to a division and my amend portions of the bill not yet read for amendment.

Finally, House Resolutions 211 and 221 are laid on the table.

Mr. Speaker, Chairman BOB CARR, ranking Republican FRANK WOLF and the members of the Transportation Appropriations Subcommittee should be commended for bringing this comprehensive bill to the floor. This

spring, the committee conducted extensive hearings on programs and projects within their jurisdiction which are contained in 9 published volumes totaling approximately 10,000 pages.

Each year the subcommittee has the task of producing a bill which maintains the current transportation system and provides for new technologies which will make our Nation's transportation system intermodal, efficient, safe and cost effective. This year, all of this had to be achieved with a much tighter budget, and with maximum job creation in mind.

I would also like to commend Chairman CARR for developing economically based investment criteria which the subcommittee uses when evaluating individual funding requests. Chairman CARR and his staff spent numerous hours consulting with officials at the Department of Transportation, investment companies, and transportation consultants along with others to produce the investment criteria.

I encourage my colleagues to adopt this open rule so that we may begin debate on this important piece of legislation.

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

Mr. Speaker, House Resolution 252 marks the conclusion of a very long chapter in this year's transportation appropriation process. It's something of a cleanup rule that smoothes the rough edges and ensures that the fiscal year 1994 transportation appropriation bill will finally come to the floor without further delay. Normally appropriations bills do not necessarily need rules. But this bill—which has been re-incarnated from an earlier version and which has had three different rules along the way—has proven to be anything but a normal bill. Since the first version first came before the Rules Committee in late June we have had much debate about the rules of this House and how we handle our Nation's budget. It has been a valuable debate, focusing on the basic principles of sound budgeting; asking whether—and how—to set priorities before we spend the taxpayers' money. I commend the chairman and ranking member of the Rules Committee—as well as the chairman and ranking members of both the Appropriations and authorizing committees—for their diligence and perseverance in sorting things out. As a result of their efforts, today we have a rule that does two things: First, it incorporates an amendment by Chairman MINETA into the original text, restoring funding for the San Francisco BART extension project that had been in the original bill. Second, the rule allows this gentleman to offer en bloc an amendment to follow through on a commitment this House made earlier in the year to provide resources to the Coast Guard for additional missions it is asked to undertake, specifically the

mission to provide coverage for the Haitian immigration program which has been successfully conducted, but at some cost extra to the Coast Guard which needs to be paid.

Mr. Speaker, this rule preserves the open amendment process—affording all Members the chance to make changes in H.R. 2750 in accordance with House rules. It also leaves vulnerable in the bill any provisions which do not comply with the standing rules of the House. I and others in the minority have continually advocated this type of open process, forcing us to live within our rules and allowing the greatest possible participation by the full membership of this House, the true deliberative process of legislation. I am pleased to support this rule, and I reserve the balance of my time.

□ 1040

Mr. GORDON. For purposes of debate only, Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CARR].

Mr. CARR of Michigan. Mr. Speaker, this is a hard thing for me to do: I rise reluctantly and oppose the rule. The chairman of the Committee on Rules and all the members of the Committee on Rules on both sides have spent far too many hours dealing with the matter of the Subcommittee on Transportation and of the Committee on Appropriations, and they have done so with the utmost of cooperation, the utmost of graciousness, and they have been very understanding, and I want to thank all the members of the Committee on Rules. We did not expect to find ourselves in the difficult parliamentary situation we are in, and we certainly did not intend to waste their time or depreciate its value, and I want to extend the sincerest of my gratitude for the Committee on Rules, for their cooperation.

It is customary, Mr. Speaker, for the manager of the bill and the chairman of a subcommittee to have it fall to him or her to ask for a rule. In this particular case we did not ask for a rule. We did not ask for this rule. I might say, again in gratitude to the Committee on Rules and to the leadership's staff, that we were consulted. It is not a surprise to us that we have this rule. Indeed its contents are not a surprise. We were talked to about what might be in the rule. But we did not ask for this rule.

Mr. Speaker, it is a rule that we believe fundamentally is a bad rule. Normally rules of the House are modified by resolutions out of the Committee on Rules to tailor the parliamentary situation for the consideration of legislation on the House floor. Occasionally the Committee on Rules, either on its own or at the urging of others, acts in a substantive way rather than just a procedural way. It offers essentially an amendment to the bill through the de-

vice of the adoption of the rule. It is called a self-executing rule, meaning that it self-executes an amendment to the legislation at hand.

This rule is, in the main, a self-executing rule and a self-executing rule only. It determines no rules of debate beyond the rules of the House. It makes no limitation on other amendments which might be offered under the rules of the House. It in no way enhances or diminishes the rights of all the Members of the House under the rules of the House to participate in the procedure of consideration of the transportation appropriations bill.

What it does do, Mr. Speaker, is amend the bill to restore a provision which the subcommittee, by unanimous agreement in our full Committee on Appropriations, in majority or substantial agreement, felt to be unwise, and the Committee on Rules has, in their rule, self-executed this provision back into our bill. It would be hypocritical for us, as members of the committee, to pass a provision out of our committee and through the full committee only to accept the Committee on Rules adding a provision that we felt genuinely was a bad provision back into this legislation.

So, Mr. Speaker, it is very hard because we like to cooperate. We appreciate the work of the Committee on Rules. We appreciate the leadership's role. It is very hard to stand and oppose a rule that I know that they intend to do good things very sincerely, but I must vigorously oppose the rule and will work for its defeat.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas [Mr. DELAY], a member of the Committee on Appropriations.

Mr. DELAY. Mr. Speaker, I, too, rise in opposition to this rule. I normally would not rise in opposition to what some are thinking is an open rule, and, except for my one objection, this is an open rule.

As the chairman of the Subcommittee on Transportation of the Committee on Appropriations has so eloquently pointed out, we did not on the subcommittee ask for a rule. We wanted to bring the bill to the floor, and let anyone amend, and let anyone take the opportunity of the rules to invoke points of order. But we just cannot seem to resist the opportunity to use the rule to take care of some personal concerns of certain Members of this House, and that is what this rule does.

Mr. Speaker, it has already been pointed out that this rule spends \$28 million on a project in San Francisco that the subcommittee had evaluated and decided did not meet any criteria for good cost effectiveness in spending mass transit moneys. This is a project that in this rule spends \$28 million in fiscal year 1994 which is just part of a \$470 million project. This project,

called the Tasman corridor project, is a rail system that goes to the San Francisco Airport that is only being ridden by employees of the airport. It has a cost per new rider index number of \$40—\$40 for each and every new rider.

The Federal Transit Administration really looks closely and frowns on any project that has a cost effectiveness number of around \$10 per new passenger on a project. Yet this one has over \$40 per new passenger project as a cost per new rider number. That is outrageous.

The chairman, over the course of this year, has established criteria which any project must meet, and it is a very extensive criteria so that we could get rid of this problem of having projects that are not worthy placed in our bill or any other bill. If you have a project, you should justify that project and the cost effectiveness of this project, and then we as a committee can and will support it.

But here we are, passing a rule that continues the spending of over \$400 million in an open rule setting. If the supporters of this project want to spend this money, let them bring an amendment down here under the open rule process, and offer their amendment, and let it stand on its own before this House. We are going to have to use the debate on the rule to discuss this project, and this project is going to have to stand on its own as we go through the rule.

□ 1050

Make no mistake about it. Members should not come down to this floor and vote for this rule thinking they are supporting an open rule. This is an open rule in every other case, except it has this self-executing clause in it that spends \$28 million.

So I am urging my colleagues to vote against this rule when we call the vote, because if you vote against this rule, you are voting to save over \$400 million. That is what the vote is all about. It has nothing to do with the fight over jurisdiction that has been going on for the last couple of months. It has nothing to do with whether this is an open rule or not. A vote against the rule is a vote to save over \$400 million. So I urge my colleagues to vote no on the rule.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield such time as he may consume to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise in support of the rule, not because it is the rule I sought or preferred, but because it appears to be the only rule we can get which allows us to proceed on an issue which should have been resolved months ago.

Before the Rules Committee last June I sought a rule which would allow points of order to be made against significant legislative provisions and unauthorized highway projects in the bill.

The first rule granted back in June by the Rules Committee reflected what I believed needed to be done. It protected all parts of the bill except the significant legislative provisions and unauthorized highway projects. Every rule since that first rule—and we are now on our third rule—has been some shade of imperfection compared to that first rule.

The rule now before us is the product of layer upon layer of move, countermove, and compromise. This rule allows the points of order to be made which I sought to have allowed; on that I prevailed. But the gentleman from Michigan sought to have the entire bill unprotected; and on that he prevailed.

It has been clear for many weeks what most of the Members of this House wanted to do with this bill: They wanted to remove the \$284 million in earmarked highway projects and spend the money instead on the basic highway program which meets the most urgent highway improvement needs in all States. The appropriations bill takes the \$284 million, sends one-third of it to 1 State, sends all the rest of it to 22 other states, and sends absolutely none of it to 27 States. Most of the Members of this House believe that the people of all States pay the taxes that support highway funding, and that the people of all States have urgent needs for highway improvements, so why shouldn't the people of all States get a fair share of their taxes back to do the highway work that needs to be done in their area?

What a rule should do is allow the will of this House to be carried out with as little wasted time and distracted rhetoric and anguish as possible. This rule meets only half that test. It will allow the will of this House to express itself on the unauthorized highway projects, but it will not do so in a direct and straightforward way, and that may in the end be to everyone's disadvantage. It did not have to be this way.

In short, we could have done what needed to be done without raising all kinds of issues that few believe need to be raised, few want raised, and few would support. That is not the course we have taken in this rule.

I want to thank the House leadership and the chair of the Rules Committee and its members for their patience and understanding in bringing this rule forward.

However, because this rule does allow the Members to work their will on the core issue of unauthorized highway projects and the equitable distribution of highway funding across the country, and because there appears at this time to be no alternative to proceeding under this rule, I urge support of the rule.

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

Mr. MINETA. I very happily yield to my very fine colleague, the gentleman from Pennsylvania [Mr. SHUSTER], the ranking member on the Committee on Public Works and Transportation.

Mr. SHUSTER. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise to support the rule also and to be certain that my understanding is correct, that with regard to the Tasman project, which has been referred to here, which is self-executing in this rule, which affects several districts in California, it is my understanding that that project was indeed included in the transportation appropriation bill, that it was passed by the Transportation Appropriations Subcommittee, and that it was passed and accepted by the full Committee on Appropriations. Further, that only after the distinguished chairman of the Committee on Public Works and Transportation announced his opposition to the bill did they go back in so-called phase 2 and eliminate this project, which is important not only to the chairman, but to many Members from California.

Mr. Speaker, I would ask the gentleman from California [Mr. MINETA], is my understanding correct?

Mr. MINETA. Mr. Speaker, the gentleman from Pennsylvania is correct.

Mr. SHUSTER. Mr. Speaker, if the gentleman will yield further, I think this speaks volumes, when indeed the project was approved, and only was removed after the distinguished chairman stood up to oppose the legislation. I think that certainly should tell our Members an awful lot.

Mr. GOSS. Mr. Speaker, I yield 9 minutes to the distinguished gentleman from the Commonwealth of Virginia [Mr. WOLF], a member of the committee.

Mr. WOLF. Mr. Speaker, every Member ought to oppose the rule. Let me just say to my colleagues on the Committee on Rules, and I do not want to get personal in this, let me just stipulate that everyone is a good person, and I do not mean to attack anybody, because I did not come to Congress to attack or hurt people.

But if you are listening and you are on the Committee on Rules, this is why the gentleman from Oklahoma [Mr. INHOFE] got 218 signatures on his motion re: discharge petitions. The Congress and the people are fed up. They have had enough. There was one AP story in the Wall Street Journal, and Rush Limbaugh covered the Inhofe motion and they were lining up down here to sign it. Everyone who is not on the committee wants to sign it.

Mr. Speaker, what you have done to colleagues on both sides of the aisle is create an unprincipled act that is confusing to everyone. This is not appropriate; this is wrong.

The chairman came out with criteria under the leadership of the gentleman

from Kentucky [Mr. NATCHER] trying to develop some rationale on these projects. I stipulate next year that the Speaker ought to provide some leadership, if the Speaker is listening, and tell the chairmen there will be no designated projects. Then the chairmen of all these committees can say, "When we have hearings, don't come before the committee, because it is the rules of the House."

Mr. Speaker, if that is what the rules are, fine. I will be the first Member to support them. I think that would be fine. Knock out all the earmarking. But what you have done here is inappropriate.

Now, for my side, they are sticking it to us on the Republican side again. If you come down here and you vote for this because maybe this helps your committee a little bit and we are going to forget about tomorrow, do not do it, because principle carries forth into the future.

So this is a bad rule, whether you are a Republican or whether you are a Democrat, and this is not a partisan issue. This clearly is not a partisan issue.

Mr. CARR of Michigan. Mr. Speaker, will the gentleman yield?

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

Mr. CARR of Michigan. Mr. Speaker, I just rise to thank the gentleman for all the work he has done on this bill, as well as so many things in the Congress. Not just on transportation. The gentleman from Virginia [Mr. WOLF] is a well-known expert in some areas of Africa that would astound the average Member. They do not realize the depth of the gentleman from Virginia [Mr. WOLF] and the good heart that he has.

□ 1100

One of the things that troubled us, and I know that we have discussed before, is that there is a difference between ourselves and our friends on the authorizing committee. The authorizers had a tendency to worship at the shrine of the ISTE formula. That ISTE formula is flawed in many ways. They gloss over the fact that the formula is fundamentally not very fair. They would like us to believe that if it is formula, it must be fair. If it is formula, every State must be treated equally, or equitably.

In point of fact, the formula does not treat States equitably, because the formula, notwithstanding the efforts of some of us a few years ago to block it or change it, that formula is stuck out there and locks in advantages for certain States to the disadvantage of other States for a period of 6 years.

Also, without any malice, I could say that the members of the Committee on Public Works and Transportation I think legitimately tried to look at the needs of America when they passed that bill 2 years ago, but it was a snapshot in time.

We now know, for example, because of testimony and volumes of paperwork that was submitted to our committee, that there are situations around the country that were not and could not have been envisioned when the original ISTEA legislation was passed. Yet the Members representing those districts and the people, the traveling public in those districts, cry out for some of their tax dollars to meet some of their circumstances that could not have been foreseen, and they come to our committee.

We realize that, with the help of the gentleman, that we have broached and done something that is extraordinary. We accepted upon ourselves an extraordinary standard for making these adjustments. They had to be documented. We had to hold hearings.

This was not a frivolous tap on the shoulder of the chairman saying, "Buddy, can you give a dime, I have a tough election." That is not what this was about. The gentleman was key and a principal coauthor with me of the criteria that he mentioned.

We try to make these adjustments because the formula is not fair. Let me read just one, and I am not trying to pick on any personalities here. Take the State of Massachusetts. This is under the ISTEA formula. The State of Massachusetts ranks 13th in population. The State of Massachusetts ranks 40th in road miles. The State of Massachusetts ranks 16th in vehicle miles traveled. Yet, under the surface transportation highway formula, known as ISTEA, Massachusetts ranks second in the amount of money it gets.

If you are from Massachusetts, you should really be in favor of the formula. If you are from any other State, you ought to look very, very carefully.

For example, my own State, we in Michigan rank 8th in population, 7th in road miles, 8th in motor vehicle miles traveled, and yet Michigan only ranks 11th in the Nation in ISTEA.

The formula is not fair. Our committee has been called upon time and time again to make some adjustment. We asked the Committee on Public Works and Transportation to have a technical corrections bill. They have not produced one that has made it to the President's desk, so we ask the Congress to help us out. We are trying to help you out and trying to help the American traveling public out.

This is a bad rule. The rule does not do anything to alter the normal rules of the House except amend the bill to put a project costing a lot of money back into the bill.

Mr. WOLF. Reclaiming my time, Mr. Speaker, let me just close with this. Frankly, I am not against anybody. There are not three people in this body that I do not like, and let me just say that I have great respect for the gentleman from California [Mr. MINETA] for the work that he did on transfer-

ring the airports over, and the gentleman from Pennsylvania [Mr. SHUSTER], so I do not want to get into the personalities of projects.

I would just say this. This rule is almost an insult to any other committee, other than the Committee on Rules. I would say, it brings not honor on the committee. They cannot keep pushing us around, and particularly those of us on our side, but on their side, also.

I just ask the body, do not get involved in personalities. Look at it from a principled, intellectual point of view. The chairman has held extensive hearings. He has developed the criteria. This thing has been dragging on for a long while. Vote the rule down. Vote the rule down, and then let us come back with an open and complete no rule, as the chairman wanted, without any involvement of anybody, and let the chips fall where they may.

For my side to support this rule is to negate all the meetings that we have had where we talked about how we are being whipsawed by the Committee on Rules.

For those who have wondered why the gentleman from Oklahoma [Mr. INHOFE] got his 218 without any coverage, that is why. I ask the Committee on Rules to withdraw the bill. If they will not withdraw the bill, and I understand the problems, then I ask people on both sides, as the chairman, the gentleman from Michigan [Mr. CARR] said, and the gentleman from Texas [Mr. DELAY] said, defeat this rule. Let us come up with no rule. We want nothing. We want no protection.

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

Mr. Speaker, let me concur with the assessment of the gentleman from Michigan [Mr. CARR], of my friend, the gentleman from Virginia [Mr. WOLF], as probably one of the most decent individuals that is here in this body. However, I do think that he was a bit off the mark in trying to set up villains in this situation.

Let me also stipulate, I am not happy with this rule, either, quite frankly, because of some unbeknownst parliamentary rulings. I do not like the result. Also, I am disappointed that there has not been some technical corrections of the earlier ISTEA bill.

The fact of the matter is, those things aside, this is a wide-open rule. This is what the minority has been asking for. This is a wide-open rule, do anything you want, make any amendments, make whatever strike you want. Certainly that is what he chooses. If there is a portion of this bill that he is not happy with, then it is subject to being stricken. It is a wide-open rule. That is what has been asked for. There could be no rule that gives more flexibility, more leeway, to the minority.

Again, whether or not you like the bill, you like the outcome, and I have

reservations myself, it does not address the fact that this is a wide-open rule that is not subject to whatever striking, whatever amendments that the minority or the majority party would like to make.

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

Mr. SHUSTER. Mr. Speaker, I would point out that this is a wide-open rule, and once the rule passes, anybody can offer any kind of an amendment to strike out any part of this bill. Indeed, it is wide open. We in the minority in particular should be supporting it.

Mr. GORDON. Mr. Speaker, I have no further requests for time.

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

Mr. Speaker, there are a couple of things that have been said here about the Committee on Rules. I think if we go back and take a look at the voting record, we will discover that most of the rules that have passed the House this year have been passed without the support of the minority members of the Committee on Rules. We have not succeeded to the degree we would like to in getting open rules on the floor. I think that has been much discussed, and we all know that.

Mr. Speaker, I think that the frustration of the gentleman from Virginia [Mr. WOLF] is very genuine, and it expresses a very clear point for all of us to take under consideration. That is, we have not successfully resolved the way we do business, the people's business in this House, yet. The debate is not over on rules. The debate is not over on the types of squabbles that are going on between appropriators and authorizers.

I think it is absolutely clear from my reading of the original bill, H.R. 2490, that the contentious project that is being discussed was in fact in the original bill. Then it was taken out. Now it is being put back in.

□ 1110

This is a fight between authorizers and appropriators that no Rules Committee could paper over. This fight is too great. No rule is going to hide this fight. It is going to have to be worked out in debate, and it is going to have to be worked out in the ballot box, and that is why we have these procedures. And I suggest that those opportunities are available to us. Certainly previous speakers have suggested that already.

I would also like to point out there is a little difference between a self-executing provision in a rule when you have a closed rule and a self-executing provision when you have an open rule. There is a different vulnerability, I would suggest, and the vulnerability does exist in this case. Projects are at risk to points of order, to stripping amendments and to other procedures of the deliberative process on the floor.

I guess this is the third version of a rule we have had on this bill, and nobody has been happy the whole way as far as I can see. We have left some pocket of unhappiness somewhere, and I suggest that it may be beyond the Rules Committee's authorization capability at this point to come up with happiness for all parties, because this has simply not worked out that way.

I participated in the debate. I feel that there is merit on both sides. And I do not have the wisdom individually to make the judgment on these individual projects. And frankly, I think it is appropriate that every Member of this body in this type of a situation should have their say-so. And I believe that is about what is going to happen.

To say we have solved controversies of this nature in the Rules Committee is too grand a statement. We do not have that ability. We have made it our best shot.

If the majority of the Rules Committee wishes to listen to the request to withdraw it, that is their privilege. We are not making such a motion to withdraw this rule at this time. Nor are we making any sense of abandonment of our pursuit of open rules to the greatest degree possible.

Having said these things, I know that we are going to get on with this, which is what we should be doing, because this is an appropriations bill which is long overdue, and we need to have an answer to the provisions of it.

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

Mr. GORDON. Mr. Speaker, in conclusion, let me just say there is an old cliché within the legal community that when you go to court, if you have the facts you argue the facts. If you do not have the facts, you argue the law, or in this case the procedure.

The facts are that even though again I do not think I am going to be happy with the conclusion of this particular bill, and I am not happy as I say with some of the parliamentary rulings, I am not happy with the fact that we did not have some earlier corrections of problems, but that does not put away the simple fact that this is an open rule. This is a rule that lays the entire bill on the table to strike what you may, to add whatever within amendments, and it is a complete open rule. So do not confuse that you may not like some portion of it, and you may not of the bill, or that you may not like the conclusion of the bill, with the facts of the matter. The fact of the matter is that this is an open rule and a wide open rule.

Mr. SOLOMON. Mr. Speaker, let me try to clarify a misimpression that has been conveyed during the debate on this bill.

It is true that this rule self-executes an amendment into the bill relating to the San Francisco Bay area rapid transit system.

And it is true that ordinarily we on this side vigorously protest self-executing rules.

But unlike some self-executing rules that do not allow for further amendments, and therefore do not give the House a separate vote on the self-executed provision, this rule does not otherwise alter or restrict the normal, open amendment process for appropriations bills.

What that means, quite simply, is that although the BART provision is made a part of the bill, it is done so for the purpose of further amendment. Members may still offer an amendment to strike that provision or reduce the amount appropriated for it.

Moreover, the amendment does not protect the provision against points of order, should someone wish to raise a point of order.

It must also be reiterated that this controversial provision was included in the first bill reported from the Appropriations Committee. So the Appropriations Committee has spoken twice on the matter—it has been of two minds.

This rule simply lets the House choose between those two options approved by the Appropriations Committee.

Finally, Mr. Speaker, we applauded the chairman of the Appropriations Committee earlier this year for indicating that he had no intention of coming to the Rules Committee asking for waivers of points of order.

Notwithstanding that, the subcommittee chairmen, in a majority of instances, have come to the Rules Committee asking for waivers. And we have granted them.

We had two previous rules on the first transportation bill reported by the Appropriations Committee. Both of those rules, House Resolution 211 and House Resolution 221, waived points of order against certain unauthorized provisions in that bill.

This rule does not waive points of order against anything. It is therefore the closest we have come in an appropriations rule this year to what the chairman of the Appropriations Committee has requested from the outset.

The only thing this rule does is to attempt to split the difference between two conflicting appropriations bills and between the two committees at loggerheads today. I therefore urge its adoption.

Mr. GORDON. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the resolution.

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

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

The SPEAKER pro tempore. Pursuant to rule I, further proceedings on this resolution are postponed until later today.

RECESS

The SPEAKER pro tempore. Pursuant to rule I, the House stands in recess until 12:10 p.m.

Accordingly (at 11 o'clock and 15 minutes a.m.), the House stood in recess until 12:10 p.m.

□ 1240

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 42 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 2750, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The SPEAKER. The pending business before the House is the vote de novo on House Resolution 252.

The Clerk read the title of the resolution.

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

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

Mr. CARR of Michigan. 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 257, nays 163, not voting 14, as follows:

[Roll No. 447]

YEAS—257

Abercrombie	Dingell	Hughes
Ackerman	Dixon	Hutchinson
Andrews (ME)	Dooley	Hyde
Andrews (NJ)	Doolittle	Inhofe
Applegate	Dreier	Inlee
Baessler	Duncan	Jefferson
Baker (CA)	Dunn	Johnson (CT)
Baker (LA)	Edwards (CA)	Johnson (GA)
Ballenger	Emerson	Johnson, E.B.
Barca	English (AZ)	Johnson, Sam
Barlow	Eshoo	Kanjorski
Barrett (NE)	Ewing	Kaptur
Barrett (WI)	Farr	Kennedy
Bartlett	Fawell	Kennelly
Barton	Fazio	Kim
Becerra	Fields (LA)	King
Bellenson	Filner	Klecicka
Berman	Fleh	Klein
Bilbray	Flake	Klink
Bilirakis	Foley	Klug
Bishop	Ford (MI)	Kopetski
Blackwell	Ford (TN)	Kreidler
Bilely	Frank (MA)	Kyl
Blute	Franks (NJ)	LaFalce
Boehkert	Frost	Lambert
Bonior	Gallagher	Lantos
Borski	Gejdenson	LaRocco
Browder	Gekas	Laughlin
Brown (CA)	Gephardt	Lazio
Brown (FL)	Geren	Leach
Brown (OH)	Gibbons	Levy
Byrne	Gilchrest	Lewis (GA)
Canady	Gillmor	Lipinski
Cantwell	Gilman	Machtley
Cardin	Gingrich	Maloney
Clay	Glickman	Mann
Clement	Gonzalez	Manton
Clinger	Goodlatte	Margolies-
Clyburn	Goodling	Mezvinsky
Collins (GA)	Gordon	Markey
Collins (IL)	Goss	Martinez
Condit	Grandy	Matsui
Coppersmith	Gunderson	Mazzoli
Costello	Hall (OH)	McCandless
Cramer	Hamburg	McCollum
Crapo	Harman	McDermott
Danner	Hastert	McHale
de la Garza	Hayes	McHugh
Deal	Hefley	McInnis
DeFazio	Hinchee	McNulty
Dellums	Hoekstra	Meehan
Derrick	Holden	Menendez
Deutsch	Horn	Meyers
Diaz-Balart	Houghton	Mfume
Dickey	Huffington	Mica

Miller (CA)	Richardson	Swift
Miller (FL)	Ridge	Synar
Mineta	Rose	Talent
Minge	Roth	Tauzin
Mink	Roukema	Taylor (MS)
Moakley	Rowland	Tejeda
Molinari	Roybal-Allard	Thomas (CA)
Montgomery	Rush	Thomas (WY)
Moorhead	Sanders	Thompson
Morella	Sangmeister	Thornton
Nadler	Santorum	Torkildsen
Neal (MA)	Sawyer	Torres
Oberstar	Saxton	Torricelli
Owens	Schaefer	Tucker
Oxley	Schenk	Unsoeld
Pallone	Schumer	Upton
Parker	Scott	Valentine
Payne (NJ)	Serrano	Velazquez
Payne (VA)	Shuster	Volkmer
Pelosi	Slaughter	Walker
Petri	Smith (NJ)	Walsh
Pomeroy	Smith (TX)	Waters
Portman	Snowe	Waxman
Poshard	Solomon	Weldon
Pryce (OH)	Spence	Wheat
Quillen	Spratt	Williams
Quinn	Stark	Wise
Rahall	Strickland	Woolsey
Rangel	Studds	Young (AK)
Reed	Sundquist	Zeliff
Reynolds	Swett	Zimmer

NAYS—163

Allard	Gutierrez	Pastor
Andrews (TX)	Hall (TX)	Paxon
Archer	Hamilton	Penny
Armey	Hancock	Peterson (FL)
Bacchus (FL)	Hansen	Peterson (MN)
Bacchus (AL)	Hastings	Pickett
Barcia	Hefner	Pickle
Bateman	Herger	Pombo
Bentley	Hoagland	Porter
Bereuter	Hobson	Price (NC)
Bevill	Hochbrueckner	Ramstad
Boehner	Hoke	Ravenel
Bonilla	Hoyer	Regula
Boucher	Hunter	Roberts
Brewster	Hutto	Roemer
Brooks	Inglis	Rogers
Bryant	Istook	Rohrabacher
Bunning	Jacobs	Ros-Lehtinen
Burton	Johnson (SD)	Rostenkowski
Buyer	Johnston	Royce
Callahan	Kasich	Sabo
Calvert	Kildee	Sarpalius
Camp	Kingston	Schiff
Carr	Knollenberg	Schroeder
Castle	Kolbe	Sensenbrenner
Chapman	Lancaster	Sharp
Clayton	Lehman	Shaw
Coble	Levin	Shays
Coleman	Lewis (CA)	Shepherd
Combest	Lewis (FL)	Sisisky
Cooper	Lightfoot	Skaggs
Cox	Livingston	Skeen
Coyne	Lloyd	Skelton
Crane	Long	Smith (IA)
Cunningham	Lowey	Smith (MI)
Darden	Manzullo	Smith (OR)
DeLauro	McCloskey	Stearns
DeLay	McCrery	Stenholm
Dicks	McCurdy	Stump
Dornan	McDade	Stupak
Durbin	McKinney	Tanner
Edwards (TX)	McMillan	Taylor (NC)
English (OK)	Meek	Thurman
Evans	Mollohan	Vento
Everett	Moran	Visclosky
Fields (TX)	Murphy	Vucanovich
Fingerhut	Murtha	Watt
Foglietta	Myers	Whitten
Fowler	Natcher	Wolf
Franks (CT)	Nussle	Wyden
Furse	Obey	Wynn
Gallo	Oliver	Yates
Grams	Ortiz	Young (FL)
Green	Orton	
Greenwood	Packard	

NOT VOTING—14

Collins (MI)	McKeon	Towns
Conyers	Michel	Trafiacant
Engel	Neal (NC)	Washington
Hilliard	Slattery	Wilson
Linder	Stokes	

□ 1305

Messrs. WYDEN, EVERETT, BRYANT, McMILLAN, and DICKS changed their vote from "yea" to "nay."

Messrs. KIM, BAKER of Louisiana, HUFFINGTON, DOOLEY, and Ms. PRYCE of Ohio changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GORDON. 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 House Resolution 252.

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

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON BILL MAKING APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE FOR FISCAL YEAR 1994

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

Mr. MCDADE reserved all points of order against the bill.

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

There was no objection.

GENERAL LEAVE

Mr. CARR of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may be permitted to include tables, charts, and other extraneous materials on H.R. 2750.

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

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. CARR of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2750) making appropriations for the Department

of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes; and pending that motion I ask unanimous consent that the general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Virginia [Mr. WOLF] and myself.

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

There was no objection.

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

The motion was agreed to.

□ 1307

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. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, with Mr. BOUCHER in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Michigan [Mr. CARR] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. WOLF] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CARR].

Mr. CARR of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we finally bring before the House today the Transportation and related agencies appropriations bill for 1994. The bill is well below the administration's request and is under the Transportation Subcommittee's section 602(b) discretionary budget authority allocation. Under very tight budget constraints we bring you a balanced bill that provides for all essential operations of the Department of Transportation and increases funding for the critical infrastructure needs of the country. This is not a bill that supports the status quo. We have departed from some of the old ways of doing business in this body. As a result, we have upset some people. We have upset some who are content with the usual way things get done around here. With the serious fiscal problems facing the Nation, we think the old ways are not good enough anymore.

Mr. Chairman, it has often fallen to the Appropriations Committee to make the tough choices. This bill is no exception. We have had to weigh the relative merits of important law enforcement activities of the Coast Guard, capital requirements of Amtrak, and the operation of the air traffic control system

with the administration's investment priorities for highways, transit, and rail systems. I think we have struck a balance that a vast majority of this body can support. I think the Appropriations Committee has produced a good bill under very difficult fiscal conditions.

As with all appropriations bills, this product is the result of numerous hours of hearings that are contained in nine volumes totaling more than 10,000 pages. In addition to administration witnesses, the subcommittee heard testimony from approximately 270 Members of Congress and public witnesses. As an example of the daunting challenge the subcommittee faced, more than 200 Members of Congress asked for over \$5 billion for more than 200 separate projects. Obviously we weren't able to accommodate them all. We were only able to provide for about 20 percent of the requests we received.

To deal with the number of requests received, the subcommittee implemented a new procedure this year. After weeks of briefings and consultation with many experts in the field, the subcommittee adopted a set of investment-based criteria to use in evaluating special requests. The criteria have much in common with guidelines published by the Office of Management and Budget concerning benefit-cost analysis for Federal programs. They also seek to generate the same type of information used by many commercial investment firms. The main purpose in using the criteria is to ensure we provide only for those projects that have a high economic rate of return and a robust benefit-cost ratio.

I must say that I have been surprised by the ability of project sponsors and managers to produce responses to the questions posed in the criteria in a relatively short period of time. When the criteria were introduced in early May, it was my expectation that we would phase in the use of the criteria and they would not have a major impact until next year. That turned out not to be the case. Virtually every project listed in the bill or report has had documentation supplied that supports its inclusion.

The criteria have been reprinted near the beginning of the committee's report. It should be noted that we view the development and use of the criteria as a dynamic—not static—condition. We hope to work on and improve the criteria in the future. To that end, we welcome the comments and suggestions of our colleagues. Comments have been made that the criteria are nothing more than a set of good questions, without cohesion or a unifying theme. Although I do not agree with that observation, I challenge anyone to point to any other procedures that generate as much financial and economic data with which to evaluate project merit.

I do want to point out, as noted in the committee report, that project docu-

mentation and responses to the criteria should be received for the 1995 Transportation bill no later than May 15, 1994. This will allow the subcommittee adequate time to review the responses before making its funding recommendations. I might add that next year there will be more communication and consultation with the authorization committee regarding funding for special projects in appropriations bills and general provisions that might be legislative in nature. The goal, of course, will be to avoid the situation that occurred this year and delayed consideration of this measure.

Before getting into the specifics of the committee's recommendations, I want to relate some of the major forces that helped shape the legislation we bring to the floor today.

To the extent possible within our budget allocations, the committee tried to provide for the elements in the administration's investment proposals. For the Federal-aid highway program, we were able to provide approximately one-half of the requested increase in the obligation limitation. For transit programs, we were able to do better. The bill contains all but \$125 million of the amounts requested for transit formula and discretionary grants. We have included all but \$50 million of the \$802 million requested for transit operating subsidies. We wanted to include the entire request, but were unable to do so given our outlay allocation. Transit operating subsidies is one of the few accounts in the bill with a high spendout rate. The others, such as Coast Guard and FAA operating expenses, have already been reduced more than we prefer. So we reluctantly have cut transit operating subsidies.

High-speed rail is another of the administration's top priorities in their investment package. This initiative is currently unauthorized. Accordingly, we have deferred providing funding for the program at this time. Should the authorization be farther along at the time of our conference, we will consider the request then. In this regard, I think a note of caution is in order. Some high-speed rail advocates would have you believe there could be 10 to 20 high-speed corridors in this country in the next decade. This may raise expectations that can never be met. With current technology, high-speed rail requires electrification, and electrification is very costly. The only electrified corridor in the United States today is the Northeast corridor, and it will require an additional \$1.4 billion just to electrify the section between New Haven and Boston. In the future it may be possible to have fossil fuel locomotives capable of high-speed operations. Indeed, the bill includes funds to research this issue. But for right now, high speed means electrification. For these reasons, the committee believes an incremental approach as out-

lined by the president of Amtrak and discussed by the Secretary of Transportation is the best course of action.

Another initiative of the subcommittee this year was a conscious effort to delete many of the items previously contained in the bill that have only a tenuous relationship, at best, to transportation. One notable example is zero funding for airway sciences. The 1993 Transportation Act contained \$30 million for such programs. The program is not authorized and, in my opinion, has been subject to some abuses in the past.

For the first time this year, our report specifies certain projects for airport improvement grants. It should be noted that the amount of funding reserved for the three projects singled out is less than \$30 million. This is only 2 percent of the total program of \$1.5 billion. The committee has taken this action partly because the Federal Aviation Administration does not have in place an economically based investment policy apparatus for making sound funding decisions. We hope to work with the FAA in the months to come as it improves the process by which allocations are made.

In past years, virtually all of the transit section 3 money in the bill for both buses and new starts has been identified for specific projects. While this was a boon for those fortunate enough to receive such consideration, it has led to inequities. For example, there is currently unobligated on the books of the Federal Transit Administration \$987 million in section 3 funds set aside in earlier bills for certain projects, including \$228 million for bus projects. These projects may have environmental problems or difficulty in obtaining the non-Federal share of funding required. At the same time, FTA has documented the demand for worthwhile bus projects estimated to cost \$780 million that it cannot fund. This is not good policy. We have tried to strike a balance. Within the bus program, we have set aside some of the funds. But we have also provided \$100 million, or nearly 30 percent of the total, to be allocated at the discretion of the Secretary. The situation is similar in the section 3 new start program. When combined with unneeded carry-over funds, we have again provided \$100 million to be distributed at the discretion of the Secretary. We certainly hope the other body will follow suit in this practice, so we can preserve this discretion through the conference stage.

Now I'd like to address some of the specifics in the bill. It would provide \$13.7 billion in new budget authority for the programs of the Department of Transportation and related agencies, a decrease of \$530 million below the amounts requested by the administration. As reported, the bill is \$10.3 billion under the section 602(b) discretionary budget authority allocation

and \$907,000 below the outlay allocation.

For the Office of the Secretary of Transportation the bill includes \$234 million, an increase of \$29 million above the request. Most of the increase is due to the consolidation of all the Offices of Civil Rights from the various modes into the Office of the Secretary. We believe this will improve their operation and make implementation and compliance more uniform throughout the department.

The bill also recommends no authority for the essential air service program. Although the initial reasons for this activity were sound, it has definitely outlived its usefulness. It is now subject to abuse and results in extreme inequities across the country. It also results in subsidies of up to \$430 per passenger for some short trips.

Total recommended funding for the Coast Guard is \$3.56 billion, about \$24 million below the 1993 level and \$167 million below the 1994 request. This is a tight budget for the Coast Guard. There is no question about that. Two items should be noted, however. The first is that most of the reduction, or \$106 million, is in the investment accounts—acquisition and research and development. Thirty-five million dollars for seagoing buoy tenders was identified by the administration as a lower priority. They know we can't fund everything in the President's budget. They are willing to defer some items until next year. We agree with that. We have had to reduce the operating expenses of the Coast Guard by approximately \$54 million. We would rather not do that. However, this bill has several large accounts, such as highways, transit, and airport grants that spend out very slowly. In order to meet our outlay target—which is \$400 million below the budget—we had to reduce some of the faster spending accounts. The largest of those accounts are FAA and Coast Guard operations. On a percentage basis, the operating and administrative accounts of some agencies in the bill were reduced more than the Coast Guard. Coast Guard operating funds are essentially at a hard freeze level. I know that our friends on the authorization committee are concerned with the levels for the Coast Guard, and especially with the amounts for operating expenses. Let me assure you we have recommended reductions only in those areas deemed the lowest priorities and those the farthest from the Coast Guard's core responsibilities. We have been working with our colleagues on the authorizing committee, and I believe we have reached a compromise. This bill contains \$36 million more for the Coast Guard than the earlier bill reported from our committee. That amount includes \$20 million for operating expenses, to be allocated at the discretion of the Commandant, and \$16 mil-

lion for helicopter spare parts and the vessel traffic system program in the acquisition account. In addition, the Defense appropriations bill reported by the committee this morning contains some extra funding for certain Coast Guard operating expenses.

The total recommended for the Federal Aviation Administration is \$6.95 billion in new budget authority and a limitation on obligations of \$1.5 billion in the grants-in-aid for airports program. This represents reductions of \$400 million in budget authority and \$379 million in the obligation limit below the amounts requested in the budget. More than 95 percent of the budget authority reduction is in the facilities and equipment account. The operations account has been reduced by only \$7 million, to ensure the safe and reliable operation of the Nation's air traffic control system. While the committee has recommended a rather large cut in the obligation limit for the airport improvement program, this should be viewed as a one-time only reduction. It has been taken for several reasons. First, it helps in achieving our outlay target. Second, the committee is not entirely pleased with the process the FAA has used in making AIP grants. The committee believes the FAA needs to base its decisions more on economic factors and doesn't think a higher level should be provided until such a process has been implemented.

The committee has included several general provisions in the bill related to the FAA. There is one I want to address at this time. It concerns the diversion of airport revenues for nonairport uses. Notwithstanding the fact that there is a law on the books requiring airport generated revenues be used only for aviation purposes—some municipalities believe they can treat airport generated funds like general revenue sharing. Especially at a time when the Nation's airlines are experiencing major and sustained financial losses, the committee does not think we should be condoning apparent violations of the law in the diversion of such revenues. Accordingly, the bill includes a general provision that would not make available any of the funds provided in the act to a municipality that diverts airport revenues. This section merely reinforces provisions of the statute enacted in 1982.

Rebuilding America's infrastructure has been one of the new administration's top priorities. For the Federal-aid highway program, they requested an obligation limitation of \$18.4 billion, an increase of more than \$3 billion above the 1993 limit. Due to budget constraints, the committee could not provide the full amount. We have recommended a limit of \$17.2 billion. This is more than \$1.8 billion above the 1993 level. The committee also recommends the requested amount of \$2.1 billion for items exempt from the obligation limitation.

It is true that the bill provides for certain highway projects not requested by the administration. I think a few comments are in order regarding these projects. First, it should be noted that the level of projects recommended is less than the level appropriated in 1993. It represents only 1.7 percent of total highway funding provided in this bill. By way of comparison, the \$6.2 billion included in ISTEA for demonstration projects represents 5.1 percent of total highway funding authorized in that legislation. I also might add that several of the projects for which we recommend funding in the surface transportation account are ISTEA authorized projects. But the proponents of the projects realize that the amount of funds authorized is not enough, and they have asked us to provide augmentation.

Second, and what is more important, documentation in response to the criteria issued by the subcommittee earlier this year has been submitted for each project for which funding is recommended. These projects have been reviewed on their merits—not on the basis of in whose congressional district they happen to be located. As a result, it happens there are funds included for freshmen Members on both sides of the aisle. Some projects that have received special consideration for several years are not included in this bill. If it appeared that the project was banking money and had a large obligated balance, little or no funding is recommended this year. It should also be noted that this year—for the first time—the bill limits the availability of funds for these projects to 4 years. This is the same time period as for the basic highway program. We see no reason why funds for these projects should remain available for obligation longer than funds in the base program.

In that vein I might add that the bill contains a general provision that would also limit contract authority made available on October 1, 1993, pursuant to provisions in the authorization act to 4 years. The bill as reported would treat virtually all highway funds the same. Whether the source is the basic Federal-aid highway program, special designation in the authorization act, or special designation in an appropriations act, the money would be available for obligation for 4 years. Our friends on the authorizing committee testified before the Rules Committee that they want to be able to strike the provision that would limit the availability of moneys for their projects, funded with contract authority. If such a point of order is made, I will have to concede it. Technically they are within the rules to strike it. But I would hope that in the spirit of fairness and good government that they would not do so. Limiting the time allowed for the use of all the highway funds will mean no more situations where funds are frozen

unproductively for up to 10 years or more while worthwhile projects can not get to bid due to lack of funding.

Mr. Chairman, we have also recommended a general provision that prohibits the use of funds in the bill to implement the section in the Intermodal Surface Transportation Efficiency Act of 1991 that would require 5 percent of the asphalt laid in 1994 to contain crumb rubber modifiers. The report makes clear that the committee does not object to the use of crumb rubber modified asphalt. It merely objects to the mandates that specific amounts of such asphalt must be used. We have also directed the Federal Highway Administration to conduct a study with an organization such as the Transportation Research Board to try to resolve some of the outstanding issues regarding crumb rubber modified asphalt.

The bill also includes the recommended rescission of \$95 million in budget authority previously made available. Of this total \$68.7 million is from highway programs, including \$65.1 million originally made available in authorization acts. Technically, those rescissions are subject to points of order. But I hope that no one from the authorization committee will strike these rescissions. We have taken funds only from projects that have had little or no activity in at least 5 years, and in some cases, more than 10 years. Members of the authorization committee may try to paint this action as an infringement upon matters under their jurisdiction. The truth is we need to redirect these unproductive funds to prevent further cuts in essential programs. You should know we have received scorekeeping credit from the Congressional Budget Office for these rescissions. Since the bill as reported is close to our discretionary budget authority allocation, the effect of points of order on the rescissions will be to place the bill above its allocation. The committee felt it made much more sense to rescind unneeded authority than to further reduce money in the bill for essential programs.

For the National Highway Traffic Safety Administration, the bill includes a total program level of \$295 million. This represents an increase of \$25.1 million above fiscal year 1993. The bill specifies that \$220.8 million of this amount is to be derived from the highway trust fund, with the balance from the general fund.

The committee's recommendation of \$121 million for NHTSA's operations and research will essentially support a current services budget for administrative and program activities. For the most part, pending the nomination of a new administrator for the agency, the committee has not recommended funding for new initiatives. One notable exception is the approval of requested funding to support antidrinking and

driving initiatives, especially those aimed at young people. The committee has not recommended the \$2 million requested to initiate construction of the national advanced driving simulator.

The bill includes limitations on obligations of \$174 million for the various highway traffic safety grant programs, an increase of \$32.4 million above the fiscal year 1993 level. We recommend the administration's request of \$123 million for the section 402 State and community highway safety grants, of which \$8 million is targeted for young driver initiatives; \$25 million for the section 410 alcohol incentive grant program; and \$10.5 million for the section 408 alcohol-impaired driving countermeasures program. The section 153 safety belt and motorcycle helmet use grants program is funded at the fiscal year 1993 level of \$12 million. In total, the additional funding recommended for fiscal year 1994 will sustain and enhance State efforts to deter drunk driving, encourage motorists to buckle up, and improve the safety of those who drive on our Nation's roads.

The President's budget requested \$1.056 billion for the programs and activities of the Federal Railroad Administration, including \$105 million in obligation limitations. The bill recommends \$807 million for the FRA, including \$3.5 million in limitations. Of the total reduction of \$265 million, \$136 million represent the deferral of the administration's high-speed rail initiative, pending enactment into law of authorizing legislation. The committee also recommends \$698 million for Amtrak including \$130 million for the Northeast corridor improvement program and \$100 million for capital. The bill also includes \$10 million for local rail freight assistance and \$2 million for nonelectric locomotive technology research.

I have already touched on some of the major recommendations of the committee concerning the transit programs. Let me add that the committee tried to provide as much of the administration's investment initiative for transit as we could. In total, the budget request for transit was \$4.6 billion, including \$2.96 billion in obligation limitations. The committee has recommended \$4.48 billion, including \$2.85 billion in limitations. We have provided all but \$50 million of the \$802 million requested for transit operating subsidies. Otherwise, we have recommended the entire request for formula grants. Concerning discretionary grants we recommend the budget requests of \$354 million for buses and bus related facilities and \$760 million for rail modernization. The bill includes \$593 million of the \$657 million requested for new fixed guideway systems. As noted earlier, when combined with unused authority from 1993, the totals recommended in the bill increase the discretion allowed the Sec-

retary and the relative percentages are very similar to those proposed in the budget. The bill also includes the budget request of \$200 million for the Washington Metropolitan Area Transit Authority.

For the Research and Special Programs Administration, the bill includes appropriations and obligation limitations that total \$54 million. This represents a 7.8-percent increase above the fiscal year 1993 level. Of this amount, \$19.5 million is provided for the pipeline safety program, including \$2.4 million to be financed from the oil spill liability trust fund to implement the Oil Pollution Act of 1990. The committee has recommended a 7-percent increase for the State grants-in-aid program to encourage States to assume greater pipeline safety enforcement jurisdiction and a small increase—4.3 percent—for Federal pipeline safety compliance efforts. The bill also includes \$10.75 million, including an appropriation of \$400,000 and an obligation limitation of \$10.35 million, for emergency preparedness grants, curriculum development, and administration. This program level is a reduction of 2.3 percent below the level provided in fiscal year 1993.

The committee's recommendations also include raising the staff ceiling at the Volpe National Transportation Systems Center to 525 full-time positions and 575 full-time equivalent positions. An increase in the staff ceiling will allow the Volpe Center to respond aggressively to priority transportation research and analysis needs, including those in the areas of intelligent vehicle highway systems and air traffic control. Funding for these positions will come from research expenditures made by other Federal entities which contract with the Volpe Center.

Mr. Chairman, other recommendations are contained in the committee's report. Given the constraints under which we have had to conduct our work this year, I believe this is a very good bill and I urge Members to support it.

□ 1320

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

Mr. Chairman, I rise in support of H.R. 2750, the fiscal year 1994 Transportation appropriations bill.

I am glad that this bill has finally made it to the floor for consideration by the full House, and I would urge my colleagues to give it a fair hearing.

We are going to hear a lot today about procedure and about which committee should do what and when. In fact, I would guess that the American people—if they have been paying attention to the turf battles that have surrounded this bill in the last couple months—have concluded that the Congress cares a lot more about internal process than about meeting needs.

I ask my colleagues to look beyond these issues and judge H.R. 2750 solely

on how well it meets the Nation's infrastructure needs.

This bill is about a country on the move, and how to make that travel as smooth and as seamless as possible.

H.R. 2750 is about moms and dads going to work, the grocery store, and the drycleaners. It is about families going to church, ballet recitals, and little league games. It is about taking the subway and commuter rail to Camden Yards to see the Orioles win at baseball, and about taking a yellow bus to school so that you can be a winner at life. And piling everyone plus the dog into a station wagon for the cross-country trip to grandma and grandpa's. Or, leaving the dog at home and booking a flight.

It is also about the products that fuel our economy. They, too, are on the move, on their way to market by truck, by rail, by air, by pipeline, and by barge.

This bill provides for \$37.7 billion to fund needed improvements in our Nation's transportation infrastructure. This includes all modes of transportation—highways, transit, railroads, and aviation.

Mobility does have its downside. Sometimes, with all the movement, people and things arrive at the same place at the same time and accidents happen. H.R. 2750 addresses this, too, by providing for countless safety measures.

In addition to getting people where they want to go, this bill is also about people in trouble at sea who are rescued by the U.S. Coast Guard, which is also funded in this bill.

It is about the finest air traffic control system in the world. This system serves as traffic cop for the 3,500 airplanes, big and small, that are in our airways at any given moment during peak flying hours. Even so, there is sometimes human error or a machine doesn't work. This bill provides for transportation safety board go teams which arrive at the site of a crash within hours to learn what happened and how to make sure it does not happen again.

This bill is about inspecting pipelines to hopefully discover ruptures before they occur, and if a break does occur, destroying livelihoods and fragile ecosystems, learning how we can prevent such catastrophes.

H.R. 2750 is about looking ahead to a day when smart cars and smart highways team up with hopefully smart drivers to make accidents even less frequent.

You are going to hear today that some of the programs in this bill have not been authorized, and that is true. For example, this bill includes funding to help the community of Jacksonville, FL, patch a gaping hole that has developed on a highly traveled interstate bridge. Authorization bills for surface transportation programs are passed

every 5 or 6 years. Understandably, the residents of Jacksonville cannot wait that long to address what is an obvious safety problem, so they turned to their Member in Congress for help.

Other Members have also brought needs in their communities to the attention of our subcommittee, and frankly, the law of supply and demand prevented us from meeting all those needs. We have tried in H.R. 2750 to meet the needs brought to us by Members as fairly as possible by evaluating them against a new set of investment criteria. I want to compliment my friend, the gentleman from Michigan, Chairman BOB CARR, for taking this initiative to bring even greater discipline to the allocation of limited resources.

This bill is the product of the strict oversight that our subcommittee gives every year to Department of Transportation [DOT] projects. And it is within budget, as appropriations bills are required to be.

H.R. 2750 is not a perfect bill, but it represents a sincere attempt to balance finite resources against the daunting needs that come with a country literally on the move. I hope we will show the American people today that we think it is more important to get the job done than it is to argue about jurisdiction, and I urge the Members' support in passing this legislation.

Finally, Mr. Chairman, I would be remiss if I did not compliment the yeoman's work of one of the finest subcommittee staffs in the Congress. Many hours have been invested in this effort by Del Davis, Rich Efford, Cheryl Smith, and Linda Muir of the subcommittee staff, and by John Blazey and Jan Powell of the minority staff.

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

Mr. CARR of Michigan. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. NATCHER], the distinguished chairman of the Committee on Appropriations.

Mr. NATCHER. Mr. Chairman, I rise in support of the Transportation Appropriations bill for fiscal year 1994. This is the 12th appropriations bill for fiscal year 1994 to come before the House. This will leave only the Defense Appropriations bill, which we reported out of full committee this morning. The Defense bill will be brought forward next week.

The Senate is moving on our other bills that have already passed the House. We will be moving rapidly toward conferences as the Senate acts, so that congressional action on as many of our bills as possible will be completed prior to the beginning of the fiscal year.

Mr. Chairman, we have 13 appropriation bills. When the budget is sent up here each year the Committee on Appropriations divides the discretionary

funding portion into 13 parts. They are not equal, money-wise, but this enables us to develop 13 bills that are needed to fund the Government. We passed 11 of those 13 bills before the Fourth of July recess, and we sent them off to the other body. The Transportation and Defense bills would have passed by that time, but had to be held up for two or three different reasons.

Mr. Chairman, following is a fuller account of the status of fiscal year 1994 appropriations bills:

1 signed into law:
Legislative (P.L. 103-69).
1 conference report:
Agriculture (passed House—pending in Senate).
4 passed House and Senate:
Commerce-Justice-State-Judiciary.
District of Columbia.
Treasury-Postal Service (conferees appointed).
Interior.
3 passed House and reported by Senate:
VA-HUD.
Foreign Operations.
Labor-HHS-Education.
2 passed House and pending in Senate:
Energy and Water.
Military Construction.
1 pending in the House:
Transportation.
1 reported:
Defense (floor action expected the week of September 27).

Mr. Chairman, I want to thank every Member in the House for helping us with our bills. We appreciate it.

I want to say to the chairman of the subcommittee, the gentleman from Michigan [Mr. CARR], and the ranking minority member, the gentleman from Virginia [Mr. WOLF], and every member on the subcommittee, they have worked hard. They have produced a good bill, and we appreciate it.

Mr. Chairman, this bill provides for important transportation programs. It makes important investments in our highways, airports, and railroads. We need this bill so our country can continue to develop safe and efficient transportation systems.

I recommend this bill be adopted.
Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. DELAY], a hard-working member of the committee.

Mr. DELAY. Mr. Chairman, I rise in strong support of the bill. This is the bill that literally keeps America moving, and I am proud to be a part of this subcommittee. From the outset, I would like to commend my chairman, the gentleman from Michigan, BOB CARR, for his diligent efforts on behalf of this Nation's transportation needs. In just his first year as chairman of the subcommittee, he has instituted many crucial and necessary changes to the committee, and I applaud his efforts. I would also like to pay tribute to my ranking member, the gentleman from Virginia [Mr. WOLF]. In his first year as ranking member he, too, has put in many long hours crafting this Nation's

transportation needs. I commend the gentleman, and again, am proud to serve on the committee with him.

Mr. Chairman, this committee has gone to great lengths to address transportation programs in a fair and responsible manner. There are many provisions in the bill that are timely and necessary in support of our Nation's transportation infrastructure.

Some in Congress would rather play games and cause turf battles rather than advance this Nation's transportation. Some in Congress would go so far as to decimate legislation that is good for the taxpayer and good for the country.

Let us look at the simple facts. The Transportation Subcommittee passes a bill, without exception, each and every year. Although there is an outside possibility that important and much needed authorization language is forthcoming in some future mystery authorization bill, we all know the political realities of the authorizing process and we all know that this simply will not happen this year.

Some in Congress keep preaching how important certain provisions are, and express their support in principle as they strike them to points of order, thus knocking them out of the bill. I sincerely hope that this does not happen, because there are good provisions in this bill that are needed now that will assist the transportation infrastructure of this Nation. I believe that the American people would agree that until the appropriate committee passes authorization legislation on a regular basis, Congress should not stifle the will of the American public and American business by eliminating the opportunity for valuable and needed provisions to become law.

Let me give you some examples. Some in Congress feel that—because of jurisdictional turf battles—it is more important to keep previously appropriated funds from as far back as 1982 that are in dormant accounts unspent rather than rescind those accounts and put the money back to work building roads and bridges, projects that can create jobs now.

The airline industry, which as a whole paid out of \$5.9 billion last year in taxes and fees, is on the verge of collapse. Yet some in Congress believe that it is important to strike one of the only provisions in the bill which help airlines remain competitive. The bill prohibits the collection of passenger facility charges on frequent flyer award tickets. This makes sense. This is a small provision that helps the airline industry stay competitive, and yet some in Congress would like to charge those already-in-debt airlines even more for awarding these tickets.

These are just two examples of sound public policy that I believe the majority of the House believes needs to become law. Yet because of turf battles,

the inability of those committees which have jurisdiction to produce and enact legislation, these good ideas never become law. Who loses? The taxpayer and those who work in the industries that would benefit under this bill.

Mr. Chairman, I sincerely hope that Members would take a moment to understand the actions of this committee and make an effort to improve this Nation's transportation system. Members should take a long look at the political realities of some of these provisions—should they be struck from the bill—and support the legislation as presented to us today.

I invite all Members to ask the hard questions regarding provisions they are concerned about in this bill. I, and the subcommittee, welcome the opportunity to justify our actions, and ask support for the bill.

Mr. CARR of Michigan. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina [Mr. PRICE], a distinguished member of the committee.

Mr. PRICE of North Carolina. Mr. Chairman, I, too, rise in support of H.R. 2490. I want to add my words of commendation to the gentleman from Michigan [Mr. CARR], our new chairman and Mr. WOLF, our new ranking member. Mr. CARR has done an outstanding job in his first year. He is responding to this new challenge with energy and integrity, as is our new ranking member, the gentleman from Virginia [Mr. WOLF]. They have continued the important bipartisan tradition of this committee. We also, of course, are indebted to our fine professional staff—Del Davis, Rich Efford, Linda Muir, and Cheryl Smith—for their critical contributions to this bill.

□ 1330

This is a bill that is a bit different from some of the transportation appropriation bills we have dealt with in the past. We have not been content this year to simply extol the virtues of transportation investments in the abstract.

In hearings throughout the year we have questioned witnesses carefully about the economic impact of transportation spending. We have pushed them to justify what they were requesting.

This led the subcommittee to develop investment criteria for highway, transit, and airport projects. These criteria helped guide the subcommittee's decisionmaking to ensure that we are spending these dollars wisely.

We have also taken other steps to improve our decisionmaking. For example, we are directing the Coast Guard to develop a better method for evaluating performance. Some of its budget items, particularly in research and development, are in serious need of better analysis and justification.

We have made some hard decisions not to fund certain programs such as

the airway sciences program. We know that we need to push technology training in this country, but this particular program seems to have lost its sense of purpose. It has been used to fund some projects that do not deserve to be in a transportation or even an education bill. So we have removed that funding until that program can regain its integrity.

In the highway area we have some important fiscal reform decisions which, unfortunately, under this rule, are vulnerable to a point of order. We have proposed to rescind funding for certain low-priority and moribund projects. I do not know how anyone could quarrel with that. We want to place funding for highway demonstration projects that are listed in an authorization or an appropriation bill on the same footing as funds in the basic Federal aid program. Currently funds from basic programs are available only for 4 years, but funds for these specifically listed projects are available for an unlimited period of time. Our subcommittee wants to stop that.

Without any time limits, money from the 1982 to 1987 transportation authorization bills has remained unspent. We are struggling to find funding to meet our transportation needs, but this money sits frozen, unavailable for critical priorities. Our subcommittee found \$64 million from these bills still unspent. Some money has been tied up for more than 10 years. We want to end this insane policy and use this money to build roads and provide jobs, so we have proposed to rescind that \$64 million.

It is most regrettable that these policy changes are not protected by this rule. But I think the burden of responsibility is on the House Committee on Public Works and Transportation to explain why these monies are still tied up, why they are just sitting there when we have such pressing needs in this country. We have got to find a way to make these changes. They are critical to improving the effectiveness of our transportation programs, and I look forward to working with my colleagues to implement these changes.

Even if these provisions are struck, this is still a bill well worthy of our support. I ask my colleagues to support the subcommittee's careful work. This is a bill which will provide jobs for our Nation's citizens and improve our economic efficiency, and I urge its support.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, during the 100th Congress, funds were appropriated for a bypass bridge in Toms River, NJ, a growing town, overburdened with traffic congestion. The funding for the bridge was provided to the State of New Jersey which contributed matching funds for its design and construction.

Currently, the funds are ready to be used. State and local officials have decided on the bridge design, which has been approved by the Department of Transportation. Traffic studies have commenced. The New Jersey Department of Environmental Protection and Energy will be issuing wetlands and stream approach permits. The project is ready to move forward, using the funding authorized by the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Now, after all of the preliminary work has been completed for the construction of this much-needed bridge, the Appropriations Committee has included a provision in the bill to rescind the funds that the 100th Congress intended for the Toms River bridge.

I urge my colleagues to support striking the provision that rescinds amounts made available for highway demonstration projects in the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Mr. WOLF. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. REGULA], a member of the committee.

Mr. REGULA. Mr. Chairman, I rise in strong support of the fiscal year 1994 appropriations bill for the Department of Transportation and related agencies. As a new member of the subcommittee, I have been impressed with the time and energy devoted to very in-depth analyses of transportation issues. I particularly commend our chairman, BOB CARR, and ranking minority member, FRANK WOLF, for their leadership in crafting this bill.

This bill was fairly and carefully written. The subcommittee spent a full 27 days in hearings with every administration and agency funded in this bill. A week was devoted to outside witnesses, the public, if you will, who presented about 200 requests worth more than \$5 billion.

Funding decisions for these requests are based on a project's merits. Each request underwent scrutiny based on investment criteria developed by the subcommittee. We looked at such things as whether the project is on a State's transportation plan.

In the case of Ohio, we went to the director of highways and said do these projects fulfill a pressing need in our State, and that was part of the criteria established by the chairman. We looked at the cost/benefit ratio, the share of the local match, are the communities and the States willing to put up the money, do they believe in the project enough to do that, and we looked at the value of the benefits produced by the project.

The American Public has demanded that we change the way we do business in Washington and that means giving them their money's worth when it comes to allocating taxpayers' funds. This bill does that.

The bill also rescinds money that has been stuck in a funding pipeline and will not be spent. The projects have either been completed without using all

of their allocation, or have not as yet obligated any funds. Rescissions also affect projects which have only obligated a small percentage and have been identified as being a low priority by the State's department of transportation.

If you believe in a more prudent and judicious use of Federal funds, then you should support this bill. There is no justifiable reason to let this money sit unused when there are so many other pressing needs to which it can be directed.

There are some provisions and programs in this bill which are unauthorized and Members will argue that they should be deleted. If this is your philosophy then let's be consistent.

The Coast Guard is not authorized, but I do not believe any Member would support striking the funds they need to carry out their vital functions such as search and rescues, responding to oil-spills, intercepting smugglers' ships filled with illegal immigrants, and their drug interdiction activities. These are programs your constituents support.

The Airport Improvement Grant Program is also not authorized, but I do not believe many Members would argue that we leave the Nation's airports unable to improve safety, extend and rehabilitate runways, or build taxiways.

But let us look at what is in this bill. The Local Rail Freight Assistance Program is funded at \$10 million. This is a very popular program that provides support for the continuation of rail freight service and track rehabilitation on light density lines.

The Coast Guard is provided with a total of \$3.5 billion. An amendment will be offered this afternoon to restore additional funds for operating expenses. The Coast Guard has once again proven its value to life, commerce, and property during the crisis in the Mississippi flood, and deserves our support.

We provided \$8.4 billion for the Federal Aviation Administration for continuing operations, facilities, and equipment, including modernization of the air traffic control system, and grants in aid for airports. The FAA does a good job of maintaining air safety and the committee's recommendation reflects that.

For programs of the Federal Highway Administration, the committee provides \$19.7 billion. Most of this money comes from the highway trust fund paid for by gas taxes. The amount recommended in the bill is \$1.3 billion less than last year. Included are activities such as motor carrier safety grants and railroad-highway crossings projects.

Under the National Highway Safety Administration, we provided \$123 million for section 402 safety grants designed to assist States in reducing traffic crashes, fatalities, and injuries.

We have heard today about a disaster in one of the Southern States with

trains, an example of why safety is important.

The Federal Transit Administration is provided with a total of \$4.4 billion, of which \$2.4 billion is for formula grants, and \$1.7 billion is for discretionary grants. We have left \$150 million of discretionary money unallocated to leave to the discretion of the Secretary as to its use.

In conclusion, I want to ask my colleagues to take a thoughtful and comprehensive look at this bill. I believe you will come to the same conclusion as the members of the subcommittee and the full committee; namely, that this bill responds to the public's demand for wiser spending, fairness, and accountability, as well as beginning a process of economic-based criteria that has been endorsed by conservatives and liberals alike. This bill is good transportation policy for the United States.

Mr. CARR of Michigan. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Texas [Mr. COLEMAN], a member of the committee.

Mr. COLEMAN. Mr. Chairman, I rise today in support of H.R. 2750, the Transportation appropriations bill for fiscal year 1994, and to express my appreciation for the leadership of Chairman BOB CARR and the ranking member, FRANK WOLF, in crafting this important piece of legislation. These are new roles for these two members of the subcommittee, and I want to commend them for their diligence and hard work.

I also want to thank my colleagues on the committee who worked so tirelessly on the many complex issues related to our Nation's infrastructure and transportation needs. It is also important to express my gratitude to the Transportation Subcommittee staff who serve a critical function in the legislative process by their command of the budget's intricacies as well as policy issues.

This year, Chairman CARR and the subcommittee implemented a major initiative, economically based investment criteria, as a method of evaluating requests for special funding consideration. I want to congratulate the chairman for developing this criteria because it assisted Members representing communities across the country in structuring their requests and assisted the subcommittee in reviewing them. These were applied to highways, transit, and aviation projects.

I would like to thank my colleagues on the subcommittee for their support for critical transportation projects in my district including extension of the Border Highway in El Paso, a study of El Paso Airport and Loop 375 corridor regional transportation center, construction of a paratransit facility, and the purchase of alternative fuel buses by the city of El Paso. These projects all submitted economic information relative to the investment criteria and received scrutiny alongside of hundreds of other proposals.

In addition to the local projects, the subcommittee adopted language in its report which recognizes the great need in developing the infrastructure along the United States border regions with Mexico and Canada, and directs the Department of Transportation to give

high priority to these areas in the allocation of discretionary funds and grant awards. I would like to commend my colleagues for their support for this concept, and would urge the administration to reflect this concern in its budget submissions to the Congress.

Finally, the subcommittee included my amendment which prohibits airports from collecting passenger facility charges from passengers flying on frequent flyer bonus awards. This reaffirms congressional intent that these charges were not to be collected from frequent flyers, and I would urge the House to maintain this position as it did last year.

I recommend this bill to my colleagues, and urge its passage.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. MACHTLEY] who I believe will be the next Governor of the great State of Rhode Island, and who I will be sorry to see leaving.

Mr. MACHTLEY. Mr. Chairman, I rise in strong support of H.R. 2750. I believe it will help revive our economy, and in particular I think it is good, sound transportation policy.

During these difficult economic times, New England particularly has suffered and received a disproportionate share during the slowdown and recession that has crippled so many of our industries. But now we have an opportunity to make an investment that offers both enormous economic as well as environmental advantages to our region and to other regions of the country.

Within H.R. 2750 is a Northeast corridor improvement program. Investing in state-of-the-art mass transit is a means to an end of creating jobs, attracting new businesses and increasing tourism, and at the same time protect our environment.

Studies show that if rail travel is reduced to 3 hours between New York and Boston, up to 3 million additional travelers a year will choose this means of transportation. Such traffic would provide a much needed boost to the economy of New England. Not only will an expansion of the corridor help revive our region's economy, but it will help keep our invaluable environmental conservation programs going.

Trains are quieter and trains are quicker, and rail travel conserves both fuel and land. Consider this: A 12-lane highway can be put on a 2-track train transportation corridor for the same amount of vehicles and passengers per hour.

□ 1340

This makes rail travel six times more efficient than roads. Improved rail service could be the ultimate painkiller for the commuter headaches of New England.

In 1985 passengers experienced 2.7 billion hours of vehicle delays in the Northeast corridor. The figure in the year 2005 is 12 billion hours of traffic delays, and that is a lot of Advil.

Continuing to invest in our roads and our infrastructure in this country in the Northeast is critically important for business. I ask my colleagues to join me in supporting H.R. 2750 as a substantial progress toward the infrastructure improvement here.

Mr. CARR of Michigan. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Minnesota [Mr. SABO], a member of the committee and chairman of the Committee on the Budget.

Mr. SABO. I thank the gentleman for yielding this time to me and I congratulate him, the gentleman from Michigan [Mr. CARR], and the ranking member of the subcommittee, the gentleman from Virginia [Mr. WOLF], for their work in putting this bill together. I think it is a good bill and deserves passage.

From my perspective in the Committee on the Budget it meets all of our guidelines for staying within the allocations to the subcommittee. But more importantly it deals with some very fundamental and important transportation issues in this country.

Let me speak to a couple of things that are of particularly local concern. Sometimes we are told we are not supposed to talk about those. But there are things that we do that are important.

In this bill it is funding for the planning of the transit system in our metropolitan area. It is there because the State took action in the State legislative session to fund the local matching funds. We had indicated to local folks that we would pursue Federal funds when local matching funds were in place.

We were not going to pursue funds for hypotheticals. We waited until the actual funds were in place.

They are there. Now this bill would appropriate Federal matching funds as specified by law for this project. Good project, should be done, I understand it may be struck. I hope we can resolve that later on. I think that it is a prime example of how there are things that we have to deal with on an annual basis where it is not possible to deal with them several years in advance.

We also have funding for another small suburban community which is doing work in advance of the re-doing of a major freeway. What they are doing is re-doing the frontage road early. The impact of that is that they are doing it in conformance with local plans, they are doing it so it will save a whole series of small businesses in their community.

If they simply waited for the rehab of the full freeway, the Federal funds still would have been there, I think at a higher match level, but it probably would have meant that the small businesses that existed along that freeway would have had to go out of business or move. Because of our action in pre-

vious Congresses, and in this bill, they are able to make that change consistent with local plans and also to preserve some very important small businesses in this community.

So I thank the gentleman from Michigan [Mr. CARR] for his good work and I look forward to continue working with him.

Mr. WOLF, Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. I thank the gentleman for yielding this time to me, this very valuable time.

Mr. Chairman, on August 10, 1993, a collision occurred in a navigation channel outside the entrance to Tampa Bay between two tug/barges and a 357-foot freighter. The accident resulted in a thunderous explosion and 380,000 gallons of oil spilled into the Gulf of Mexico.

However, this is not the first accident to occur at the mouth of Tampa Bay. Most of us will never forget the disaster that occurred in May 1980, when a freighter ran into the Sunshine Skyway Bridge, causing one of its spans to collapse and killing at least 40 people.

Mr. Chairman, I would like to engage the gentleman from Michigan [Mr. CARR], chairman of the subcommittee, in a brief colloquy with regard to a Coast Guard vessel traffic system designed to prevent such shipping accidents.

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BILIRAKIS. I certainly will yield to the gentleman.

Mr. CARR of Michigan. I thank the gentleman for yielding.

Mr. Chairman, the gentleman [Mr. BILIRAKIS] is absolutely correct. I know from personal experience the situations about which he speaks. It is a very treacherous area of water, particularly with low visibility at times. I pledge, and I think I can speak for the rest of the members of the subcommittee, that we are interested in the VIS system. We will work with the gentleman in future years, in future appropriation bills, to make sure that this potentially dangerous body of water is improved and that vessels can transit the area with greater safety.

Mr. BILIRAKIS. I thank the gentleman so very very much. This type of an accident of course we know not only affects dollars but obviously does great damage to the environment. I know a spill of 380,000 gallons has really affected that area. Of course the cost of the cleanup will be enormous, as we know, several billion dollars at least.

We are talking about this vessel traffic service and the fact that it probably would go a long way toward a solution to trying to keep these types of accidents from taking place.

So I very much appreciate the gentleman's willingness to work with us and

hopefully also with the chairman of the Committee on Public Works and Transportation so that we can try to do something to help the Coast Guard, basically, to help us in matters such as this.

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

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise to thank Congressman MINETA and Congressman SHUSTER for speaking out against the \$284 million for earmarked and unauthorized highway demonstration projects which I assume will fall upon a point of order being raised.

As I do so, I realize it is a bit of a painful situation we have here, but the rules of the House of course require the projects be authorized by law before they are funded and none of the \$284 million it earmarks is authorized.

Mr. Chairman, on July 20, 1993, the Porkbusters Coalition circulated a Dear Colleague letter announcing our intention to offer an amendment to strike these earmarks and asking Members for their support.

We were pleased that Congressmen MINETA and SHUSTER took up the fight and I think that legitimately as representatives obviously of the authorizing committee that is only right. I also deeply respect and appreciate the views that have been ably expressed by the gentleman from Michigan [Mr. CARR], chairman of the subcommittee, and also by the ranking Republican, the gentleman from Virginia [Mr. WOLF], both of whom are good friends of mine. It is ironic and unfortunate that both of these gentlemen have worked hard to open up, I think, hearings in the Committee on Appropriations process and they ought to be lauded for those efforts. However, restoring this money to the highway formula would increase highway funding for 40 States and eliminate questionable projects that we know are earmarked and not authorized.

These 40 States gain funds because the earmarks would direct the majority of the funds to just a few States. The effects of earmarking funds for unauthorized projects are not isolated to this bill. Whenever Congress earmarks funds in most appropriations bills for unauthorized projects, most States, unfortunately, lose. I hope that this has been really a constructive debate from which we have all learned some lessons.

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

Mr. Chairman, if I may, I would like to engage in a colloquy with the chairman of the subcommittee, the gentleman from Michigan [Mr. CARR].

I would like to bring to the attention of this body an issue that greatly con-

cerns me. Currently the Department of Transportation and the Architectural and Transportation Barriers Compliance Board and the Department of Justice are conducting a proposed rule-making process that would suspend the requirements for detectable warnings at curb ramps and hazardous vehicular areas until January 26, 1995, in order to conduct further research on potential safety concerns.

□ 1350

I think this is a laudable rulemaking; however, the July 9, 1993, notice of proposed rulemaking on this matter specifically excludes transit platform edges, thus making the assumption that untested detectable warning materials are safe for rail platform edges.

There does not appear to be a consensus within the disabled community that proposed detectable warnings are necessary. For example, the National Federation of the Blind [NFB], an organization of over 50,000 blind people in the United States, has taken the position that detectable warnings should not be used because the information they convey tends to be confusing. NFB points out that the platform edge itself is a natural barrier that can be detected by the use of a white cane or dog guide. Many advocates for the disabled believe that the detectable warning may lead to tripping or falling.

Alternate platform edging systems must be thoroughly assessed. Safety records should be compared between transit agencies using the truncated domes material and transit agencies using other approaches to platform edging. Costs and benefits and simple reason must not be ignored. Let us take the time required to ensure that safety will indeed be enhanced by whatever alternative is required after thorough research and analysis. As presently contemplated, this requirement appears to be an example of the old adage "If it isn't broken, don't fix it."

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the committee chairman.

Mr. CARR of Michigan. Mr. Speaker, I rise in complete agreement with the gentleman's concerns. This requirement would add substantial cost and expense associated with the installation of these devices, without a showing that it would be cost-beneficial, or that they even work. As the gentleman pointed out, some groups in the handicapped sector have said they are even counterproductive, not to mention the number of people who may twist an ankle by an unsure footing on an irregular surface.

I think we ought to urge the Department of Transportation and the Justice Department and the Access Board to incorporate a final rule that would include a study to make sure that what-

ever rule they promulgate is in effect cost-effective and does what it says it is going to do, not just for one segment, but for all segments that use transit systems.

We have to deal with all transit platform edges, including key stations, new stations, and altered stations. They should be included.

The effective date of any rule should be suspended indefinitely until we can complete the research that we just talked about.

So I want to heartily endorse what the gentleman has said and congratulate him on bringing this particular matter to the attention of the committee.

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

Mr. CARR of Michigan. Mr. Chairman, I yield such time as he may consume to a distinguished gentleman from Washington [Mr. SWIFT], a member of the Committee on Energy and Commerce, and the chairman of the Subcommittee on Transportation and Hazardous Materials that deals with Amtrak, and a good friend.

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

I also want the gentleman to know that I appreciate his efforts and the efforts of the ranking member of the subcommittee to address the concerns of my subcommittee.

I have some continued concerns about Amtrak funding as to whether it is going to have adequate moneys to maintain the current system.

Several months ago this body voted for a fiscal year 1993 supplemental appropriation that provided additional operating and capital for Amtrak. This showed clearly that Amtrak could not survive on the amount provided last year. This added funding allowed Amtrak to address their current-year shortfall due to the continued recession and to avoid furloughing hundreds of Amtrak employees. Even with this money, however, Amtrak expects to be \$10 million in the hole at the beginning of next year.

This year's appropriations bill, until recently, would have provided Amtrak with \$20 million more than last year's level. But the bill before us today has stripped out that \$20 million, leaving Amtrak with the same funding level as last year.

Mr. Chairman, can the gentleman give me his assurance that he would look sympathetically upon restoration of that \$20 million to Amtrak in the context of a supplemental request for funding? Can the gentleman also assure me that he would look sympathetically upon the restoration of this funding during the conference deliberations with the other body?

Mr. CARR of Michigan. Mr. Chairman, if the gentleman will yield, I can most assuredly grant those assurances.

It was a sad and difficult time, and I want to thank the gentleman. A lot of people do not know how some accommodations get made around here.

The fact of the matter is, the gentleman is absolutely correct. In our first product, we wanted to put Amtrak on the footing where they would be able to efficiently spend all their monies throughout the year and know how much they would have.

We did not want to keep them on a short string where they would have to come back to us for a supplemental. We really did not want to do that.

In that philosophy, we are very much in sync.

It became clear, however, that we did have a conflict with regard to fitting some pieces of this big transportation puzzle together. We had to make some accommodations to another committee, the Merchant Marine Committee.

The gentleman was so gracious in his understanding of the imperative that we had in front of us, and I want to thank him for extending us that courtesy.

In return, I really pledge to the gentleman that our initial product, which the gentleman agrees with and I had hoped we could deliver to the House, is really where we want to be this year in conference if we can get there and certainly next year in our bill hopefully we can resolve some of these conflicts a little earlier so that we do not get into that situation.

Most assuredly, we are not going to let anything happen to Amtrak. If they need a supplemental, we are going to be there.

Furthermore, there is the device of reprogramming if we need to do that, and I want to thank the gentleman for his cooperation.

Mr. SWIFT. Mr. Chairman, I thank the gentleman very, very much for his assurances in that regard and his cooperation throughout the bill.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I rise for the purpose of entering into a colloquy with the chairman of the subcommittee.

Mr. Chairman, I am interested in a section of the bill that provides \$6.8 for transportation planning, research, and development by the office of the Secretary; this represents a \$3.8 million increase over the President's budget and over the current fiscal year.

Would the committee chairman give his opinion how these funds are to be spent?

Mr. CARR of Michigan. Mr. Chairman, if the gentleman will yield, a portion of these funds are appropriately directed to projects that would enhance the safe and efficient operation of commercial trucks. Recent examples have focused on the commercial drivers license, techniques to improve brake

maintenance, and the causes of driver fatigue. New projects under development will monitor drivers' fitness for duty, electronic card applications for the commercial driver's license, devices to automate roadside inspections, compliance with truck weight limits, and the promotion of seat belt use by truckdrivers, and so forth.

We believe all those things are important, and in past legislation they have been included in their own sections, and it is very much the intent of the committee that while we reorganize some of the funding, that the function not be dropped and we will continue to communicate this with the Secretary of Transportation if the need arises.

Mr. DELAY. Mr. Chairman, the committee report language makes special mention of these funds being directed to industry-affiliated institutes and research organizations such as the Trucking Research Institute. Is that the chairman's understanding?

Mr. CARR of Michigan. Mr. Chairman, if the gentleman will yield further, yes, it is.

I might say to the gentleman again in the spirit of cooperation and reinventing Government, the thing that is going on now, a request by the Secretary of Transportation not to be too tied down if we gave him some more discretion, to trust him, that he would do the right thing. I think he will. We have communicated that. It is very much in our intention that the funding that had been going to the Trucking Research Institute in fact be favored with his discretion. We will monitor that situation very carefully.

Mr. DELAY. Mr. Chairman, I thank the gentleman for this explanation.

□ 1400

Mr. CARR of Michigan. Mr. Chairman, I yield 4½ minutes to the gentleman from Pennsylvania [Mr. FOGLETTA], a distinguished member of the committee.

Mr. FOGLETTA. Mr. Chairman, I rise in strong support of the fiscal year 1994 Transportation appropriations bill. As the newest member of the Transportation Subcommittee, I applaud the leadership and fairness of my chairman, BOB CARR.

The bill we are considering today is a good bill. It is a fair bill. And it represents a change in the way our subcommittee has done business. Our subcommittee asked questions that have never been asked before. The bill sets standards to measure the bang for the buck we get out of our transportation investments. It looks at costs and benefits.

It says that if you get money for a project and can't spend it in a reasonable amount of time, it should be given back to be spent on other worthwhile projects and to put people to work.

These are changes for the better. They are changes that have helped us

to make better decisions about how we spend taxpayers' dollars.

Further, as chairman of the Congressional Urban Caucus, I support this bill because it reaffirms a commitment to U.S. cities and the people who live in them by increasing funding for public transit. It provides \$2.4 billion to operate and upgrade transit systems nationwide—a 30-percent increase.

I am especially proud of increased funding provided in the bill for rail modernization, the program which helps repair and restore older city transit systems like my own in Philadelphia. Investments in transit translate into mobility for urban residents to jobs and opportunities. Transit takes commuters stuck in traffic out of the traffic jams and gets them to work. And public transit is good for the environment.

This is a good bill and I urge my colleagues to support it.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Michigan [Mr. CARR].

Mr. Chairman, I would like, first of all, to commend you for your leadership on this bill, especially under the difficult circumstances and budget constraints. I also want to recognize the significant increases we are able to provide for public transit in the bill. However, I was disappointed we were forced to reduce the amount of funding provided for Federal operating assistance in the formula grant program.

This reduction comes at a most unfortunate time. New Federal mandates imposed since 1990 have increased operating expenses by hundreds of millions of dollars each year, and these costs are stretching transit systems' resources to their breaking point.

I am concerned that if operating assistance is not continued at adequate levels, service cutbacks and fare increases could result. It is my hope that as this bill moves forward into conference, resources will be pursued to raise the amount of funding available for operating assistance to provide at least last year's level, and I would ask the gentleman from Michigan to comment.

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FOGLETTA. I yield to the gentleman from Michigan.

Mr. CARR of Michigan. Mr. Chairman, I want to congratulate the gentleman from Pennsylvania [Mr. FOGLETTA] for diligence as a new member of our committee. His fingerprints are very much upon the product of this bill, particularly with respect to rail modernization. Those who are interested in rail modernization owe a debt of gratitude to the gentleman from Philadelphia for his staunch advocacy for his point of view.

I also want to share with the gentleman his concern that the factors motivating the piecing together of this

bill were very difficult, as he knows. Transit operating pays out at a very rapid rate and thus constrains us in terms of our budget authority and outlay problems. We did not want to reduce transit operating below the administration request. In fact, I would have loved to have improved it, as the gentleman knows, but we ran into several money collisions in putting this bill together. So, to reconcile these conflicts we, unfortunately, had to clip the operating subsidy in a way that neither one of us wanted to. We had to make the tough choices.

Mr. Chairman, we hope we do not have to do it next year.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia [Mr. KINGSTON] who has been working very hard on this particular project.

Mr. KINGSTON. Mr. Chairman, I, too, would like to enter into a colloquy with the gentleman from Michigan [Mr. CARR] on a bridge in our area, the Sidney Lanier Bridge, and, first of all, I want to say, thank you, and thank you, Mr. WOLF, for all the work that you have put into this bill and all the support that you have given me and my staff in trying to get the Sidney Lanier Bridge funded.

Mr. Chairman, as my colleagues know, it is under the discretionary portion of the budget now. There is some discussion going on with FHA as to whether the bridge would actually qualify for discretionary money, and there are also some questions that we are getting back from the Georgia DOT on it. What we are hoping to do is get some of the funding put in on the Senate side, maybe under Truman Hobbs or some other vehicle, and my question would be: If we are able to do that, could we get your support, or reconsideration, or some sort of consideration, in the conference committee?

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Michigan.

Mr. CARR of Michigan. Mr. Chairman, I thank the gentleman from Georgia [Mr. KINGSTON] for his question and want to say that the gentleman has been most diligent in pursuing this matter. It really is a matter of two bridges, the Sidney Lanier Bridge in the gentleman's district and the Chelsea Street Bridge in Boston, MA, which I believe we will be talking about a little later on, but the same applies to both bridges.

Heretofore, Mr. Chairman, those bridges have been designated under a program called obstructions to navigation in the Coast Guard account. Yet, fundamentally, those are bridges to carry vehicular traffic, and in the trust of intermodal senses the obstruction to navigation ought to be given points when assessing the need and priority for the highway bridge.

I have just talked to the Secretary of Transportation about this issue. He is familiar with it. He supports, I believe, the committee's desire to move the restoration of these bridges, the repair of these bridges, to the highway side of the ledger, relieving the Coast Guard account, and he has pledged to work with us. He has pledged to work with us, and he has indicated that he would get us together with the new FHWA Administrator, Mr. Rodney Slater, to remedy the situation, and I pledge on behalf of our committee to work very diligently to see that these two very needed bridges are taken care of and that we do it with highway funds.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman very much.

Again, Mr. Chairman, I appreciate the leadership of the gentleman from Michigan [Mr. CARR] and the gentleman from Virginia [Mr. WOLF], and I just want to say thank you.

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

Mr. Chairman, let me just say that I pledge to work with the gentleman from Georgia [Mr. KINGSTON] and also the gentleman from Massachusetts [Mr. KENNEDY], and with the chairman, to resolve this problem. Both have been very diligent and dogged, and the people in their congressional districts should know they both have worked on this.

So, Mr. Chairman, I pledge to do everything I possibly can.

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

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts.

Mr. KENNEDY. Mr. Chairman, I just want to thank the gentleman from Michigan [Mr. CARR], as well as the gentleman from Virginia [Mr. WOLF] for their agreement to try and make certain that this navigational hazard in Chelsea, MA, gets taken care of. This is a critical bridge without which people will be denied heating oil this winter, and it is something that needs urgent attention of the committee.

So, Mr. Chairman, I very much appreciate the willingness of both the gentleman from Virginia [Mr. WOLF] and the gentleman from Michigan [Mr. CARR] to make certain that this bridge gets the million dollars that it so desperately needs.

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

Mr. SKEEN. Mr. Chairman, I thank the gentleman from Virginia [Mr. WOLF] for yielding this time to me.

Mr. Chairman, I want to say that this year the transportation appropriations bill has certainly invoked an enormous amount of controversy, and I respect the differences of the parties involved. But, as I see it, the Committee on Public Works and Transportation reports a highway authorization bill every 5 to 6

years in which Members of Congress have just one opportunity to get specific projects authorized, and what is a Member to do in the interim if an emergency situation arises?

Mr. Chairman, in my district we have an emergency situation in which the Las Cruces public school system decided to build a new high school directly across a major highway without underpasses, overpasses or a frontage road system, and if something is not done immediately, those students and parents entering and exiting the school will be in danger each time they cross this major highway. The school system is not solely to blame due to the city's enormous growth in this particular area, and in addition, Mr. Chairman, New Mexico politics, being what they are, and directing State-allotted funds to other parts of the State, southern New Mexico often gets the raw end of the deal in allocating these funds.

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I brought this particular predicament to the attention of my colleagues on the Appropriations Subcommittee on Transportation and they agreed that we have a situation which deserves immediate attention.

The Committee on Appropriations made its determination about which projects are the most deserving and urgently needed on the basis of the very extensive new set of highway criteria developed by Chairman CARR and the gentleman from Virginia [Mr. WOLF]. I have never seen a more responsible and detailed submission requirement from any committee, and I commend the Appropriations Subcommittee on Transportation for this approach.

To now strip all of these projects, which I am assured will happen when a point of order is raised, as if they have received an unfair advantage, is creating a tremendous hardship. I would suggest that the highway authorization bill works to construct their bill in nearly the same fashion. If it were actually researched, we would find that most of the Member-driven projects are actually coming from the authorizing committees, rather than the Committee on Appropriations.

The school opened this fall, and already we have had an incident which nearly caused a life threatening situation.

I will continue to bring this matter before all the appropriate committees in the House and urge them to save lives in my district. It is my hope that my colleagues will agree, and will allow some of these emergency projects to receive the necessary Federal funding. I would hope that whatever compromise has been struck between Chairman MINETA and Chairman CARR will address the needs of Members who have similar situations in their districts.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I rise today in opposition to provisions in this bill that defund the Essential Air Service Program. Unfortunately, the procedures governing debate make it difficult—if not impossible—for me or any other Member from offering an amendment that would restore funding to this small, but critical, program.

The EAS Program is one of the rare Federal programs that has not only provided a valuable service to the average rural citizen, but also has been provided at a very modest—and continually decreasing—cost to the Federal Government. In fact, overall costs of the program have dramatically fallen over the last 15 years. The program was created in 1978, along with the deregulation of the airline industry, to assist small communities in maintaining minimal commercial air service. The program has kept air service in rural areas—where it would have been lost many years ago—by providing a relatively small Federal payment to air carriers.

In 1978, over \$100 million was appropriated for EAS, today full operation of the current program only costs \$38 million. However, while the amount of Federal tax dollars spent on essential air service has gone down, the need and use of the program in rural America has not. Unfortunately, this bill unilaterally defunds the program without taking these facts into consideration.

In my home district, where six communities receive EAS funds, the number of passengers using EAS flights increased by 9 percent in 1992—even with the elimination of two flights that resulted in a 16-percent decrease at one of our airports. Further, EAS passenger totals in the State of Kansas have increased to 47,000 passengers. At the same time, the cost per passenger for the EAS subsidy in Kansas actually dropped 33 percent—from an estimated \$60.21 in 1991 to \$40.88 in 1992. Simply put—in Kansas, EAS costs are down, ridership is up and competition is appearing—competition that will allow for the natural attrition of the program—but this emerging competition will also be stymied if the program is unilaterally defunded.

Let us recall that, in 1990, the 101st Congress took a hard look at the Essential Air Service Program, and made several adjustments—including the elimination of communities serviced by EAS and the size of per-passenger payments. These changes were done to ensure the continuation of the program and we authorized the program for an additional 10 years.

The fat around essential air service has been trimmed. What remains today are communities that heavily rely on EAS. Without commercial air service for these struggling communities, prospective businesses are not likely to settle in rural areas—thus limiting the economic viability and future of these communities.

I realize during this age of reinventing Government, praising the success of a program is not always as popular as eliminating one. As we run down the road to reform, we must not eliminate the life-support systems that enable rural America to exist.

Although an amendment is not expected to restore funding, it is my hope that the Senate will act to make funding available and the issue resolved during the conference on this bill. I urge my colleagues' future support for this program.

Mr. Chairman, for all the critics of this program, and there are many, and it is an easy target, I urge them to simply get on a plane with me as I travel to Wichita, to Amarillo, to Lincoln, to Kansas City, and to Denver, and then drive with me 5 hours to the small communities which would be denied this air service. We then could have ample time to visit each other, and you could explain to me why the \$38 million will go to major airports and not continue to rural and small town America.

Mr. KYL. Mr. Chairman, as the fiscal year 1994 Transportation appropriations bill is read and opened to amendment later today, points of order will be raised against 57 unauthorized highway demonstration projects. I rise in strong support of that effort, which grew out of an amendment that Congressman FAWELL and I and other members of the Porkbusters Coalition had intended to offer when the Transportation bill was originally scheduled for action back in August.

A separate amendment will be offered to implement the second part of the Porkbusters amendment—to put the \$284 million that those highway projects would cost back into the Federal-aid highway program to be distributed by formula instead.

Mr. Chairman, I want to make several points at the outset: First, these funds are derived from highway-use taxes and are intended solely for use in transportation improvement projects. The American people deserve to know that the funds are expended promptly, and properly, for the purposes for which they were collected.

Second, simply striking the \$284 million from the bill together would not reduce the Federal budget deficit. These are highway trust fund moneys, and if they are not expended, they simply remain in the highway trust fund. And, that's not the kind of savings account the American people want or need.

That is because trust fund surpluses are invested in Government securities. Only IOU's are left in the trust fund, and the resources are actually used to finance other Government operations unrelated to transportation. Running a trust fund surplus may make Congress look fiscally responsible, but it is in reality a way for Congress to covertly increase taxes and spending. If the funding isn't needed, we should just cut transportation-related taxes instead and give that money back to the American people.

Mr. Chairman, this effort begins the process of reversing the trend toward ever-increasing numbers of highway demonstration projects. A record number of such projects were included in the 1991 highway bill.

Keep in mind that demonstration projects are really just a way for Members of Congress to get publicity and buy support from narrow segments of their constituencies. It is pork-barreling pure and simple. And, it not only means taxpayers have to finance some questionable projects, but that, in many cases, their States are being deprived of additional funding that could be used for needed transportation improvements.

Arizona, for example, got a few projects in the 1991 bill amounting to \$18.3 million, but because of the pork-barreling, Arizona lost—lost—about \$300 million more over the life of the more than 500 special projects earmarked in that legislation.

The special project earmarking in the fiscal year 1994 Transportation appropriations bill before us today represents more of the same, only this time Arizona gets no special projects at all. Were the special project funding simply allocated by formula, Arizona would get almost \$4 million. In fact, 40 States would do better under our plan than under the Appropriations Committee's bill.

That is because just a few States—coincidentally, the most prominent being Michigan, the home State of the subcommittee chairman—take the bulk of the funding under the appropriations bill. Michigan alone takes nearly a third of the total.

The Public Works Committee/Porkbusters alternative would require that projects compete against other worthwhile projects for funding; States would have to get priorities. Our plan would help ensure that the best projects, and the most needed projects—not just the best-connected projects—are funded first.

This effort promotes fiscal responsibility over pork-barreling. It ensures that funds are distributed fairly, rather than on the basis of which States and districts are represented among committee and subcommittee chairmen and ranking members.

Mr. Chairman, I urge my colleagues to support this effort and put the interests of the taxpayers ahead of the special interests.

Mr. PETRI. Mr. Chairman, I support the amendment offered by the chairman of the Public Works and Transportation Committee which will increase funding for our regular highway program by the amount of funding now contained in the bill for unauthorized highway projects. These projects will be stricken on a point of order.

Since the unauthorized projects are funded through the highway trust fund, it is logical and appropriate that these funds be restored to our highway program and distributed to all the States. Indeed, this has been the expectation of many Members since the debate on these particular projects began a few months ago.

Allowing these trust funds to be spent on our basic highway program and distributed through established formulas to all the States is the right thing to do, and I urge my colleagues to support this amendment.

Mr. WILLIAMS. Mr. Chairman, I rise in strong concern about this bill's zero funding of the Essential Air Service Program.

Essential Air Service was established to counterbalance the expected abandonment of rural America by the commercial airlines upon deregulation. Essential Air Service provides appropriate Federal assistance making sure

that our smaller, remote towns and cities have access to commercial airline services.

The Essential Air Service cities in central and eastern Montana have been determined by the Department of Transportation to be among the most isolated in the lower 48 States, in terms of the travel times to the closest regional airport. In some of these communities airline service is the only form of public transportation assistance available.

Mr. Chairman, every one of the seven Montana communities served by Essential Air Service is deeply involved in economic development. I would say to my colleagues who know about the tough, creative work that goes into economic development and diversification in rural towns, this program is a fundamental building block of those efforts. In our modern society, economic diversification is simply impossible without access to the regional and national business, academic, or governmental community. For these seven Montana cities few, if any, Federal programs are more important to economic development efforts.

As just one example, folks in Glasgow, MT, worked for years to attract the Boeing Corp. to house its jet aircraft testing program at the former air force base there. Certainly over future access to commercial air transportation was critical in sealing the deal bringing Boeing to Glasgow. And so this relatively small program was literally a linchpin to Glasgow's success story in economic development.

I understand the committee's concern that we should continue to work on how we target the funds we spend in Essential Air Service to make sure we're getting help to those towns that have a real need. Congress should be concerned that this assistance is targeted to those areas where it's absolutely essential, and we should avoid subsidies in those places where access to a regional airport is really a matter of convenience.

But I strongly encourage my colleagues to take out a map and find Lewiston, or Wolf Point, or Sidney: Essential Air Service is not a convenience, it's absolutely critical to these Montana towns and so I am greatly concerned about the action we take here today.

Mr. PAYNE of Virginia. Mr. Chairman, I rise to express my concerns about the provisions in this bill relating to the Essential Air Service Program. The city of Danville, VA, is one of those small municipalities that the EAS Program was designed to protect. With a population of only 53,000, continued commercial air service allows Danville to remain a gateway for commerce and business for the entire south central part of the State.

In the years before 1978, when the airline industry was deregulated, commuter air passenger levels at the Danville airport averaged almost 13,000 arrivals and departures annually. In the years after the industry was deregulated, this number plummeted to an annual average of less than 2,400, with a low point of 936 in 1981.

In a deregulated environment, the ability of small airports like Danville to attract passengers is at the mercy of airline scheduling. Years when the airlines serving the area increase the number of flights or improve the routes, passenger levels soar. Other years, when few flights are provided or when the routes are so convoluted that you can actually

drive the distance in less time than it takes to fly, not surprisingly, the number of passengers drops.

Without the Essential Air Services Program, the airlines have made it quite clear that they would discontinue services to places like Danville entirely. For the tens of thousands of people in Danville and the surrounding areas, this means a 1½-hour drive to the nearest airport with passenger service, in North Carolina. It means less business travel into the area, and as a consequence, fewer opportunities for economic growth.

It is my understanding that funding for the Essential Air Service Program will be restored when this bill is taken up by the other body. I strongly support this effort. If the program needs review, I believe it should be done by the authorizing committee, where it can be evaluated in the context of aviation policy in our country.

I believe the investment we are putting into the Essential Air Services Program is a wise use of our scarce resources, making it possible for small, rural communities to expand their economy and increase jobs. I strongly support continued funding for the program.

Mrs. FOWLER. Mr. Chairman, I rise in support of H.R. 2750, the fiscal year 1994 Transportation appropriations bill. Thanks to the leadership of Chairman CARR and ranking member Mr. WOLF, the committee has reported a bill which is fiscally prudent but also serves to meet our Nation's transportation needs.

Due to some of those needs, however, we find ourselves in a bit of a procedural quagmire. As we all know, Congress only authorizes a new Intermodal Surface Transportation Efficiency Act [ISTEA] every 5 years. Our problem is how to meet transportation needs that did not exist at the time the authorizing bill was passed. The yearly appropriations bill serves as an excellent safety net for such situations.

Jacksonville, FL's, Fuller Warren Bridge was built with local funds in 1954 and was designed to handle a maximum capacity of 73,800 vehicles per day. Since its construction, however, the bridge has been incorporated into the Interstate System. It is now used by almost 100,000 motorists a day. This heavy use has led to some problems.

In January 1992, the bridge was closed for 6 days when engineers found seam cracks in the counterweights. Last July, the bridge was closed again when a 3-foot chunk of the roadway fell into the St. Johns River. Remarkably, no one traveling on or beneath the bridge was hurt.

While this hole has been filled, more damage is expected. Engineers recently inspecting the bridge reported,

The number of cracks found in the superstructure components demonstrates that these have reached their fatigue limits.

When the next piece of the bridge falls, someone could be hurt or killed.

The Fuller Warren Bridge must be replaced. And unfortunately, my constituents and all those who travel I-95 do not have time to wait another 4 years until the Public Works Committee authorizes its next highway bill. By that time, a tragedy could have occurred or the bridge could be closed, rerouting travelers 60 miles out of the way.

I am not suggesting that the Public Works Committee has failed. On the contrary, their 1991 legislation is a transportation policy landmark. Yet their unwillingness to yield to Jacksonville's special circumstances obliges me to stand with Chairman CARR, ranking member Mr. WOLF, and the entire subcommittee to ensure a safe new bridge for the traveling public.

Ms. ESHOO. Mr. Chairman, much has been said today about the bay area rapid transit project and the Tasman light rail project. Caught up in a House committee dispute these projects have been maligned as a ill-conceived, poorly planned projects that are bad policy.

Mr. Chairman, while I understand that some people fear that their personal power here in Congress may be at stake that is no reason to ignore the facts.

As a person from local government, I worked on the BART extension. The Tasman light rail project is in my district. These transportation projects, in a part of our country that is a major economic engine, are projects where local communities have determined them so important that they have levied local sales taxes on themselves to help pay for them.

At a time when county and local governments are competing with each other for every dollar of assistance the counties, cities, and towns of the bay area worked with unprecedented cooperation in establishing transportation priorities. They then worked with State and Federal governments succeeded in convincing officials that these projects were good transportation policy.

Mr. Chairman, many of the people who for shortsighted political reasons are now criticizing these projects voted to approve them only a few months ago. It is unfortunate that this is the case and I hope that my colleagues will join in voting to reject this strategy and move forward with this legislation.

Mr. DUNCAN. Mr. Chairman, I would like to express my continuing concerns about a project being funded by this bill.

This bill contains \$163,050,000 for the Los Angeles metro rail project.

I want to make the record clear that I continue to question metro rail construction and administrative expenditures that have been made by the Los Angeles County Transportation Commission [LACTC] now called the Los Angeles County Metropolitan Transportation Authority [MTA].

The first 4.4 mile section of the federally funded red line portion of the Los Angeles metro rail system, according to a January 28, 1993 USA Today article, was completed with \$200 million in cost overruns.

Recently, the MTA awarded a contract to build high-speed railcars to a foreign-owned company in Germany, when a highly qualified American-owned company had a bid \$18 million lower. Although these railcars will not be built with Federal funds these cars will operate on a system where billions of Federal tax dollars have been and will continue to be utilized. I continue to object to this carefree spending attitude.

I am also very concerned about reports in the September 3, 1993, edition of the Los Angeles Times that reveals the concrete tunnels built for the federally funded red line portion of

the metro line were not built to specifications. MTA has terminated the construction manager in charge of this project and at my request Secretary Peña has undertaken an independent review of the tunnel construction. Concerns have been raised that these tunnels will not hold up under stress of an earthquake. The taxpayer paid for 12-inch-thick concrete tunnels and we should not settle for less. We must ensure that these tunnels are safe for the traveling public.

Another example of the carefree spending approach of the MTA was brought to light when the General Accounting Office [GAO] reported that MTA is spending \$40,000 per year to supply free coffee to their employees at taxpayers expense. After I raised this issue publicly in the Los Angeles press the MTA ended this abuse of tax dollars. It should not require action by a Member of Congress to eliminate what is an obvious waste of tax dollars. This should have never been approved in the first place.

One California State legislator was so upset by wasteful expenditures such as this that he introduced a bill that would cut off funding to transportation agencies in the State, such as the Los Angeles Metropolitan Transportation Commission, which spends tax dollars on food, beverages, lodging, and entertainment, membership in clubs, and gifts for their employees.

Questions were raised in a March 24, 1993, Los Angeles Times article as to whether it was proper for the LACTC, a public agency, to promote a complex foreign tax shelter by leasing back LACTC railcars to a Japanese investment company in the Cayman Islands. The only beneficiaries of this tax shelter were the Japanese investors and the \$370 per hour lawyers hired to put this deal together. It has been reported that taxpayers will lose up to \$3.9 million on this deal.

Los Angeles County Councilman Joel Wach criticized this transaction in the March 24, 1993, Los Angeles Times article as "the kind of sleight of hand that has shaken the public's confidence in the Transportation Commission and raised serious questions about how tax dollars are spent."

On June 10, 1993, the MTA voted to spend \$112 million for a new MTA headquarters building when Los Angeles has a high office space vacancy rate.

The Federal Government has spent over \$1.3 billion on the red line portion of the Los Angeles Metro System and reports say the ultimate cost of the entire transportation network will cost Federal, State, and local taxpayers \$183 billion over the next 30 years.

During his Presidency, President Reagan called the proposed Los Angeles subway system a project of "dubious merit."

I applaud the whistleblowers who have come forward and continue to come forward with complaints about this project.

My goal continues to remain one of ensuring that tax dollars are spent wisely and honestly on what has become one of the largest public works projects in U.S. history.

Ms. SNOWE. Mr. Chairman, I rise today in support of two critical programs which were not funded in the 1994 fiscal year Transportation appropriations bill: the Essential Air Service Program and funding for the establishment of long range radar in northern Maine.

The Essential Air Service Program was established as a result of airline deregulation in 1978. Through this program, subsidies are provided to airlines serving many smaller communities which otherwise might not have continued to receive air service as airlines adapted to deregulation.

Mr. Speaker, I represent a very rural district. It is imperative that this program continue to be fully funded. Within the State of Maine, six communities have EAS determinations. Of those six communities, two began receiving subsidized air service in July 1992 and two other communities are at risk of needing subsidies. In fact, one of those at-risk communities may lose air service in the near future. These communities rely heavily on their small community airports, and any decline in service could be devastating.

In addition, I strongly oppose the committee's decision not to provide the Federal Aviation Administration with funds to establish long range radar in northern Maine.

Since 1981, the Federal Aviation Administration has identified a need for improved radar coverage in northern Maine. In fact, just last year, the House Appropriations Subcommittee on Transportation issued a committee report which recognized that northern Maine lacks a long range radar installation which can provide adequate coverage for civilian and other types of aircraft. This project gains even more importance with the scheduled closure of Loring AFB in 1994, which currently provides radar coverage for the region.

A sound infra-structure is critical to a region's economic development and recovery. The decline of radar coverage in northern Maine, and the omission of funds for EAS, will clearly hamper future economic development in the region. Mr. Speaker, Maine's fragile state economy cannot afford further deterioration of its air transportation system.

Mr. EWING. Mr. Speaker, I rise in partial support of the 1994 Transportation appropriations bill. I applaud this bill for demonstrating that Congress can act in a fiscally responsible manner by appropriating almost 5 percent less than the President requested. However, this bill abandons many small communities and towns across the Nation by eliminating funding for the essential Air Service Program. I have always supported this program and feel that it is essential to the transportation needs of people living in areas not served by a large airport. It is my hope that the Senate will provide funding for this valuable program so that service to these communities can be maintained.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in section 2 of House Resolution 252 is adopted.

The bill, as amended, is considered as an original bill for the purpose of further amendment.

The amendment printed in section 3 of House Resolution 252 may amend a

portion of the bill not yet read for amendment and shall not be subject to a demand for division of the question.

The Clerk will read.

The Clerk read as follows:

H.R. 2750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—DEPARTMENT OF
TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, \$1,173,000.

POINT OF ORDER

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

The CHAIRMAN. The gentleman will state his point of order.

Mr. LINDER. Mr. Chairman, I make a point of order against the language appearing in the bill at page 2, line 5 through line 7. This paragraph provides appropriations for programs not authorized by law, and is in violation of House rule XXI, clause 2.

Mr. CARR of Michigan. Mr. Chairman, I might note that this is one of the legislative committees that appears to be very interested in what we have included in certain projects in the bill that they claim are unauthorized. Let the RECORD show that the activities of the Office of the Secretary of Transportation, the heartbeat of the Department, has not been authorized for 10 years. Yet I do not recall a single time during the last decade, including this year, when an authorizing committee has objected to the inclusion of these unauthorized funds in the bill, these funds being for the activities of the Secretary's Office.

Mr. Chairman, I think this is just another example of the selective enforcement of the rules employed by some of our colleagues on authorizing committees. If an item is unauthorized, but they like it, they sort of overlook it. If it is an item they do not like, for whatever reason, they raise points of order.

Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, \$481,000.

POINT OF ORDER

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

The CHAIRMAN. The gentleman will state it.

Mr. LINDER. Mr. Chairman, I rise to make a point of order against the language appearing in the bill on page 2, lines 8 through 10. The paragraph provides appropriations for programs not

authorized by law, and is in violation of House rule XXI, clause 2.

Mr. CARR of Michigan. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained.

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

Mr. Chairman, I would like to engage the chairman in a question and answer colloquy. I have points of order striking the language on the rest of page 2, all of page 3, and all of page 4, for the same reason. If the chairman, the gentleman from Michigan [Mr. CARR], is willing to concede those points of order, it might facilitate moving a little quicker.

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. LINDER. I yield to the gentleman from Michigan.

Mr. CARR of Michigan. Mr. Chairman, if I could ask the gentleman a question about his point of order, that means for the Office of the Assistant Secretary for Budget and Programs, for the Office of the Assistant Secretary for Governmental Affairs, for the Office of the Assistant Secretary for Administration, the Office of Public Affairs, the Executive Secretariat, the Contract Appeals Board, the Office of Civil Rights, the Office of Small and Disadvantaged Business Utilization, Transportation Planning, Research, and Development, and the Office of Commercial Space Transportation Operations and Research, those are all included in the point of order?

Mr. LINDER. Mr. Chairman, that is correct.

Mr. CARR of Michigan. And none other?

Mr. LINDER. Mr. Chairman, at this point, none other. Those are a series of points of order that I intend to raise. I will have some later in the bill.

Mr. CARR of Michigan. Mr. Chairman, does the request of the gentleman include the Office of General Counsel, the Assistant Secretary for Transportation Policy, and the Office of the Assistant Secretary for Aviation and International Affairs? Is that in this request?

Mr. LINDER. Mr. Chairman, the answer is no. For the Office of Assistant Secretary for Budget Programs, the Office of Assistant Secretary for Governmental Affairs, the Office of Assistant Secretary for Administration, the Office of Public Affairs, the Executive Secretariat, the Contract Appeals Board, the Office of Civil Rights, the Office of Small and Disadvantaged Business Utilization, Transportation Planning, Research, and Development, and the Office of Commercial Space Transportation Operations and Research.

□ 1420

Mr. CARR of Michigan. Mr. Chairman, if the gentleman will continue to

yield, I am a little confused then. Is the gentleman also raising a point of order against the General Counsel's Office?

Mr. LINDER. Yes.

Mr. CARR of Michigan. And then the Assistant Secretary for Transportation Policy and the Office of Assistant Secretary for Aviation?

Mr. LINDER. Mr. Chairman, that is correct.

Let me just say that we can do this through individual points of order on each of these two or three lines at a time, or we can agree that the gentleman makes his argument against all the points at once, if he likes, and try and facilitate.

Mr. CARR of Michigan. Mr. Chairman, if the gentleman will continue to yield, I would only say, and I intend to not object to the unanimous-consent request, I would, again, reiterate what I said before. These have been unauthorized for 10 years. We are waiting around to see an authorization. We are trying to help out the process of government.

I would only say that while we are reinventing government, somebody ought to reinvent the Congress. Why do we get ourselves in this situation.

Certainly, it is not the making of our committee. We think it is the responsible thing to do to move forward to try to give the Department some certainty of what they are about to receive in these items.

I, essentially, concede the point of order and on this grouping would not object.

Mr. LINDER. Mr. Chairman, the gentleman's point is well-taken, and he has an ally with me if we are talking about reinventing Congress.

Let me, for clarification, say to the chairman that the points of order include all the language from page 2, line 5 through page 4, line 24. The points of order are all in violation of House rule XXI, clause 2. They provide appropriations for programs not authorized by law.

The CHAIRMAN. The Chair would advise the gentleman from Georgia that the Chair cannot entertain that unanimous-consent request until that portion of the bill has been considered as read. The Chair would entertain a request from the gentleman from Michigan, a unanimous-consent request, to the effect that that portion of the bill be considered as read.

Mr. CARR of Michigan. Mr. Chairman, I ask unanimous consent that the bill until page 4, line 24, be considered as read and printed in the RECORD.

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

There was no objection.

The text of the bill from page 2, line 11 through page 4, line 24 is as follows:

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$7,867,000.

OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY

For necessary expenses of the Office of the Assistant Secretary for Transportation Policy, \$2,410,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, \$8,082,000.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, \$2,826,000, including not to exceed \$40,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, \$2,225,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, \$33,623,000, of which \$6,417,000 shall remain available until expended.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, \$1,353,440.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, \$850,000.

CONTRACT APPEALS BOARD

For necessary expenses of the Contract Appeals Board, \$602,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,998,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, \$934,000: *Provided*, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, \$6,815,000.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

For necessary expenses for operations and research activities related to commercial space transportation, \$4,400,000, of which \$1,500,000 shall remain available until expended.

POINT OF ORDER

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

The CHAIRMAN. The gentleman will state his point of order.

Mr. LINDER. Mr. Chairman, I raise the point of order to all of those portions of the bill from page 2, line 5, through page 4, line 24, that they are appropriating without authorization.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CARR] wish to be heard on the point of order?

Mr. CARR of Michigan. Mr. Chairman, I concede the point of order.

The CHAIRMAN. Since that portion of the bill has been read, the point of order is conceded and sustained.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed \$92,220,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriations Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, \$15,540,000, to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs for the Payments to Air Carriers program in fiscal year 1994: *Provided further*, That none of the funds in this Act shall be used by the Secretary of Transportation to make payment of compensation under section 419 of the Federal Aviation Act of 1958, as amended, in excess of the appropriation in this Act for liquidation of obligations incurred under the "Payments to air carriers" program: *Provided further*, That none of the funds in this Act shall be used for the payment of claims for such compensation except in accordance with this provision.

RENTAL PAYMENTS

For necessary expenses for rental of headquarters and field space and related services assessed by the General Services Administration, \$149,605,000: *Provided*, That of this amount, \$3,262,000 shall be derived from the Highway Trust Fund, \$37,114,000 shall be derived from the Airport and Airway Trust Fund, \$576,000 shall be derived from the Pipeline Safety Fund, and \$175,000 shall be derived from the Harbor Maintenance Trust Fund: *Provided further*, That in addition, for assessments by the General Services Administration related to the space needs of the Federal Highway Administration, \$17,524,000, to be derived from "Federal-aid Highways", subject to the "Limitation on General Operating Expenses".

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, \$180,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That those funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$4,500,000. In addition, for administrative expenses to carry out the direct loan programs, \$220,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not

otherwise provided for; purchase of not to exceed four passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; \$2,555,695,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which \$32,250,000 shall be expended from the Boat Safety Account: *Provided*, That the number of aircraft on hand at any one time shall not exceed two hundred and twenty-three, exclusive of aircraft and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That of the funds provided under this head, not less than \$8,000,000 in vessel maintenance and overhaul work currently scheduled to be conducted at the Coast Guard Yard is to be awarded based upon a competitive solicitation of both public and private shipyards.

POINT OF ORDER

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

The CHAIRMAN. The gentleman will state his point of order.

Mr. LINDER. Mr. Chairman, I make a point of order against the language appearing in the bill on page 7, line 6, through page 8, line 7. These paragraphs provide appropriations for programs not authorized by law and are in violation of House rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CARR] wish to be heard on the point of order?

Mr. CARR of Michigan. Mr. Chairman, I do.

I would like to speak and be heard on the point of order.

Again, I would like to direct a question so that I know we are talking about the same thing, not to be vexatious, but would the gentleman give me the starting page and line again.

Mr. LINDER. Mr. Chairman, page 7, line 7, Coast Guard Operating Expenses, all of that language down through line 7 on page 8.

Mr. CARR of Michigan. Being "Coast Guard Operating Expenses."

Mr. LINDER. All that language prior to "Acquisition, Construction Improvements."

Mr. CARR of Michigan. Mr. Chairman, I would merely, in being heard on the point of order, say that this is doubly unfortunate, because in the past example we have had no authorization for 10 years. And we have tried to put things together where they were not by other committees.

In this case, the other committee has acted, I would tell the gentleman from Georgia, and it has passed the House.

Now we are waiting on the Senate, and we are going to be in conference. And these bills are going in tandem. I

would hope that the gentleman would not press his point of order on this matter.

Again, we get into reinventing Congress. We are hanging up on technicalities here. It does not make good policy or good procedure, particularly.

Mr. Chairman, I have to concede the point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WALKER] wish to be heard on the point of order?

Mr. WALKER. Mr. Chairman, I do seek to be heard on the point of order.

The chairman of the subcommittee makes a legitimate point with regard to what the House committee has done. The House committee has acted responsibly.

Here is the problem we have run into, though. Over in the Senate, the fact is that authorizers and appropriators sit on the same committees over there. The same person sits on the two committees. And what is happening is that they do not pass the authorization bills. They do everything in the appropriations process. Therefore, we do not see authorization bills being passed.

We have run into it in our committee in an awful lot of instances. So, therefore, either bills are not passed timely, or they are never passed.

The gentleman from Michigan has just mentioned a moment ago that there were lines of items where there has not been an authorization for 10 years. He has done his work, I would say to the House, and put a bill over there.

The question is whether or not we are going to get it. The only pressure that we have to assure that the authorization process works all the way through is to deny the appropriations if they have not met the rules.

It seems to me that that is what the gentleman from Georgia is about doing here. He is attempting not to subvert what the gentleman from Michigan is trying to do in a positive way, but he is sending a signal that if the authorization process does not work, then indeed, the appropriations ought not go forward so that we live within the rules of the House.

I rise in support of what the gentleman from Georgia is doing. He is not doing this with any attempt to be malicious to the Coast Guard or to the work done by the Committee on Appropriations. He is doing this as a way of enhancing the ability of the authorizers to get their work done in the Senate so it is back here in a timely fashion and so we do not run into these problems all the time.

It is a difficult position for him to take. It is one of the tough things that has to be done every once in a while in the Congress. But I congratulate him for making this stand.

It seems to me it enhances, not undermines, the process.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. TAUZIN] wish to be heard on the point of order?

Mr. TAUZIN. Mr. Chairman, in response to my friend, the gentleman from Pennsylvania, the Coast Guard authorization bill has never failed to clear the Senate. It has always come back.

The gentleman does not have to send a message to the Senate. The Senate is going to report the authorization back to us timely, as it does every year. We do not have a problem there.

The problem with the gentleman's point of order is that if he does not withdraw it, the House goes to conference on this bill without its position on Coast Guard spending to be brought to the conference. We have done our work with the Coast Guard authorizing committee, the Committee on Merchant Marine and Fisheries. We have reported the bill out. This House has acted on it.

The Senate always returns the authorizing for the Coast Guard back to this Chamber. That is not a problem. All the gentleman is doing, by raising this point of order, is putting us in some jeopardy.

I am not sure the gentleman is aware of it. The Coast Guard is out today trying to rescue people in an awful Amtrak collision that occurred in Mobile, AL. People were killed.

The Coast Guard has got all kinds of units out there trying to rescue lives right now. We are talking about technicalities today on a point of order.

I understand the gentleman can make it technically under the rules, but I would urge the gentleman, it is not necessary to send this message to the Senate. The authorizing committees for the Coast Guard have always reported their bill back to us. We have done our job on time.

I urge the gentleman not to make this point of order in order to give us a chance to conference with the Senate on the very important points of authorizing the spending for the Coast Guard in this bill.

□ 1430

Let me point out that as it emerged from the Committee on Appropriations, we had real problems with the fight between transportation funding and Coast Guard funding, since the Coast Guard is under this department.

We have worked out those problems, however, with the chairman of the subcommittee. We have resolved them in a way that gives the Coast Guard a great deal of help in meeting its expenses this year. Do not put us in that kind of jeopardy. I ask the gentleman to please consider withdrawing his point of order and letting us go to conference on this bill. The authorization bill has always come back, and it will come back in this very important area of the Nation's services.

The CHAIRMAN. Does the gentleman from Florida [Mr. GOSS] seek recognition on the point of order?

Mr. GOSS. I do, Mr. Chairman,

Mr. Chairman, there is very little I can add to the eloquent words of the chairman of the subcommittee, who has just outlined the situation, except also to urge my colleague and friend, the gentleman from Georgia [Mr. LINDER] to reconsider his point of order.

Not only did we pass the authorization in this House that had a sense-of-Congress attachment to it that allowed us to provide funds for these types of missions that the Coast Guard is called upon for the citizens of America that are really unforeseen. Tragically, we have had this horrible train wreck with Amtrak in the Mobile Bay area. The Coast Guard is there on the scene trying to provide what relief we can.

Before that, it was Haiti, which is what an amendment I have ready to go, if this point of order is withdrawn, concerns. We are trying not to ask something special, but to allow them to go about their business. I would suggest that we really are hung up on a technicality here, and the record of history of the good working relationships between the Chambers and the committees authorizing and appropriating on this would allow the gentleman to withdraw that point of order with honor.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WALKER] wish to be heard on the point of order?

Mr. WALKER. I wish to be heard further on the point of order, Mr. Chairman.

Mr. Chairman, the gentleman from Louisiana [Mr. TAUZIN] makes a good point, but it somewhat baffles me why the point would be against what the gentleman from Georgia [Mr. LINDER] is doing.

If in fact we are going to get an authorization bill back, that authorization bill then will set the policy for the Coast Guard. It does not matter at that point whether the House has gone into the appropriations process with these figures or not. The policy will be set by that authorization bill, regardless of where the money ends up.

If in fact the authorization bill comes back in a timely manner, it will drive the policy of the Coast Guard. I do not think anybody believes that the actions of the gentleman from Georgia [Mr. LINDER] will end up defunding the Coast Guard. It is simply a matter of whether or not authorization drives policy or appropriation drives policy.

The gentleman from Georgia, it seems to me, is putting us in a position where the authorization process will drive the policy, rather than the appropriation process. That, I think, is a fundamental good that we draw out of this. No one, I think, will believe that the gentleman from Georgia will actually end up, in the end, defunding the Coast Guard. Therefore, the question is from where the policy derives.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. TAUZIN] seek recognition?

Mr. TAUZIN. I do, Mr. Chairman.

Mr. Chairman, I think the problem is we are talking about an allocation to the whole transportation sector of this budget. We have worked very closely with the chairman of the Committee on Appropriations to ensure this appropriation within that broad allocation includes sufficient funds for the Coast Guard. It did not, originally.

If this point of order is made against the bill, and if the Coast Guard appropriations section is out of the bill, it opens the door for people to take those funds and reallocate them under transportation to other needs in transportation, which would include other bridges, roads, and other mass transit projects around the country. We do run the risk of deappropriating for the Coast Guard.

I urge the Member not to take that risk. We have put in some good, hard labor here to make sure the Coast Guard got a fair share of this broad transportation legislation. If the gentleman does away with our labor, he leaves it up to the Senate to make those decisions.

I do not know what the Senate is going to do. It could, indeed, reallocate those funds over to very popular transportation projects in somebody's State. That could well happen. I urge the gentleman to give this House some say in that process. The way to do it is by allowing the Coast Guard authorization section to go forward, so we can go to conference and work with the Senate to protect the necessary funding for the Coast Guard.

The CHAIRMAN. The Chair would ask the gentleman from Georgia [Mr. LINDER] if he insists on his point of order.

Mr. LINDER. Mr. Chairman, under the arguments I have heard, and some of them very reasonable, I will withdraw my point of order, and the succeeding ones, on the Coast Guard. I have other point of order to be raised on the bill.

The CHAIRMAN. The point of order is withdrawn.

AMENDMENT OFFERED BY MR. GOSS

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

The Clerk read as follows:

Amendment offered by Mr. Goss:
Page 7, line 13, strike "\$2,555,695,000" and insert in lieu thereof "\$2,560,695,000"; and
Page 22, line 23, strike "\$85,550,000" and insert in lieu thereof "\$82,000,000".

Mr. GOSS (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 Florida?

There was no objection.

Mr. GOSS. Mr. Chairman, first I would like to start off by thanking and

congratulating my friend and colleague, the gentleman from Georgia [Mr. LINDER], for his, I think, proper and wise decision in this matter. I believe the principle he is standing up for is correct, but I believe the facts in this case for us going forward on this procedure far outweigh this, and there will be no damage done to the principle whatsoever.

Mr. Chairman, the intent of my amendment is clear and simple, even if the math is not. This amendment cuts the unauthorized, unstarted demonstration project account by enough—\$23.55 million—to restore \$5 million to the Coast Guard's operating expenses account.

On July 29, this body passed by unanimous voice vote an amendment to the Coast Guard authorization bill which stated that we would endeavor to provide adequate funds for all extraordinary missions undertaken by the Coast Guard. We can begin today to fulfill that promise by passing this amendment.

The Coast Guard is the smallest of our armed services, yet its responsibilities are great. We ask the Coast Guard to be responsible for the navigation and safety of our waterways, for maritime law enforcement, for emergency search and rescue, for maritime inspection and licensing, for defense readiness, and much, much more.

On top of these vital functions, since January of this year, and several times in the recent past, a massive Coast Guard deployment has patrolled the windward passage between Haiti and the United States. Operation "Able Manner" has involved an extraordinary commitment of manpower and equipment. While these efforts have successfully saved our States and the Federal Government untold millions of dollars, the cost to the Coast Guard has been great: Nearly \$100 million overall. The Coast Guard estimates that the incremental cost—over what the Guard has in its budget for interdiction efforts—of this operation will be \$5 million—meaning that other important missions will suffer.

While this amendment alone may not be enough, it will reimburse the Coast Guard for its extraordinary efforts over the past year.

More importantly, my amendment will assert that this body stands behind its own policies and supports the Coast Guard in its many vital missions.

Mr. Chairman, I urge support for this amendment.

Mr. CARR of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first I would like to preface my remarks by making two comments.

One, I would like to thank the gentleman from Georgia [Mr. LINDER] for being open-minded in listening to the arguments on the floor, in good spirit,

and recognizing that the rules are here in general to help us, but sometimes get in the way.

Our committee is working very closely with the Committee on Merchant Marine and Fisheries, and we intend, and will be supported by the gentleman's action, to take a bill to the Senate to deal with them on the Coast Guard.

We hope the authorization legislation is done before we must act, but because we face a deadline they do not face, that may be out of phase, but we are working closely. I want to thank the gentleman.

I also want to commend the gentleman from Florida [Mr. GOSS]. I do not know of five conversations I have had with the gentleman from Florida over many years of serving here together where he has not brought up his affection for the Coast Guard.

□ 1440

There is no one, at least that I am aware of, on that side of the aisle who cares more passionately about the Coast Guard, and I reluctantly oppose his amendment. I do so because, simply speaking, the funds are not needed.

I direct the attention of all Members to page 28 of the committee report where it notes that the bill contains \$13,770,000 at the total discretion of the Commandant of the Coast Guard to address unforeseen operational contingencies during the year. If it is a high priority for the Coast Guard to pay back other budget activities which were depleted to finance the Haitian interdiction efforts, the funds are available in this bill to do so. We do not need to add funds to the bill for that.

We have had extensive hearings and we have tried to monitor very carefully how much money they need. If there is an unforeseen contingency, we expect that we would be receiving reprogramming requests or, indeed, a supplemental, which is inevitably around the corner every year because of the unforeseen.

The committee did hold extensive hearings. The Coast Guard did not ask the committee for additional funds to address the Haitian interdiction problem. The Coast Guard has unexpected operational needs coming up virtually every year, and because of this they have the flexibility in their appropriation to finance these new priorities without requesting additional appropriations.

As I have said, Mr. Chairman, the Coast Guard did not ask the subcommittee for additional funds for this purpose. The statement of administration policy on our earlier bill did not request more funding for these specific activities. We have received no indication from the Coast Guard or the Secretary of Transportation that they are needed.

We have been fair to the Coast Guard. We have added back, as the gentleman from Louisiana said, \$36 million from our earlier bill to provide additional funding.

The defense appropriations bill is expected to include even further operational funding for the Coast Guard. And to put this in perspective, the bill before us includes \$2.5 billion for Coast Guard operating expenses, and the gentleman's amendment would only add \$5 million, which is less than 1 percent.

As I have indicated, the funding is not needed since the bill already includes a discretionary account for the Commandant to use. And I would further point out that the effect of this amendment is to move money from highways to the Coast Guard. We try to do a very careful balancing act in this transportation bill between the modes, and it would seem to me quite unfair to highway users that they get caught up in a bidding war to see who could do more for the Coast Guard, and who can love the Coast Guard more. It would seem to me that this is exactly the kind of thing that our friends on the Public Works and Transportation Committee should be objecting to, and I hope they do.

I oppose the amendment.

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

I reluctantly oppose the amendment because Mr. GOSS is a good Member and a good supporter, and I know his concerns.

Let me just reiterate some of the things the chairman said. The chairman read the section in the bill, I would tell the gentleman, where there is a \$13,770,000 discretionary increase which is located on page 28 of the committee report. It says:

The recommendation includes \$13,770,000 to provide the Commandant of the Coast Guard resources to address unforeseen operational needs as they arise during the year.

So the money is there. And frankly, if the gentleman's amendment would earmark this, I would be inclined to support him. But by doing this, I think Members should know that we are taking the money away from highway safety. Do we earmark high safety? We could have taken money from demonstration projects and put it in highway safety or truck safety. There is not an area of the country that does not have truck safety problems with rotted tires, faulty brakes, and things like that. If you want to put any additional money in, well, let us put it into truck safety, or if we wanted, we could put it in air safety.

So the discretionary ability is here for the Coast Guard to do this, and if there is a need let me just tell the chairman, and the return of Aristide does not help, then I will support the gentleman with regard to a reprogramming. But it just is not needed now,

unless we just want to spend more money.

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

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

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from the Commonwealth of Virginia for yielding. I am very much encouraged by the assurances I have from the distinguished chairman and from the gentleman from Virginia to meet the needs of the Coast Guard, and I take those in good faith as they are offered. And I am sure that that is welcome news to all of those who care that the Coast Guard is able to accomplish these many missions that they have.

The reason that I brought this amendment forward today was to make sure that we understand that this is a mission that we sent the Coast Guard on. The United States sent the Coast Guard on this mission. This was a very special mission. It was a special cost, and this sort of falls into a pay-as-you-go thing. We have spent this money. This is well beyond contingencies. This is a special, extra operation that has its own code name. Consequently, we have a price tag. We found out what the incremental cost would be for this special operation and now we have to pay for it.

It seemed to me sensible to suggest that we pay monies that we have on hand for expenditures that we have committed, that we get those bills out of the way before we go out and contract more bills for projects which are yet to be started. That was the rationale behind this.

But with the assurances that I have received from the distinguished leadership of this committee that is so important on this matter, I am somewhat assuaged. I still will press on my amendment and vote "yes." But I thank the gentleman for listening and for giving me this time.

Mr. WOLF. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. Goss].

The amendment was rejected.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, \$310,700,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which \$79,200,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 1998; \$27,100,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1996; \$47,700,000 shall be available for other equipment, to remain available until September 30, 1996; \$119,200,000 shall be available for shore facilities and aids to navigation facilities,

to remain available until September 30, 1996; and \$37,500,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1994.

(RESCISSION)

Of the funds provided under this heading in Public Law 102-388, \$20,000,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, \$22,100,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, \$5,940,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), \$548,774,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; \$64,000,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$22,500,000, to remain available until expended, of which \$4,457,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92-75, as amended, \$32,250,000, to be derived from the Boat Safety Account and to remain available until expended.

FEDERAL AVIATION ADMINISTRATION OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, \$4,568,219,000, of which \$2,294,500,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the

maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That, of the funds available under this head, \$2,000,000 shall be made available for the Mid-American Aviation Resource Consortium in Minnesota to operate an air traffic controller training program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard setting organization to assist in the development of aviation safety standards: *Provided further*, That no funds under this head may be used for the implementation, execution or enforcement of section 91.21 of title 14 of the Code of Federal Regulations pertaining to the use of portable electronic devices on aircraft: *Provided further*, That none of these funds shall be available for new applicants for the second career training program.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word. I do so for the purpose of calling attention to language at the bottom of page 11, line 25. The gentleman from Michigan has included language prohibiting enforcement of a provision of the Code of Federal Regulations concerning portable electronic devices on aircraft. There is no such FAA regulation.

This prohibition on use of electronic devices such as laptop computers and telephone aboard aircraft has been a matter of concern by pilots who have noticed fluctuations in their cockpit instruments, and have raised this issue with the FAA, which has undertaken a study of the issue. And our Subcommittee on Aviation has requested the FAA to pursue the study in some considerable depth, and to report to the committee on its findings when it has concluded a comprehensive assessment of the issue.

But the gentleman, I understand, is attempting to get at the issue, but it is an individual airline-by-airline action, not a Federal regulation, not a Federal aviation regulation. And whether in some respects this action by airlines may be an attempt for commercial purposes to prohibit use of portable electronic devices such as telephones so that, as some have alleged, airlines can force passengers to use their own on-board telephones, I am not prepared to address.

□ 1450

But I appreciate the gentleman's concern about this matter. I just wanted to point out that aim has been taken at the wrong target; it is the airlines, not the FAA, it is not a Federal regulation.

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

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

Mr. CARR of Michigan. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for bringing this to the attention of the floor. I had not intended to do that. The gentleman gives a good opportunity here to discuss the issue. The

gentleman is, I think, fundamentally correct, but let me flesh it out a little bit.

This section was passed by the FAA, I believe, in the early 1960's. It was passed at a time when portable devices in planes were tube-type or first-generation transistors, electronics which did not have the integrity that the electronics do today. They were also at a time when the avionics of an airplane were frequently tube or first-generation transistors, and there was a concern.

This section empowers the airlines to do what they are doing today. And it is our intent to focus attention that this section is not up to date, does not contain the best technical advice, was never intended to be applied to today's situation. That is the testimony of the FAA people to myself as I have inquired about this.

We seek here to remove that authority to the airlines to do that. As the gentleman pointed out, in our appropriations bill 3 years ago we provided money for the test the gentleman is talking about, and they have yet to take that test and to complete it. We urged them to do so.

I know the gentleman has a keen interest and has had testimony before this subcommittee, and I look forward to cooperating with the gentleman on it.

Mr. OBERSTAR. Mr. Chairman, we have asked the FAA to give a complete formal report to our committee, and we would be glad to share it with the gentleman when it is done.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

FACILITIES AND EQUIPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized by the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, \$2,142,000,000, of which \$1,945,500,000 shall remain available until September 30, 1996, and of which \$196,500,000 shall remain available until September 30, 1995: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

RESEARCH, ENGINEERING, AND DEVELOPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and de-

velopment, in accordance with the provisions of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$240,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs under the Airport and Airway Improvement Act of 1982, as amended, and under other law authorizing such obligations, \$2,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of \$1,500,000,000 in fiscal year 1994 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended: *Provided further*, That none of the funds in this Act shall be available for planning, approving, or administering new airport letters of intent signed after the date of enactment of this Act.

AMENDMENT OFFERED BY MR. CLEMENT

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

The Clerk read as follows:

Amendment offered by Mr. CLEMENT: On page 14, line 9, strike the colon and all that follows through "Act" on line 13.

Mr. CLEMENT. Mr. Chairman, why are we more interested in keeping businesses and local governments from doing business, creating jobs, and creating economic opportunity?

Why are we more interested in hurting our Nation with more rules, more regulations, and more prohibitions?

Congress and the Federal Government should be looking to encourage economic activity. We should be encouraging airports, which generate enormous economic growth to expand and improve their capacity.

Congress should be done more, not less, to help communities grow and to create businesses opportunities.

Regrettably, the bill before us contains a detrimental provision intended to strangle airports, strange communities, and strangle opportunity.

Mr. Chairman, airports at a number of cities across the country have been able to grow and expand and generate economic activities for their citizens using letters of intent.

But other airports will be denied these same opportunities because of the language in the bill.

Rather than encourage growth, the Appropriations Committee has decided to stifle it.

Mr. Chairman, it's time to stop Congress' heavy-handed treatment. It's time to end unnecessary restrictions and prohibitions. It's time to strike this prohibition which would bar the Federal Aviation Administration from using a cost-effective and creative means of assisting airports to expand and generate economic growth in their community.

Since its inception, letters of intent have provided certainty and continuity to airports and the FAA as they try to meet the increasing demands placed on our air travel system.

Because the flow of funds from the airport trust fund is insufficient and unpredictable, airports and the FAA sign letters of intent by which the Federal Government pledges future years' disbursements for airport construction projects.

Using these letters of intent, airport operators are able to go immediately to the capital markets and float bonds to finance the costs of constructing airport improvement projects. Under letters of intent, the FAA reimburses airports at a later date.

The projects financed with letters of intent meet the same eligibility requirements as projects financed with direct grants. The question is not over merit or eligibility of these projects. They are all paid for out of the aviation trust fund. The question is one of the timing of the receipt of Federal funds. By permitting airport operators to go to the capital markets, airports can undertake construction immediately. The alternative under the direct grant program for an airport operator to await receipt of the total amount necessary for a project, or to bid parts of the project as grants are made. In both cases, the overall costs of construction is greater than under LOI's.

These letters have stretched scarce aviation trust fund dollars. They are supported by the airport community and the Public Works Committee because they are efficient financing mechanisms and save costs otherwise resulting from delay.

If letters of intent are barred, much needed airport projects will be delayed, overall project costs and costs to the airport trust fund will increase, and our local and regional economies slowed.

Mr. Chairman, we also need to reverse Congress' increasing appetite to micromanage. We need to break down barriers, not create them. We need to have confidence in our department and agency administrators.

The language contained in this bill is an inappropriate and unwarranted change of a cost-effective policy. It is opposed by the Department of Transportation. Indeed, Transportation Secretary Peña has said that he would like the Department to continue to have discretion in administering this program.

The prohibition is also opposed by the American Association of Airport Executives. And it is opposed by airports and community leaders looking to generate economic growth.

I urge that this language be deleted. Let us encourage creative ways to improve communities and create jobs.

Let us continue to allow airports and the FAA the flexibility to plan for and to finance airport improvements with letters of intent.

Let us end the heavy-handedness of the Federal Government more interested in strangling opportunity than in creating it.

This is a good move, and that is why it is very necessary for all of us to support this amendment, which would be very beneficial to all concerned. It just comes down to basic common sense and good judgment.

Mr. CARR of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I reluctantly oppose my good friend, the gentleman from Tennessee. He accuses me of trying to strangle airports. I assure you there have been occasions when I would like to strangle some of my colleagues; I have never wanted to strangle an airport.

The fact is, Mr. Chairman, that under the funding levels of this bill, approximately 70 percent of FAA's discretionary funds will be set aside for existing letters of intent. Because of the rapid growth of letters of intent in past years, the FAA has very little discretionary funding left. This Congress has even less because what happens, Mr. Chairman, is that there is a tendency on the part of the executive for the purpose of their own reelection campaign, to go out and grant letters of intent to key areas of the country on the election campaign trail, to promise them some kind of permanent victory in the future. What letters of intent do is bind future administrations, they bind future Congresses, they give us less discretion. Those who are concerned about the budget deficit say that one of the reforms we ought to have in the Congress is to have more discretion here in making funding decisions.

□ 1500

We have made entitlements of so many programs and many of them are out of control. Letters of intent amount to nothing more than case-by-case entitlements. We are seeking to curb them.

We do nothing to affect existing letters of intent in the pipeline. We are going to have to live with them. We are going to have to live with those decisions of prior FAA Administrators for whatever reason, but what we are trying to do is return more discretion to the FAA and the Congress so that some of the smaller airports that do not

have lobbying clout at the FAA, that cannot press their case for an LOI might have a better chance at getting some of these funds.

If we allow new LOI's to be added to those already in effect, the entire program is basically put on autopilot, with no flexibility for the FAA to award grants based on changing needs.

This may be good for a few airports that get their funding locked in with an LOI, but it is really bad for the majority, for the great majority of airports in the country, which would find the well dry when their needs, need to be addressed.

This provision allows the administration and the FAA more discretion in their ability to award airport grants where they are needed on an annual basis and not simply because somebody somewhere issued a letter of intent for something.

I have heard the question raised that since the FAA is not required to sign letters of intent today, why should we prohibit them from signing new ones? The reality is that there is great pressure on the FAA to sign these multiyear letters-of-intent agreements.

Perhaps they have not been as firm as they could have been in saying no to airports. I know how difficult it is to say no to people, believe you me. After this year, I know that. But saying yes too many times to too many airports has led the FAA to the problem that we have today.

Now, we have heard the statement of LOI supporters that these agreements save money. I can tell you that I have seen no evidence, and we have asked this question, we have seen no evidence that LOI's can save the Federal Government money, even though the procedure has been in place since 1987. If significant savings exist, I am certain that we would have heard about them by now. I am also sure that the FAA would have documented these savings, but they have said nothing.

I have also heard the argument that since these projects are eligible for funding, we should allow them to be funded on a multiyear basis without having to wait for future appropriations, that the projects would be delayed if we waited for annual appropriations.

This is very dangerous thinking, Mr. Chairman. There is virtually an unlimited number of projects, good projects around the country, which could be funded. If we did not have to worry about the annual budget constraints or the budget deficit or LOI's, we could accelerate needed medical research, low-income housing projects, and a whole host of other things, but we have to prioritize.

Now, the gentleman has also said this gives funding certainty. We have asked people on Wall Street, we have spent a lot of time this year with in-

vestment bankers and investment counselors in the public sector.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. CARR of Michigan was allowed to proceed for 3 additional minutes.)

Mr. CARR of Michigan. Mr. Chairman, they have said that they do not pay attention to LOI's because ultimately the funding is not certain. Appropriations can dip below the LOI requirement, so they do not count that for their bond ratings.

Mr. Chairman, I would like to summarize and say that this amendment would tie our hands in future years. It would hinder our ability to reduce the deficit. It contains discretion in the FAA, in the Department of Transportation and in the Congress, and we should leave our options open.

Mr. Chairman, I urge defeat of the amendment.

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

Mr. Chairman, we are only talking about a moratorium here for 1 year. I think it is important to the body and to those who are watching back in their offices to understand, that the use of letters of intent, or LOI's, has grown so rapidly that the resources are almost entirely designated to a few airports, perhaps mostly the airports that all of you do not represent.

Just to give you an example, beginning in fiscal year 1990, letters of intent consumed only 8 percent of the discretionary resources. Today letters of intent use 75 percent. In 3 years, from 8 to 75 percent.

A "Dear Colleague" letter was circulated warning that a number of airports might be hurt by the provision in the bill. The information that the FAA gives us is that this is not true, because there is virtually no money left for new letters of intent. If you voted for the budget deficit reduction package because we had to do something for the deficit, you just cannot give letters of intent if there is no money there.

Last, under our bill, the FAA would have had \$191 million of discretionary funding. At \$173.1 million, 90 percent is already set aside for LOI's. Therefore, only \$18.6 million is available for new ones, and we have a waiting list of \$164 million.

Let me just also say, the gentleman from Tennessee should know that Tennessee has the largest letter of intent pending from his own State, which is \$68.7 million. I mean, it would take everything. There would be no money left for anything else. It would just go to that one airport down in Tennessee, so anybody in Alabama, Mississippi, Pennsylvania, Massachusetts, California, New York, where would they go? There would be nothing left.

So if we had more money and you could just print it up, you could give these letters of intent out to everyone and everyone would feel good.

What the committee tried to do and the chairman tried to do is the responsible thing. It is what you do in your own budget. You say, "Hold off. We have spent enough. We are going to stop and we are going to examine where we are. It is a 1-year moratorium."

So I understand, I sympathize with the gentleman from Tennessee, but a 1-year moratorium gives the Congress and the FAA the ability to get hold of things. Otherwise, this program will be out of control.

Mr. Chairman, I just urge Members to oppose this amendment and support the committee with regard to the 1-year moratorium where we can get control of the costs.

Mr. MINETA. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Tennessee.

Mr. Chairman, I rise in strong support of the amendment by our colleague from Tennessee [Mr. CLEMENT].

The bill prohibits new letters of intent from being issued in the Airport Improvement Program. Letters of intent are long range commitments to airports that better enable long range airport development planning. Letters of intent also make the overall program more cost effective because of better, long range planning and prioritization. This aspect of the Airport Program makes good sense and should be continued. There is no indication that the FAA will overcommit if funding is reduced.

We have heard calls to make the Government more responsive to its customers. This amendment does this, and I urge its adoption.

Now, there have been a couple comments made about the fact this is only for 1 year. The problem is that the consequence of a 1-year prohibition is really in effect long term. Disbursements under letters of intent occur in the fiscal year following the fiscal year in which the letter of intent is signed. So therefore, letters of intent that could have been signed in the fiscal year 1994, the year of the committee's prohibition, but which are not signed until fiscal year 1995, would not receive their first dollar of Federal money until fiscal year 1996. So this really is not a 1-year moratorium. This really becomes a much longer term issue.

Now, there has been a comment also made about the fact that the letters of intent are consuming a larger amount of the FAA discretionary resources.

The facts are that if this is the case, then it is really the subcommittee's own doing. The Subcommittee on Transportation of the Committee on Appropriations decreased the obligation ceiling from \$1.8 billion to \$1.5 billion.

Now, the consequence was that the LOI's as a percentage of the FAA discretionary resources went from 36 per-

cent in fiscal year 1993 to 75 percent in 1994.

Now, in actual dollar amounts, however, letters of intent payments between fiscal year 1993 and that expected to be made in fiscal year 1994 only went from \$139 million to \$179 million, or 28 percent.

So the House should not preclude the issuance of LOI's, inasmuch as the Senate Transportation and Appropriations Subcommittee has a higher level of spending authority than the House counterpart. It is expected that the Senate subcommittee will appropriate \$1.7 to \$1.8 billion for FAA grants and aid, thus keeping LOI's as a percentage of total grants and aid at a level much closer to those of the past years, and, therefore, I urge the adoption of this amendment.

□ 1510

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Tennessee [Mr. CLEMENT] concerning the letters of intent. I think the gentleman from California [Mr. MINETA] and the gentleman from Tennessee [Mr. CLEMENT] have both explained very well the purpose of letters of intent, which is to expedite the construction of capacity expanding airport projects, major projects, that in addition to the entitlement funds which airports use for runway expansion, and taxiway and other hard side improvements, that discretionary funds allow them to move a little faster on a larger sized project on a discretionary basis that the FAA has used with some very careful thought over the years since they were first permitted letters of intent in 1987. Since that time, very judiciously, the FAA has authorized only 40 such letters of intent that have supported airport construction in the amount of over \$2 billion. Those projects could not have been undertaken without the assurance of a dedicated revenue stream that the airport authority could count on.

The gentleman from Virginia has raised objections. The gentleman very well knows that the reasons that the airport authority for National and Dulles was created was so that it would not have to depend year to year on appropriated funds from the Congress to build facilities out of federally controlled and owned operated airports, and so it was semiprivatized so that it, too, would have a bond issue capability that it could depend upon from year to year and not have to worry about running out of money in the midst of a major project. The same thing for other airports around the country.

I want to make it very clear, Mr. Chairman, that these letters of intent have been targeted only to those airports that are significant to the na-

tional aviation air space system, that enhance and expand capacity and that are revenue savers, and I say:

If you have to segment a major multi-million-dollar airport project into little pieces, each of the little pieces is going to cost significantly more than the whole.

Now the committee says, and Members got up to say, that the letters of intent, as a percent of discretionary funds, go up to over 70 percent of the total discretionary funds committed under the LOI. They do not say that the reason the percentage creeps upward is that they cut the discretionary funds in this bill. The administration's request for airport and airways improvement was \$1.8 billion. The committee cut a hundred million of that, shifted it over to highways and transit, and then turns around and says:

Oh, no. Look, fellows, if you continue with letters of intent, look how much of the discretionary fund it's going to chew up. On an average the discretionary fund is around 150 to 175 million of the \$1.8 billion that we would have had. It's about 10 percent. But if you chop \$300 million, obviously you squeeze down the discretionary pot. If you left the \$300 million, then you would have a discretionary fund of somewhere around \$450 to \$475 million, and letters of intent would be in the range of less than a third of that discretionary fund.

So, do not blame letters of intent for an action that the committee itself has taken to reduce the amount of money for airport improvements.

As my colleagues know, I say the LOI process has been very judiciously used by FAA. It has been very restrained, very cautiously used, and has operated to enhance capacity at key airports and is a process that ought to be retained. If we did not have obligatory authority, the highway program, highways, would cost four or five times what they do, but because highway authorities can count on those dollar amounts coming year after year, we can segment projects and get better return on our investment.

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

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

Mr. CLINGER. Mr. Chairman, it has been suggested here that this provision of the bill would provide more discretion, more flexibility, to the FAA. It seems to me it actually provides less because it takes away a tool which they have used very effectively to save money, to get more bang for the buck. In other words, we have been able to do more very vitally needed airport projects because of the fact they have the letters of intent where they can frontload.

Mr. OBERSTAR. Mr. Chairman, the gentleman from Pennsylvania [Mr. CLINGER] has stated another facet very well.

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

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

There was no objection.

Mr. CARR of Michigan. Mr. Chairman, just a few comments.

I think what we are seeing in the very excellent presentation of the gentleman from Minnesota [Mr. OBERSTAR] and our committee is essentially two committees coming at the problem from a different point of view. We would love nothing better than to give top dollar to every account, and we would have loved to give top dollar to the airport improvement program.

We have a problem that the Committee on Public Works and Transportation does not have. We get scored with outlays. We have an outlay problem, and this gets pretty arcane for those listening who may not be tuned into the intricacies of Federal budgeting. But we have only three or four accounts, I would tell the gentleman from Minnesota, which are high outlay rate accounts: Coast Guard operating expenses, FAA operations including air traffic control, and transit operating subsidies. In the outyears, if we get into an outlay problem, the only way we can solve that problem is to go to accounts like these. I am sure that the gentleman would not want us to cut back on air traffic control. I do not think the gentleman wants us to further restrict transit operating expenses, as we had to do this year and we did not want to, or further restrict Coast Guard operating expenses.

We just had a long dialog with the gentleman from Florida, the gentleman from Georgia, and the gentleman from Louisiana among others. The only way our committee can manage these resources is not only just budgeting this year, but looking down the road, and that is why we for 1 year only reduced the AIP program to reduce our outlay congestion 2 or 3 years from now. That is the main reason we did that.

So, Mr. Chairman, the gentleman is correct in identifying some of the linkage between the LOI limitation and the overall amount, but it was not that we were mean-spirited. We have serious fiscal problems from year to year, and we are trying to be as fair as possible to everybody. We believe that the LOI's plus the slow outlay rate of AIP gives us future year problems, and that is what we are trying to solve, and we would surely appreciate the gentleman's help.

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

Mr. CARR of Michigan. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I would have been happy to yield to the gentleman if I had had the time under my discussion, but 3 years ago our authorizing subcommittee entered into an understanding with the Subcommit-

tee on Transportation to remove the trigger on AIP and operations account that prohibited, and I will not go into the details, but that created again a logjam, as the gentleman just described, over operations, and AIP funding under which the gentleman's predecessor, Chairman LEHMAN, we agreed to remove the trigger to increase the amount of funding that would come out of a trust fund for operations to 75 percent in exchange for an agreed upon amount of increase in the AIP program.

□ 1520

We have lived up to that. We took that language out with great debate within the aviation community and the airport community, and we have stuck with it. Those amounts out of trust fund into operations account have grown, as we said they should.

So there is another dimension to the point that the gentleman has raised. I understand the gentleman has a different problem. The gentleman has to deal with the Coast Guard, highways, and automobiles. We are dealing only with the aviation trust fund. We thought we had an agreement that would keep those dollar amounts going up, and that would also accommodate letters-of-intent provisions that have been beneficial for airport development.

Mr. CARR of Michigan. Mr. Chairman, reclaiming my time, I would also note in a similar fashion with Chairman TAUZIN that the gentleman's committee has passed out an authorization bill. The funds that we have in this bill are technically unauthorized again. Again, there is a little disagreement over picking and choosing what rule XXI problem you want, but we do appreciate the gentleman allowing us to proceed with the appropriation, even though his own process is not completed.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, this amendment will strike provisions of the bill which prohibit the FAA from issuing letters-of-intent to help finance airport improvement projects.

Continuation of the FAA's letters-of-intent program is necessary to provide the sure knowledge to airports that the FAA will participate over a multiyear period in major airport construction programs.

Because of the need to raise funds in order to finance construction, bonds must often be issued. An FAA letter-of-intent demonstrates Federal commitment to the project, and in so doing assures the bond community that their funding has the support of the FAA. Therefore, FAA letters of intent help decrease the cost of airport construction.

There is a significant need for more airport development funding in order to prevent a significant deterioration in the ability of our airport system to move air traffic efficiently.

According to the latest FAA survey, more than 23 of this Nation's major airports are unacceptably congested. Additionally, the FAA

predicts that passenger enplanements will increase by 60 percent by the year 2004. Simply put, the airport capacity of today will not meet the transportation demands of tomorrow.

Airport congestion costs our economy billions of dollars a year in lost productivity. Unless we work to increase airport capacity, the number of airports with unacceptable delays will continue to grow. Airport construction will not proceed efficiently if the FAA is not permitted to offer letters of intent.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 317, noes 117, not voting 4, as follows:

[Roll No. 448]

AYES—317

Abercrombie	Derrick	Hinchey
Ackerman	Deutsch	Hoagland
Allard	Diaz-Balart	Hoekstra
Andrews (ME)	Dickey	Holden
Applegate	Dicks	Horn
Bacchus (FL)	Dooley	Houghton
Baker (CA)	Doolittle	Hughes
Ballenger	Dornan	Hunter
Barca	Dreier	Hutchinson
Barrett (NE)	Duncan	Hutto
Barrett (WI)	Dunn	Hyde
Bartlett	Edwards (CA)	Inglis
Barton	Edwards (TX)	Inhofe
Bateman	Emerson	Inslee
Becerra	Engel	Jacobs
Beilenson	English (AZ)	Jefferson
Berman	English (OK)	Johnson (CT)
Bilbray	Eshoo	Johnson, E.B.
Bilirakis	Evans	Johnston
Bishop	Everett	Kanjorski
Blackwell	Ewing	Kasich
Bliley	Faleomavaega	Kennelly
Blute	(AS)	Kim
Boehlert	Farr	King
Boehner	Fields (LA)	Kingston
Borski	Fingerhut	Klecicka
Brewster	Fish	Klug
Brooks	Flake	Kolbe
Browder	Fowler	Kopetski
Brown (CA)	Franks (NJ)	Kyl
Brown (FL)	Frost	LaFalce
Bunning	Furse	Lambert
Buyer	Gallely	Lancaster
Byrne	Gejdenson	Lantos
Callahan	Gekas	LaRocco
Calvert	Gephardt	Laughlin
Cantwell	Geren	Lazio
Cardin	Gibbons	Leach
Castle	Gilchrest	Lehman
Clay	Gillmor	Levy
Clayton	Gilman	Lewis (CA)
Clement	Gingrich	Lewis (FL)
Clinger	Glickman	Lewis (GA)
Clyburn	Goodlatte	Linder
Coble	Goodling	Lipinski
Collins (GA)	Gordon	Lloyd
Collins (IL)	Goss	Machtley
Combest	Grams	Maloney
Cooper	Gunderson	Manton
Coppersmith	Gutierrez	Manzullo
Costello	Hall (TX)	Margolies-
Cox	Hamburg	Mezvinsky
Cramer	Hamilton	Markey
Crane	Hancock	Martinez
Crapo	Hansen	McCandless
Cunningham	Harman	McCollum
Danner	Hastert	McCurdy
de la Garza	Hastings	McDermott
de Lugo (VI)	Hayes	McHale
DeFazio	Herger	McHugh
Dellums	Hillard	McInnis

McKeon	Rangel	Stark
McKinney	Ravenel	Stearns
McMillan	Reed	Stenholm
McNulty	Reynolds	Strickland
Menendez	Richardson	Studds
Meyers	Ridge	Stump
Mfume	Roberts	Sundquist
Mica	Roemer	Swett
Michel	Rogers	Swift
Miller (CA)	Rohrabacher	Synar
Miller (FL)	Romero-Barcelo	Talent
Mineta	(PR)	Tanner
Mink	Ros-Lehtinen	Tauzin
Moakley	Rose	Tejeda
Molinari	Rowland	Thomas (CA)
Montgomery	Roybal-Allard	Thomas (WY)
Moorhead	Royce	Thompson
Morella	Rush	Thornton
Murphy	Sangmeister	Thurman
Nadler	Santorum	Torkildsen
Neal (MA)	Sarpalius	Torricelli
Norton (DC)	Sawyer	Towns
Oberstar	Schaefer	Trafiacant
Olver	Schenk	Tucker
Ortiz	Schiff	Underwood (GU)
Orton	Schroeder	Unsoeld
Owens	Schumer	Upton
Oxley	Scott	Valentine
Pallone	Sensenbrenner	Velazquez
Parker	Serrano	Vento
Paxon	Shaw	Volkmer
Payne (NJ)	Shepherd	Vucanovich
Payne (VA)	Shuster	Walker
Petri	Sisisky	Walsh
Pickett	Skaggs	Waters
Pickle	Skeen	Watt
Pombo	Slattery	Waxman
Pomeroy	Slaughter	Weldon
Porter	Smith (MI)	Wheat
Portman	Smith (NJ)	Williams
Poshard	Smith (OR)	Wise
Pryce (OH)	Smith (TX)	Woolsey
Quillen	Snowe	Wyden
Quinn	Solomon	Young (AK)
Rahall	Spence	Young (FL)
Ramstad	Spratt	

NOES—117

Andrews (NJ)	Franks (CT)	Mollohan
Andrews (TX)	Gallo	Moran
Archer	Gonzalez	Murtha
Army	Grandy	Myers
Bachus (AL)	Green	Natcher
Baesler	Greenwood	Neal (NC)
Baker (LA)	Hall (OH)	Nussle
Barcia	Hefley	Obey
Barlow	Hefner	Packard
Bentley	Hobson	Pastor
Bereuter	Hochbrueckner	Pelosi
Bevill	Hoke	Penny
Bonilla	Hoyer	Peterson (FL)
Bonior	Huffington	Peterson (MN)
Boucher	Istook	Price (NC)
Brown (OH)	Johnson (GA)	Regula
Bryant	Johnson (SD)	Rostenkowski
Burton	Johnson, Sam	Roth
Camp	Kaptur	Roukema
Canady	Kennedy	Sabo
Carr	Kildee	Sanders
Chapman	Klein	Saxton
Coleman	Klink	Sharp
Condit	Knollenberg	Shays
Coyne	Kreidler	Smith (IA)
Darden	Levin	Stokes
Deal	Lightfoot	Stupak
DeLauro	Livingston	Taylor (MS)
DeLay	Long	Taylor (NC)
Dingell	Lowe	Torres
Dixon	Mann	Viscosky
Durbin	Matsui	Washington
Fawell	Mazzoli	Whitten
Fazio	McCloskey	Wilson
Fields (TX)	McCrery	Wolf
Filner	McDade	Wynn
Foglietta	Meehan	Yates
Ford (MI)	Meek	Zeliff
Frank (MA)	Minge	Zimmer

NOT VOTING—4

Collins (MI)	Ford (TN)
Conyers	Skelton

□ 1542

Messrs. WILSON, MOLLOHAN, MATSUI, ZELIFF, KLING, BEVILL, GON-

SALEZ, TAYLOR of Mississippi, CONDIT, PETERSON of Florida, and Ms. PELOSI changed their vote from "aye" to "no."

Mr. ALLARD and Mr. ROGERS changed their vote from "no" to "aye." So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

Mr. Chairman, today I intend to support the fiscal year 1994 Transportation appropriations bill, because I know the chairman and his subcommittee have labored hard under difficult fiscal circumstances to craft the best possible bill for the Nation.

I will say that I am disappointed with the bill, however. I am particularly concerned with two important transportation projects that were left out of the bill entirely. It is my hope that in working with the Senate in conference these projects might get a second consideration, and the funds found to proceed.

MARC

The first project is modernization and expansion of the Maryland Rail Commuter Service. MARC is a tremendous mass transit success story. Ridership on the lines between Baltimore and Washington, and Washington and western Maryland has more than doubled in recent years. The only thing restricting further growth in ridership is the lack of railcars to carry the commuters, and limited parking at stations.

MARC has tried to make due with some of the oldest rolling stock in the Nation—and regular breakdowns have resulted. Most recently the system purchased 4 locomotives being retired by the Chicago Commuter System. This purchase finally allowed MARC to put 40-year-old self-propelled cars that often caught fire into reserve service. As I ride the system regularly, I can assure my colleagues that MARC is pushing the natural life of every piece of equipment it has.

Parking is also a huge problem. Today the lot at the BWI Airport station is regularly filled by 6:30 a.m. and commuters arriving later must walk half a mile. I hear about this problem each day as Laura Gamble, a member of my staff, makes this hike as a part of her commute to Washington. MARC has hesitated to improve or expand parking, though, as they do not have seats to carry the additional ridership that would result.

Again from personal experience, MARC operates in a region where the roads are clogged and new commuters are joining the rush each day. We all hear the morning traffic reports with constant tieups on 270, 95, and the Baltimore-Washington Parkway. In addition, the entire region has severe air quality problems that require drastic action.

Putting more and better rolling stock on the MARC lines, increasing the reliability of locomotives, and adding parking are the easiest and most direct means to address the congestion on our roads and the pollution of our air. This is the top priority of the Maryland Department of Transportation and I cannot imagine another transit project where small investments would lead directly to such large benefits. Yet, no funds were included in this bill to fulfill the \$160 million ISTEA authorization for MARC.

MAGLEV

A second issue of great concern is the lack of any funding for initial development of a maglev train prototype. Many picture these trains as a Buck Rogers, space age dream. They are not. Maglev is ready for prototype development—building on the leading American R&D efforts of firms such as Westinghouse, Grumman, and Bechtel. As these names suggest, maglev is one of the most promising fields for defense conversion. Maglev promises safe, low-cost, energy-efficient, high-speed transportation as never before seen in this Nation.

The administration requested \$28 million in fiscal year 1994 to fund the first phase of the maglev prototype authorized under ISTEA. In 1991, the Congressional Office of Technology Assessment, in a report on the viability of a U.S. maglev program, concluded:

If improved mobility, new transportation alternatives using U.S. technology, and international competitiveness are the goals, then Federal demonstration and implementation programs must be established.

Even more recently the Army Corps of Engineers, following a thorough, critical review of maglev found that:

*** Potential economic and public benefits from the U.S. based system are sufficient to justify initiation of phase 1 of a prototype development program.

It is my fear that if we do not act now to begin a consistent, multi-year funding program for a maglev prototype, the United States will suffer, yet again, as another American-invented technology is commercially exploited by foreign competitors.

In voting for the bill today, I hope that as the subcommittee takes this bill to conference, the merits of both the MARC expansion and a maglev prototype will be reconsidered and the necessary funding found for these efforts.

□ 1550

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may

be necessary in carrying out the program for aviation insurance activities under title XIII of the Federal Aviation Act of 1958.

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

Mr. Chairman, I take time at this moment, at the appropriate point in the bill, to refer to language in the accompanying committee report on page 66 which purports to direct the Federal Aviation Administration to make airport improvements grants in the amount of approximately \$10 million each for three specifically mentioned projects. This practice of place naming, though not in the bill but in the committee report, is undesirable on policy grounds, and I take this time to insist that the FAA not consider it legally binding.

From the earliest days of the AIP Program there have been attempts by various Members to influence both the authorizing and appropriating committees to designate funds for specific projects in the FAA program. Those demands have been successfully resisted by both committees up until this year's action.

The FAA in the past has made very sound, objective decisions on which projects to fund using criteria in the AIP program. This year's appropriation committee attempts or would have the effect of ending a 20-year policy against place naming.

Three years ago, when we brought my first AIP authorization bill to the House floor, there were no references in the bill or in the committee report to any specific project. The bill that we will soon bring to the House floor again on that same subject follows that practice, no specific project references.

Elsewhere in the committee report I read with great interest a section entitled "Aviation Criteria" which I read to be a list of questions about airport projects, but no answers as to how these questions evolve or can be converted into standards or criteria. I am not expressing an opinion as to whether or not these three projects should be funded. In my judgment, the FAA will fund these three projects because they are important, they are necessary to the Nation's airspace system and to the growth of air traffic in this country. They are good projects. But there is a process within the FAA by which it will consider those projects and make its judgment independently without prodding or direction from the Appropriations Committee.

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

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

Mr. CLINGER. Mr. Chairman, I thank the gentleman for yielding and just want to rise in support of the gentleman's comments, and stress the fact that in the history of our committee and the authorizing process we have deliberately stayed away from place

naming and designating projects. And we are talking about flexibility, giving flexibility to the FAA to do this. This tends to encroach upon that flexibility, and it takes away that measure that we are all trying to get, which is more flexibility in the FAA to do so.

So I would strongly support the gentleman.

Mr. OBERSTAR. I appreciate the gentleman's support.

There is a publication of the GAO that states clearly the governing legal principle that "restrictions on a lump sum appropriation contained in legislative history are not legally binding on the department or agency unless they are carried into or specified in the appropriations act itself."

Mr. BORSKI. Mr. Chairman, will the gentleman yield for a question?

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

Mr. BORSKI. Mr. Chairman, I understand that the gentleman from Minnesota is very concerned that certain airport projects are the subject of specific funding earmarks in the committee report accompanying H.R. 2490. Is the gentleman aware that the project to construct a third parallel runway at Philadelphia International Airport will increase capacity by 40 per cent and is thus tailor-made for funding under the Airport Improvement Program?

Mr. OBERSTAR. Yes, I am aware of that, and that is a splendid project. The Philadelphia airport expansion is important to the national airspace system. It will enhance capacity not only in Philadelphia but nationwide, and it is a classic airport improvement program candidate. It is the very kind of project that the FAA, using its independent judgment and criteria, already considered, I am confident, and will support.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. OBERSTAR] has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 30 additional seconds.)

Mr. OBERSTAR. I am happy to support the gentleman with the FAA in that request, but I just do not like to see specific references to specific projects either in the bill or the committee report. We are not going to do that in our bill. They ought not to do it in this one.

Mr. BORSKI. I thank the gentleman.

Mr. CARR of Michigan. Mr. chairman, I move to strike the last word.

Mr. Chairman, I was not going to say much, but I am constrained to defend the product of the committee.

We had extensive hearings for the first 3 months of the year, and we asked the administration to tell us how they made decisions about how they spent our taxpayers' money. We were pleasantly surprised to find out that the Federal Highway Administration not only has some excellent criteria

but also has an excellent way of gathering data and creating a database.

We asked the Federal Transit Administration the same questions, and while in our judgments they were not quite up to snuff with what we would like to see in terms of economic-based investment criteria, they at least have some methodology, some measures. They collect data, they issue reports, and they make judgments based on economic merit. They prioritize projects. They can say which is a good cost-effective project and which is a low performer without regard to the property that is asking for the money.

The greatest disappointment we had was with the FAA Airport Improvement Program. While the FAA facilities and equipment activity did have some economic criteria, some investment criteria supporting their decisionmaking, the Airport Improvement Program had nothing. In fact, the acting Administrator said, "We don't have any. We don't do that. It's not our business, and we don't want to do it."

We think they ought to do it. We think it is good, sound management. We think it is a proper part of reinventing government. And we hope that the new Secretary of Transportation and the new FAA Administrator will try to implement some economic-based investment criteria in their judgment making.

I understand that my good friends from the Public Works and Transportation Committee have an undying, almost genetic affection for formulas and allocations, regardless of whether they happen to sift out in any rational economic investment sense. And we had hoped that the chairman of the committee would have required that the FAA develop some economic investment-based criteria in the reauthorization rather than just these scattered-gun approaches. It is like you are broadcasting grass seed across your lawn. You hope some of them will survive, germinate and actually prove useful. The fact of the matter is broadcast strategies in public dollars tend to waste a lot of money. We cannot do that anymore with our deficit.

So we had hearings. People came to us. We have our rigorous investment criteria. We will use it again. We will do an even better job because we are still learning. We would appreciate the comments of anybody who wants to help us learn and improve the process.

But out of our process these three projects stood out, and I do not think it is altogether clear that if we had not gone through that process and focused the attention on those three airport situations that the FAA would in fact have moved forward. I think they have some affection for those projects, but I do not think they had anywhere near the priority that they have today. So I think we have done the country a service.

The CHAIRMAN. The Clerk will read.
The Clerk read as follows:

AIRCRAFT PURCHASE LOAN GUARANTEE
PROGRAM

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). None of the funds in this Act shall be available for activities under this head the obligations for which are in excess of \$9,970,000 during fiscal year 1994. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States.

FEDERAL HIGHWAY ADMINISTRATION
LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, including motor carrier safety program operations, and research of the Federal Highway Administration not to exceed \$462,961,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed \$166,460,000 of the amount provided herein shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities, and private sources, for training expenses incurred for non-Federal employees.

HIGHWAY-RELATED SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)
(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, \$10,000,000 to be derived from the Highway Trust Fund: *Provided*, That not to exceed \$100,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$10,000,000 in fiscal year 1994 for "Highway-Related Safety Grants".

RAILROAD-HIGHWAY CROSSINGS PROJECTS

For necessary expenses of certain railroad-highway crossings projects as authorized by section 163 of the Federal-Aid Highway Act

of 1973, as amended, to remain available until expended, \$12,828,000.

FEDERAL-AID HIGHWAYS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$17,198,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1994.

□ 1600

AMENDMENT OFFERED BY MR. MINETA

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

The Clerk read as follows:

Amendment offered by Mr. MINETA: Page 17, line 19, strike "\$17,198,000,000" and insert "\$17,482,663,000".

Mr. MINETA. Mr. Chairman, as the Members of this House are well aware, the core of the dispute here has been \$284 million in unauthorized funding which, under this bill, would not move through the normal highway program allocations to all the States, but would instead be directed to specific projects in a few States.

Under the bill 1 State would get a third of these funds, 40 States would receive less funding than if these same dollars were simply distributed through the basic highway program allocation enacted into law just 2 years ago, and 27 States would get none of these funds at all.

That is not fair to the people all over this country who pay gas taxes for the purpose of getting the road improvements they need. That is not fair to the people all over this country who have legitimate needs for highway improvements and highway safety projects.

The funding for these projects is not authorized. These projects have not even been considered in a public markup session in any committee. And they are in this bill contrary to the rules of the House. I don't find that acceptable, and most of the Members of this House don't find that acceptable.

As I have indicated to all the Members, I am striking all the unauthorized highway projects in this bill by points of order. The total funding involved is \$284 million. And as I have committed to the Members of this House, I am offering this amendment to restore that amount to the basic highway program, simply by raising the obligation ceiling for Federal-aid highways and highway safety construction programs by the \$284 million.

The result of my amendment would be that these funds, instead of being distributed to only a few States, would be distributed to all States.

This is the way to be fair to all who have paid the taxes, and to all who have highway needs. Forty States will do better under my amendment than they would under the earmarked projects in the bill. There can be no

question but that my amendment will provide a fairer distribution of these tax dollars and will therefore reflect better on this institution.

I urge all Members to support my amendment.

Mr. CARR of Michigan. Mr. Chairman, I rise in opposition to the amendment.

I do so only to take a few minutes to talk about the nub of the controversy between our committees.

I will oppose this amendment. I will not call for a rollcall vote, and I hope that the other side will not either. I am under no illusion about how the vote will go. I think Members are anxious to move on. We have a few more things to do in this bill, and we need to conclude and, hopefully, conclude tonight in an expeditious fashion because we are going to have the President here and we are anxious to listen to him.

But I merely want to point out that the nub of the controversy here has to do with whether you like or you see shortcomings in the highway allocation formula in ISTEA. The chairman of the Committee on Public Works and Transportation has made the assertion, and many have joined him in the assertion, that somehow or other the formula in ISTEA is fair and therefore anything that tinkers with that formula or moves some of the money around is unfair and that what everybody ought to do is support his efforts to put money back into the formula because that will be more fair.

I would just ask the Members to give pause and examine this particular item that I am about to read. If ISTEA formulas are fair, then why does the State of Massachusetts, which ranks 13th in population, 10th in road miles, and 16th in vehicle miles traveled, rank 2d in the amount of formula money under ISTEA? If you are from Massachusetts, you are getting a real good deal, and I can appreciate why you would want to reallocate everything back that you could into the ISTEA formula.

Consider my own State of Michigan: Michigan is the 8th largest State by population, has the 7th longest system of roads, is 8th in the amount of motor vehicle miles traveled, and yet the State of Michigan gets the 11th ranking, we rank 11th in ISTEA funding. From our State's point of view, that is not very fair. Putting money back into the ISTEA formula is to give an advantage to those communities that have already, by virtue of their own political expertise, locked in their advantage for a full 6 years.

Some of our States have needs too. That is a little bit of what this argument between the committees is about.

The other thing is that, without regard to the sincerity and the hard work of the members of the Committee on Public Works and Transportation, when they examined the legislation 3 years ago they saw an America that

has changed since that time. We now have Members coming to us who have been elected since ISTEA was originally passed, saying, "We have got a bridge that is falling down, we have population movement that we couldn't foresee. We even have," and get this, "we even have a cost increase or a need to accelerate a project which was in fact authorized in ISTEA but for which ISTEA didn't give us enough money. Would you, on your Appropriations Committee, give us enough money to complete our project or to accelerate our projects?" So, as the gentleman from Tennessee said on a different issue, "The community could spend its money more wisely and in a more economically efficient manner."

But it seems to me that, rather than allow good policy to take place for the benefit of the customers and the users and the owners of this Government, we get hung up in rules which were designed in another time to solve another problem to try to fence off little jurisdictions between our committees. And that is really where we are—that is the nub of the argument.

We believe the Committee on Public Works and Transportation has an awesome responsibility. We honor their work. They set in motion an architecture which will last for a long number of years.

On the other hand, we all know that situations change. We live in a changing world. There are changing patterns, and nothing changes faster than transportation. So the Committee on Appropriations has tried, knowing that we would exercise an extraordinary procedure, to do something that make sense. We have accepted standards which the Committee on Public Works and Transportation did not accept when they put their projects together. So we thought we would get the approval of the Public Works Committee and some partnership with them in continuing this.

So I oppose the amendment. Again I will not be very vigorous about this. I know that the membership wants to move on.

□ 1610

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

Mr. Chairman, I rise in strong support of the amendment offered by the distinguished chairman of the Committee on Public Works and Transportation.

This amendment simply says that the funds which were put in the highway trust fund will be distributed by the formula that was agreed upon by the Congress to the various States; so every State becomes a multimillion-dollar winner if we adopt this amendment.

I would also say to my good friend, the gentleman from Michigan, that I agree with him that things change and,

indeed, I think we on the Public Works and Transportation Committee are going to have to find a way to be more responsive to the changes that he refers to.

Up until 1978, the surface transportation legislation that we dealt with was dealt with on a 2-year basis. Then we went to the longer, the 5-year, the 6-year basis.

I believe our committee should reconsider going back to the 2-year legislation in the future and this Member will certainly be exploring that possibility, because I think it gives us the opportunity to address the very real problems that the distinguished gentleman from Michigan has referred to here.

I would also point out in reference to the formula and Massachusetts appearing to be such a great winner under the formula, that the reason Massachusetts under ISTEA got the money that it got was not because of its position relative to the percentage formula of distribution, but rather because this Congress has said time and time again that the Interstate System should be completed and the funds required to complete it should be provided. Massachusetts was one of the last States to complete the Interstate System, and therefore the reason Massachusetts got so much money in ISTEA was not because of the percentage formulas in the various categories, but rather because Massachusetts finally was going to complete the interstate, and so they got a big slug of money at the tail end, whereas many of our States, Michigan, Pennsylvania, and other States, got much more money for interstate completion on the front end.

If you take away the cost to complete the interstate, Massachusetts not only would not be second in the funds, but simply applying the various percentage formulas in the various categories, primary, secondary, et cetera, Massachusetts would have been way down.

Indeed, once the interstate is completed, Massachusetts will fall down somewhere in the middle.

So I think referring to the funds they received in ISTEA really does not totally present the whole picture.

For all those reasons, I think we have work to do on the Public Works and Transportation Committee, and I certainly intend to try to be helpful in making us more responsive in terms of compressing the time.

Mr. Chairman, I urge my colleagues to support the amendment of the gentleman from California. It makes every State a multimillion-dollar winner.

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

Mr. Chairman, like the chairman of my subcommittee, I did not plan to speak on this issue, either, but it is interesting to me to hear our colleagues

all of a sudden decide they have nearly \$300 million and they want to spend it. Interesting. How quickly we forget.

If we are going to take the \$284 million—is that the number? I think that is the number that the gentleman from California [Mr. MINETA] is talking about, the amendment of the gentleman from Tennessee [Mr. CLEMENT] that passed recently, as you know, argued about the letters of intent. We rejected the idea we would not inhibit those.

I suppose now we really have a serious outlay problem. I am very concerned about that as a member of the Appropriations Committee and would only suggest that perhaps we ought not to put the \$300 million in. Let them go ahead and strike, if he is successful in striking the project to spend \$284 million, rather than \$300 million, and save the money.

You know, we are not talking about peanuts here. It is interesting to me to hear people all of a sudden decide that, well, we are the Public Works Committee, we will spend the \$300 million, not worrying about outlay problems and budgetary requirements, restrictions in the Budget Act, and by the way, members of the Public Works Committee also voted for or against earlier this year.

It seems to me that perhaps passing this particular amendment would be a grand mistake.

I would hope that for reasons of complying with the Budget Act that we save the \$300 million. Let us do that instead.

Mr. RAHALL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the distinguished gentleman from Michigan, the chairman of the Subcommittee on Transportation of the Committee on Appropriations, has put a great deal of commendable work into this legislation and into transportation policy.

The distinguished gentleman from California, my chairman of the Committee on Public Works and Transportation, is to be most strongly commended for his patience, for his tenacity, and for his attention to the legislative process. That is the issue today.

Chairman MINETA has fully explained his effort to restore the \$284 million to the States in funding that would have gone to the projects that are points of order on this bill. Forty-one States will gain additional funding from Chairman MINETA's amendment.

Chairman CARR has mentioned the fact that things have changed since ISTEA. I totally agree with him in that observation; but the insinuation is that the Committee on Public Works and Transportation has been idle since passage of ISTEA. Nothing could be further from the truth.

We held 5 days of extensive oversight hearings this year on the implementation of ISTEA. We have heard from

transportation officials and groups across the country as to whether or not and what parts of ISTEA are working most effectively and whether a correction bill should be in order. Will a technical correction bill be in order? Yes.

Will the Committee on Public Works and Transportation undertake such an effort? Yes. We will be undertaking such an effort.

I remind the gentleman from Michigan that we undertook such an effort last year and passed a technical corrections bill out of this House, only to see it fall by the wayside in the other body.

So it is not like we are sitting idle and not undertaking responsibilities to examine changes that have occurred since ISTEA was implemented.

In addition to oversight on ISTEA, we have had a number of other issues on our agenda this year. Now that perhaps staff attention and the Members' attention can be diverted back to the technical corrections, we can move even more quickly after passage of this Transportation appropriations bill.

Looking down the road, under ISTEA we have a requirement that an estimated 155,000 mileage system be submitted to Congress by the 18th of December of this year by the Secretary. This will be a followup to the post-Interstate System. This system of highways will be known as NHS, National Highway System.

Congress must act on this highway system by September of 1995, or all interstate maintenance funding would be cut off to the States.

So that will be a major vehicle for us not only to look at what we have done in ISTEA, but to look at overall transportation policy.

ISTEA is a complex bill. It is truly an Intermodal Surface Transportation Efficiency Act, and as such we cannot rush quickly into changes, but rather time is needed to see that it is working, to see what parts may need change.

To our Members, to our new Members especially who have been elected since the implementation of ISTEA, I say we are listening to you and we hear the changes that need to be made, especially in your respective districts. It is not like we are throwing those comments out, going in one ear and out the other. We are listening and we are going to take your concerns into consideration. When we do, perhaps maybe not in a technical corrections bill, it will be when we enact the National Highway System, the next major highway bill to go through this body.

So again, Mr. Chairman, I urge adoption of Chairman MINETA's amendment. I say to my colleagues, this is about process. This Member, as chairman of the Surface Transportation Subcommittee is certainly not against demonstration projects. That is not what I am up here arguing with the ap-

propriators about, but it is about the process and it is about whether projects are authorized or not, whether they have received the proper congressional scrutiny. That is what this whole exercise is all about.

Mr. Chairman, I urge adoption of the amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment before us anticipates the striking of the highway projects in the Transportation Appropriations bill. A great deal has been said about the process by which those projects were proposed and approved. I want to talk about that for just a few minutes, because there has been a good deal of misunderstanding about exactly what the Subcommittee on Transportation did.

As a matter of fact, these projects have been extensively reviewed, much more extensively, much more carefully this year than in previous years. Our subcommittee took testimony from Members about the projects. Members had to provide economic criteria for their projects to make certain that each project was a sound investment.

Now the Intermodal Surface Transportation Efficiency Act, with its contract authority for hundreds of demonstration projects: that was a 6-year authorization, and the question is: What if a pressing need appears after that bill is passed? The answer until this year has been that our subcommittee, the Transportation Appropriation Subcommittee, was free to respond.

One of the two North Carolina projects in the bill, for example, the Neuse River Bridge, has deteriorated rapidly over the last 2 years and has a sufficiency rating of 5 on a scale of 50. Our subcommittee is trying to help North Carolina begin that \$70 million project.

Now my colleagues might say, "Well, why doesn't North Carolina just apply for discretionary bridge funds?" The answer is that the authorizing committee has decided to treat donor States with bridge problems unfairly. Any minimum allocation State that receives discretionary bridge funds has those funds subtracted from their minimum allocation for the next year.

It is that simple. It is a zero-sum game. With that kind of provision, the authorizers are thumbing their noses at the donor States saying, "If you have bridge needs, you can just wait until we get around to a new authorization bill."

Mr. Chairman, this is unfair to donor States like North Carolina, and Texas, and California, and Michigan, and Florida, and Indiana, to name just a few.

Now how is it that the Committee on Public Works and Transportation authorizes projects? Let us talk about that for a minute. It is a unique arrangement, and I think it is a troubling arrangement.

When the Committee on Public Works and Transportation authorizes a project, it provides contract authority for it also. They talk a lot about authorizing on appropriations bills. Well, let us talk about appropriating on authorization bills! In simple terms, these highway demos, all \$6 billion of them, are authorized and appropriated from the start, one fell swoop. The Appropriations Committee has no way to review these projects and make adjustments due to fiscal constraints or problems with the projects.

Let us say a project runs into an environmental problem, for example. They will have their money sitting there unobligated for years.

I ask, "Why shouldn't you make adjustments in the funding level to meet changing circumstances?" Often we might want to reduce funding. In this bill, for example, we brought in \$64 million in rescissions for moribund projects, and our friends have stricken that on a point of order. They do not want to face that problem, and they do not want the Appropriations Subcommittee to face it either.

In other instances, Mr. Chairman, we might want to increase spending because of a project's urgency, but we are not allowed to. So the money just sits there while our roads remain unbuilt and our employment rate remains unacceptably high. It is simply bad financial management, this Public Works process. The Joint Committee on Organization of the Congress simply must review the contract authority process and help us find some way to deal with it.

Now we fund a relatively small number of highway projects in our appropriations bill, and that is one way to deal with this problem. It is not a total solution, but it is one way.

For example, another North Carolina project in this bill, U.S. Highway 64, is in my district. That is a \$30 million project, not the largest of projects as highway demonstrations go. The Committee on Public Works and Transportation in ISTEA did provide some money for this project, all of \$5.3 million! North Carolina unfortunately was not one of the blessed eight States, the eight States that received almost 50 percent of the \$6 billion spent in ISTEA for highway demo projects. Therefore, to help make this important project a reality, other Federal funds were needed. It was not that this project lacked merit. The Committee on Public Works and Transportation recognized that in providing some money for it. It is just that the money was not anywhere near an adequate amount.

So, we got witnesses to come in, we applied the economic criteria, and we passed muster, and the Appropriations Subcommittee has provided some additional funding for this project. I submit to my colleagues that this ought to be in this bill. It ought to stay in this bill.

It is the sort of thing we ought to be doing year to year in our annual appropriations bill, and it is unclear to me why the Public Works and Transportation Committee has suddenly abandoned the division of labor we have had for many years.

The year-to-year funding process is a needed corrective to multiyear authorizations. This funding is more flexible, more targeted, and more accountable, and I would suggest to my colleagues that to simply strike these projects and to fall back on contract authority is inefficient and wasteful.

This year-to-year funding of highway projects pales in comparison to what the Committee on Public Works and Transportation does through its contract authority. At the same time it is a way to correct some of the deficiencies in that process, target that funding, make it more flexible, and make certain that it is adequately utilized. I urge rejection of the amendment.

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

Mr. Chairman, the struggle over the Transportation Appropriations bill has not been a matter of personalities, but of different views of process, each of which has enjoyed some support at one time or the other in the practices of this body. The view taken by the gentleman from California [Mr. MINETA], however, simply must be upheld to maintain the integrity of the House authorization process. The House authorization process. The House authorization process, this process involving most of the Members of this House, is central to our operations.

As to the practices of the other body, if I may say so, I know few Members of this House who regard the Senate as a model for this body.

More than process is at stake, however: \$284 million, which, under legislation passed by the Congress, belongs to every State is at stake. This large amount would have been significant at any time. It is especially significant this year when the stimulus package failed, when business has increased its productivity by laying off workers, when we are closing military bases, when we are downsizing the Federal Government, and when we will be voting for health care reform and eliminating jobs in that sector, when we have cut every major program in the Government and when we have extracted from the President a pledge to do even further cuts.

Precisely because the Congress recognized that fights over funding would develop among the States, we long ago devised a formula for the allocation of transportation funds to the States. If one does not like the formula, use the process: Come to the committee and help us change the formula.

This formula assures that objective factors, including the number of vehi-

cles traveled on the highway system, and population density, and not political considerations, power, relationships or other subjective factors will govern. We will all lose eventually if we tamper with this careful methodology. Moreover, it would be criminal to allow these funds to go unused even in a time of deficit reduction or to allow them to be used for other purposes.

There is consensus among economists that transportation projects are the most efficient way to stimulate the economy, yet we have done amazingly little pump-priming. We see the result in the current unemployment rate of 6.7 percent, and 12.5 percent in the black community, and in an infrastructure that cries out for our attention.

In the 19th century and early 20th century this country guaranteed economic growth by investing its public funds in a magnificent infrastructure. We renewed its vitality over the years. In the most recent period, however, we have squandered our initial investment by allowing bridges, highways, and water projects to be deteriorated so much that it will cost billions more to revive them now than if we had done ordinary maintenance and made timely and necessary additions.

The fairest and most efficient use of the \$284 million is for the Basic Highway Program. There is money under the allocation formula for every State in this bill, and there is no State that does not need this money for transportation-related purposes today. The rational and equitable approach is to go back to the status quo ante and treat these funds as we would have had this fight been unnecessary.

Mr. Chairman, I urge, and strongly urge, support of the amendment offered by the gentleman from California [Mr. MINETA].

Mr. SHARP. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Indiana.

Mr. SHARP. Mr. Chairman, the gentlewoman from the District of Columbia [Ms. NORTON] has articulated the statement that we have got a formula here that will distribute the funding on an equitable and rational basis, on the basis of objective factors, and I regret to say that my State has been a donor State all along, and, while we did get—

Ms. NORTON. Reclaiming my time, Mr. Chairman, I say to the gentleman, If your State is treated unfairly, it has been treated unfairly by the entire Congress. This committee would be open, I am certain, to looking at any unfairness in the formula. It is unfair to use a process—

Mr. SHARP. With due respect to the gentlewoman, and there are many Members on this committee, and I agree with her that the committee is quite open and in 3 years will take up the formula issue, but I will also say

we all know that in this Chamber, whether it is the gentlewoman's committee, my committee, or the entire House, that formula was based on the power distribution in this country, not just on factors.

□ 1630

What has happened is through the appropriations process, and, I might add, through the generosity of your committee, which endorsed projects like some of us have in this bill, we have gotten at least some more equitable distribution.

Ms. NORTON. Mr. Chairman, reclaiming my time, who is to say that your distribution is more equitable than the one that the committee has allocated?

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

Mr. Chairman, I rise in support of the amendment offered by the distinguished chairman of the Public Works Committee.

Let every Member of this House be clear on what we are voting on here. This vote is not about projects. This vote is not simply about dollars, although 41 States would have gotten shortchanged under the bill as reported. This is not a referendum on the worthiness of any particular unauthorized project. This vote is not even about a turf fight between committee chairs.

What we are really being asked to decide is whether the Congress of the United States, and the President, can set transportation policy for this country and see that policy implemented. That fundamental principle is being challenged today.

This Nation's competitiveness has been hobbled by our neglect of our transportation infrastructure, and by the failure to think and plan comprehensively for our Nation's transportation needs. This failure has cost us jobs. The monumental achievement of ISTEA was that we turned a corner and began to fill that gap.

We must not move backward. We need comprehensive planning for our infrastructure. I urge my colleagues to support the gentleman's amendment and preserve this Nation's ability to set comprehensive transportation policy.

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

Mr. NADLER. I yield to the gentleman from Missouri.

Mr. COLEMAN. Mr. Chairman, the only question I have and one of the reasons I got up and said anything at all, is it bothers me a lot that it is now being decided by the House that the Committee on Appropriations did not get enough money through ISTEA. In fact, we were \$284 million short, if I understand the argument of the gentleman. Is that the belief of the Members of the House that have spoken,

such as the gentleman from New York, from the Committee on Public Works and Transportation? Were we short \$284 million for ISTEA?

Mr. NADLER. Mr. Chairman, reclaiming my time, I could answer that question for myself as a Member of the House, but not on behalf of the Committee on Public Works and Transportation, obviously. I prefer that there would be full funding of ISTEA. That was the pledge of the President during his campaign, and I would hope we would come as close to that as possible.

Now, as far as I understand what happened, the administration proposed its budget, the committee did what it did, and the Committee on Appropriations then came along and said, "Well, we will spend on transportation the same amount of money, but we will take out of ISTEA \$305 million and put it in other specific projects in nine States." I do not think the Committee on Appropriations was trying to reduce the amount spent on transportation. They were simply trying to substitute some projects.

Now, I agree with what I take to be both the conclusion of the Committee on Public Works and Transportation and the Committee on Appropriations as to the appropriate amounts to be spent on transportation. I would simply hope that this amendment passes, so it is put back into transportation.

Mr. COLEMAN. Mr. Chairman, if the gentleman will yield further, I think it needs to be said that the Committee on Appropriations does not set the allocation for transportation. We did that in the House, in the Budget Act. I hope that everyone does not believe that the Committee on Appropriations sits around and says, "This is how much we are going to spend on transportation as a function of the United States Government," or, "This is how much we are going to spend on defense as a function of the United States Government." That is not done by the Committee on Appropriations.

Mr. Chairman, I certainly hope the gentleman understands that that was not our decision. In fact, I want to reiterate, one of the major problems we are going to have, because we have already agreed we are going to do letters of intent, now we want to add \$284 million to this section. If some of the projects are not struck, I guess we are going to have a problem again with outlays of a pretty substantial sum. I just wanted to warn the gentleman that that will be a problem, and, in fact, if Members are for deficit reduction, they will vote no.

Mr. NADLER. Mr. Chairman, reclaiming my time, I think the fact is most of those projects are going to be struck because they violate the rules of the House. I think those projects which were not protected are going to be struck. They violate the rules of the House. The argument really is an argu-

ment against the rules of the House, which is not appropriate here now.

Mr. Chairman, I urge adoption of the amendment.

Mr. MCCLOSKEY. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, much has been said, and I think has been alluded to by several Members already, and I think all of us basically know how this is going to go. I might say I think it is obvious to everyone that this is one of the more unenviable times in House history in our legislative experience where we have severe conflicts, if you will, between friends and leaders, and, quite frankly, sometimes between competing committees, unfortunately, that overall are very important to our President and to future existence.

But I am very concerned, quite frankly, about not only the people I represent in Indiana, but also people that are represented by other Members, as to all the projects that very likely will be struck today.

I think Chairman MINETA talked about equity and the idea that an overall unearmarked allocation is the fairest thing for the American people. But as the gentleman from Indiana [Mr. SHARP] raised, and I wish the gentleman from California [Mr. MINETA] would speak to this in a little bit, because I am very concerned about communications today, not just making a point, but Indiana is a donor State.

Mr. Chairman, the other thing I want to point out is probably no one has helped me more in my concern for Indiana, the Indianapolis-Evansville highway, than the gentleman from California [Mr. MINETA], who made this a priority upgrade, put it in ISTEA, and cooperated with some \$26 million in authorization previously.

Basically what happened, with the help of the gentleman from Michigan [Mr. CARR], is the \$9 million ultimately that would help this project that has been endorsed by the gentleman from California [Mr. MINETA], even promoted by him, in essence would be put on a little bit faster track, in an area which is not only a donor State, but which has truly severe unemployment and underemployment. We need those jobs.

Mr. Chairman, when I heard the opening statement of the gentleman from California [Mr. MINETA], as I sat in my office trying to handle three or four different sets of constituents coming in, I was, quite frankly, sincerely concerned for the thrust, where the gentleman said, in essence, our efforts are unfair to the American people.

I understand that authorization-appropriations process and competition. But where do me and 59 other Members and all the millions of people we represent stand in this process as far as the future, wanting more action on priority projects that the gentleman has been in agreement with, over the next

4 years, before the next 4 years runs around?

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

Mr. MCCLOSKEY. I yield to the distinguished chairman, the gentleman from California.

Mr. MINETA. Mr. Chairman, I think the kind of pleas that Indiana, that the gentleman from Indiana [Mr. MCCLOSKEY], the gentleman from Indiana [Mr. SHARP], the gentleman from Indiana [Mr. HAMILTON], the gentleman from Indiana [Mr. MYERS], and other Members of the Indiana delegation have raised, who have talked about this, in ISTEA we worked very, very closely with all of the Members. As I recall, we went from 72 cents on the dollar in terms of the formula distribution prior to ISTEA, and we went very significantly to 85 cent on the dollar.

Mr. MCCLOSKEY. Mr. Chairman, reclaiming my time, that is true. But we are still a donor State. Some people get more than a dollar, do they not?

Mr. MINETA. Mr. Chairman, if the gentleman will yield further, under the minimum allocation program, we made sure that States like Indiana were brought up very, very much. So we recognize that there are inadequacies.

□ 1640

There are also a lot of States that got a lot of interstate moneys in the early years of the Interstate Defense Highway Program, after it was signed into law by President Eisenhower. So a lot of those, I think, figures, if we look at the total time from 1956 to 1991, we will find that there has been a very equitable share that has been coming back. And we will work with the gentleman and others to make sure this happens.

Mr. MCCLOSKEY. Mr. Chairman, we know that historically. But what is our immediate future, then, come spring, as far as sincere efforts to push projects?

Mr. MINETA. Mr. Chairman, if the gentleman will continue to yield, earlier the subcommittee chair of the Subcommittee on Surface Transportation indicated that there would be two things that would be coming to us very quickly. One is the technical corrections bill and, then, the second would be something relating to the National Highway System. That we hope to be able to do, work on, I think, sometime in the early part of 1994.

But I also have to, I think, reflect on the fact that the ISTEA legislation did pass by a vote of 372 to 47. I think at the time we had good, strong support for it.

There is no question that there may be some tweaking that has to be done, and we will do that in the course of the deliberations of the technical corrections and the NHS legislation.

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

words, and I rise in support of the amendment offered by the gentleman from California [Mr. MINETA].

Mr. Chairman, I rise in support of the amendment offered by Chairman MINETA. In my opinion, this amendment corrects the appropriation of highway funding in H.R. 2750, the 1993 surface transportation appropriations bill for fiscal year 1994.

As Chairman MINETA has noted, H.R. 2750 earmarks \$284 million for 57 projects in 24 States. States not blessed with a special earmarked project must fight for a share of the significantly decreased pot of discretionary money left over.

This amendment corrects this situation by redistributing the \$284 million according to the formula established by the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA]. Under ISTEA's funding formula, 41 States, including those 26 that received no special earmarks in this bill, will see their share of highway funding increase. For example, Arizona will receive some \$3.7 million more under ISTEA's more equitable distribution system. Many other States will do much better under the existing formula.

Regardless of whether your State gains or loses, however, you should support this amendment if you support fairness. We should not crimp transportation funding in 26 States in order to prefer specific projects in favored States. As we seek to reinvent government, we should not allow bringing home the bacon to dominate the legislative process. This amendment redistributes transportation funding across the Nation according to the established ISTEA formula approved by Congress. It is the right thing to do.

I urge you to support Chairman MINETA's amendment.

Mr. PETRI. Mr. Chairman, I support the amendment offered by the chairman of the Public Works and Transportation Committee which will return to our regular highway program the funding for the unauthorized highway projects which have been stricken from the bill.

Since the unauthorized projects that have been deleted on points of order were funded through the trust fund, it is logical and appropriate that these funds be restored to our highway program and distributed to all the States. Indeed, this has been the expectation of most Members since the debate began on these particular projects a few months ago.

Allowing these trust funds to be spent on our basic highway program and distributed through established formulas to all the States is the right thing to do, and I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MINETA].

The question was taken; and on a division (demanded by Mr. MINETA) there were—yeas 8, nays 16.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 154, not voting 3, as follows:

[Roll No. 449]

AYES—281

Abercrombie	Goodling	Murphy
Ackerman	Gordon	Nadler
Andrews (ME)	Grandy	Neal (MA)
Andrews (NJ)	Gunderson	Norton (DC)
Applegate	Gutierrez	Norstar
Bacchus (FL)	Hamburg	Obey
Bacchus (AL)	Hancock	Olver
Baker (CA)	Hansen	Owens
Baker (LA)	Harman	Oxley
Ballenger	Hastert	Pallone
Barca	Hayes	Parker
Barlow	Hefley	Paxon
Barrett (WI)	Herger	Payne (NJ)
Bartlett	Hilliard	Payne (VA)
Bateman	Hinchey	Pelosi
Becerra	Hoagland	Boucher
Bellenson	Hoekstra	Petri
Berman	Hoke	Pickle
Bevill	Holden	Pomeroy
Bilbray	Holden	Portman
Bishop	Horn	Poshard
Blackwell	Huffington	Poshard
Blute	Hughes	Quillen
Boehlert	Hunter	Quinn
Boehner	Hutchinson	Rahall
Borski	Hutto	Rangel
Brewster	Hyde	Ravenel
Browder	Inglis	Reed
Brown (CA)	Inhofe	Reynolds
Brown (FL)	Inslee	Richardson
Brown (OH)	Istook	Ridge
Bunning	Jefferson	Roberts
Byrne	Johnson (CT)	Rohrabacher
Callahan	Johnson (GA)	Ros-Lehtinen
Calvert	Johnson, E. B.	Rose
Cantwell	Johnston	Rostenkowski
Clay	Kanjorski	Roth
Clement	Kennedy	Roukema
Clinger	Kennelly	Rowland
Clyburn	Kim	Roybal-Allard
Coble	King	Rush
Collins (GA)	Kingston	Sanders
Collins (IL)	Kleczka	Sangmeister
Condit	Klein	Schenck
Coppersmith	Klug	Schiff
Costello	Kolbe	Schroeder
Cramer	Kopetski	Schumer
Cunningham	Kreidler	Scott
Danner	Kyl	Sensenbrenner
de Lugo (VI)	LaFalce	Serrano
Deal	Lambert	Shays
DeFazio	Lantos	Shuster
DeLauro	LaRocco	Skelton
Dellums	Laughlin	Slattery
Derrick	Lazio	Slaughter
Deutsch	Levy	Smith (NJ)
Diaz-Balart	Lewis (GA)	Smith (OR)
Dickey	Linder	Snowe
Dicks	Lipinski	Spence
Dooley	Lloyd	Spratt
Doolittle	Lowe	Stark
Duncan	Machtley	Strickland
Dunn	Maloney	Studds
Edwards (CA)	Mann	Stump
Emerson	Manton	Sundquist
Engel	Margolies-	Swett
English (AZ)	Mezvinsky	Swift
English (OK)	Markey	Synar
Eshoo	Martinez	Talent
Everett	Matsui	Tanner
Ewing	McCandless	Tauzin
Faleomavaega	McCrery	Taylor (MS)
(AS)	McCurdy	Tejeda
Farr	McDermott	Thomas (CA)
Fawell	McHale	Thomas (WY)
Fields (LA)	McKeon	Thompson
Filner	McKinney	Thornton
Fingerhut	McNulty	Thurman
Fish	Meehan	Torkildsen
Flake	Menendez	Torres
Ford (MI)	Meyers	Torricelli
Ford (TN)	Mfume	Towns
Frank (MA)	Mica	Traficant
Franks (CT)	Michel	Tucker
Franks (NJ)	Miller (CA)	Underwood (GU)
	Mineta	Unsoeld
	Minge	Valentine
	Mink	Velazquez
	Moakley	Volkmer
	Molinar	Vucanovich
	Mollohan	Waters
	Montgomery	Waxman
	Moorehead	Wheat
	Morella	

Williams
WiseWoolsey
WynnYoung (AK)
Zeliff

NOES—154

Allard	Gillmor	Pastor
Andrews (TX)	Gonzalez	Penny
Archer	Goodlatte	Peterson (FL)
Army	Goss	Peterson (MN)
Baesler	Grams	Pickett
Barcia	Green	Pombo
Barrett (NE)	Greenwood	Porter
Barton	Hall (OH)	Price (NC)
Bentley	Hall (TX)	Pryce (OH)
Bereuter	Hamilton	Ramstad
Bilirakis	Hastings	Regula
Billie	Hefner	Roemer
Bonilla	Hobson	Rogers
Bonior	Hochbrueckner	Romero-Barcelo
Boucher	Houghton	(PR)
Brooks	Hoyer	Royce
Bryant	Jacobs	Sabo
Burton	Johnson (SD)	Santorum
Buyer	Johnson, Sam	Sarpalius
Camp	Kaptur	Sawyer
Canady	Kasich	Saxton
Cardin	Kildee	Schaefer
Carr	Klink	Sharp
Castle	Knollenberg	Shepherd
Chapman	Lancaster	Sisisky
Clayton	Leach	Skaggs
Coleman	Lehman	Skeen
Combest	Levin	Smith (IA)
Cooper	Lewis (CA)	Smith (MI)
Cox	Lewis (FL)	Smith (TX)
Coyne	Lightfoot	Solomon
Crane	Livingston	Stearns
Crapo	Long	Stenholm
Darden	Manzullo	Stokes
de la Garza	Mazzoli	Stupak
DeLay	McCloskey	Taylor (NC)
Dingell	McCollum	Upton
Dixon	McDade	Vento
Dornan	McHugh	Visclosky
Dreier	McInnis	Walker
Durbin	McMillan	Walsh
Edwards (TX)	Meek	Washington
Evans	Miller (FL)	Watt
Fazio	Moran	Weldon
Fields (TX)	Murtha	Whitten
Foglietta	Myers	Wilson
Fowler	Natcher	Wolf
Frost	Neal (NC)	Wyden
Furse	Nussle	Yates
Gekas	Ortiz	Young (FL)
Gephardt	Orton	Zimmer
Gibbons	Packard	

NOT VOTING—3

Collins (MI)

Conyers

Shaw

□ 1706

Messrs. VENTO, DE LA GARZA, LANCASTER, CANADY, McMILLAN, CRAPO, ZIMMER, and ROYCE changed their vote from "aye" to "no."

Mr. HOKE, Mrs. VUCANOVICH, and Messrs. EVERETT, CUNNINGHAM, QUILLEN, OLVER, ISTOOK, MOLLOHAN, DOOLITTLE, and TEJEDA changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. CARR of Michigan. Mr. Chairman, I ask unanimous consent that the bill through page 20, line 3, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the bill from page 17, line 22 through page 20, line 3 is as follows:

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the amounts made available for Federal-aid highways pursuant to provisions of

the Surface Transportation Assistance Act of 1982, \$1,596,386 are rescinded.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the amounts made available for Federal-aid highways pursuant to provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987, \$54,014,000 are rescinded.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available for the functional replacement of publicly-owned facilities located within the proposed right-of-way of Interstate Route 170 in Public Law 96-131, \$200,000 are rescinded.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available under this heading in Public Law 100-71, \$364,180 are rescinded.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the authority made available for the intersection safety demonstration project in Public Law 100-457, \$3,059,960 are rescinded.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the authority made available for bridges on Federal dams pursuant to 23 U.S.C. 320, \$9,478,139 are rescinded.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, \$18,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

During fiscal year 1994 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$42,500,000.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97-424, \$68,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$65,000,000 for "Motor Carrier Safety Grants".

The CHAIRMAN. Are there any points of order against the provisions contained in that section of the bill?

POINTS OF ORDER

Mr. MINETA. Mr. Chairman, based on the section of the bill contained in the unanimous-consent request by the distinguished chairman of the subcommittee, I have three points of order.

The CHAIRMAN. The gentleman will state his points of order.

Mr. MINETA. Mr. Chairman, I make a point of order on page 17, line 22, rescission, highway trust fund; a point of order on page 18, line 1, rescission, highway trust fund; and page 18, line 22, rescission, highway trust fund.

Mr. Chairman, I raise a point of order against these provisions. These provisions violate clause 2 of rule XXI because they would rescind their respective amounts in trust fund contract authority, not general fund appropriations, for the costs of designing and constructing certain facilities that are enumerated in the bill.

□ 1710

As I have said, a similar point in all of these, these are highway trust fund contract authority. While they are a form of direct spending, we are authorizing and rescinding highway trust fund contract authority, and that is not within the jurisdiction of the Committee on Appropriations. Thus I am asking for inclusion of the rescission provision as it relates to these three points of order and feel that this is legislation in an appropriations bill and would be subject to the point of order.

The CHAIRMAN. The Chair is going to ask if other Members desire to be heard on the point of order.

Does the gentleman from Michigan [Mr. CARR] seek recognition?

Mr. CARR of Michigan. Yes, Mr. Chairman. I wish to be heard on the point of order.

In the interest of time I want to thank the gentleman from California. What we have done here is try to expedite the business of the House. We have read several sections of the bill, and the gentleman has combined three points of order. I would like to respond to each one of them, in turn.

The first point of order, occurring on page 17, the paragraph the gentleman wishes to strike, would rescind slightly more than \$1.5 million of funds made available in the Surface Transportation Act of 1982. Now I would like the Members of the House to listen to this. This is a rescission of funds available in a 1982 Surface Transportation Act. The two projects involved here have been completed, and the money is just sitting there. This is the important matter that the gentleman from North Carolina [Mr. PRICE] spoke to so eloquently a few moments ago.

In the first point of order we seek to recover funds in this bill that are just sitting in the pipeline.

Again, this is the point that the gentleman from North Carolina so eloquently addressed. Prior authorization bills created funding priority for special projects. Now, in the main, a lot of those projects are being completed or pursued. But in our investigation, in our hearings, with the help of the General Accounting Office, we have discovered some dead demo money. This is money that is in the pipeline that is

not going anywhere, it cannot go anywhere. The first point of order that the gentleman from California made, on page 17, this is \$1.5 million made available in the Surface Transportation Act of 1982, all the way back to 1982. It involves two projects. The two projects that are mentioned, one in California, one in Pennsylvania, have been completed. They are done, they are finished. These funds cannot flow to those projects. They are completed.

But the money, \$1.5 million, is locked up because it cannot be spent for any other purpose, by definition of the authorization act.

So, in our bill we sought to recover some of that money, get it to work, get it to where it is needed, get it to where people have the need for jobs.

And so I would ask for the Chair to rule on the point of order. We believe that we ought to be able to recover this money, put it to work, and not rest on the technicalities of the rules of the House, however nice they might be. They simply are not working for the customers and owners of this Government.

On the second point of order, Mr. Chairman, I would like to say that the paragraph would rescind \$54 million of funding provided in the Surface Transportation and Uniform Relocation Assistance Act of 1987. We are not talking about ISTEA, we are talking about ISTEA's predecessors. We took this action because these projects either had no obligations or obligations of less than 25 percent since the enactment of more than 5 years ago. The authority for the basic highway program available is usually 4 years; these have gone 5 years. The projects cannot get any more than 25 percent of their funding obligated within 5 years. We think that money should be reprioritized, put it on projects that can go today instead of being stuck, in dead demo money. We would ask the Chair to rule on that.

On the third point of order, we basically concede a point of order as a technical violation of the House rules, but before getting off my feet, I want to let the Members know that the first \$10 million of authority for the bridges on Federal dams program was provided for in the 1946 Highway Act. Subsequent acts have increased the total to \$65 million. The Federal Highway Administration indicates that all valid requirements for this program have been satisfied. Indeed, earlier this year when the FHWA financial officials were asked for candidate programs that were no longer needed and could be cleaned up where residual authority could be returned, they cited this program. We would really ask that the chairman of the Public Works and Transportation Committee not insist on his point of order, particularly on this one. This is a dead money that is stuck in the pipelines; it is not working for the people.

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

Mr. CARR of Michigan. I do not have the time.

The CHAIRMAN. Does the gentleman seek to be heard on the point of order?

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

Mr. Chairman, I just want to ask the gentleman, is it not true that there is one project in here, which is State Road 4, in Maryland, \$2.1 million that is there, and yet the State of Maryland did not know that they had it and so they went out and spent their own money and the project is finished?

Mr. CARR of Michigan. That is right.

Mr. WOLF. So the project is finished, and \$2.1 million there, and no one can do anything with it.

Mr. CARR of Michigan. And unless the gentleman would relent on this point of order, we cannot recover that money.

Mr. MINETA. If I may be heard further, Mr. Chairman, I understand what our very fine friend from Michigan is saying, and I recognize, yes, there are provisions from 1982 and 1987 legislation, and they are legitimate points, and I know he has strong feelings about it.

However, it seems to me what we are talking about here really does not go to the question that is being raised by the Chair, because I acknowledge that there is a certain legitimacy about what he is mentioning. The only issue, the only issue before the Chair right now is whether or not this provision is in violation of the House rules. The fact is that for the reasons I have stated, the provisions that I have outlined here are in violation of rule XXI, that these are authorizing or rescinding highway trust fund contract authority, and that this is not within the jurisdiction of the Committee on Appropriations, and so therefore I insist on my point of order.

□ 1720

The CHAIRMAN. The Chair is ready to rule.

Under clause 2(b) of rule XXI, the Appropriations Committee may only recommend rescissions of appropriations that were contained in prior appropriations acts, but not rescissions of contract authority that is contained in other laws.

Therefore, each of the points of order raised are sustained.

Are there other points of order against that part of the bill?

If not, are there amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

BALTIMORE-WASHINGTON PARKWAY

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 and section 1069 of Public Law 102-240 for the Baltimore-Washington Parkway, to remain available until expended, \$16,000,000.

SURFACE TRANSPORTATION PROJECTS
(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for certain ongoing highway and surface transportation projects that improve safety, reduce congestion, or otherwise improve surface transportation, \$92,610,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order against this provision.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. Mr. Chairman, I raise a point of order against page 20, lines 10 through 17.

This provision violates clause 2 of rule XXI because it would appropriate approximately \$92,610,000 for unauthorized highway demonstration projects and because it contains legislative provisions. As such, this provision is subject to a point of order for a number of reasons.

First, the language of the bill is not project specific. Projects are listed in the report. The report represents no more than congressional intent.

The statutory language which is controlling appropriate funds to control these funds is for "certain ongoing highway and surface transportation projects."

Under this language, the Secretary of Transportation could pick and choose which projects to fund, arguably including unauthorized projects. Thus, this provision could support an unauthorized appropriation.

Second, the provision appropriates funds to "remain available until September 30, 1997."

This period of availability is beyond the fiscal year to which the appropriation bill applies and is not authorized in law.

Third, this provision appropriates money out of the highway trust fund contrary to section 9503(c)(1) of the Internal Revenue Code. That sections provides that the highway trust fund may only be used to fund programs authorized in the Highway Acts of 1956, 1982, 1987; and 1991.

Thus, because this provision provides funding from the highway trust fund for projects not authorized by one of these laws, it has the effect of changing existing law and therefore is in violation of rule XXI.

Fourth, Mr. Chairman, this provision does not come within the exception to rule XXI, clause 2(a) for continuation of "appropriations for Public Works and objects which are already in progress."

Again, because the provision is not project specific, it cannot be demonstrated that the funds would only be used on projects meeting the exception.

In any case, it is clear from the precedents that the exception is narrowly construed and has been applied only to Federal projects. As applied

specifically to highways, the precedents have required that the United States actually hold title to the road.

The projects referred to in the committee report do not meet this test.

The precedents also make clear that "an appropriation for a public work in excess of a fixed limit of cost is not in order."

Specifically, the exception for continuation of a public work in progress is not available to appropriate in excess of such a fixed limit.

For example, ISTEA provided contract authority for fixed amounts for projects. This does not authorize additional appropriations for those projects and the exception cannot be used to appropriate additional amounts.

Thus, for the reasons enumerated above, page 20, lines 10 through 17, constitute a violation of rule XXI and is subject to a point of order.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CARR] seek recognition on the point of order?

Mr. CARR of Michigan. Yes, Mr. Chairman. I wish to be heard on the gentleman's point of order.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CARR of Michigan. Mr. Chairman, the gentleman in this particular point of order is arguing the bill provides funds in excess of the amounts authorized, and as such violates clause 2, rule XXI.

This is an important point of order and an important challenge. I would ask my friends and colleagues in the House to pay careful attention.

In the particular section that the chairman is objecting to, all of the projects in this particular section were authorized.

What is being objected to is that the amounts exceed seemingly what might have been authorized by ISTEA.

But here is where we have a problem in dealing with ISTEA in all its imperfections. ISTEA authorized a number of demonstration projects, over 500 I guess, 500 demonstration projects and it authorized an amount of money for those 500 projects; but if you add up what it takes to build all those projects and you add up the amount of money that was given to those projects, they do not give enough money to build the projects; so essentially ISTEA gets projects pregnant, but does not give them enough money for birth and delivery.

I believe at the time I was around, I talked to the people who were involved and I cannot quite believe that the Public Works and Transportation Committee intended that we will give projects enough to get started, but not really enough to give them any kind of an efficient construction period or even perhaps completion, that somehow or other money from God or the sky is going to rain down and get these projects completed.

So it falls to the Appropriations Committee, because Members come and say, "Chairman CARR, I have got an ISTEA authorized project."

I say, "Fine. What can we do?"

Well, they say, "We don't have enough money, or ISTEA requires a payout over 6 years to come in equal lump sums of 18.4 percent."

Does anyone in this room know a highway that builds itself at the rate of 18.4 percent a year? None of them do.

Typically you will have the first year will be design, 10 percent. The next year will be some construction. That will get you up to 40 percent. The next year will be another slug of construction of 40 percent, and then you have some finishing costs, maybe another 10 percent. That is how highways are built; but ISTEA in its infinite wisdom granted 500 demonstration projects out there, and then pays the money out so slowly so that States cannot effectively use it.

So what happens? One of two things happen. Either the money sits clogged up in the pipeline and they never really accumulate enough money to really get underway with the project, and that money then cannot be used on other projects that are ready to go, or the project extends so long that cost estimates get out of line.

Now, the people in the Public Works and Transportation Committee back 3 years ago could not project what the costs of the finishing of a project would be, so we end up with this massive, massive problem.

Let me give you an example here. This is one that just astounds me. It happens to come from my own State. The project happens to be in the district of Congressman BONIOR, the majority whip.

ISTEA authorized the M-59 project, but it was very important. The Public Works and Transportation Committee apparently thought it was very important to authorize that project; but the committee provided only \$5.4 million for fiscal year 1992 through 1997 for this particular project.

Now, the fact of the matter is that this project is going to cost \$175 million. If you pay it out at the rate that ISTEA pays this out, this project will take over 100 years to complete. That is not efficient in anybody's book.

So is it any wonder that the people affected came to the Appropriations Committee and said, "Well, can't you help us accelerate this project? Can't we build it at a more efficient rate, this project which the Public Works and Transportation Committee apparently thinks is a good project and authorized?"

So we try to help those kinds of situations in this particular section.

It really boggles my mind that standing on the thin rules of niceties of rules of the House that we are going to end up doing something stupid across the

land in terms of the investment of our hard-earned transportation dollars.

So in the alternative, I would ask the gentleman if he would not kindly reconsider offering the point of order on this provision, and in the alternative ask for a ruling of the Chair against the point of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. ORTON. I do wish to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Utah [Mr. ORTON] is recognized.

□ 1730

Mr. ORTON. Mr. Chairman, I thank both committee chairs of the Committee on Public Works and Transportation and the Appropriations Subcommittee on this particular issue. I would just like to ask the chairman of the Committee on Public Works and Transportation to reconsider insisting on this point of order, and let me just describe for my colleagues very briefly a situation in my district.

I was not here when ISTEA was passed. In fact, when ISTEA was passed, there is an area in my district, in southern Provo, UT, which had been growing at a fairly good speed, but no unforeseen problems there. We do have an interstate freeway interchange down there. But subsequent to passage of ISTEA a little company named Novell, and all of my colleagues probably recognize the name because most of them use the software in their computer systems in their offices, but Novell began to expand quickly and rapidly, and the city of Provo developed an industrial park in that area. Thousands of jobs moved into the area, so now we have thousands of commuters going to this particular area in my district, and they have to travel on the freeway interstate system. The exchange is inappropriately designed for that amount of traffic. There needs to be a redesign of the interchange. The people now are driving up through the city of Provo which is causing Utah County in Provo to be in nonattainment of the Clear Air Act, costing tens of thousands of dollars of costly clean-up. If we could redesign this particular area, which this demonstration project would do, it not only effectively and efficiently moves the traffic more safely, but it also helps us clean up the environmental problem. That issue, that problem, was not foreseen when we passed ISTEA. This project is an authorized project. This project is in the middle of funding. We have funded it in the past, and now, because of the rules of the House and the debate, discussion, over who is going to decide when and how much money is going to be funded, we are at risk now of pulling all of the funding from that project.

Mr. Chairman, the people in my district care less about the niceties of the

rules of the House than they care about jobs, than they care about the environment, and than they care about getting these projects appropriately funded on time, and so I have great respect, and I have great admiration, for both of the chairmen, but I would ask the gentleman from California [Mr. MINETA] if he would reconsider this point of order although it may be technically correct. I fear that the application of this point of order will cause great disruption, will be inefficient, will show the public in my district that we have a very difficult time in actually conducting the affairs of the people of this country.

So, with that I would ask the chairman of the Committee on Public Works, the gentleman from California [Mr. MINETA], to reconsider.

Mr. MINETA. Mr. Chairman, again there are merits to what has been talked about both by the distinguished chair of the Appropriations Subcommittee on transportation, as well as our fine colleague, the gentleman from Utah [Mr. ORTON]. Again, if it were of that high priority, it seems to me the State would be willing to step forward as well on the Utah project. But it seems to me the issue again before us here is whether or not this provision is in violation of the House rules, and, Mr. Chairman, I am going to have to insist on my point of order.

The CHAIRMAN. The Chair is prepared to rule.

For these reasons stated: One, that authorization levels in existing law [ISTEA] are exceeded in the distribution of the lump sum figure; two, that the availability of funds beyond the fiscal year 1994 is provided contrary to existing law; and, that three, the "work in progress" exception in clause 2(a) rule XXI is not applicable to funding out of the highway trust fund, the point of order made by the gentleman from California is sustained.

The Clerk will read.

The Clerk read as follows:

ONGOING HIGHWAY PROJECTS
(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses for certain ongoing highway, road, and bridge projects that improve safety, reduce congestion, or otherwise improve transportation methods, \$6,300,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order against the provision.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINETA. Mr. Chairman, I raise a point of order against page 20, lines 18-25. This provision violates clause 2 of rule 21 because it would appropriate approximately \$6.3 million for unauthorized highway demonstration projects and because it contains legislative provisions. As such, this provision is subject to a point of order for a number of reasons:

First, the language of the bill is not project specific. Projects are listed in the report. The report represents no more than congressional intent. The statutory language which is controlling appropriates funds for certain ongoing highway and surface transportation projects. Under this language, the Secretary of Transportation could pick and choose which projects to fund, arguably including unauthorized projects. Thus, this provision could support an unauthorized appropriation.

Second, the provision appropriates funds to remain available until September 30, 1997. This period of availability is beyond the fiscal year to which the appropriations bill applies and is not authorized in law.

Third, this provision appropriates money out of the highway trust fund, contrary to section 9503(c)(1) of the Internal Revenue Code. That section provides that the highway trust fund may only be used to fund programs authorized in the Highway Acts of 1956, 1982, 1987, and 1991. Thus, because this provision provides funding from the highway trust fund for projects not authorized by one of these laws, it has the effect of changing existing law and therefore is in violation of rule 21.

Fourth, this provision does not come within the exception to rule XXI, clause 2(a), for continuation of appropriations for public works and objects which are already in progress.

Again, because the provision is not project specific, it cannot be demonstrated that the funds would only be used on projects meeting the exception.

In any case, it is clear from the precedents that the exception is narrowly construed and has been applied only to Federal projects. As applied specifically to highways, the precedents have required that the United States actually hold title to the road. The projects referred to in the committee report do not meet this test.

The precedents also make clear that an appropriation for a public work in excess of a fixed limit of cost is not in order. Specifically, the exception for continuation of a public work in progress is not available to appropriate in excess of such a fixed limit. For example, ISTEA provided contract authority of fixed amounts for projects. This does not authorize additional appropriations for those projects and the exception cannot be used to appropriate additional amounts.

Thus, for the reasons enumerated above, page 20, lines 10 to 17, constitute a violation of rule 21 and is subject to a point of order.

The CHAIRMAN. Do other Members desire to be heard on the point of order?

Mr. LIGHTFOOT. Mr. Chairman, I would like to be heard in opposition to the point of order.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. LIGHTFOOT. Mr. Chairman, the language in question is funding for two ongoing highway projects. One of the projects is in my district to continue funding of the four laning of the Highway 330 corridor between Des Moines, IA, and Marshalltown, IA.

Mr. Chairman, both projects funded in this section are authorized and ongoing. There is an impression that the only way one can authorize a project is by having it listed as a demonstration project in a highway bill. Despite this belief of the Public Works Committee, most road projects are authorized through respective State's highway plans. Otherwise, every federally funded road construction project in this country would have to be named in a highway bill. We know that is not the case. And I can assure the chairman that both projects in this section of the bill are prominent parts of their respective State highway plans.

Rule 21 clause 2(a) creates an exception to funding unauthorized projects in order to continue appropriations for public works and objects which are already in progress.

Both the Federal Highway Administration and the Iowa Department of Transportation have classified the Iowa Highway 330 corridor project as an "Ongoing Project." It is my understanding the other project contained in this section is also considered an ongoing project by the Federal Highway Administration and Virginia Department of Transportation.

Precedents established by this House have defined the term "public works and objects already in progress" to mean tangible matters like buildings and roads. In addition, this House has previously established that: "A public work to come within terms of the rule must be actually in progress according to the usual significance of the words." The Iowa Highway 330 corridor has already been four laned from Des Moines to Bondurant. Clearly, the precedents established by this House qualify these projects for appropriation.

Those raising this point have argued that House precedents have established that a general system of roads on which some work has been done can not be admitted as work in progress. However, Mr. Chairman, these are specific roads in dire need of being completed, not a general system of roads on which some work has been done.

The subcommittee on transportation appropriations required Marshall county and the State of Iowa to answer a long and detailed series of questions on the merit of this project. And I am pleased to say this project had one of the highest cost-benefit ratios of any submitted. This project is not busy work. This is funding to help jump start an important project with a majority State and local funding.

Let me also say to my colleagues that these funds are even more nec-

essary in light of the millions of dollars in damage that this road suffered during the summer flooding in Iowa.

No one's district is immune from these emergencies and I urge that this point of order not be sustained.

□ 1740

Mr. CARR of Michigan. Mr. Chairman, I rise to be heard on the point of order. Pending that, I would like to announce that this will be the final matter for today. It will be my intention after we conclude this matter to move that the Committee rise. There will be no more votes, so the Chamber can be prepared for the President's appearance tonight.

Mr. Chairman, I would like to rise in support of the gentleman's opposition to the point of order. I think it is well founded.

Once again, I want to say that we have put these projects through some rigorous analysis. Maybe not the analysis that they need to fit pristine rule XXI considerations. But I would join the gentleman in opposing the point of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order raised by the gentleman from California [Mr. MINETA].

The gentleman makes the point of order that the funds appropriated in the paragraph entitled "Ongoing Highway Projects" are unauthorized, and thus in violation of clause 2 of rule XXI. The gentleman from Iowa [Mr. LIGHTFOOT] has argued that although the funds may be unauthorized, they are in order under the exception to clause 2 of rule XXI, which allows unauthorized appropriations to continue funding public works and objects which are already in progress, referred to as the "works-in-progress exception."

The Chair will sustain the point of order for two reasons in addition to extended accountability beyond the fiscal year:

First, the Chair must take note of the precedents demonstrating a tendency in this century to narrow the range of projects to which the works-in-progress exception applies. One such precedent—recorded in volume 7 of *Cannons Precedents* at section 1150—is particularly salient. There, the Chair held the construction of a road, although an extension of roads already built, not to be in continuation of a public work.

As the gentleman from Iowa [Mr. LIGHTFOOT] has explained, one project funded by this paragraph is for an extension to a road in various phases of construction. No actual work has begun on the phase of the road funded by this paragraph. Thus, the precedent cited above is directly on point, and the Chair is compelled to sustain the point of order.

Second, the legal authority for expending highway trust funds is outlined in section 9503(c) of the Internal

Revenue Code. That section states in positive terms that highway trust fund monies shall be available where authorized by specific enumerated acts. The paragraph in question circumvents that requirement. Deschler's Precedents, volume 8, chapter 26, section 8.9, stands for the proposition that the works-in-progress exception may not be invoked to circumvent existing law. The Chair further notes that the works-in-progress exception has historically been applied only in cases of general revenue funding.

Therefore, the Chair sustains the point of order.

Mr. CARR of Michigan. Mr. Chairman, I wish to thank Members for their cooperation in today's debate.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. COPPERSMITH] having assumed the chair, Mr. BOUCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1985

Mr. FROST. Mr. Speaker, I ask unanimous consent to have my name removed from cosponsorship of H.R. 1985.

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

There was no objection.

THE AMERICAN HEALTH SECURITY ACT

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

Mr. GENE GREEN of Texas. Mr. Speaker, tonight the President will unveil his plan to reform our Nation's health care system. As a Member who campaigned on this issue I would like to commend the President and the First Lady on their efforts and urge all Members to approach this issue with an open mind and in a bipartisan manner.

The plan addresses:

Universal access by providing a means of coverage for all citizens.

The rising cost of prescription drugs is addressed by providing all Americans coverage, including senior citizens who do not have coverage now.

Individuals will have flexibility in choosing their own health care provider.

Just this morning I received a letter from one of my constituents along with his premium notice that is going up nearly 10 percent at one time, after a 9.5 percent increase in July. This small business person says it better than any of us that we simply "can't continue like this."

The President has heard this plea and I hope Congress has heard it on a bipartisan basis, because we do not get sick as Republicans or Democrats. It is Americans who get ill.

The President's health care plan represents a good start and I urge my colleagues to keep the reality of the uninsured in mind and remember that we are all paying now and will continue to pay more if we do nothing.

I include for the RECORD a copy of the letter my constituent received.

IMPORTANT POLICYHOLDER NOTICE

On August 1, 1993 or on the date to which your premiums are paid, if this is later, a 9.9% rate increase will be placed into effect on your policy. The enclosed is your notice of this rate increase. We suggest that you retain this notice by placing it with your policy.

Many of you who receive this letter received a similar notification in late May that a 9.5% rate increase was being placed into effect on July 1, 1993.

If you took the time to read the May 26, 1993 notice, you would have quickly noted that this "communication" sounded rather negative. The reason for this was we were not certain, at that time, that a 9.5% rate increase would be sufficient. However, we wanted to keep your premium rates as low as possible, and we had hoped that a higher rate increase would not be necessary. We now find that an additional rate increase is mandatory.

The rates we charge only mirror what physicians are charging for their services, what drug companies are charging for medicines and what hospitals are charging for diagnostic tests and treatment. When the preceding charges increase, the premiums we charge must be increased. Now, you may ask, "What is going to be done with the increased revenues from my higher premiums?" Our answer to this is that this money is going to the "same place" that your premium dollars have gone in the past—to pay the ever increasing charges of services by hospitals, physicians, and drug companies.

In simple terms, the cost of your insurance is increasing because the amount we are paying in claims has increased.

We recently received a letter from the Texas Chamber of Commerce which stated, in part, that in Texas "health care coverage cost an average of \$5,891 per family in 1991. . .". Obviously, this cost is much higher now. So you see even with this rate increase, for most of you, the cost of your insurance coverage is still very low. Remember, if you were to cancel your policy, no one will win—you will still need insurance and the Company will lose a valued policyholder. Please do not cancel your policy before you call and discuss such a decision with us.

□ 1750

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Report. No. 103-252) on the resolution (H. Res. 254) providing for the further consideration of the bill (H.R. 2401), to authorize appropriations for fiscal year 1994 for military personnel strengths for fiscal year 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

THE SPEAKER pro tempore (Mr. COPPERSMITH). The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER pro tempore. The Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 5 o'clock and 50 minutes p.m.) the House stood in recess until 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 41 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 144 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the

House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from Maryland [Mr. HOYER];

The gentleman from California [Mr. FAZIO];

The gentlewoman from Connecticut [Mrs. KENNELLY];

The gentleman from South Carolina [Mr. DERRICK];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Georgia [Mr. GINGRICH];

The gentleman from Texas [Mr. ARMEY];

The gentleman from Illinois [Mr. HYDE];

The gentleman from Arkansas [Mr. DICKEY]; and

The gentleman from Arkansas [Mr. HUTCHINSON].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Maine [Mr. MITCHELL];

The Senator from Kentucky [Mr. FORD];

The Senator from Arkansas [Mr. PRYOR];

The Senator from Massachusetts [Mr. KENNEDY];

The Senator from Michigan [Mr. RIEGLE];

The Senator from New York [Mr. MOYNIHAN];

The Senator from West Virginia [Mr. ROCKEFELLER];

The Senator from South Dakota [Mr. DASCHLE];

The Senator from Pennsylvania [Mr. WOFFORD];

The Senator from California [Mrs. FEINSTEIN];

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from Mississippi [Mr. LOTT];

The Senator from Oklahoma [Mr. NICKLES];

The Senator from Texas [Mr. GRAMM];

The Senator from South Carolina [Mr. THURMOND];

The Senator from Oregon [Mr. PACKWOOD];

The Senator from Rhode Island [Mr. CHAFEE]; and

The Senator from Kansas [Mrs. KASSEBAUM].

The Doorkeeper announced the ambassadors, ministers, and Chargé d'Affaires of foreign governments.

The ambassadors, ministers, and Chargé d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 7 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

HEALTH CARE REMARKS—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-137)

The PRESIDENT. Mr. Speaker, thank you very much.

Mr. Speaker, Mr. President, Members of Congress, distinguished guests, my fellow Americans. Before I begin my words tonight, I would like to ask that we all bow in a moment of silent prayer for the memory of those who were killed and those who have been injured in a tragic train accident in Alabama today.

(A moment of silent prayer was observed.)

Amen.

My fellow Americans, tonight we come together to write a new chapter in the American story. Our forebears enshrined the American dream: life, liberty, the pursuit of happiness. Every generation of Americans has worked to strengthen that legacy to make our country a place of freedom and opportunity, a place where people who work hard can rise to their full potential, a place where their children can have a better future.

From the settling of the frontier to the landing on the Moon, ours has been a continuous story of challenges defined, obstacles overcome, new horizons secured. That is what makes America what it is and Americans what we are.

Now we are in a time of profound change and opportunity. The end of the cold war, the information age, the global economy have brought us both

opportunity, and hope, and strife, and uncertainty. Our purpose in this dynamic age must be to make change our friend and not our enemy. To achieve that goal we must face all our challenges with confidence, with faith and with discipline, whether we are reducing the deficit, creating tomorrow's jobs and training our people to fill them, converting from a high-tech defense to a high-tech domestic economy, expanding trade, reinventing government, making our streets safer, or rewarding work over idleness. All these challenges require us to change.

If Americans are to have the courage to change in a difficult time, we must first be secure in our most basic needs. Tonight I want to talk to you about the most critical thing we can do to build that security.

This health care system of ours is badly broken, and it is time to fix it.

Despite the dedication of literally millions of talented health care professionals, our health care is too uncertain and too expensive, too bureaucratic and too wasteful. It has too much fraud and too much greed. At long last, after decades of false starts, we must make this our most urgent priority, giving every American health security, health care that can never be taken away, health care that is always there. That is what we must do.

On this journey, as on all others of true consequences, there will be rough spots in the road and honest disagreements about how we should proceed. After all, this is a complicated issue. But every successful journey is guided by fixed stars, and if we can agree on some basic values and principles, we will reach this destination and we will reach it together.

So tonight I want to talk to you about the principles that I believe must embody our efforts to reform America's health care system: security, simplicity, savings, choice, quality, and responsibility.

When I launched our Nation on this journey to reform the health care system, I knew we needed a talented navigator, someone with a rigorous mind, a steady compass, a caring heart. Luckily for me and for our Nation, I did not have to look very far.

Over the last 8 months, Hillary and those working with her have talked to literally thousands of Americans to understand the strengths and the frailties of this system of ours. They met with over 1,100 health care organizations. They talked with doctors and nurses, pharmacists and drug company representatives, hospital administrators, insurance company executives and small and large businesses. They spoke with self-employed people. They talked with people who had insurance and people who did not.

They talked with union members, and older Americans, and advocates for our children.

The First Lady also consulted, as all of you know, extensively with governmental leaders in both parties, in the States of our Nation, and especially here on Capitol Hill.

Hillary and the task force received and read over 700,000 letters from ordinary citizens. What they wrote and the bravery with which they told their stories is really what calls us all here tonight. Every one of us knows someone who has worked hard and played by the rules and still been hurt by this system that just does not work for too many people, but I would like to tell you about just one.

Kerry Kennedy owns a small furniture store that employs seven people in Titusville, FL. Like most small business owners, he has poured his heart and soul, his sweat and blood into that business for years. But over the last several years, again like most small business owners, he has seen his health care premiums skyrocket, even in years when no claims were made. And last year he painfully discovered he could no longer afford to provide coverage for all his workers because his insurance company told him that two of his workers had become high risks because of their advanced age. The problem was that those two people were his mother and father, the people who founded the business and still work in the store.

This story speaks for millions of others. And from them we have learned a powerful truth: We have to preserve and strengthen what is right with the health care system, but we have got to fix what is wrong with it.

We all know what is right. We are blessed with the best health care professionals on Earth, the finest health care institutions, the best medical research, the most sophisticated technology.

My mother is a nurse. I grew up around hospitals. Doctors and nurses were the first professional people I ever knew and learned to look up to. They are what is right with this health care system.

But we also know that we can no longer afford to continue to ignore what is wrong. Millions of Americans are just a pink slip away from losing their health insurance, and one serious illness away from losing all their savings. Millions more are locked into the jobs they have now just because they or someone in their family has once been sick and they have what is called a preexisting condition.

And on any given day over 37 million Americans, most of them working people and their little children, have no health insurance at all.

And in spite of all this, our medical bills are growing at over twice the rate of inflation, and the United States spends over a third more of its income on health care than any other nation on Earth, and the gap is growing, caus-

ing many of our companies in global competition severe disadvantage.

There is no excuse for this kind of system. We know other people have done better. We know people in our own country are doing better. We have no excuse. My fellow Americans, we must fix this system, and it has to begin with congressional action.

I believe as strongly as I can say that we can reform the costliest and most wasteful system on the face of the Earth without enacting new broad-based taxes. I believe—

I believe it because of the conversations I have had with thousands of health care professionals around the country, with people who are outside this city but are inside experts on the way this system works and wastes money.

The proposal that I describe tonight borrows many of the principles and ideas that have been embraced in plans introduced by both Republicans and Democrats in this Congress. For the first time in this century, leaders of both political parties have joined together around the principle of providing universal, comprehensive health care. It is a magic moment, and we must seize it.

I want to say to all of you, I have been deeply moved by the spirit of this debate; by the openness of all people to new ideas and argument and information. The American people will be proud to know that earlier this week when a health care university was held for Members of Congress, just to try to give everybody the same amount of information, over 320 Republicans and Democrats signed up and showed up for two days just to learn the basic facts of the complicated problem before us.

Both sides are willing to say, "We have listened to the people. We know the cost of going forward with this system is far greater than the cost of change."

Both sides I think understand the literal ethical imperative of doing something about the system we have now.

Rising above these difficulties and our past differences to solve this problem will go a long way toward defining who we are and who we intend to be as a people in this difficult and challenging era. I believe we all understand that.

And so tonight let me ask all of you, every Member of the House, every Member of the Senate, each Republican and each Democrat, let us keep this spirit and let us keep this commitment until this job is done. We owe it to the American people.

Now, if I might, I would like to review the six principles I mentioned earlier and describe how we think we can best fulfill those principles.

First and most important, security. This principle speaks to the human misery, to the costs, to the anxiety we hear about every day, all of us, when

people talk about their problems with the present system.

Security means that those who do not now have health care coverage will have it, and for those who have it, it will never be taken away. We must achieve that security as soon as possible.

Under our plan every American will receive a health care security card that will guarantee a comprehensive package of benefits over the course of an entire lifetime, roughly comparable to the benefit packages offered by most Fortune 500 companies. This health care security card will offer this package of benefits in a way that can never be taken away.

So let us agree on this, whatever else we disagree on: Before this Congress finishes its work next year, you will pass and I will sign legislation to guarantee this security to every citizen of this country.

With this card, if you lose your job or you switch jobs, you are covered. If you leave your job to start a small business, you are covered. If you are an early retiree, you are covered. If someone in your family has unfortunately had an illness that qualifies as a pre-existing condition, you are still covered. If you get sick or a member of your family gets sick, even if it is a life-threatening illness, you are covered. And if an insurance company tries to drop you for any reason, you will still be covered because that will be illegal.

This card will give comprehensive coverage. It will cover people for hospital care, doctor visits, emergency and lab services, diagnostic services like Pap smears and mammograms and cholesterol tests, substance abuse, and mental health treatment.

And equally important, for both health care and economic reasons, this program for the first time will provide a broad range of preventive services, including regular check-ups and well baby visits.

It is just common sense. We know, any family doctor will tell you that people will stay healthier and long-term costs to the health system will be lower if we have comprehensive preventive services. You know how all of our mothers told us that an ounce of prevention was worth a pound of cure? Our mothers were right.

And it is a lesson, like so many lessons from our mothers, that we have waited too long to live by. It is time to start doing it.

Health care security must also apply to older Americans. This is something I imagine all of us in this room feel very deeply about.

The first thing I want to say about that is that we must retain the Medicare Program. It works to provide that kind of security.

But this time, and for the first time, I believe Medicare should provide coverage for the cost of prescription drugs.

Yes, it will cost some more in the beginning. But again, any physician who deals with the elderly will tell you that there are thousands of elderly people in every State who are not poor enough to be on Medicaid but just above that line and on Medicare, who desperately need medicine, who make decisions every week between medicine and food. Any doctor who deals with the elderly will tell you that there are many elderly people who don't get medicine, who get sicker and sicker and eventually go to the doctor, and wind up spending more money and draining more money from the health care system than they would if they had regular treatment in the way that only adequate medicine can provide.

I also believe that, over time, we should phase in long-term care for the disabled and the elderly on a comprehensive basis.

As we proceed with this health care reform, we cannot forget that the most rapidly growing percentage of Americans are those over 80. We cannot break faith with them. We have to do better by them.

The second principle is simplicity. Our health care system must be simpler for the patients and simpler for those who actually deliver health care: our doctors, our nurses, our other medical professionals.

Today we have more than 1,500 insurers with hundreds and hundreds of different forms. No other nation has a system like this. These forms are time-consuming for health care providers, they are expensive for health care consumers, they are exasperating for anyone who has ever tried to sit down around a table and wade through them and figure them out.

The medical industry is literally drowning in paper work. In recent years the number of administrators in our hospitals has grown by four times the rate that the number of doctors has grown. A hospital ought to be a house of healing, not a monument to paperwork and bureaucracy.

Just a few days ago the Vice President and I had the honor of visiting the Children's Hospital here in Washington, where they do wonderful, often miraculous things for very sick children. A nurse named Debbie Feinberg told us that she is in the cancer and bone marrow unit, and the other day a little boy asked her just to stay at his side during his chemotherapy. And she had to walk away from that child because she had been instructed to go to yet another class to learn how to fill out another form for something that didn't have a lick to do with the health care of the children she was helping.

That is wrong, and we can stop it, and we ought to do it.

We met a very compelling doctor named Lilian Beard who said that she did not get into her profession to spend hours and hours, some doctors up to 25

hours a week, just filling our forms. She told us she became a doctor to keep children well and to help save those who got sick. We can relieve people like her of this burden.

We learned, the Vice President and I did, that in the Washington Children's Hospital alone the administrators told us that they spend \$2 million a year, in one hospital, filling out forms that have nothing whatever to do with keeping up with the treatment of the patients. And the doctors there applauded when I was told and I related to them that they spend so much time filling out paperwork that, if they only had to fill out those paperwork requirements necessary to monitor the health of the children, each doctor on that one hospital staff, 200 of them, could see another 500 children a year. That is 10,000 children a year.

I think we can save money in this system if we simplify it. And we can make the doctors and the nurses—and the people that have given their lives to help us all be healthier—a whole lot happier, too, on their jobs.

Under our proposal there would be one standard insurance form, not hundreds of them. We will simplify also, and we must, the Government's rules and regulations because they are a big part of this problem.

This is one of those cases where the physician should heal thyself.

We have to reinvent the way we relate to the health care system along with reinventing Government. A doctor should not have to check with a bureaucrat in an office thousands of miles away before ordering a simple blood test; that is not right, and we can change it.

And doctors, nurses, and consumers should not have to worry about the fine print. If we have this one simple form, there will not be any fine print. People will know what it means.

The third principle is savings. Reform must produce savings in this health care system; it has to. We are spending over 14 percent of our income on health care; Canada is at 10; nobody else is over 9. We are competing with all these people for the future. And the other major countries, they cover everybody, and they cover them with services as generous as the best company policies here in this country.

Rampant medical inflation is eating away at our wages, our savings, our investment capital, our ability to create new jobs in the private sector and this Public Treasury. You know the budget we just adopted had steep cuts in defense, a 5-year freeze on the discretionary spending so critical to reeducating America, and investing in jobs and helping us to convert from a defense to a domestic economy. But we passed the budget which has Medicaid increases of between 16 and 11 percent a year over the next 5 years and Medicare increases of between 11 and 9 per-

cent in an environment where we assume inflation will be at 4 percent or less.

We cannot continue to do this. Our competitiveness, our whole economy, the integrity of the way the Government works, and ultimately our living standards depend upon our ability to achieve savings without harming the quality of health care.

Unless we do this, our workers will lose \$655 in income each year by the end of the decade. Small businesses will continue to face skyrocketing premiums, and a full third of small businesses now covering their employees say they will be forced to drop their insurance. Large corporations will bear bigger disadvantages in global competition, and health care costs will devour more and more and more of our budget.

Pretty soon all of you, or the people who succeed you, will be showing up here and writing out checks for health care and interest on the debt and worrying about whether we have got enough defense, and that will be it, unless we have the courage to achieve the savings that are plainly there before us.

Every State and local government will continue to cut back on everything from education to law enforcement to pay more and more for the same health care.

These rising costs are a special nightmare for our small businesses, the engine of our entrepreneurship and our job creation in America today. Health care premiums for small businesses are 35 percent higher than those of large corporations today, and they will keep rising at double-digit rates unless we act.

So how will we achieve these savings? Rather than looking at price controls or looking away as the price spiral continues, rather than using the heavy hand of Government to try to control what is happening or continuing to ignore what is happening, we believe there is a third way to achieve these savings:

First, to give groups of consumers and small businesses the same market bargaining power that large corporations and large groups of public employees now have. We want to let market forces enable plans to compete. We want to force these plans to compete on the basis of price and quality, not simply to allow them to continue making money by turning people away who are sick or old or performing mountains of unnecessary procedures.

But we also believe we should back this system up with limits on how much plans can raise their premiums year in and year out, forcing people again to continue to pay more for the same health care without regard to inflation or the rising population needs.

We want to create what has been missing in this system for too long and

what every successful nation who has dealt with this problem has already had to do: to have a combination of private market forces and a sound public policy that will support that competition but limit the rate at which prices can exceed the rate of inflation and population growth if the competition does not work, especially in the early going.

The second thing I want to say is that, unless everybody is covered—and this is a very important thing—unless everybody is covered, we will never be able to fully put the brakes on health care inflation. Why is that? Because when people do not have any health insurance, they still get health care; but they get it when it is too late, when it is too expensive, often from the most expensive place of all: the emergency room.

Usually by the time they show up, their illnesses are more severe and their mortality rates are much higher in our hospitals than those who have insurance. So they cost us more.

And what else happens? Since they get the care but they do not pay, who does pay? All the rest of us. We pay in higher hospital bills and higher insurance premiums. This cost shifting is a major problem.

The third thing we can do to save money is simply by simplifying the system, what we have already discussed. Freeing the health care providers from these costly and unnecessary paperwork and administrative decisions will save tens of billions of dollars.

We spend twice as much as any other major country does on paperwork. We spend at least a dime on the dollar more than any other major country. That is a stunning statistic, and it is something that every Republican and every Democrat ought to be able to say: "We agree that we are going to squeeze this out; we cannot tolerate this. This has nothing to do with keeping people well or helping them when they are sick."

We should invest the money in something else.

We also have to crack down on fraud and abuse in the system. That drains billions of dollars a year. It is a very large figure, according to every health care expert I have ever spoken with.

I believe we can achieve large savings, and that large savings can be used to cover the unemployed, uninsured, and will be used for people who realize those savings in the private sector to increase their ability to invest and grow, to hire new workers or to give their workers pay raises, many of them for the first time in years.

Now, nobody has to take my word for this; you can ask Dr. Koop. He is up here with us tonight, and I thank him for being here.

Since he left his distinguished tenure as our Surgeon General, he has spent

an enormous amount of time studying our health care system, how it operates, what is right and wrong with it. He says we could spend \$200 billion every year, more than 20 percent of the total budget, without sacrificing the high quality of American medicine.

Ask the public employees in California who have held their own premiums down by adopting the same strategy that I want every American to be able to adopt, bargaining within the limits of a strict budget.

Ask Xerox which saved an estimated thousand dollars per worker on their health insurance premium.

Ask the staff of the Mayo Clinic, who we all agree provides some of the finest health care in the world. They are holding their cost increases to less than half the national average.

Ask the people of Hawaii, the only State that covers virtually all of their citizens and have still been able to keep costs below the national average.

People may disagree over the best way to fix this system. We may all disagree about how quickly we can do what, the thing that we have to do; but we cannot disagree that we can find tens of billions of dollars in savings in what is clearly the most costly and the most bureaucratic system in the entire world. And we have to do something about that, and we have to do it now.

The fourth principle is choice. Americans believe they ought to be able to choose their own health care plans and keep their own doctors. And I think all of us agree.

Under any plan we pass, they ought to have that right. But today under our broken health care system, in spite of the rhetoric of choice, the fact is that that power is slipping away from more and more Americans. Of course it is usually the employer, not the employee, who makes the initial choice of what health care plan the employee will be in. And if your employer offers only one plan, as nearly three-quarters of small- and medium-size firms do today, you are stuck with that plan and the doctors that it covers.

We propose to give every American a choice among high quality plans. You can stay with your current doctor, join a network of doctors and hospitals, or join a health maintenance organization. If you do not like your plan, every year you will have the chance to choose a new one.

The choice will be left to the American citizen, the worker, not the boss, and certainly not some Government bureaucrat.

We also believe that doctors should have a choice as to what plans they practice in; otherwise citizens may have their own choices limited.

We want to end the discrimination that is now growing against doctors and to permit them to practice in several different plans. Choice is important for doctors, and it is absolutely

critical for our consumers. We have got to have it in whatever plan we pass.

The fifth principle is quality. If we reform everything else in health care but fail to preserve and enhance the high quality of our medical care, we will have taken a step backward, not forward.

Quality is something that we simply can't leave to chance. When you board an airplane, you feel better knowing that the plane had to meet the standards designed to protect your safety, and we can not ask any less of our health care system.

Our proposal will create report cards on health plans, so that consumers can choose the highest quality health care providers and reward them with their business. At the same time, our plan will track quality indicators so that doctors can make better and smarter choices of the kind of care they provide.

We have evidence that more efficient delivery of health care doesn't decrease quality. In fact, it may enhance it. Let me just give you one example of one commonly performed procedure, the coronary bypass operation.

Pennsylvania discovered that patients who were charged \$21,000 for this surgery received as good or better care as patients who were charged \$84,000 for the same procedure in the same State. High prices simply don't always equal good quality.

Our plan will guarantee that high quality information is available in even the most remote areas of this country, so that we can have high quality service, linking rural doctors, for example, with hospitals, with high-technology urban medical centers. And our plan will ensure the quality of continuing progress on a whole range of issues by speeding research on effective prevention and treatment measures for cancer, for AIDS, for Alzheimer's, for heart disease, and for other chronic diseases.

We have to safeguard the finest medical research establishment in the entire world, and we will do that with this plan. Indeed, we will even make it better.

The sixth and final principle is responsibility. We need to restore a sense that we are all in this together and that we all have a responsibility to be a part of the solution.

Responsibility has to start with those who profit from the current system. Responsibility means insurance companies should no longer be allowed to cast people aside when they get sick. It should apply to laboratories that submit fraudulent bills, to lawyers who abuse malpractice claims, to doctors who order unnecessary procedures. It means drug companies should no longer charge three times more for prescription drugs made in America here in the United States than they charge for the same drugs overseas.

In short, responsibility should apply to anybody who abuses this system and drives up the cost for honest, hard-working citizens, and undermines confidence in the honest, gifted health care providers we have.

Responsibility also means changing some behaviors in this country that drive up our costs like crazy, and without charging them we will never have the system we ought to have. We will never. Let me just mention a few, and start with the most important.

The outrageous costs of violence in this country stem in large measure from the fact that this is the only country in the world where teenagers can walk the streets at random with semiautomatic weapons and be better armed than the police.

Let us not kid ourselves. It is not that simple.

We also have higher rates of AIDS, of smoking and excessive drinking, of teen pregnancy, of low birth weight babies, and we have the third worst immunization rate of any nation in the Western Hemisphere. We have to change our ways if we ever really want to be healthy as a people and have an affordable health care system, and no one can deny that.

But let me say this, and I hope every American will listen, because this is not an easy thing to hear. Responsibility in our health care system is not just about them. It is about you. It is about me. It is about each of us.

Too many of us have not taken responsibility for our own health care and for our own relations to the health care system. Many of us who have had fully paid health care plans have used the system whether we needed it or not, without thinking what the costs were. Many people who use this system do not pay a penny for their care, even though they can afford to.

I think those who do not have any health insurance should be responsible for paying a portion of their new coverage. There can not be any something for nothing, and we have to demonstrate that to people. This is not a free system.

Even small contributions, as small as a \$10 copayment when you visit a doctor, illustrate that this is something of value. There is a cost to it. It is not free.

And I want to tell you that I believe that all of us should have insurance. Why should the rest of us pick up the tab when a guy who does not think he needs insurance or says he can not afford it gets in an accident, winds up in an emergency room, gets good care, and everybody else pays? Why should the small business people who are struggling to keep afloat and take care of their employees have to pay to maintain this wonderful health care infrastructure for those who refuse to do anything?

If we are going to produce a better health care system for every one of us,

every one of us is going to have to do our part. There can not be any such thing as a free ride. We have to pay for it. We have to pay for it.

Tonight I want to say plainly how I think we should do that. Most of the money would come, under my way of thinking, as it does today, from premiums paid by employers and individuals. That is the way it happens today.

But under this health care security plan, every employer and every individual will be asked to contribute something to help here.

This concept was first conveyed to the Congress about 20 years ago by President Nixon, and today a lot of people agree with the concept of shared responsibility between employers and employees, and that the best thing to do is to ask every employer and every employee to share that. The Chamber of Commerce has said that, and they are not in the business of hurting small business. The American Medical Association has said that.

Some call it an employer mandate, but I think it is the fairest way to achieve responsibility in the health care system, and it is the easiest for ordinary Americans to understand, because it builds on what we already have and what already works for so many Americans. It is the reform that is not only easiest to understand but easiest to implement in a way that is fair to small business, because we can give a discount to help struggling small businesses meet the cost of covering their employees.

We should require the least bureaucracy or disruption and create the cooperation we need to make the system cost-conscious even as we expand coverage, and we should do it in a way that does not cripple small businesses and low-wage workers. Every employer should provide coverage, just as three-quarters do now. Those who pay are picking up the tab for those who do not today. I do not think that is right.

To finance the rest of reform, we can achieve new savings, as I have outlined, in both the Federal Government and the private sector through better decisionmaking and increased competition. And we will impose new taxes on tobacco.

I do not think that should be the only source of revenues. I believe we should also ask for a modest contribution from big employers who opt out of the system, to make up for that those who are in the system pay for medical research, for health education centers, for all of the subsidies to small business, for all of the things that everyone else is contributing to.

But between those two things, we believe we can pay for this package of benefits and universal coverage and a subsidy program that will help small business. These sources can cover the cost of the proposal that I have described tonight.

We subjected the numbers in our proposal to the scrutiny of not only all the major agencies in Government. I know a lot of people don't trust them, but it would be interesting for the American people to know that this was the first time that the financial experts on health care in all the different Government agencies had ever been required to sit in a room together and agree on numbers. It had never happened before.

But obviously that is not enough, so then we gave these numbers to actuaries from major accounting firms and major Fortune 500 companies who have no stake in this, other than to see that our efforts succeed. So I believe our numbers are good and achievable.

Now what does this mean to an individual American citizen? Some will be asked to pay more. If you are an employer and you are not insuring your workers at all, you will have to pay more. But if you are a small business with fewer than 50 employees, you will get a subsidy. If you are a firm that provides only very limited coverage, you may have to pay more, but some firms will pay the same or less for more coverage.

If you are a young single person in your twenties, and you are already insured, your rates may go up somewhat because you are going to go into a big pool with middle-aged people and older people, and we want to enable people to keep that insurance even when someone in their family gets sick. But I think that is fair, because when the young get older they will benefit from it, first; and, second, even those who pay a little more today will benefit 4, 5, 6, 7 years from now by our bringing health care costs closer to inflation. Over the long-run we can all win, but some will have to pay more in the short run.

Nevertheless, the vast majority of the Americans watching this tonight will pay the same or less for health care coverage that will be the same or better than the coverage they have tonight. That is the simple reality.

If you currently get your health insurance through your job, you still will. And for the first time, everybody will get to choose from among at least three plans to belong to.

If you are a small business owner who wants to provide health insurance to your family and your employees but you cannot afford it because the system is stacked against you, this plan will give you a discount that will finally make insurance affordable.

If you are already providing insurance, your rates may well drop because we will help you as a small business person join thousands of others to get the same benefits big corporations get at the same price they get those benefits.

If you are self-employed, you will pay less, and you will get to deduct from your taxes 100 percent of your health care premiums.

If you are a large employer, your health care costs will not go up as fast, so that you will have more money to put into higher wages, and new jobs, and to put into the work of being competitive in this tough global economy.

Now, these, my fellow Americans, are the principles on which I think we should base our efforts: security, simplicity, savings, choice, quality, and responsibility. These are guiding stars that we should follow on our journey toward health care reform.

Over the coming months you will be bombarded with information from all kinds of sources. There will be some who will stoutly disagree with what I have proposed, and with all other plans in the Congress for that matter. And some of the arguments will be genuinely sincere and enlightening; others may simply be scare tactics by those who are motivated by the self-interests they have in the waste the system now generates, because that waste is providing jobs, incomes, and money for some people.

I ask you only to think of this when you hear all these arguments: Ask yourself whether the cost of staying on this same course is not greater than the cost of change. And ask yourself when you hear the arguments whether the arguments are in your interests or someone else's.

This is something we have got to try to do together.

I want also to say to the Representatives in Congress you have a special duty to look beyond these arguments. I ask you instead to look into the eyes of the sick child who needs care, to think of the face of the woman who has been told not only that her condition is malignant, but not covered by her insurance, to look at the bottom lines of the businesses driven to bankruptcy by health-care costs, to look at the for-sale signs in front of the homes of families who have lost everything because of their health-care costs.

I ask you to remember the kind of people I have met for the last year and a half: the elderly couple in New Hampshire that broke down and cried because of their shame at having an empty refrigerator to pay for their drugs; a woman who lost a \$50,000 job that she used to support her six children because her youngest child was so ill that she could not keep health insurance and the only way to get care for the child was to get public assistance; a young couple that had a sick child and could only get insurance from one of the parents' employers that was a nonprofit corporation with 20 employees, and so they had to face the question of whether to let this poor person with the sick child go or raise the premiums of every employee in the firm by \$200.

And on and on and on.

I know we have differences of opinion, but we are here tonight in a spirit

that is animated by the problems of those people and by the sure knowledge that, if we can look into our hearts, we will not be able to say that the greatest Nation in the history of the world is powerless to confront this crisis.

Our history and our heritage tell us that we can meet this challenge. Everything about America's past tells us we will do it.

So I say to you, "Let us write that new chapter in the American story. Let us guarantee every American comprehensive health benefits that can never be taken away."

You know, in spite of all the work we have done together and all the progress we have made, there are still a lot of people who say it would be an outright miracle if we passed health care reform.

But, my fellow Americans, in a time of change you have to have miracles; and miracles do happen. I mean, just a few days ago we saw a simple handshake shatter decades of deadlock in the Middle East. We have seen the walls crumble in Berlin and South Africa. We see the ongoing brave struggle of the people of Russia to seize freedom and democracy. And now it is our turn to strike a blow for freedom in this country, the freedom of Americans to live without fear that their own Nation's health-care system will not be there for them when they need it.

It is hard to believe that there was once a time in this century when that kind of fear gripped old age, when retirement was nearly synonymous with poverty, and older Americans died in the street. That is unthinkable today because over a half century ago Americans had the courage to change, to create a Social Security system that ensures that no Americans will be forgotten in their later years.

Forty years from now our grandchildren will also find it unthinkable that there was a time in this country when hard-working families lost their homes, their savings, their businesses, lost everything simply because their children got sick or because they had to change jobs. Our grandchildren will find such things unthinkable tomorrow if we have the courage to change today.

This is our chance. This is our journey. And when our work is done, we will know that we have answered the call of history and met the challenge of our time.

Thank you very much and God bless you all.

[Applause, the Members rising].

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 6 minutes p.m., the joint sessions of the two Houses were dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mrs. KENNELLY. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SHAW (at the request of Mr. MICHEL), from 4 p.m. today, on account of personal reasons.

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes each day, on October 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, and 29.

Mr. CRAPO, for 30 minutes, on September 24.

(The following Members (at the request of Mr. MINETA) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Ms. NORTON, for 60 minutes, on September 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WOLF) and to include extraneous matter:)

Mrs. MEYERS of Kansas.

Mr. DREIER.

Mr. GINGRICH, in two instances.

Mr. CRANE.

Mr. BEREUTER.

Mr. STUMP.

Mr. PACKARD.

Mr. SMITH of Texas.

Ms. MOLINARI.

(The following Members (at the request of Mr. MINETA) and to include extraneous matter:)

Mrs. LLOYD.

Mr. HAYES, in two instances.

Mr. WISE, in two instances.

Mr. HAMILTON, in two instances.

Mr. FAZIO.

Mr. LEVIN, in three instances.

Mr. NEAL of Massachusetts.

Mr. TEJEDA.

Mr. SLATTERY.

Mr. STOKES.
 Mr. TRAFICANT.
 Mr. BONIOR.
 Mr. WYNN.
 Mr. BROWN of Ohio, in three instances.
 Mr. DEUTSCH.
 Mr. COPPERSMITH.
 Mr. MATSUI.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 168. An act to designate the Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville, Tennessee, as the "Howard H. Baker, Jr. United States Courthouse."

BILLS, RESOLUTIONS, AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills, resolutions, and joint resolution of the House of the following titles:

On September 10, 1993:

H.R. 2010. A bill to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

On September 15, 1993:

H. Res. 249. Resolution electing the Honorable G.V. (Sonny) Montgomery Speaker pro tempore during any absence of the Speaker until September 15, 1993.

On September 21, 1993:

H.J. Res. 220. Joint resolution to designate the month of August as "National Scleroderma Awareness Month," and for other purposes.

H.R. 873. Resolution to provide for the consolidation and protection of the Gallatin Range.

ADJOURNMENT

Mrs. KENNELLY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, September 23, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1916. A letter from the Comptroller of the Department of Defense, transmitting notifi-

cation that up to \$11.0 million is proposed to be obligated to assist the Republic of Ukraine for civilian nuclear reactor safety upgrades; to the Committee on Appropriations.

1917. A letter from the Secretary of Housing and Urban Development, transmitting the Fiscal Year 1992 Annual Report for the Homeownership and Opportunity for People Everywhere [HOPE 2] program for multifamily rental developments, pursuant to Public Law 101-625, section 431 (104 Stat. 4172); to the Committee on Banking, Finance and Urban Affairs.

1918. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a report required by section 918 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

1919. A letter from the Board of Governors, Federal Reserve System, transmitting the Board's annual report on the assessment of the profitability of credit card operations of depository institutions, pursuant to 15 U.S.C. 1637; to the Committee on Banking, Finance and Urban Affairs.

1920. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of the Retained Earnings of the District of Columbia Water and Sewer Enterprise Fund", pursuant to D.C. Code Section 47-117(d); to the Committee on the District of Columbia.

1921. A letter from the Secretary of Education, transmitting Notice of Final Funding Priority—Services for Children with Deaf-Blindness Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1922. A letter from the Secretary of Education, transmitting Notice of Final Funding Priority—Secondary Education and Transitional Services for Youth with Disabilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1923. A letter from the Commissioner, National Center for Education Statistics, transmitting the fifth annual report on dropout and retention rates entitled, "Dropout Rates in the United States: 1992"; to the Committee on Education and Labor.

1924. A letter from the Secretary of Education, transmitting a draft of proposed legislation entitled, "Cohort Default Rate Simplification Act of 1993"; to the Committee on Education and Labor.

1925. A letter from the Secretary of Health and Human Services, transmitting a copy of the 1992 edition of "Health, United States, 1992 and Healthy People 2000 Review", pursuant to 42 U.S.C. 242m(a)(2)(D); to the Committee on Energy and Commerce.

1926. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Singapore (Transmittal No. DTC-40-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1927. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. C-93 which relates to enhancements or upgrades from the level of sensitivity of technology or capability described in section 36(b)(1), AECA certification 90-65 of 10 September 1990, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on Foreign Affairs.

1928. A letter from the Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of

April 30, 1993, pursuant to 36 U.S.C. 1101(28), 1103; to the Committee on the Judiciary.

1929. A letter from the Administrator, Small Business Administration, transmitting the annual report for Fiscal Year 1992, pursuant to 15 U.S.C. 639(b); to the Committee on Small Business.

1930. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to delete a requirement that the Under Secretary for Health in the Department of Veterans Affairs be a doctor of medicine; to the Committee on Veterans' Affairs.

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. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 2151. A bill to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet program, and for other purposes; with an amendment (Rept. 103-251). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. H. Res. 254. A resolution providing for further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes (Rept. 103-252). Referred to the House Calendar.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 1036. A bill to amend the Employee Retirement Income Security Act of 1974 to provide that such act does not preempt certain State laws; with an amendment (Rept. 103-253). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURTHA: Committee on Appropriations. H.R. 3116. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-254). Referred to the Committee of the Whole House on the State of the Union.

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. DREIER:

H.R. 3115. A bill to improve access, affordability, and competition in health care, through the implementation of flexible savings accounts and malpractice reform, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

By Mr. MURTHA:

H.R. 3116. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

By Mr. BARLOW:

H.R. 3117. A bill to initiate planning and design for a replacement facility at Fort Campbell, KY for the purpose of providing educational opportunities for military personnel and their dependents; to the Committee on Appropriations.

By Mr. EVANS (for himself, Mr. LEACH,

Mr. LIPINSKI, and Mr. SANGMEISTER):
 H.R. 3118. A bill concerning treatment of the Centennial Bridge, Rock Island, IL,

under title 23, United States Code; to the Committee on Public Works and Transportation.

By Mrs. LLOYD:

H.R. 3119. A bill to establish a coordinated strategy of health promotion and disease prevention activities through the Public Health Service; to the Committee on Energy and Commerce.

By Mr. McHALE (for himself, Mr. ANDREWS of New Jersey, Mr. BACHUS of Alabama, Mr. BAESLER, Mr. BARCIA of Michigan, Mr. BARLOW, Mr. BARRETT of Wisconsin, Mr. BORSKI, Mr. BROWN of Ohio, Ms. DANNER, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DOOLITTLE, Mr. EVANS, Mr. FROST, Mr. PETE GEREN of Texas, Mr. GREENWOOD, Mr. GUTIERREZ, Mr. HOKE, Mr. HOLDEN, Ms. NORTON, Mr. INSLEE, Mr. JOHNSTON of Florida, Mr. JOHNSON of Georgia, Mr. KANJORSKI, Mr. KLEIN, Mr. KLINK, Mr. KNOLLENBERG, Mr. KREIDLER, Mr. LANCASTER, Mr. MENENDEZ, Mr. McCLOSKEY, Mr. MCINNIS, Mr. MEEHAN, Mr. MINGE, Mr. MURPHY, Mr. MURTHA, Mr. ORTON, Mr. POMEROY, Mr. QUINN, Mr. ROYCE, Mr. SANTORUM, Ms. SCHENK, Mr. SHUSTER, Mr. SKELTON, Mr. STUPAK, Mr. SWETT, Mr. TALENT, Mr. TAYLOR of Mississippi, Mr. TEJEDA, Mr. TUCKER, and Mr. UNDERWOOD):

H.R. 3120. A bill to assure the rights of victims of crime; to the Committee on the Judiciary.

By Mr. SLATTERY (for himself, Mr. GREENWOOD, Mr. PALLONE, and Mr. QUILLEN):

H.R. 3121. A bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUMP (for himself, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. HUTCHINSON, and Mr. LINDER):

H.R. 3122. A bill to amend title 38, United States Code, to revise and improve the long-term care programs of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. DE LA GARZA (for himself, Mr. ROBERTS, Mr. ENGLISH of Oklahoma, Mr. COMBEST, and Mr. BOEHNER):

H.R. 3123. A bill to increase the interest rates electric and telephone borrowers pay under the lending programs administered by the Rural Electrification Administration and otherwise restructure the lending programs carried out by that Administration; to the Committee on Agriculture.

By Mr. ACKERMAN:

H.J. Res. 264. Joint resolution designating the month of March 1994 as "Chronic Fatigue Syndrome Awareness Month"; to the Committee on Post Office and Civil Service.

By Ms. MCKINNEY:

H. Con. Res. 149. Concurrent resolution concerning United States support for President Jean-Bertrand Aristide upon his return to Haiti as its President; to the Committee on Foreign Affairs.

By Mrs. BENTLEY (for herself, Mr. SPRATT, Mr. BONILLA, Mr. SKEEN, and Mr. STUMP):

H. Con. Res. 150. Concurrent resolution expressing the sense of the Congress that the President, with the advice and consent of the Senate, should post-humously advance Rear Adm. Husband E. Kimmel to the grade of admiral on the retired list of the Navy and

Maj. Gen. Water C. Short to the grade of lieutenant general on the retired list of the Army; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII,

244. The SPEAKER presented a memorial of the House of Representatives of the State of Texas, relative to authorizing the Department of Agriculture to sell processed, previously-redeemed, discontinued, and no-longer negotiable food stamps to the public for numismatic purposes; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BILIRAKIS introduced a bill (H.R. 3124) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel RBOAT; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. SANDERS.
 H.R. 59: Mr. STUPAK.
 H.R. 145: Ms. DANNER.
 H.R. 147: Mr. COX.
 H.R. 302: Mrs. MALONEY, Mr. CAMP, and Mrs. LLOYD.
 H.R. 349: Mr. WYNN, Mr. GORDON, and Mr. TORRES.
 H.R. 425: Mr. BISHOP.
 H.R. 427: Mr. BISHOP, Mr. DEFazio, and Ms. PRYCE of Ohio.
 H.R. 441: Mr. PORTMAN.
 H.R. 455: Mr. DUNCAN and Mr. PRICE of North Carolina.
 H.R. 509: Mr. CAMP.
 H.R. 562: Mr. INHOFE.
 H.R. 563: Mr. INHOFE.
 H.R. 769: Mrs. ROUKEMA.
 H.R. 796: Mr. LEACH, Mr. CARDIN, and Ms. FURSE.
 H.R. 814: Mr. ROEMER, Mr. MCKEON, and Mr. KREIDLER.
 H.R. 830: Mr. DICKS, Mr. HOLDEN, and Mr. GOSS.
 H.R. 831: Mr. COX.
 H.R. 833: Mr. ANDREWS of Maine, Mr. PAYNE of New Jersey, and Mr. REED.
 H.R. 883: Mr. BARTLETT of Maryland, and Mr. McCRERY.
 H.R. 898: Mr. KOPETSKI, Mr. BOEHLERT, Mr. ROSE, Mr. FAZIO, Mr. MINETA, Mr. SMITH of Oregon, Mr. TEJEDA, Mr. SARPALIUS, and Mr. UNDERWOOD.
 H.R. 911: Mrs. ROUKEMA, Mr. GILCHREST, Mr. DUNCAN, and Mr. FLAKE.
 H.R. 962: Mr. SAWYER, Mr. FINGERHUT, and Mr. MANN.
 H.R. 972: Mr. SCHIFF.
 H.R. 1126: Mr. PORTMAN.
 H.R. 1322: Mr. LEWIS of Florida, Mr. McMILLAN, Mr. SPENCE, Mr. HOUGHTON, Mr. YOUNG of Alaska, Mr. QUILLEN, and Mr. CALAHAN.
 H.R. 1391: Mr. TRAFICANT, Mr. BACCHUS of Florida, Mr. LANTOS, Mr. CLAY, and Mr. DEUTSCH.
 H.R. 1392: Mr. COX.
 H.R. 1504: Mr. PAYNE of Virginia and Mr. DOOLEY.

H.R. 1533: Mr. BACCHUS of Florida, Mr. HASTINGS, Ms. ESHOO, Ms. WOOLSEY, Mrs. MINK, Mr. DORNAN, and Mr. HOBSON.

H.R. 1622: Mr. COX.

H.R. 1796: Mr. RICHARDSON, Mr. GEJDENSON, Mr. HALL of Ohio, Mr. PAYNE of Virginia, Mr. ZIMMER, Mr. BOUCHER, Mr. McCLOSKEY, Mr. SMITH of Iowa, and Mr. SKEEN.

H.R. 1921: Mr. JACOBS.

H.R. 1980: Mr. STENHOLM and Mr. ORTON.

H.R. 1987: Ms. NORTON.

H.R. 2043: Mr. SKAGGS.

H.R. 2221: Mr. CANADY, Mr. CRANE, Mr. DEAL, Mr. HANSEN, Mr. MANN, and Mr. POSHARD.

H.R. 2268: Mr. EMERSON.

H.R. 2357: Mr. LANTOS.

H.R. 2370: Mr. BISHOP.

H.R. 2438: Mr. CANADY.

H.R. 2444: Mr. RAMSTAD, Mr. FISH, Mr. COX, Mr. SUNDQUIST, Mr. SHAYS, Mr. KOLBE, and Mr. DEAL.

H.R. 2488: Mr. MATSUI and Mr. SANDERS.

H.R. 2572: Mr. SANDERS.

H.R. 2612: Mr. LANTOS and Mr. EDWARDS of California.

H.R. 2641: Mr. BILBRAY.

H.R. 2831: Mr. MATSUI, Mr. FAZIO, Mr. COX, Ms. WOOLSEY, Mr. STARK, Ms. ESHOO, Mr. EDWARDS of California, Mr. BEILINSON, Mr. BERMAN, Mr. WAXMAN, Mr. BECERRA, Ms. ROYBAL-ALLARD, Ms. HARMAN, and Mr. BROWN of California.

H.R. 2855: Mr. JEFFERSON.

H.R. 2877: Mr. HINCHEY.

H.R. 2879: Mr. KNOLLENBERG.

H.R. 2898: Mr. SANDERS.

H.R. 2903: Mr. EMERSON, Mr. CANADY, and Mr. SOLOMON.

H.R. 2913: Mr. BARTON of Texas, Mr. SUNDQUIST, Mr. COBLE, Mr. INGLIS of South Carolina, Mr. KNOLLENBERG, Mr. GREENWOOD, Mr. HYDE, Mr. RAVENEL, Mr. GALLEGLY, Mr. BACHUS of Alabama, Mr. BLUTE, Mr. EWING, Mr. ROYCE, Mr. SCHIFF, Mr. SHAYS, Mr. WOLF, Mr. COX, Mr. BURTON of Indiana, Mr. GILCHREST, Mr. WELDON, Mr. MCDADE, Ms. FOWLER, Mr. TALENT, Mr. FIELDS of Louisiana, Mr. HANSEN, Mr. BALLENGER, Mr. RAMSTAD, Mr. BARTLETT of Maryland, Mr. KING, Mr. HUTCHINSON, Mr. SOLOMON, Mr. SANTORUM, Mr. DIAZ-BALART, Mr. SPENCE, Mr. McCANDLESS, Mr. CANADY, and Mr. FAWELL.

H.R. 2936: Mr. HOEKSTRA, Mr. VISCLOSKEY, and Mr. EWING.

H.R. 2938: Mr. HOEKSTRA, Mr. VISCLOSKEY, and Mr. EWING.

H.R. 3030: Mr. BAKER of Louisiana, Mr. ROHRBACHER, Mr. POMBO, Mr. BATEMAN, and Mr. BOEHNER.

H.R. 3031: Mr. BAKER of Louisiana, Mr. ROHRBACHER, Mr. POMBO, Mr. BATEMAN, Mr. BOEHNER, and Mr. ANDREWS of New Jersey.

H.J. Res. 79: Mr. KLEIN.

H.J. Res. 113: Mr. SKELTON.

H.J. Res. 155: Mr. LIVINGSTON, Mr. SPRATT, Mr. SKELTON, Mr. REYNOLDS, Mr. YOUNG of Alaska, Mr. TAUZIN, Mr. RICHARDSON, Mr. HOAGLAND, Mr. SERRANO, Mr. LEHMAN, Mr. SMITH of Iowa, Mr. WYNN, Mr. PACKARD, Mrs. MEEK, Mr. FRANK of Massachusetts, Mr. MONTGOMERY, Mr. MEEHAN, Ms. MALONEY, Mr. DIAZ-BALART, Mr. FILNER, Ms. MCKINNEY, Mr. OBERSTAR, Mr. GLICKMAN, and Mr. LaROCCO.

H.J. Res. 178: Mr. FILNER, Mrs. MEEK, Mr. CLEMENT, Mr. McCLOSKEY, Mr. GREENWOOD, Mr. NADLER, Mr. MURTHA, Mr. YATES, Mr. HUTTO, Mr. BERMAN, Mr. STUDDS, Mr. PAYNE of Virginia, Mr. MENENDEZ, Mr. WELDON, Mr. DARDEN, Mrs. LLOYD, and Mrs. COLLINS of Illinois.

H.J. Res. 194: Mr. BARRETT of Wisconsin, Mr. SANDERS, Mr. REYNOLDS, Mr. BROWN of

Ohio, Mr. ARCHER, Mr. ANDREWS of New Jersey, Mr. LIVINGSTON, Mr. LAZIO, Mr. MCCREERY, Mrs. BENTLEY, Mr. MANN, Mr. RICHARDSON, Mr. BACCHUS of Florida, Mr. BROWN of California, Mr. OBERSTAR, Mr. BREWSTER, Mr. BARCA of Wisconsin, Mr. TEJEDA, Mr. HINCHEY, Mr. COOPER, Mr. COX, Mr. ROMERO-BARCELO, Mr. JEFFERSON, Ms. WOOLSEY, Mr. ANDREWS of Maine, Mr. FALEOMAVAEGA, Mr. CALLAHAN, Mr. DICKEY, Mr. GLICKMAN, Mr. DICKS, Mr. GILLMOR, Mr. BAESLER, Mr. RAMSTAD, Mr. JOHNSTON of Florida, Mr. LANTOS, Mr. KLINK, Mr. SABO, Mr. EWING, Mr. SARPALIUS, Mr. JOHNSON of South Dakota, Mr. STARK, Mr. SMITH of Texas, Mr. SAWYER, and Mr. KANJORSKI.
 H.J. Res. 197: Mr. MAOHTLEY, Mr. ROBERTS, Mr. FRANKS of Connecticut, Mr. KLECZKA,

Ms. SNOWE, Mr. REED, Mr. VOLKMER, and Mr. MEEHAN.
 H.J. Res. 198: Mr. SCHAEFER and Mr. HANSEN.
 H.J. Res. 251: Mr. BALLENGER, Mr. SOLOMON, Mr. BAKER of Louisiana, and Mr. FAWELL.
 H.J. Res. 257: Mr. SOLOMON.
 H.J. Res. 260: Mr. KASICH, Mr. KREIDLER, Mrs. MINK, and Mr. MATSUI.
 H. Con. Res. 104: Mr. BACCHUS of Florida.
 H. Con. Res. 110: Mr. STUMP, Mr. SLATTERY, Mr. PASTOR, and Mr. STRICKLAND.
 H. Con. Res. 116: Mr. TALENT, Mr. SOLOMON, and Mr. LEVY.
 H. Con. Res. 141: Mr. ARCHER and Mr. PAXON.

H. Con. Res. 147: Mr. KLUG and Mr. FINGERHUT.
 H. Res. 134: Mr. DICKEY.
 H. Res. 148: Mr. PORTMAN.
 H. Res. 242: Mr. KNOLLENBERG.
 H. Res. 243: Mr. KNOLLENBERG.
 H. Res. 244: Mr. KNOLLENBERG.

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. 1985: Mr. FROST.

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